

EXTENSIONS OF REMARKS

MINNESOTA LAWYERS URGE OPPOSITION TO THE MURPHY AMENDMENT TO THE 1969 OEO ACT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FRASER. Mr. Speaker, the OEO legal services program is strongly supported by the legal community in Minnesota. The Minnesota Bar Association and other local legal organizations recognize the value of this new antipoverty effort and the need to maintain its independence from political interference.

Recently, many Minnesota lawyers have written to me expressing concern about efforts in Congress to provide Governors with absolute veto power over legal services projects in their States.

These lawyers feel that the legal services program would be seriously crippled by any new provision in the OEO act similar to the amendment added on the Senate floor by Senator MURPHY. This concern is expressed in the following letters from Robert Henson, president of the Hennepin County Bar Association, and from William Lockhart, dean of the University of Minnesota Law School:

HENNEPIN COUNTY BAR ASSOCIATION,
Minneapolis, Minn., November 3, 1969.
Congressman DONALD M. FRASER,
House Office Building,
Washington, D.C.

DEAR SIR: The Hennepin County Bar Association, at a meeting of its Executive Committee held on Tuesday, October 28, 1969, aligned itself with the American Bar Association by the adoption of a resolution urging the elimination of an amendment to S. 1809 which amendment would, if adopted place in the hands of the Governors of the various states a power of veto over the activities of the Legal Services Programs funded by the Office of Economic Opportunity.

If the Legal Services Program is to be fully effective, the lawyers working within the program must be fully independent and free of any threat of reprisal against the program.

We urge you to exercise your vote and your influence with your colleagues for the defeat of the veto amendment.

Very truly yours,

ROBERT F. HENSON,
President.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., November 5, 1969.
Hon. DONALD M. FRASER,
House Office Building,
Washington, D.C.

DEAR DON: As you know, the Murphy amendment to Economic Opportunity Act in the Senate gave to the Governor of each state a veto on any legal services program within his state. It removed the existing power of the Director of OEO to override a governor's veto. The result can be a serious threat to the independence of lawyers representing our disadvantaged citizens through OEO financed Legal Services programs. Wherever the legal services programs seek to protect the legal rights of the underprivileged by challenging state action with respect to such matters as welfare administration, for example, this Murphy amendment will permit the state governor to throw in a

roadblock. While I am sure Governor LeVander would not do so, I am much concerned about the effect of this amendment in many other states throughout the nation.

The Board of Governors of the American Bar Association unanimously adopted the enclosed resolution opposing this amendment to the OEO Legal Services authorization and reaffirming its support for independence of legal services lawyers. Maynard Toll, President of the National Legal Aid and Defender Association also strongly opposes this amendment as indicated by the enclosed statement.

I can add that the law schools around the nation are also much concerned over what this amendment may do to the expanding clinical programs in which law students under supervision of lawyers participate in providing legal services to the poor. Of course these law school programs are concerned not only with routine cases, but with seeking review of the law relating to the rights of the underprivileged. These programs are aimed at developing a sense of professional responsibility among young lawyers for meeting the needs of the underprivileged. If they can be thwarted in their efforts to improve the law or its administration by a governor's veto on significant and controversial issues this will undermine our efforts to develop their concern for an improvement in our legal system to serve all members of society better. Retention of the Murphy amendment will also tend to discourage some of the ablest young lawyers from entering Legal Services programs upon graduation from law school.

I understand the Economic Opportunity Act is now being considered in Committee and is likely to be reported out to the House for action soon. I hope you will make every effort to use your influence to eliminate this crippling restriction on the Legal Services program.

Sincerely,

WILLIAM B. LOCKHART,
Dean.

RESOLUTION ADOPTED BY AMERICAN BAR ASSOCIATION BOARD OF GOVERNORS OCTOBER 18, 1969

Whereas, the adoption by the United States Senate of an amendment to S. 1809 seeks to place in the hands of the Governors of the various States a power of veto over the activities of Legal Services Programs funded by the Office of Economic Opportunity.

And whereas, such power contravenes the American Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence;

And whereas, enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority;

And whereas, such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen;

Now, therefore be it resolved, that the American Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence

of lawyers within the program not only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional change.

And, further resolved, that representatives of the American Bar Association be authorized to express the concern of the Association as to the effect of the aforesaid amendment.

NATIONAL LEGAL AID AND
DEFENDER ASSOCIATION,
Chicago, October 17, 1969.

Maynard J. Toll, president of the National Legal Aid and Defender Association (NLADA), issued the following statement today:

On Oct. 14 the Senate passed an amendment proposed by Senator George Murphy (R-Calif.) to the effect that the governor of each state would have an absolute veto over the funding of any Legal Services Program assisted by the Office of Economic Opportunity. Although another amendment has also been passed that would give the President power to override the governor's veto, it is unlikely that this safeguard will remain in any final bill agreed upon by the Senate and the House of Representatives. Through threatened use of this veto, a governor could impose crippling restrictions and curbs upon the activities of legal aid offices assisting the poor of this country.

NLADA has strongly supported, to date, the Legal Services Program of OEO because its administrators have insisted that these programs for the poor provide the fullest range of services. This approach has demonstrated its practical idealism as evidenced by the response of the poverty community to these programs. To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains already achieved by the program. More, the threat of restrictions would cause the poor to view the program as a paternalistic hand-out meant to deceive but not to help effectively.

Throughout its 58-year history, NLADA has fought steadfastly for the principle that a poor person unable to pay legal fees should receive the same quality of effective legal services as his more affluent brother. To give the poor only certain "needed" or "desirable" services makes the "poor fellow", to use Senator Murphy's words, a second-rate citizen in legal negotiations and our halls of justice. In addition, the morale of the 2,000 new lawyers now working in these programs would suffer tremendously if their independence of action on behalf of the poor were curtailed and restricted. These advocates are now subject only to the ethical standards of the profession. All professional associations—NLADA, The American Bar Association, American Trial Lawyers Association, and the National Bar Association—have supported this program because it has assured this full independence to the lawyer and a total responsiveness to the needs of the poverty community.

Although I can speak only personally, I know that I voice the united feeling of our entire civil membership—500 offices and 2500 individual lawyers for the poor—when I express strong opposition to the action of the Senate on Oct. 14 in approving Senator Murphy's amendment to S. 1809, the Economic Opportunity Amendments of 1969.

NLADA, with headquarters at the American Bar Center in Chicago, is the national coordinating and standard-setting body of local legal aid and defender organizations. Last year, these offices provided legal advice and representation for more than 1½ million poor people.

THE NEW LEFT AND THE OLD LAW

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HOGAN. Mr. Speaker, last May I had the pleasure of joining 21 other Members of this body in visiting college campuses throughout the country. That campus tour was both most informative and an experience which engrained in my memory the depth of the youth crisis which this Nation now faces.

In the report which was presented to President Nixon and to our colleagues we stated that we came away from our campus tour both alarmed and encouraged. We were alarmed to discover that this problem is far deeper and far more urgent than most realize, and that it goes far beyond the efforts of organized revolutionaries.

Today, Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD the studied and thoughtful analysis of the legal aspects of youthful unrest and violence by a Georgetown University law professor, William A. Stanmeyer. Professor Stanmeyer has expressed individual and professional concern for this crisis which so deeply affects the very foundation of our society, and which may hold the seeds to its eventual destruction.

Professor Stanmeyer not only exposes the difficulties of coping with the ideological criminal under the old law but suggests as well a program of action for bar associations to follow to do their share in remedying this legal malaise in dealing with the lawbreakers among our ideologues.

Mr. Speaker, I would like to call this most worthwhile analysis of "The New Left and the Old Law" to the attention of my colleagues and hope that they will give to it the studied consideration it deserves:

THE NEW LEFT AND THE OLD LAW

(By William A. Stanmeyer)

The New Left, that conglomerate merger of leftists and activists who have disrupted campuses and other institutions, has developed a new type of person—the ideological criminal—who poses a threat to law and the values law protects. The Pied Piper tune of the criminal ideologue will attract many well-intentioned young people unless the Bar takes the initiative in developing positive programs to offer them alternatives.

The arrogance of their pretensions . . . provokes and challenges us to an inquiry into their foundation. . . . With them defects in wisdom are to be supplied by the plentitude of force.—Edmund Burke, *Reflections on the Revolution in France*.

Were Edmund Burke alive today, he might consider writing an American sequel to his book on the French Revolution. For he would find disturbing parallels between the mad passion in revolutionary France to destroy concrete values in the name of abstract freedoms and the rhetoric and techniques of some of our "New Left". He would wonder why any man who virtually embodies civility and highmindedness, George Kennan, should feel constrained to undertake a criticism of attitudes and conduct which history shows

nihilistic and which even a decade ago would have been beneath serious consideration.¹

But it may be that history does repeat itself. Certain it is that what a decade ago was perhaps a chip of ice afloat in a vast ocean has grown into a sizable iceberg. Although the New Left represents only a tiny minority of college students and young adults,² it is nonetheless true, as Mr. Kennan writes, that "tendencies that represent the obsession of only a few may not be without partial appeal . . . to many others". Besides, it is not merely a matter of gross numbers; a militant minority can override the wishes of almost any disorganized majority.³

Some lawyers may wonder why a discussion of the rhetoric, tactics and goals of the New Left is relevant to them. The link is law and what we call the rule of law. In the final analysis, we are dealing with the guarantees and highest products of civilization itself—freedom, order and respect for the rights of others—and with an attack—however haphazard, misguided and, one may hope, foredoomed to fail—on those ultimates. We lawyers have society itself as our client. We should attend to legal—and illegal—challenges to that society. The violent wing of the New Left is such a challenge.

THE COLUMBIA ATTACKS SIGNAL A NEW STRATEGY

On April 23-30, 1968, student radicals seized and occupied five Columbia University buildings, barred faculty and students from their offices and classrooms, held a dean hostage, made photocopies of the university president's files and committed uncounted acts of property damage—at last triggering a police confrontation engaging nearly 1,000 officers at a price of more than one hundred injured persons. For the nonmilitant students the aftermath was high priced as well: cancellation or postponement of the spring classes for most of the school.⁴

That New Left leaders welcome this disruption is clear from comments such as these from Tom Hayden, one of the founders of Students for a Democratic Society, who took an active part in the Columbia disorders:

"Columbia opened a new tactical stage in the resistance movement which began last fall: from the overnight occupation of buildings to permanent occupation; from mill-ins to the creation of revolutionary committees; from symbolic civil disobedience to barricaded resistance. Not only are these tactics already being duplicated on other campuses, but they are sure to be surpassed by even more militant tactics.

In the future it is conceivable that students will threaten destruction of buildings as a last deterrent to police attacks. [Other tactics might be] raids on the offices of professors doing weapons research."⁵

Besides the well-publicized Columbia take-over, students and other young adults have been busy and imaginative in their crusade to disrupt—and "radically transform"—society through purposeful law-breaking. Other veiled hints from persons sharing the New Left's vision have urged: arson in schools,⁶ burning or blowing up of Government property,⁷ dumping and setting garbage afire at subway exits,⁸ promoting guerrilla warfare in American cities,⁹ techniques of using Molotov cocktails and "thermite bombs"¹⁰ and actual sabotage.¹¹

THE "MOVEMENT": WHO ARE THEY?

This partial litany of criminality is introduced to show how serious a threat is the violent wing of the New Left to a society and eschews, as both morally unacceptable and practically counterproductive, the resort to violence to achieve social change. But of itself the litany says nothing about the origins, élan or world view of the violent left or the New Left in general.

Footnotes at end of article.

It would be a mistake to categorize the antisocial conduct of the radical left in any one of the familiar pigeonholes. It is not a collegiate reaction to tasting the heady wine of freedom, a modern equivalent to goldfish swallowing or spring panty raids. Nor is its criminal aspect induced primarily by protest against subhuman conditions for minority groups. It is not a loose organization of juveniles with perfervid, TV-fed imaginations playing a rough version of cops and robbers. At the level of college disruptions like Columbia's, it is not simply student dissenters trying to reform an archaic and unrepresentative decisionmaking process. Nor can the New Left be characterized simplistically as a different amorphous, Communist "front" group: "If we are to understand the New Left, we must think of it in the complex terms in which it exists. To write it off as a purely Communist stimulated movement is both unfair and untrue."¹² What, then, is it?

The New Left includes drop-outs, students and (usually young) teachers who are "alienated" by the hollowness of affluence as they have experienced it; activists sincerely concerned with the sluggishness of civil rights progress; Marxists, existentialists, pacifists, anarchists, draft protesters, dissenters; disciples of C. Wright Mills (*The Power Elite*) and Herbert Marcuse (*One Dimensional Man*), United in their hatred of the "establishment", the "military-industrial complex" or "corporate liberalism", their kaleidoscopic movement reflects now the image of Socrates, now Genghis Khan, sometimes Rousseau and, now and again, Lenin. In his book on the student left, Mr. Kennan aptly called them "rebels without a program".

Variegated and decentralized, the New Left cannot be pigeonholed. Indeed, until its recent propensity toward violence erupted, it could not be subjected to blanket criticism. Disagreement, yes; condemnation, no. Even now—after Berkeley, Columbia and the spreading anarchy on other college campuses—it would be unfair to condemn the radical student movement as a whole because of the violence and criminality of some. The "New Left in general" and the "violent New Left" are related as a whole to one of its parts. The distinction is the difference between dissent and resistance.¹³

But the partisans of resistance—as opposed to "mere" dissent—are growing in numbers. They rationalize their lawlessness by the convenient device of blaming or questioning the law itself. Tom Hayden told the National Commission on the Causes and Prevention of Violence on October 23, 1968: ". . . The activists [found] that . . . the channels merely existed to pacify protest, that the police will be called to enforce an order which, because it is without justice, is itself unconstitutional." He added: "Regardless of police violence or repression, the movement will not go away, but will accelerate, using any tactics that seem suitable to stop the Vietnam aggression and begin the process of social change at home. As long as the United States . . . [is] enforcing an unjust order, it has no right—legal or moral—to lecture protestors about the tactics which we employ." Their self-conscious goal is to "build a movement of people who have broken with American society through resistance to authority and law."¹⁴

A NEW TYPE OF PERSON: THE IDEOLOGICAL CRIMINAL

The violent New Left, those who would instigate guerrilla warfare, who condone or encourage bombings and arson, who premeditate the seizure of private property or forcefully prevent legitimate business or government activities, whose heroes are Che, Mao and Lenin—this violent New Left is unique in American experience. It produces

a type of person who can only be called the ideological criminal.¹⁵ Lawyers, police, public officials—indeed, all of us who realize that the values of a free society are jeopardized by inaction in the face of an epidemic of political crimes—had better study his mentality.

The ideological criminal violates the law for a political purpose. Unlike the traditional lawbreaker, he does not seek any immediate return for himself. If he attacks a bank, say, the prime purpose is not to steal money for himself but to destroy or disrupt a symbol of the "power structure". If he holds a dean hostage, it is not for ransom but to discomfort a representative of a despised cog—the university—in the "military-industrial complex".

The ideological criminal seeks maximum publicity for his actions but often does not care whether he attains his alleged goal. This doubly untraditional conduct is explained by the ideologue's duality of purpose: he really has two targets—the "establishment" and the uncommitted onlookers. Thus, in most cases of campus violence, to grant his initial demands does not bring peace. He simply escalates them beyond reason, in order to make a political—as opposed to academic—point. He hopes to trigger a physical "confrontation" that will "radicalize" sympathetic bystanders who are often drawn into the melee, physically injured or shaken up, and so forced to "take sides"—against the "establishment", of course, which harmed them.

The ideological criminal is driven by a vision. The traditional lawbreaker has little time for theory, for his view of the world is largely circumscribed by his immediate experience and structured by the urgency of satisfying immediate needs. But the ideologue starts with a theory of existing social conditions, commits himself to the destruction of political and social evils (as he sees and defines them) and tacks on, in his thinking, the assumption—unverified—that his destructive action will somehow "bring about a better world".

The ideological criminal is part of the "movement". Unlike the traditional lawbreaker, who acted as a loner or as part of small gangs, the criminal ideologue feels a comradeship with his fellow missionaries of a new order throughout the country and even the world. The traditional lawbreaker has little concern for others of his class and draws slight comfort from their successes. The ideological criminal, on the contrary, "does his thing" only after calculating the possible effects on the movement as a whole, and he draws strength from news of success a thousand miles away.

The ideological criminal is self-righteous. He asserts that he follows a higher law. He claims that the present laws of society "lack legitimacy", either because he had no hand in their passage, as if every law from city ordinances prohibiting spontaneous parades to the national draft law should be subject to some kind of popular referendum, or because the law's purpose is to "oppress" some "exploited class" whose plight he has suddenly discovered and bold champion he now is. Some go further and find a moral duty to violate laws that support and express the allegedly corrupted values of a society which must be "radically restructured", for they vaguely grasp the function of law as a bulwark of civilization: Breach the wall at enough places and you capture the city within. Like Moses descending the mountain, the ideologue has a new law to give. Woe betide those recalcitrant souls who would contest his authority or resist his mandate.

The ideological criminal has blind confidence in the constructive power of tearing things down. He is fond of oxymoronic phrases like "creative destruction" and "re-

pressive tolerance." Confused by misunderstood slogans drawn from Marx and Lenin, he romantically opines that "Old societies pregnant with the new can give birth only when violence is the midwife", or that "Dialectical thinking reveals that an intrinsically evil society can be smashed only by means which that society believes evil." Less arcanelly, he may assert that "The System is so bad now that maybe if it's destroyed something good will take its place."

Blissfully ignorant of the incredible efforts men have put forth to build political economies that provide a people with abundant material goods and the orderly freedom with which to enjoy them, he blandly spouts hatred for an economy that lavishes on him more comforts than earlier societies bestowed on their kings. Endowed with a social conscience far more acute than that of ordinary mortals and armed with a "radical analysis" from learned texts by social critics who themselves never personally experienced the inner workings of the system they pillory, he sallies forth to "tear down this rotten system"—although he could not write one page on what will replace it.

But for all his arrogance, the ideological criminal is in many ways—if one prescinds from his deeds and such superficialities as the way he usually dresses—an appealing person. Although not very wise, he often is very intelligent. Although disrespectful of those who disagree with him, he is frequently most generous, even profligate, in spending his time, energy and very substance on the causes that engage him. He is committed—and willing to "go to the barricades" to live that commitment. His long suit is sincerity.

Nonetheless, he is a threat to law and the values law protects.

IDEOLOGICAL CRIMINAL DESTROYS LAW AND VALUES

It is ironic that today's criminal ideologue spent his nursery days fighting for "free speech". But in the five years from Berkeley to Columbia a bizarre about-face has occurred: Today's ideologue, whatever lip service he gives to his early rhetoric, fights against free speech. College teachers must call off classes, universities terminate research projects, professors discontinue scholarly writing, government officials refuse speaking engagements, Presidential candidates shout down hecklers or yield the rostrum to them—all because the "protesters" disagree. In the ideologue's value scheme, there is no room for others to dissent from his dissent. The First Amendment protection of robust, hearty public discussion is mangled beyond recognition; it becomes a cloak for conduct destroying the very values it would protect. In the name of "free speech" we are all to remain silent—except the ideologue.

A strong case can be made that civilization is—or at least cannot do without—procedural due process. Evidence acquired through unlawful search, involuntary confessions, verdicts by nonimpartial judges and a hundred other shortcuts can at times actually produce a just result. But long ago civilized men realized that these methods will do more harm than good. They knew that procedural safeguards are necessary to achieve justice in the long run, even if in a given case the procedures seem to block the rightful result. They understood that even a rightful end does not legitimize an unfair means, that "Insistence upon procedural standards . . . is not a technicality", that, as Justice Fortas says, "Constitutional procedure is the heart, conscience and soul of a civilized community." They saw that the chief distinction between a civilization and a jungle is that civilization proscribes certain means to an end. This is as true for the political process as it is for the legal process.

But for the violent New Left, anything goes. There is "no time" to talk; going through proper channels only dissipates the

energy of the movement. The ideologue wants due process only when *he* is arrested—otherwise, his response to those who preach civility is "Up against the wall!"¹⁶

The implications for the future of the rule of law ought to be obvious.

The legal profession has been unduly silent in the face of an attack on values which, one presumes, it would foster and protest. Our widespread inaction has surface reasons: we are too busy; we do not take it seriously; we fail to see the extent of the problem. But deeper reasons may be discerned: We as a class are ill-equipped intellectually to confront a movement more akin to a continental European ideology than British empiricism.

American lawyers start with "the facts", distrust preconceptions, recognize diverse viewpoints and the complexities of human experience. The violent New Left starts with theory, embraces a preconceived and monofunctional world view, tolerates only its own viewpoint and simplifies multifaceted problems to fit a Procrustean good-bad dichotomy. The "gap" is not just between generations; it is between styles of thought.

But another reason is more pragmatic. We have not given serious thought to reaching the New Left or its violent offspring, the ideological criminal. Taking for granted the framework of law as we find it, most of us have not formulated a brief for procedural due process that a dissenter would find probative. Busy in court or conference, we are worlds away from the coffee house and dormitory. There is a geographical gap we have made little effort to bridge.

Yet, the effort would pay immense dividends. The vast majority of the New Left are not—yet—the "ideological criminal" I have sketched. They are sensitive young people who find the faceless "establishment" cold and unresponsive. Unlike their hardened leaders, they still scruple at violence; but they are beginning to listen to the ideologues because no one else is talking or listening to them. Even so, if the Bar will devise appropriate programs, it may yet transport most of them down from their academic mountaintops to the workaday market place below, where idealism and experience can temper each other.

The prerequisites for an effective Bar program are a conviction of the urgent need to separate the mass of students from their Pied Piper leaders, sufficient information as a basis for specific programs and a co-ordinating authority. The following outline is one suggested approach.

Each bar association should establish a standing committee on law and social change with a part or full-time executive director, adequate clerical staff and sufficient resources to undertake:

A speakers' bureau, which on its own initiative will seek opportunities for attorneys and businessmen to "go where the action is", the campuses, to debate radical leaders, join in panel discussions on social problems, lecture classes on due process and the judicial system's pursuit of justice and continuing self-reform, and speak with and listen to the students even in dormitory bull sessions;

Training institutes for high school teachers, preferably accredited and promoted by local boards of education, offered at night or in summer school, dealing with the foregoing topics as well as the mentality of the New Left and what is accurate and what false in its "analysis" of society's problems;

Publications on these themes, in paperback, distributed to the legal and academic communities, including reprinted articles and speeches, original essays and book reviews; also newsletters, digesting New Left experiences and tactics, relevant court cases and positive efforts by the Bar and business to improve the system wherever radical complaints have merit and to expose radical

Footnotes at end of article.

ignorance and barbarities wherever these occur;

Public symposia, city-wide, composed of both radical and nonradical students, businessmen and lawyers, well covered by press and TV, to discuss the relation of law and social problems and to explore the meaning of violent social change, dissent and the tactics and solutions of the New Left;

Meetings of members of the Bar, businessmen and college newspaper editors to seek more effective ways of communicating with students and to learn, first-hand, their views;¹⁷

A basic textbook on the rule of law, done by experts, aided by professional writers and illustrators to make it readable, distributed to high school civics and social studies teachers and instructors of college undergraduates;

A movie on the rule of law theme, with concrete examples of what happens to societies, such as Hitler's Germany or Stalin's Russia, which carry to a logical conclusion the false premise that guides the revolutionary New Left leaders;

Mixed professional committees, such as combinations of lawyers, businessmen, university professors and law enforcement officials, to meet at least monthly for lunch or dinner, hear a talk and discuss the meaning of the New Left to their profession and what to do about it;

A research team to draft policy guidelines to expose the difference between dissent and resistance and perhaps recommend legislation aimed at controlling the violence in the New Left;

A similar research team to explore and publicize the more esoteric legal and social policy questions to which New Left activities have given rise. How does a criminal code handle the "ideological criminal"? Can it? How do we "rehabilitate" him? What are the enforceable contractual rights of the nonradical student against a university which chooses not to repulse violent radicals who close the school?

A creative programs board to seek other inventive methods to split off the ideologies from their misled followers. It will propose new ideas to interested parties. When someone undertakes a new project in pilot form, it will inform them of its progress. Especially needed are ideas on how to bring students into living contact with societal institutions they attack from without but have never really experienced from within. For instance, corporate life certainly is not all roses, but now students, as outsiders, hear only about the thorns.

A typical partial solution deserving trial is the "dissenter-in-residence". Companies invite students to spend their junior year, summer vacation or at least a few weeks as apprentices within as many departments as possible to experience corporate problems, to watch as much decision-making as feasible and ask as many critical questions as they wish. The experience dilutes the heady wine of theory with ice-cold draughts of fact.¹⁸

The nonradical students are closest to the problem of campus violence and most affected by it, yet they are rarely interviewed. To draw out their views on both society's problems and the violent leftists, the creative programs board might consider such methods as essay contests and radio or TV panel discussions involving them.

This variety of suggestions shows that ideas are not lacking for lawyers who wish to help protect basic political and legal values from the violent New Left. It is now a question of will.

Nothing in this article should be taken as a blanket defense of the *status quo* or a denial that many American institutions have not come to grips with pressing social problems. Nor do I assert that we who occupy

leadership positions have nothing to learn from our student critics.

But while accepting dissent, we must take a stand against "resistance". Some methods of expressing "dissent" are criminal anarchy and cannot be tolerated in a civilized society. However cosmic the evil that is the pretext for violence, violent shortcuts only worsen the problem they purport to solve and crush in a moment the values men struggled a lifetime to create. These truths the violent New Left cannot—or will not—understand.

We must separate the violent ideologues from the misguided followers and deflect the students of good will into more positive outlets for their energies. They must discover the alternatives to destruction. The violent New Left is a phenomenon traditional law enforcement methods alone cannot contain. Although police, courts and jails may prevent anarchy, they do not win other the anarchist's followers. Maintenance of public order is a necessary first step, but it is ultimately insufficient unless someone initiates energetic programs by leadership groups to channel the left's explosiveness into productive outlets and open student minds to the vital necessity of political due process.

This is—or should be—where the legal profession comes in.

FOOTNOTES

¹ KENNAN, DEMOCRACY AND THE STUDENT LEFT (1968).

² This is the conclusion of writers of differing views. In addition to Mr. Kennan, see the favorable view of NEWFIELD, A PROPHETIC MINORITY: THE AMERICAN NEW LEFT (1966), and the unfavorable view of LUCE, THE NEW LEFT (1966).

³ Address by Lewis F. Powell, Jr., before the American Association of State Colleges and Universities, November 11, 1968. See also *Report from the Barricades—Rebellion at Columbia*, NEW REPUBLIC, May 11, 1968.

⁴ CRISIS AT COLUMBIA, REPORT OF THE FACT-FINDING COMMISSION APPOINTED TO INVESTIGATE THE DISTURBANCES AT COLUMBIA UNIVERSITY IN APRIL AND MAY 1968 xv (Vintage paperback ed. 1968). See *Campus or Battleground? Columbia Is a Warning to All Americans*, BARRON'S, May 20, 1968, page 1.

⁵ RAMPARTS, June 15, 1968.

⁶ WIDENER, STUDENT SUBVERSION 34 (1968), quoting from a 1965 pamphlet by Mark Kleiman, "High School Reform: Towards a Student Movement".

⁷ U. S. NEWS & WORLD REPORT, May 20, 1968, quoting from an S.D.S. leaflet: "... [I]s there anyone who doubts that a small homemade incendiary device with a timing mechanism planted in a broom closet at the Oakland induction center would result in fire and smoke damage to the entire building, thus making it unusable for weeks and months?"

⁸ Widener, *Subcellar Student Subversion*, U.S.A. March 1, 1968.

⁹ The York Times, May 7, 1967, quoting Gregory Calvert, former national S.D.S. secretary: "We are working to build a guerilla force in an urban environment. We are actively organizing sedition."

¹⁰ *The Story of Crime in the U.S.*, by J. Edgar Hoover, U.S. News & World Report, October 7, 1968, page 61, at 64.

¹¹ Brownfeld, *The New Left* 101 (1968). This is a memorandum prepared for the Senate Committee on the Judiciary, 90th Congress, 2d Session.

¹² *Id.* at 67.

¹³ *Ten Days in April*, Barron's, March 11, 1968, quoting from a "Movement" position paper: "In the last year or so, the Movement has come from dissent to resistance."

¹⁴ *SDS Theory: The "New Working Class" Concept—Students Would Set Up Cadre of Radical Organizers*, by J. A. Smith, *The National Guardian*, April 22, 1967. Emphasis supplied here and in Hayden statement.

¹⁵ This shorthand phrase, although technically somewhat imprecise, is useful in

characterizing a person whose disrespect for or willingness to break the laws arises from a political-ideological world view. This should not be taken to suggest any prejudgment of a person because of his ideas. Our concern is conduct that is criminal, not the ideas.

¹⁶ Mark Rudd, leader of the Columbia student rebellion, quoted in *THE NATIONAL GUARDIAN*, May 11, 1968, explaining his *Kampf* in a letter to Columbia's former president, Grayson Kirk: "Your power is directly threatened, since we will have to destroy that power before we take over. . . . We will have to destroy at times, even violently, in order to end your power and your system. . . ." He adds that this is not nihilism, since it is all for the goals of justice, freedom and socialism.

¹⁷ Bradley, *What Businessmen Need to Know About the Student Left*, 46 HARV. BUS. REV. 49, 58 (1968).

¹⁸ The new Deputy Secretary of Defense, David Packard, brought together a radical student editor and the Hewlett-Packard Company for a summer, to the benefit of both. *The New York Times*, December 31, 1968, page 12.

AN HONOR HARD EARNED

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SHRIVER. Mr. Speaker, on November 21, 1969, the junior Senator from Kansas, BOB DOLE, was the recipient of a high honor from the National Easter Seal Society for Crippled Children and Adults for his dedication to helping the handicapped. Senator DOLE, a former colleague of ours in the House of Representatives, long has been identified with programs aimed at improving life for the handicapped.

In his maiden speech in the Senate early this year, Senator DOLE called for the creation of the White House Task Force for the Handicapped which was warmly embraced and implemented by President Nixon.

The Topeka, Kans., Daily Capital recently published an editorial lauding Senator DOLE for the award which he has deservedly received as well as for his efforts in behalf of the handicapped. Under the leave to extend my remarks in the RECORD, I include the editorial:

AN HONOR HARD EARNED

The award couldn't have gone to man deserving it more.

So it was that Sen. Bob Dole's friends were pleased that the National Easter Seal Society for Crippled Children and Adults conferred its top award on him.

For years the Kansas senator has, as the society expressed it, displayed concern and helped the handicapped as "exemplified by his efforts in interpreting the needs of these people and the tremendous contributions they can make."

It was of them he was thinking when he made his first major speech in the Senate, for he voiced a plea for the appointment of a White House task force for the handicapped. Heeding this, President Nixon last month appointed such a task force.

In many other ways Dole has been a friend of the physically handicapped.

What some of his constituents might not know is that Dole himself suffers from a physical handicap, one that was war-inflicted. As an infantry platoon leader in the 10th Mountain Division serving in Italy dur-

ing World War II, Dole twice was wounded and twice decorated for heroic achievement. He spent 39 long months in hospitals as a result of wounds received April 14, 1945.

Never has Dole attempted to capitalize personally on his disability, as some politicians might do. It is only when he offers his left hand to shake that those meeting or greeting him realize that he has little use of his right arm.

Because of his intimate knowledge of the travails the handicapped suffer, Dole works in their behalf. He is a fine example of rising above a disability through sheer grit and ability.

TAFT RELEASES QUESTIONNAIRE RESULTS—SOME 20,000 FIRST DISTRICT CONSTITUENTS RESPONDED

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. TAFT. Mr. Speaker, in September of this year I mailed a questionnaire to the residents of my congressional district asking for their views on a number of issues that face the 91st Congress.

Over 20,000 of my constituents took the time to reply.

While I may not be in agreement with the majority on every question, it is my belief that the results are most interesting and informative and I call them to the attention of my colleagues:

QUESTIONNAIRE

FOREIGN AFFAIRS

[Answers in percent]

1. Which statement most accurately describes your sentiments regarding a Viet Nam settlement?

(a) The U.S. should apply whatever military pressure necessary to end the fighting and assure a stable and secure non-communist government—33.

(b) The U.S. should begin at once a complete withdrawal of American troops to be carried out regardless of the progress of the war—18.

(c) The U.S. should continue the policy of withdrawal of American troops, begun in June, 1969, relating it to the war's progress and peace negotiations—36.

(d) The U.S. should try to force a coalition government with the Communists and then withdraw—3.

(e) (Other please specify)—5.

2. Do you believe the U.S. has a global responsibility to prevent the spread of communism by "wars of liberation"?

Yes 29
No 64

3. Should the U.S. place a high priority on improving its relations with Latin American countries, even if it requires a significant increase in spending for economic assistance or granting favored trade status?

Yes 53
No 36

4. Should the United States negotiate an arms-control treaty with the Soviet Union?

Yes 69
No 23

DEFENSE

5. In fiscal year 1969, the United States spent approximately \$80 billion on defense. When the Vietnam war ends, do you believe annual defense spending should be limited to:

(a) \$40 to \$50 billion 28
(b) \$50 to \$60 billion 10
(c) \$60 to \$70 billion 5
(d) no arbitrary limitation 34
(e) (Other, please specify) 16

6. Do you believe the U.S. should go ahead with installation of the Safeguard Defensive Missile System as proposed by President Nixon?

Yes 63
No 27

THE COST OF LIVING

7. Should Congress set a ceiling on interest rates?

Yes 68
No 26

8. If inflation continues to increase, should wage and price controls be imposed?

Yes 69
No 23

TAXES

9. Should the oil and mineral depletion allowances:

(a) Be eliminated 23
(b) Be substantially reduced 44
(c) Be retained at present levels 21

10. Should charitable and educational foundations lose their tax-exempt status?

Yes 47
No 47

11. Should religious institutions lose their tax-exempt status?

Yes 49
No 46

CAMPUS DISORDERS, STUDENTS AND THE DRAFT

12. Should the present Selective Service System be—

(a) Retained as is 13
(b) Amended by a form of a lottery system as suggested by President Nixon 45
(c) Replaced by a volunteer armed service 30
(d) (Other, please specify) 4

13. Should Federal dollars be denied—

(a) Colleges and universities which fail to punish or expel students who cause campus disorders? Yes 64
No 17

(b) The students who participate in the campus disorders?

Yes 69
No 10

(c) The students punished by the colleges or universities for participation in campus disorders, at the discretion of the institution?

Yes 51
No 17

(d) (Other, please specify) (8%).

ISSUES OF THE DAY

14. Should the Federal government do more to control pornography?

Yes 69
No 27

15. Should the Federal government attempt to impose standards of decency on the movie industry by Constitutional amendment if necessary?

Yes 57
No 37

16. Should the present Post Office Department be replaced by a self-sustaining public corporation?

Yes 68
No 26

17. Should advertising of cigarettes be controlled or prohibited by the Federal government?

Yes 41
No 54

18. Which statement most accurately describes your sentiments regarding the future of the space program:

(a) The U.S. should continue to spend at the present rate of \$4 billion a year in order to continue its space program at the present rate or faster—41%.

(b) Spending should be cut up to 50% for the next few years, permitting fewer manned moon flights and unmanned probes into deeper space—52%.

19. Should the Federal government increase spending and impose user taxes to improve the nation's Air Traffic Control System and other air safety precautions?

Yes 82
No 9

CBS PRESENTATION "60 MINUTES" PROMPTS LETTER FROM 15-YEAR-OLD

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. CLAY. Mr. Speaker, today I received a letter from a constituent which deserves the attention of this body. Mr. Marvin L. Madeson enclosed a copy of a letter written by his 15-year-old daughter addressed to broadcasters who participated in the CBS presentation, "60 Minutes."

The recent speeches of Vice President AGNEW have brought forth comments from all segments of society. Because of my interest and concern, I have followed the arguments closely. And, yet, these letters from the Madeson family have captured my attention and moved me to commend them to the attention of my colleagues.

Marianne Madeson and her father have grasped the issue and their letters articulate the sincere and conscientious interests of American citizens—particularly of youth—for the future of our country. Those who may be tempted to condemn the younger generation for irresponsible and unfounded views should try to know better the youth of our Nation. For here lies the future of our country—in young people like Marianne. The letters follow:

NOVEMBER 26, 1969.

DEAR CONGRESSMAN CLAY: The enclosed letter from my 15-year-old daughter Marianne, in response to last night's CBS television "60 Minutes", expresses more eloquently than I can, our entire family's deep commitment to free speech and press in the face of Government coercion and implied censorship. It expresses also the optimism and idealism of youth, which is in the final analysis the hope of our country and of the world.

Sincerely yours,

MARVAIN L. MADESON.

NOVEMBER 25, 1969.

DEAR SIR: Not only was your presentation on Agnew's speech informative and refreshing, but it was also exciting and real! Walter Cronkite's performance was brilliant. The format of the whole show was beautiful. I support and applaud you! But I *always*

have—I only hope that the "Silent Majority" opened themselves up and listened to you. I hope that they watched, understood, and believed the facts you presented . . . and not just what they wanted to believe.

Please! Fulfill your obligation to the people to report the facts as well as the substance—good and bad, that we must know in order to be aware of our problems. I have found that the news has caused me to be moved to action . . . I am in the midst of doing my part to change this country for the better! Writing to you is a part of my action—never again will I let issues go by without speaking out! I will not let my country die gradually and *Silently!* I must never be counted as part of the "Silent Majority!"

Congratulations on a terrific job!
MARIANNE MADESON.

St. Louis, Mo.

E. M. (TED) DEALEY—THE NEWS OF TEXAS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. COLLINS. Mr. Speaker, no one knew what E. M. stood for—he was always called "Ted" Dealey. You may say the country lost a good man, but what we really mean is Texas lost one of her finest sons. Because Ted Dealey was all Texas.

For many, many years he has carried on the great Dealey tradition as publisher of the Dallas Morning News. This is the paper that proudly has in its masthead, "The News, oldest business institution in Texas, was established in 1842 while Texas was a Republic."

We knew Mr. Ted well by such quotes as, "We must be firm in what we think, even if it means marching against the crowd." "The job of journalism is to help save the world every morning."

Ted Dealey was a man who believed strongly in freedom and government by the people. In Texas, where the easy way is to endorse a Democrat, he would often-times stand up for a Republican. He could go with either a Democrat or a Republican, parties never mattered to him, but where you stand is what counted.

The News has a strong voice in Texas. And, may his courage and spirit continue to be expressed in the tradition of the editorial of November 28, 1969, in the Dallas Morning News:

E. M. (TED) DEALEY

Ted Dealey, a newspaperman's newspaperman, was totally dedicated to those who sit down at a typewriter to report and interpret the news. No calling, he felt, was more important or honorable. And when he, himself, took pen in hand, his output was far and away beyond the topmost reach of most competitors.

The world of journalism will mourn his sudden death at 77—but the loss will be particularly sad and poignantly personal to those in the news and editorial rooms whom he held in the highest esteem and to whom he pledged constant and steadfast support.

Mr. Dealey lived and labored at The Dallas News for 54 years. His was the fifth generation of his mother's people in the profession. His father, the late G. B. Dealey, established The News in Dallas on Oct. 1, 1885. When his father became board chairman in 1940, the son, Ted, became president. Later he became

board chairman and publisher, and when he died Wednesday evening he was publisher emeritus. His son, Joe, is now president.

But Ted Dealey's heart was never really in the beauty and serene comfort of the executive suite; it remained, to the last beat, on every news and editorial desk. When he became publisher, this memo came from his office to the editorial department: "There will be no change in policy, unless it is to express what we believe with more vigor and clarity. We must be firm in what we think, even if it means marching against the crowd. We cannot bend with the changing winds—or, like a weak limb, we will break and fall to the ground, never to rise again."

The News, he felt deeply, must live up to its beliefs; and in the proportion that it does so, it serves Dallas, Texas and America as they deserve to be served by a newspaper.

He once said that it was the job of journalism to help save the world every morning, even if it becomes unsaved by nightfall.

Mr. Dealey's tastes and civic contributions were varied. He personally led the drive to make the city zoo in Marsalis Park one of America's finest. Thirty years ago, his vision inspired the start of a flourishing newsprint industry in East Texas. He was a charter member of the Citizens Council, that dynamic Dallas generator of leadership which helps move the community to higher things.

The Dallas Zoological Society, the Texas Research Foundation at Renner, the Southwestern Diabetic Foundation at Gainesville, humane societies which shelter helpless animals—these were among the diverse activities to which he gave special help and guidance.

But this institution, The News, had top priority in his life. A man of strong and unshakable convictions—and with the courage even if it meant national controversy to express them—Ted Dealey led The News' famous crusade against the Ku Klux Klan in the 1920s and against corruption at the Dallas courthouse in the 1940s. "Go get 'em," he told editors in the latter fight. "That's what we're here for—to fight for the right, as we see it. If we are wrong, the people will let us know it. If we're right, they will be the better for it."

That was the way he felt and lived. And any newspaperman who didn't feel that way, he said, should cover his typewriter and go elsewhere.

In the vigorous pressures and competition of this industry, his lasting contribution will be a persistently firm insistence that the news and editorial columns be supreme and that the printed word be guided by righteous conviction, courage and integrity.

MINISH BILL WOULD PROVIDE TAX AID FOR HIGHER EDUCATION TUITION

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MINISH. Mr. Speaker, as the Senate considers tax reform, it is suitable to bring to the attention of Congress the financial problems encountered by individuals supporting a child or children through college. These persons have long suffered under the heavy burden of providing their offspring with an education that was both expensive and not brief in duration. The majority are low- or middle-income taxpayers, and they find it difficult to make ends meet. They must pay top dollar for tuition costs, since their expense is not mitigated by tax deductions or tax credits.

I have therefore sponsored a measure that would subtract education costs from the tax liability of individuals paying for an education at a recognized college, graduate school, vocational school or business school. A maximum of \$325 would be deducted directly from taxes, with the tax credit beginning to phase out when the taxpayer's adjusted gross income went above \$15,000. The credit would not be applicable to persons earning over \$25,000 in adjusted income unless supporting more than one student. Eligible individuals financing more than a single student could receive a credit of up to \$325 for each child in school.

The benefit to the Nation of adequately educating young people is unquestioned; the cost to the country were it to lack skilled or educated personnel is impossible to reckon. Obviously, a scarcity of trained persons to fill important jobs would seriously hinder a nation as technological as our Nation has become. It can only prove beneficial in the long run to help our citizens bear the enormous cost of educating their children.

The measure I have proposed would benefit the lower- and middle-income groups, who are struggling to pay their bills, buy their homes, and educate their children. Tax relief would seem to be a logical way to provide these hard-pressed citizens with some needed assistance.

POLLUTION AND POLITICS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BROWN of California. Mr. Speaker, I have just had the opportunity to read an outstanding address made to the Commonwealth Club of California by the able speaker of the California Assembly, the Honorable Robert Monagan. The speech, entitled "Pollution and Politics" exemplifies as well as any single event could, the growing national concern over our environment. It exemplifies, further, that this concern is not limited by partisan considerations. Mr. Monagan is a Republican leader of great ability, the speaker of a Republican controlled assembly, in a State with a Republican administration. Yet, as he says in his address, "concern for environmental issues is joining together those whose views on other matters diverge sharply."

The fact of the matter is that the issue of environmental pollution has forced politicians of all stripes to become problem solvers rather than ideological partisans. We cannot denounce pollution as a creature of the Devil and hope it will disappear. We have all helped to create it. We must all join in providing the solution. In so doing we may find that many changes are required in our way of life. If we are successful we may find that we have evolved a new way of life that is far superior to the style of today.

Speaker Monagan stresses the need for a California environmental plan, to include a statewide land-use policy, and announced his intention to appoint an

assembly committee to oversee the total environment. He proposes a unified environmental budget, with all State money and Federal grants administered on a coordinated basis in accordance with a comprehensive environmental plan. He announces his support for ending the "highways only" limitation on use of gas tax revenues, both State and Federal.

I urge all of my colleagues to read this excellent address and to give thought to how we can, in the spirit of mutual cooperation, begin to meet the challenge of preserving our environmental heritage.

The address follows:

POLLUTION AND POLITICS

(Address by Assembly Speaker Bob Monagan)

An invitation to address the Commonwealth Club is coveted by men in public life. It is, without question, a great personal honor. But beyond that, it is a rare opportunity to address one of the world's most distinguished forums—to speak directly to men who share a deep concern about the problems which confront our society and who possess the substance and determination to alleviate them.

I want to consider with you today the subject of pollution and politics. Let me begin with the politics. The Legislature this year underwent what we might call the trauma of transition. Republicans won control of the Assembly last fall by a single vote, and this delicate majority was threatened twice: first by a resignation and then by a tragic death. As a result, we had to face the uncertainty of two special election campaigns in mid-session.

In the Senate things were often even more chaotic. A shift from Democratic to Republican leadership occurred during the always fractious second half of the session.

These transition pains no doubt had some effect upon legislative output this year and many people might have expected our output to be insignificant and filled with partisan wrangling. Yet, when we totaled our accomplishments for 1969 at the session's end, we found to our surprise that we had achieved a substantial impact in a brand new area of concern. Out of nowhere, like a meteor flaming across a clear sky, an issue called pollution struck the Legislature and opened a Pandora's box of new problems.

I define pollution as man's seemingly incessant drive to diminish or even destroy the natural elements which sustain life and make it pleasurable. It is an old problem but it now shrieks with new urgency.

The urgency we felt in 1969 will be nothing like what we are going to feel in 1970. I think some people will be surprised by the extent of legislative activity in this field, particularly when you consider that next year we face, in addition to a closely divided Legislature, the most important state election in a decade. 1970 is our reapportionment election. It will decide which party controls California through the next decade.

An election year session has traditionally been less productive than an off-year session. It can become bitterly partisan. It can become overly cautious in addressing issues.

But I don't think we'll see that in the 1970 session. The pollution issue is so marked, and both parties are so aware of the public's concern, that we may see a big political contest develop over who is most concerned about pollution, and who can come up with the best programs to alleviate it. Environmental control—our only means of dealing effectively with pollution—has long been treated as a secondary political issue. Next year it will likely be one of the two or three paramount issues of the campaign.

Some people might ask why we should im-

mediately concern ourselves with the environment when the crises of war, civil violence, inflation and social distress loom so large. The answer is that environmental forces inflame economic and social problems. I feel there is a connecting line between smog and noise, and endless concrete and the feelings of alienation and discouragement we find so prevalent today.

We have needlessly dipped into a treasury of pure air, clear waters and unspoiled land. And only now do most of us begin to realize how truly careless we have been.

Some say it was the Santa Barbara oil spill that shocked an apathetic public into recognizing the threats to our environment. And there can be no doubt that this catastrophe had a major impact, but it was only an immediate cause.

No, Santa Barbara does not fully explain the new prominence of the environmental issue. It arises from dismay over the polluted air that sears the eyes and burns the throat; over polluted waters to be found in or near every community; over freeways that cut through our open space to feed more smoke and congestion into our urban cores.

We are told that emphysema in California—a little known disease two decades ago—is running at epidemic proportions as we take breath after breath of poisoned air. Did you know that each year another 10,000 people pack their belongings and leave the smog-filled Los Angeles Basin on the advice of their physicians?

Little wonder they go, when you realize that 13,000 tons of air pollutants—picture 13,000 tons—descend daily on Los Angeles County. We can take some comfort in the fact that the tonnage of filth in the air is declining as smog devices come into more common use. But the decline remains negligible compared to the problem. This year some nine billion pounds of smog will hover over Los Angeles. That's almost a ton of pollutant for every Los Angeles, man, woman and child.

Biologists say that thousands may actually choke to death in the Long Beach area by the middle 1970's if drastic steps are not taken. Here in San Francisco, last month saw this city's combined pollutant index climb to a record-breaking reading of 121, compared to an average day reading of 30.

We have come to recognize that our atmosphere is not infinite. We can run short of clean air, just as we can—and are—running short of clean water, green forests, and open space.

I list these together because I believe we can no longer deal with them as separate issues. For years we have treated each threat to our environment as though it had no relationship to any other. In our political responses to environmental problems we have failed to recognize ecological fact—that the balance of nature makes one element dependent upon another. We have planned and built a society with too little reference to the laws of nature, and we have created the imbalances which now threaten that society.

What are we doing about all this? Our awareness of the individual environmental problems is clear, but we are so far developing only piecemeal solutions. Consider, if you will, the legislative session just ended—a bonus session from the conservationist point of view. I'll enumerate some of the accomplishments for you:

The San Francisco Bay Bill—the most talked about accomplishment of this session. Its controls on bay fills and shoreline policy went far beyond what even the determined members of the Sierra Club thought possible as recently as last January.

The Porter-Cologne Water Quality Control Act—the first revision of water purity laws to protect rivers, lakes and harbors in two decades, which permits fines up to \$6,000 a day for water polluters.

A resolution by which California achieved

exemption from the new Federal air pollution standards—so we could enforce our own much stronger anti-smog laws passed in 1967 and 1968.

Legislation permitting the Department of Agriculture to control and when necessary outlaw the use of DDT. Since this bill passed, the Department has cut the use of DDT in half.

An anti-noise bill directing the Department of Aeronautics to adopt aircraft noise standards and help relieve the severe stress being induced by noise pollution.

Yes, the California Legislature has begun to respond to the demands of the California public. These new measures will make a significant contribution to our holding action against the forces of pollution and exploitation. But a holding action is obviously not enough. The time has come for a well-coordinated offensive which takes into account the total environment.

We can no longer afford to consider each problem separately, as though it has no relation to any other. We can no longer fight smog as though it has no connection with freeway construction and the additional thousands of automobiles highways direct into our cities. We can no longer utilize our open space indiscriminately as though natural beauty is unimportant . . . as though the trees and shrubs don't protect a watershed and prevent flooding.

This lesson was graphically illustrated in a recent disclosure that smog is rapidly killing trees in a 100,000 acre area of the San Gabriel and San Bernardino Mountains. We usually think of smog as only dangerous to people, but it affects all living things.

The total ecology must be made a prime consideration in all of our city planning. We now look to the availability of water and land in urban expansion, but we're going to have to add the availability of pure air; and the interrelationship between air, water and space.

California's population dispersion makes this mandatory.

Today more than 90 percent of our people are crowded into 4 percent of our available land. As California's population escalates from its current 20 million to almost 30 million in the next fifteen years, this fraction of our land will become more and more congested.

New cities and urban expansions will cluster close to our existing urban areas. And it is in precisely these locations where our air and water are fouled, where our best remaining agricultural land is threatened, and where the worst effects of congestion are already evident.

Because we have ignored environmental factors in our planning, we have not only permitted this unhealthy growth pattern—we have, in fact, encouraged it.

We encouraged it by not planning for the total development of California, by just planning in those areas where we saw an immediate need or a particular economic advantage.

We have a beautifully-engineered State Water Plan, a complete state highway plan, a park plan, and any number of other large-scale designs and projects involving the expenditures of billions of dollars. Yet, we are unclear about what these plans are to achieve in the broad sense.

If we put them together we have no clear vision of the California of the future—or what quality of life we may expect. I have been trying as forcefully as I can to drive this fact home within our Legislature—and we are gathering a large and somewhat surprising consensus. I say surprising in that concern for environmental issues is joining together those whose views on other matters diverge sharply.

If we are to effectively reverse the negative forces now disrupting our ecology, it will be necessary to evolve a California environmen-

tal plan, a yardstick by which we can measure the impact of each action we take. I believe this plan should include a new bill of rights which guarantees each Californian the right to breathe clean air, drink clean water, relax on clean beaches, and find the solitude of an unspoiled wilderness.

This bill of rights should become the touchstone for economic development, transportation planning, urban renewal—virtually every area in which man is striving to improve his physical surroundings and social well-being.

To bring about this all-encompassing statement of environmental standards I intend to appoint an Assembly committee composed of members with backgrounds representing all of the problem areas. This new legislative unit will be charged not only with writing an environmental bill of rights, but also with providing the necessary laws and programs to insure these rights.

As a starting point, the new environmental committee must come to grips with statewide land-use policy—to determine the highest and best use—not merely the most convenient use—of our limited land resources. And that policy must be more than simply the aggregate of the decisions of the many layers of government and the private sector within the state. Policy must include inducements to guide people into areas where air and water are plentiful and discourage further overcrowding where air and water are limited. For example, instead of directing more freeway traffic and fresh water into Los Angeles, we might consider ways to spark population shifts to less congested areas where adequate air and water and living space are readily available.

Our land use policy-makers must consider just how much and what types of lands are so vital to our future well-being that we must act now to preserve them. They must then use up safeguards for our most fruitful agricultural lands and for unique scenic and natural areas.

Very early in the development of this land-use policy, we must determine, for example, how much of our shoreline shall be reserved for public use.

Do you know that of our 1,000 mile Pacific shoreline, only 90 miles are usable public beaches. That amounts to about one-quarter inch of beach frontage preserved for each of us. That sounds a little crowded to me.

How many rivers to dam, and how many to leave in a free flowing state are environmental questions, not just engineering considerations. How much forest land do we need and for what purpose? How much can we cut without long-range harm?

Far too long we have fought environmental battles on an ad hoc basis. We battled over the redwoods; we battled over the location of power plants; we battled over offshore drilling.

There is no reason that every action in these areas must result in a major confrontation between conservationists and developers. I am suggesting that we have statewide environmental policies to make clear, "this action is in keeping with our plans, this action is not."

There is another advantage to a statewide policy. Right now the Federal government does pretty much as it pleases with its lands in California. With new statewide policy on land use, we can go to the Federal government and show them their projects either fulfill statewide goals or do not.

Outlining goals and directions on paper is easy. But even with general agreement on sound environmental policy, we still face an enormous demand for money. I don't have any quick sources of new money, but we can improve allocation of the large amounts of money that we are already spending on environmental projects. Here again, however, we have done things in piece-

meal fashion and often with conflicting results.

It makes no sense to me to have worthwhile causes competing with each other for funds and each receiving less than is required to do the job.

It would seem to be much more logical to put all the funds which we have earmarked for environmental purposes into a single account. We should annually assess the objectives and anticipated result of each proposed expenditure. In this way, we could more effectively channel our money to the priority projects.

I would hope not only to place state money in this environmental fund, but to add the Federal monies which come into California for environmental projects. With the Federal movement toward bloc grants and revenue sharing, I think we can win support in Washington for the consolidation of these funds if we demonstrate comprehensive planning and efficiency.

I intend to urge that the Governor and Directors of Finance direct the appropriate state agencies to prepare an environmental budget along the lines I have suggested.

Earlier, I talked briefly about the problem of air pollution, but I have reserved for special emphasis some comments about the main source of this pollution—the privately-owned, gasoline-powered automobile.

Much of our environmental crisis can be traced to this magnificent machine which has brought America so far, yet given us so many headaches. Automobiles cause about 85% of our smog problem. They also cause freeway construction, which, in turn, eats up our open space and congests our cities.

Two weeks ago, Secretary of Transportation John Volpe inspected Los Angeles from a helicopter and concluded that the "greatest freeway system in the world" doesn't necessarily promise a great future for California's biggest city. In fact, he told the city fathers that if they keep relying solely on automobile transportation, they may end up with not much of a city left.

Indeed, it could be that we are building the world's biggest freeway system to serve the world's biggest ghost town.

Cars kill cities just as surely as they kill people. Commuter traffic is choking our big cities while the exhaust fumes are choking their populace. The automobile was once one of California's greatest assets; now it is rapidly becoming one of our greatest liabilities.

The automobile dominates our lives far more than we like to admit. It is often our most important status symbol—our measurement of self-esteem. It has remade our whole world.

The car allows us to live in one town, work in another, and shop in a third, and in doing so, has helped us destroy the community spirit that was once so vital to Main Street America. We are a society of automobiles on the go—but often we don't know where we are going and we don't know why.

We have also forgotten or ignored the essential element in transportation—the fact that transportation really means moving people, not vehicles. We originally built the automobile to serve people, now people are spending and building to serve the automobile.

We won't be able to break the sedan syndrome overnight, but we had better begin looking for some alternatives.

Here in San Francisco you are moving ahead with rapid transit, yet even with BART it will not be easy to reorient the motorist who prefers traffic jams to trains. But reorient him we must. Possibly, we'll be forced to take some unusually strong measures—like raising the bridge tolls. And soon we may even have to exclude private vehicles from downtown San Francisco—that is, if this city is to maintain its reputation as the world's most beautiful.

These are some of the incentives and controls we will be forced to consider in the not-too-distant future, but there is one essential change we can and must make in the immediate future. It involves use of the tax money you contribute every time you fill your car with a gallon of gasoline.

Gas tax revenues—state and federal—are poured into California's highway fund at the rate of a billion dollars a year. This equals about one-sixth of the California budget. The State Highway Commission just adopted highway expenditures for next year totaling \$783 million. In addition, our hard-pressed cities are shelling out some \$400 million of their property tax revenue for auto-related facilities and maintenance.

By state constitutional mandate, every cent of the gas tax must be spent for automobile-related purposes; that is, highways, roads, and maintenance. I think it is unwise that all these funds should be concentrated on this single-purpose use. The money must be directed toward moving people—instead of cars—it should help support a full and balanced transportation system.

In San Francisco, for example, your immediate need is money for the completion of BART. A city should be able to spend its gas tax money on rapid transit if that is where its need lies.

My position is this: The State constitutional provision which prohibits the diversified use of gas tax revenues should be modified . . . and Federal regulations which mandate the same single-purpose investment should be changed. We must, of course, continue to make necessary money available for road and freeway construction, and I will support gas tax increases because we're short of funds for this purpose already.

But I will do so only if funds from those additional gas revenues are made available for research and development of alternative transportation systems as well as freeways.

Strong opposition will be mounted against repeal of the single-purpose gas tax restrictions, and it's only one of many painful changes which must be made. I know I'm talking to many men in this room who have played major roles in developing California's economy. Hopefully, you will continue to exert that required leadership, for we must have a sound economic base. Without it, we cannot "pay the piper" to preserve our environment.

If we are going to give a top priority to saving our environment, some traditional notions of economic development need serious review.

With few exceptions—and the tough new law protecting San Francisco Bay is an exception—economic development has been given higher priority than environmental protection. Any reverse of this pattern will require sacrifice.

Those who feel strongly about conservation, must have the courage to admit its high cost. We'll have to spend many millions on our environment. But we are given no choice.

In the past, we have always found economical substitutes for exhausted resources. But there is no synthetic for clean air, our last completely free commodity. When it goes, there is nothing to replace it. We must spend whatever it takes to keep ourselves alive.

Further, we must reassess the relationship between technology and the environment. Ideally, technology compliments our environment; yet, too often, the opposite is true. Had we never learned to bring oil from beneath the ocean there would have been no oil spill to blacken the beaches of Santa Barbara. But then, without that basic technology, we would not have the millions of dollars in royalties that offshore drilling brings to California—the millions that we apply to schools, and hospitals and the care of the aged. Thus, the dilemma.

Lastly, we will also be forced to enjoin one

phase of the human spirit, in order to rescue another. This is man's drive for individualism, his drive to conquer the earth and build upon it. We all have a little of the pioneer in our makeup; we want to clear the woods and build villages.

But there are limits. Restraint must be exercised. Had we shown no restraint at all in developing California, there would be no redwoods in Mendocino nor cypress in Monterey. And so the human drive to build must be balanced with the drive to breathe, to see, and to enjoy.

A national publication recently quoted the prophetic words of the 19th century Scottish essayist Thomas Carlyle. Upon viewing a young America with a population of about 25 million, Carlyle predicted: "You won't have any trouble in your country as long as you have few people and much land, but when you have many people and little land your trials will begin."

Today, our trials have indeed begun. We are running out of the rich resources of clean air, pure water and open space we once possessed in abundance. But the same pioneering spirit that cleared the land can clear the air; the same genius which made us the most important industrial nation in the world can now develop the technology to make industry and environmental quality compatible.

The price will be high . . . the transition will be painful . . . but we must begin. The demand for reform echoes in Capitol corridors and corporate board rooms. And our response—yours and mine—must be immediate and determined. It will decide, not only the future of our society, but ultimately the survival of mankind.

SENATE KILLING HOPE FOR DIRECT VOTE FOR PRESIDENT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following pertinent and thought-provoking editorial from the McPherson, Kans., Sentinel which discusses the unfortunate delay in further consideration of an amendment which would provide for direct election of the President. This amendment already has won overwhelming support in the House. The editorial follows:

SENATE KILLING HOPE FOR DIRECT VOTE FOR PRESIDENT

Early in this session of Congress, the House passed a bill calling for direct election of presidents replacing the present state by state vote with a plan where all votes in the nation would be counted together. This would eliminate the possibility of a president being elected with a majority of state votes although his total vote of all Americans was not as big as his opponent.

The House passed the bill by a whopping 339-40 majority and sent it along to the Senate. There it lit in the Senate Judiciary Committee and there it still lies for this committee has refused to deliver it to the Senate for passage. Excuses mount up. Too many other bills must be passed. The Senate quarrel over the appointment of Haynsworth as a Supreme Court Justice as well as other excuses are given for the delay of the direct vote bill.

Most of us want to be able to vote for the man we want to be president and not for a batch of unknown presidential electors as we do now.

Thanks to the stubbornness of a few men on the Judiciary Committee, we are being refused that privilege. Are these men true servants of us Americans or are they only thinking of themselves?

NATIONAL GALLERY OF ART CALENDAR OF EVENTS—DECEMBER 1969

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of events of the National Gallery of Art for the month of December. Once again, the National Gallery has scheduled outstanding events of great interest.

During the month of December the National Gallery will present "The Artist and Space"—a collection of paintings, drawings, and sculptures relating to the Apollo missions. This collection is a result of the cooperation of the National Gallery and the National Aeronautics and Space Administration since 1962 in a joint program, "Eyewitness to Space."

I am sure that my colleagues, as well as the citizens of Washington and the American people will find December a most interesting month at the National Gallery of Art, and I urge them to visit the National Gallery where our past, present, and future are to be seen through the collections and programs scheduled for December.

The calendar of events follows:

CALENDAR OF EVENTS—DECEMBER 1969

THE ARTIST AND SPACE

Perhaps no other achievement in the history of the world has been so thoroughly reported as the United States moon project. Since 1962, the National Gallery and the National Aeronautics and Space Administration have cooperated in "Eyewitness to Space," a venture designed to add the interpretive eye of the artist to the space program. "Our purpose," according to H. Lester Cooke, Curator of Painting at the National Gallery and the Gallery's advisor to NASA for the project, "was not to duplicate records made in other media but to utilize the painter's unique advantage of being able to select, edit, amplify, and, if necessary, prophesy."

During the past seven years, scores of artists such as Robert Rauschenberg, Lamar Dodd, Norman Rockwell, William Thon, and James Wyeth were invited to visit launch sites, talk with the astronauts, and even ride in a rescue helicopter to observe the pickup of the astronauts.

From December 6 through January 4, more than 70 of the paintings, drawings, and sculptures—all related to the Apollo missions—will be on view in the Central Gallery. After the premiere showing in Washington, the exhibition will go on nationwide tour.

WRIGHT OF DERBY

Continuing on the Main Floor is an exhibition of 19 paintings and four drawings by Joseph Wright of Derby from the British collection of Mr. and Mrs. Paul Mellon. Catalogue with introduction and notes by Ross Watson, 10" x 7½", 40 pages, 21 black-and-white illustrations, \$2.25 postpaid.

CIVILISATION

There has been an almost overwhelming public response to the B.B.C. Television se-

ries and the schedule of showings in the auditorium has been increased to meet the demand. *Civilisation* programs are now being shown daily, both mornings and afternoons. Latest scheduling information and admission cards for day of showing only are available at Constitution Avenue desk.

CHRISTMAS CARDS

National Gallery of Art Christmas cards are for sale in the Publications Rooms on the Ground Floor near the Constitution Avenue Entrance. Prices from 10¢ to 20¢.

RECENT PUBLICATION

Lorenzo de' Medici and the Renaissance by Charles L. Mee with consultant John Walker. A biography of Lorenzo the Magnificent illustrated with art of the golden age in Florence. Published by American Heritage Publishing Co. 100 illustrations, more than 50 in color, 153 pages, hardbound, \$5.95 postpaid.

RECORDED TOURS

Acoustiguide. A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director Emeritus. Portable tape units rent for 25¢ for one person, 35¢ for two. Available in English, French, Spanish, and German.

Lectour. A discussion of works of art in 28 galleries. 15-minute talks in each room may be taken in random order. The small radio receivers rent for 25¢.

GALLERY HOURS

Weekdays 10 a.m. to 5 p.m. Sundays 12 noon to 10 p.m. Admission free to the building and to all scheduled programs.

HOLIDAYS

The Gallery is closed Christmas Day and New Year's Day.

CAFETERIA HOURS

Weekdays 10 a.m. to 4 p.m., luncheon service 11 a.m. to 2:30 p.m. Sundays, dinner service 1 p.m. to 7 p.m.

MONDAY, DECEMBER 1, THROUGH SUNDAY, DECEMBER 7

Painting of the week: Thomas Doughty. *Fanciful Landscape* (Gift of the Avalon Foundation). Gallery 67. Tuesday through Saturday, 12 and 2; Sunday, 3:30 and 6.

Tour of the week: *Science and Painting*. Rotunda. Tuesday through Saturday, 1; Sunday, 2:30.

Tour: *Introduction to the Collection*. Rotunda. Monday through Saturday, 11 and 3; Sunday, 5.

Sunday lecture: *Wright of Derby—18th-Century Painter of Industry and Science*. Guest Speaker: Charles E. Buckley, Director, City Art Museum of Saint Louis. Auditorium, 4.

Sunday concert: Frank Sherr, *Pianist*. East Garden Court, 8.

MONDAY, DECEMBER 8, THROUGH SUNDAY, DECEMBER 14

Painting of the week: Dosso Dossi, *Circe and Her Lovers in a Landscape* (Samuel H. Kress Collection). Gallery 21. Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *The Camera and Painting*. Rotunda. Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the Collection*. Rotunda. Monday through Saturday 11 and 3; Sunday 5.

Sunday Lecture: *The Artist and Space*. Speaker: H. Lester Cooke, Curator of Painting, National Gallery of Art, Art Consultant to NASA. Auditorium 4.

Sunday concert: Aeolian Trio of DePauw University. East Garden Court 8.

MONDAY, DECEMBER 15, THROUGH SUNDAY, DECEMBER 21

Painting of the week: Orazio Gentileschi. *Saint Cecilia and an Angel* (Samuel H. Kress Collection) Gallery 49 Tuesday through Saturday 12 and 2; Sunday 3:30 and 6.

Tour of the week: *The Wright of Derby*

Exhibition. Rotunda. Tuesday through Saturday 1; Sunday 2:30.

Tour: *Introduction to the Collection.* Rotunda. Monday through Saturday 11 and 3; Sunday 5.

Sunday lecture: *Eighteenth-Century Christmas Customs, Traditions, and Decorations.* Guest Speaker: Elizabeth P. Callis, Colonial Williamsburg, Williamsburg, Va. Auditorium 4.

Sunday concert: National Gallery Orchestra; Richard Bales, Conductor; Norma Heyde, Soprano. East Garden Court 8.

MONDAY, DECEMBER 22, THROUGH SUNDAY, DECEMBER 28

Painting of the week: *Dürer, Madonna and Child* (Samuel H. Kress Collection). Gallery 35A. Tuesday, Wednesday, Friday, and Saturday, 12 and 2; Sunday, 3:30 and 6.

Tour of the week: *The Artist and Space Exhibition.* Central Gallery. Tuesday, Wednesday, Friday, and Saturday, 1; Sunday, 2:30.

Tour: *Introduction to the Collection.* Rotunda. Monday through Wednesday, Friday, and Saturday, 11 and 3; Sunday, 5.

Sunday lecture: *Italianizing Painting in Seventeenth-Century Holland.* Guest Speaker: Marcel Roethlisberger, Professor of Art History, University of Delaware, Newark. Auditorium 4.

Sunday concert: Reginald Farrar, *Helden-tenor*; Wendell Pritchett, *Pianist.* East Garden Court 8.

WAR IS HELL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Robert Baskin, Washington representative for the Dallas Morning News, has written what I believe to be the most down to earth and soundest approach to the hysteria which has gripped our country over the so-called massacre of Vietnamese civilians. Mr. Baskin has in fact taken his own profession to task on their reporting of the incident.

Certainly two wrongs do not make a right, and Mr. Baskin endeavors to recall to the minds of those who would condemn America and its Army the atrocities committed by the Communists which are all but forgotten. He has endeavored to report the present situation in the light of these past acts and of the rigors of combat. The report follows:

COMMUNIST WAR ATROCITIES FORGOTTEN

(By Robert E. Baskin)

WASHINGTON.—"I am afraid America has already lost her soul," says former White House aide Theodore Sorenson.

"I hope no American feels anything less than collective guilt," says Rep. Allard K. Lowenstein, D-N.Y.

These are samples of the comments that are emanating from the left-wing, peace-at-any-price crowd concerning the so-called Pinkville massacre in Vietnam.

There is a great deal of frothing at the mouth and semihysteria over the Pinkville affair, and it is being encouraged by certain segments of the news media (check Vice-President Agnew for names) who are evidently going all out to depict a national disgrace.

No one, of course, can condone brutal, senseless slaughter of civilians in a war zone, and it appears that the military establishment is making every effort to try those who stand accused of such actions.

TOO MUCH TALKING

But there is already a question whether Lt. William L. Calley Jr., the only soldier formally charged in the Pinkville case, can receive a fair trial.

Lt. Col. Reid W. Kennedy, the Army judge at Fort Benning, Ga., is disturbed over the continuing interviews by the press of individuals who claim to be witnesses and even participants in the case.

He has tried to prevent witnesses from talking, but his authority to do so has been questioned. Calley's civilian attorney thinks his client's right to a fair trial definitely has been jeopardized.

PUBLICITY ASTONISHING

Meanwhile, the world press is building up a picture of the United States Army as a savage, ruthless force that does not hesitate to shoot down women and children. The publicity about Pinkville is one of the most astonishing developments of the whole Vietnam War.

Forgotten are the atrocities carried out by the Viet Cong and the North Vietnamese army, the mass slaughter at Hue, the terror bombings in Saigon and other cities and the innumerable atrocities committed on villagers and peasants throughout the land.

One does not have to go back to Genghis Khan and Attila the Hun to know that war is cruel, dirty business and in the best wars, if there is such a thing, terrible things can happen to civilians who happen to be in the way of the armies.

World War II was replete with instances in both Europe and the Pacific where troops in a battle zone got out of hand and committed barbarous acts. And these were by no means limited to the Germans and Japanese, although they were by far the worst.

The question of morality concerning military action which kills civilians in wartime brings up difficulties in definition.

There was a president of the United States who ordered the dropping of atomic bombs on Hiroshima and Nagasaki, which killed thousands of women and children.

And who can forget the German air raids on London and Coventry? Or the allies' fire-storm destruction of Dresden and Cologne? Or the savage treatment the Poles of Warsaw got from both the Germans and the Russians?

SHERMAN REMEMBERED

If you consider American history alone on this subject, look back to William Tecumseh Sherman, who devastated a wide area of Georgia, leaving women and children homeless and starving.

Sherman was never brought to book. He simply excused his actions with his war-is-hell statement, and the Union acclaimed him a great hero and military genius.

Some of the semi-hysterical people at the moment should remember that war, indeed, is hell, and innocent noncombatants often suffer from military excesses, both spontaneous and calculated.

PFC. KENNETH G. KLINE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Pfc. Kenneth G. Kline, of North Versailles Township, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude

and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Private First Class Kline for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

PFC. KENNETH G. KLINE

Pfc. Kenneth G. Kline, 20, son of Mr. and Mrs. Robert S. Kline, Jr., of 3515 Foster Road, North Versailles, Twp., was killed in Vietnam last week, according to the U.S. Defense Department.

The district soldier was a member of the Army's First Cavalry Division. He has been in the service since last April 23 and landed in Vietnam just two months ago.

Pfc. Kline graduated from Westinghouse Memorial High School in Wilmerding in 1967. He also was a graduate of the Electronic Computer Program Institute.

For brief periods, he was employed at U.S. Steel's National Works, Tom McAnn Shoe Co. and the Technological Center in Sunnyvale, Calif.

THE SCOPE OF CONCERN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. WOLFF. Mr. Speaker, the problems of air and water pollution, I am heartened to say, have been taken up by many spirited and dedicated citizens' groups. In my own Third Congressional District, I could cite many who have given freely of their time and energy so that this important matter will not be forgotten by either the public or the Federal Government.

As we are all well aware, if we do not lick this problem in the near future, we will have little to offer future generations. It is therefore not surprising that our younger citizens are as concerned as we with what must be done to preserve their legacy of air and water.

Mail that I receive on this issue reflects not only how pervasive the concern in this matter is, but it also exemplifies how far into the younger generation the problem is held. For in effect, even our elementary school children are raising their voices, urging efforts to end pollution and offering their energies in order to insure the success of this fight.

Among the letters I have received from youngsters, I have selected one from a young lady, Donna Marie Nicoletto of Westbury, N.Y., which I feel reflects the concern of our younger citizens and affirms that we owe this and future generations their rights to clean water and pure air. I therefore would like to extend my remarks to include Donna Marie's letter in the RECORD:

WESTBURY, N.Y.,
November 19, 1969.

HON. LESTER WOLFF,
Washington, D.C.

DEAR MR. LESTER WOLFF: In my science class we have been discussing air pollution. I would like to know what you have been doing about it, and if you can do more about it in some way. I will help in little ways like, telling people not to burn leaves. Could you and us make laws that people will listen to and maybe we will have clear air to breathe.

Yours very truly,

DONNA MARIE NICOLELLO.

INSURANCE CANCELLATIONS IN
OUR INNER CITIES**HON. SAMUEL N. FRIEDEL**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FRIEDEL. Mr. Speaker, the Friday November 14 issue of the Labor Herald, an independent weekly newspaper published in Baltimore, contained an editorial article by one of the most knowledgeable observers on the Baltimore scene, my friend David L. Himelfarb.

Dave Himelfarb speaks out on a critical problem facing many of our inner-city residents and particularly many of our elderly citizens. His article puts the spotlight on a problem which many of my constituents have experienced.

I am confident that the majority of our Nation's insurance companies are conscientiously trying to cope with this problem, but the evidence definitely points to abuses by some companies—abuses which work particular hardships on those already most vulnerable—our urban poor and our elderly citizens.

Because many of my colleagues have inner city constituents facing the same problems and because we must all join to find solutions to the many faceted urban crisis, I feel that my colleagues will be interested in the following excerpts:

CALL IT POLITICS

(By David L. Himelfarb)

Insurance robbery.—"Insurance companies are robbing the public out of millions and the state legislatures do nothing about it." Automobile motorists never make a claim if damage is under \$150.00. They pay damages themselves in fear of Insurance Companies cancelling their insurance. It is not the case of buying insurance from another company when you are once cancelled. The new company will ask you the "Catch All Questions" has your insurance ever been cancelled and you have to answer the truth. Then your troubles begin. They put you in the High Risk Class and your rates costs are tripled. A few weeks ago I told this story to my good friend, Byron Moorhouse who writes a column in the South Baltimore paper "The Enterprise." Last Week he wrote my story and now I am using his.

If you got a notice in the mail that your fire insurance was cancelled and the company did not want your business anymore, you would be upset, wouldn't you? Then, a few days later, your mortgage company wrote to you and said, "If you do not get fire insurance immediately we will call in your mortgage," you would really be in a stew, wouldn't you?

Well, it is happening every day here in South Baltimore.

After several complaints from some of our readers, I decided to look into the matter.

I called one of the insurance companies in question, and after talking to several people, I found one who was willing to discuss the subject.

"Sure," a company spokesman said, "we have been refusing to renew fire insurance on many homes in the Southside. The risk is too high and we lost too much money during the riots."

Why Pick On Us??—I asked, why pick on South Baltimore, Brooklyn and Locust Point? The following reasons were given.

"That the houses were very old and the neighborhoods were conducive to fires. They,

the company, were in business to make money, and they were not a charitable organization. Also, the insurance commissioner would not let us increase our rates, therefore, they were dropping the policies wherever they saw fit."

I asked the representative, what do you do about helping the people who have been insured by your company for many years and are caught short by your refusal to renew their policies.

"We tell them, as we are required by the Insurance Commissioner in the cancellation notice they they should contact the joint Insurance Association."

So I called the Joint Insurance and was informed that they were created to deal with this problem—but their office covered all of Maryland, Baltimore City and Washington, D.C., and as applications were coming in at the rate of 150 a day they were 22,000 behind already, with no help in sight.

J.I.A. Version—The Joint Insurance Association told me that the state demands that all Insurance Companies give extended coverage for 30 days upon notice of cancellation and if the people of South Baltimore would contact them immediately upon notice of cancellation and fill out a request of insurance, they can usually have them protected by the time their extended insurance runs out.

If homeowners wait they are liable to be without protection hence the pressure from the mortgage companies who dislike to hold an uninsured mortgage.

Upon getting this information I called Delegate Charlie Avara who besides being an intelligent man can get things done. We talked to the Insurance Commissioner's office and verified all the prior information.

Delegate Avara said he would introduce a resolution at the next legislative session to have an investigation made of the bad conditions and the reason for the backlog and delay on the part of the Joint Insurance Association. He will seek a report to the legislature on how the Insurance Commissioner's office is supervising this joint insurance operation.

We Have Booklets.—As a public service to our readers many of whom are very upset (or will be) by these unpleasant developments, we have, the Enterprise, pamphlets describing what to do and some applications with which you can apply for coverage through the Joint Insurance Association. But before you do anything, you should immediately call your agent or broker, if you have one.

We, the people of South Baltimore have to suffer the consequences of the aftermath of the riots. For many years the insurance companies have been looking at South Baltimore property with a jaundiced eye.

How to dump all those old potentially-fire hazardous homes and still maintain their good names, was their concern. Then came the riots.

Some insurance companies took it on the chin but above all this—the riots offered a way out, a method of unloading all those undesirable risks without losing face—Mr. and Mrs. South Baltimore, who have been paying fire insurance for decades—this is what they are doing to us!!

CONCERNED YOUNG PEOPLE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BINGHAM. Mr. Speaker, the degree to which many of our young people

are losing confidence in our system of government is frightening.

I should like to share with my colleagues and other readers of the CONGRESSIONAL RECORD the following letter on this subject from a distinguished rabbi in my congressional district:

BRONX, N.Y.,
November 18, 1969.Congressman JONATHAN B. BINGHAM,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: May I express our pride in the vigorous and constructive stand you have taken with regard to the Vietnam war and your recognition of the role which our young people are playing in mobilizing support against our current foreign policy.

As a clergyman, I am inevitably concerned with the future and therefore devote much of my time not only to the young people of my own community but of the nation. I have spent much time on college campuses throughout the nation.

It seems incredible that our Administration has developed a complete myopia towards the young people as if they were a marginal segment of America instead of the very stuff of our national future. For the President and his staff to pretend that they do not exist and that their opinions are irrelevant is to help destroy the fabric of our society. What was especially frightening was the attitude of many young people I know who, vigorously opposed to the war, would not bother to go to Washington because such an enterprise implied a faith in the democratic processes which they no longer entertain. It seems incredible that our President and Vice President are concerned about the threat to democracy in Southeast Asia and yet fail to recognize that by their denial of the right to dissent and their lack of respect for it they are driving many, many young people away from a belief in our form of government.

I tremble to think that we shall have three more years of this kind of blind leadership. I am less concerned about a "silent majority" than a "blind majority" whose vision has been impaired by cutting them off from information through the mass media and other channels of communication.

Sincerely,

Rabbi MORRIS N. KERTZER.

CRIME INCREASING IN DISTRICT
OF COLUMBIA**HON. LAWRENCE J. HOGAN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HOGAN. Mr. Speaker, this is another in a series of statements on the increase of crime in the District of Columbia and the effect it is having on individuals, businesses, families, and so forth.

The families of cab drivers, bank employees, liquor store employees, and gas station employees have increasing reason to be concerned about their husbands, wives, brothers, and so forth, who are employed in these service activities.

Recently there has been a rash of gas station robberies in the District—well over 100 in a 6-month period. In one of these, a gas station attendant named James Swann was killed. It is a tragedy of our times and the crime situation in

the District of Columbia that gas station attendants, and their families, must have constant concern for their well-being.

An account of this homicide was recently reported in the November 1969 issue of the trade publication for the Greater Washington Service Station Association, the *Nozzle*. This story and the reprint of a letter from the director of the Service Station Association to Mayor Washington appear below for the information of the Members of Congress:

THREE MEN DEAD—BUSINESS AS USUAL AT EASTOVER STATION

Cars pull in and gas up in a steady stream at Roy Budd's Eastover Esso and Joe Johnson's Sunoco, facing each other across South Capitol Street near the D.C. line, as if nothing has ever happened here. But something did happen. And it could have happened in any one of the 1,000 stations in the Metropolitan area.

Three men were killed at this peaceful looking Esso one recent Saturday night in a wild gunfight that involved both stations.

Another man was probably wounded as three young hoods tried to make some "easy money" and held up the night man, James Swann. Instead, they got what they deserved. Quick death for one, lingering death for another (with a bullet in the brain) and terrified, desperate flight for the wounded third man.

Unfortunately, the gallant attendant who defied all three and drew his own gun, died himself in the melee.

James Swann was a very brave man by anyone's standards. He deserved a lot better than he got. He staggered out of the office where he was waylaid, with four bullet holes in his broad chest, a smoking .45 still in his hand and leaned against a car. "They got me", he gasped, to his friend James East, who came running across the street from the Sunoco, shooting as he ran. He saw a dead youth on the floor and a fleeing robber crawling to the back of the station. He fired his .32 automatic at him as he tried to climb an 8' wire fence. The robber fell leaving a 40' trail of blood that can still be seen splattered on the concrete and station walls. Police, however, say he was a victim of Swann's .45.

He died two days later from the slug that penetrated his right eye and lodged in the back of his head. A third robber ran for Livingston Road, leaving blood stains as he fled. East returned to Swann and helped him sit down. He tried to call police but the phone did not work. He ran back to his station and called from there. Meanwhile, another youth had entered the station. He had his hands in his pockets. East pointed his gun at him and told him to stop and take his hands from his pockets. The youth did not obey. East threatened to fire. He stopped and was handed over to police who theorized he may have been the get-a-way car driver, come to see what happened to his friends. They had to release him for lack of evidence. Meanwhile a police car chasing a red Mustang which had shot through a stop sign alongside the station on Livingston Road, quit the chase on hearing a radio report of the shooting. They now believe the car contained the wounded survivor of the shooting. A wounded man reported to Washington Hospital Center about thirty minutes after the shooting. He told police he was struck by a stray bullet at 14th and T Streets, N.W. Police were dubious and have kept him under surveillance.

Just how suddenly a tragedy of this sort can befall any station is illustrated by James East. Shortly after 4:00 a.m. he had come across the street to chat with Swann during a slow break. Both men watched the sides

and back of each other's station for possible robbers. An hour earlier Swann had crossed the street to check on East when several carloads of teenagers entered the Sunoco together. They bought drinks and left. East was now leaving the Esso when a colored youth entered—acting suspiciously. He was obviously casing the station. He asked Swann if he knew him. Swann said "No, let's watch him, he looks funny." The youth went to the cigarette machine and stayed five minutes. Finally he asked, "No Viceroy's?" Swann told him he was looking at them. The youth bought a pack of Kools and walked around the side of the building. At 4:25 a.m. a car in the Sunoco beeped its horn for service. East told Swann he was going but would be right back. East crossed the street and had pumped 52¢ worth of gas into the car when he heard the shots. He dropped the nozzle and ran back in time to catch the mortally wounded Swann.

Bill Adams, manager of the Esso, and whose gun Swann used to shoot the three robbers, described his late attendant as "the kindest man he had ever known with kids". He was forever spending his own money buying the kids drinks and candy. In fact he had gotten after Swann for spoiling his two young boys with candy, Bill Adams said.

The station had been open 24 hours for about five years, but not since the shooting which was the second in which an attendant had been shot. Almost to the day two years ago, a night man was shot four times in a hold-up. Now Bill Adams has installed attack-trained Doberman Pinschers to take over the night shift of the closed station, and Humble is blocking off the rear of the station.

Joe Johnson at the Sunoco is unhappy with the situation. "Things are getting so rough around here, it looks like we are going to be compelled to close. There are not enough police on the force to give us the protection we need," he says. His night man was held up six weeks ago and robbed of \$370 when a lone robber asked for change at 3:00 a.m., then changed his request to "Let's have it all," as the attendant found himself staring into a gun barrel. His strong box welded to his desk was broken into and robbed of more than \$100 one night, when a car load of youths kept the attendant busy checking under the hood while one went inside and broke the hasp on the box. Joe says his station, which is located in what was once a peaceful, respectable section, has been the scene of quite a bit of trouble, and disturbances in the form of fussing and arguing etc. over the past few years. He has been there 13 years.

Although none of the station men like to talk about it, they have other problems besides hold-up men. The Pagans motorcycle club occasionally takes over a station for an evening in an unbelievable display of power that leaves local police all but helpless. One station was recently overwhelmed by an estimated 300 motorcycles each carrying two people most armed with handguns and shotguns.

The conglomeration was so great that the Pagans could not get their own cycles out. They did not harm the station in any other way. On another occasion about 75 occupied a station for a couple of hours and defied about 25 powerless police to move them. The stand-off continued until they left of their own accord.

This is a copy of the letter, Executive Director Charles Binsted of the Service Station Association sent to Mayor Washington on the crime problem:

Dear Mayor Washington:

In view of the recent tragic shooting of a service station attendant employed by Eastover Esso and the high incidence of serious crimes inflicted upon service stations in re-

cent months, we feel the District Government must act immediately to protect these businessmen and their employees.

From March through August there have been 114 service station holdups in the District of Columbia, an average of 19 per month. In addition to this there have been burglaries for which we do not have figures.

We recently talked to Mr. Melvin Washington and expressed our concern. We said at that time that much more protection is needed if we are to keep these stations open between the hours of 10:00 p.m. and 6:00 a.m. We have also written to all of the oil company suppliers and asked them not to include a demand for 24 hour operation in their leases. I'm sorry to say that we did not receive one reply to this letter. A copy of the letter is attached. Yet we have just recently learned that at least one major oil company will not deliver gasoline into certain areas after dark.

We believe that every business should be afforded the protection necessary to remain open if this is their desire, but this decision should be made by the owner and no one else.

Our association has printed articles in its trade publication "The Nozzle" as well as our monthly bulletins in an attempt to educate our dealers to the necessity of not having large sums of cash available and in general what should be done to protect their business and employees.

We are also aware that the Congress is working on legislation which is designed to bring the crime problem under control.

But I'm forced to say at this point that we can not wait any longer for positive action. The condition that now exists must be considered an emergency and emergency measures must be taken to control this needless slaughter of businessmen and their employees.

We are not critical of the police force because we believe they are doing all they possibly can to cope with the problem. However, we know this is not enough. We need help and we need it now—before another James Swann dies. If this requires use of the military police, then this should be done. If it requires requesting help from the Federal Government then this should be done. We can no longer be concerned with what the world will think if it becomes necessary to use troops in the Nation's Capital to keep order. We can only be concerned with the life and property of the residents and business establishments in this city. Whatever is required must be done—immediately.

If this crime problem is not dealt with firmly, businessmen will be forced to flee the city. We urgently ask you to take emergency action now.

FALLS OF THE OHIO THREATENED BY URBAN ENCROACHMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HAMILTON. Mr. Speaker, to insert this excellent report on one of this country's irreplaceable natural wonders, the Falls of the Ohio.

Mr. Maxwell King, of the Louisville Courier-Journal and Times, warns that continued neglect and abuse of this unique fossil island in the Ohio River threatens its existence.

The Department of the Interior has recognized the importance of the fossil

formation by proclaiming the island a national landmark. The States of Indiana and Kentucky have authorized—and have appointed members to—an Interstate Park Commission. Legislation is now pending in the House Judiciary Committee which would give Congress approval to an interstate park compact.

We are fortunate to have dedicated men from Kentucky and Indiana serving on the Interstate Park Commission; men who are concerned about the preservation of this area.

But, as Mr. King points out, the continual encroachment of the urban area which surrounds the site threatens to do irreparable damage before the States of Indiana and Kentucky can move to preserve it.

His article reads as follows:

[From the Louisville Courier-Journal & Times, Nov. 16, 1969]

NEGLECT AND ABUSE THREATEN PRICELESS FALLS FOSSIL BED
(By Maxwell King)

Just downriver from the Indiana side of the ponderous black steel structure known as the Pennsylvania Railroad Bridge, there is a small, dusty path leading to a cove of trees on the riverbank.

At the top of the path there are several crushed beer cans and the shattered red glass of a broken whisky bottle. In a parking area above the path a few cars are stopped, their occupants staring idly out across the Ohio River.

As a visitor starts down the path, a flock of pigeons flutters hysterically out from a nesting place under the high bridge and scatters across the grey sky.

Further down the path the trees shade the area and the noise of the highway fades. A barge on the river on the other side of the dam blares its steam whistle mournfully.

At the bottom, the muted roar of the water at the base of McAlpine Dam drowns out all other noise. At low water, one can step out across the stones in the river and onto exposed fossil formations that are 300 million years old. Tin cans and candy wrappers abound.

Further downriver, past Jenck's Bros. Bait Shop, one can get a better view of the fossil shelf in the middle of the river. Most of the fossil formation along the Indiana side has been covered with silt, and a rudier contribution—junk.

A battered car drives past the bait shop and down a rutted dirt road that inclines along the bank toward the fossil formations. It stops and its occupant gets out to deposit more trash along the roadway.

A lone pedestrian picks casually among the heaps of broken ovens and ice boxes, car wheels, wire, shingles and stone, searching for something of value.

This is the Falls of the Ohio River, one of the major archaeological and geological hunting grounds in the world.

In the Devonian Period, some 300 million years ago, this was one of the places where animal life first emerged from the tropical seas.

Now it is an inland coral reef, a junkyard and the site of a proposed interstate park that is to preserve the area from the ravages of man.

The Falls of the Ohio Interstate Park Commission, which went to work last summer, has the authority to preserve the area, but its appointed task of creating a park out of the harried land it has inherited has just begun.

A STUDY NEEDED FIRST

The commission's chairman, Dr. Donald Munich of Jeffersonville, refuses to be so

brash as to even predict an opening date for the park.

The commission's first job, according to Munich, is to interview landscape architects and park planners to choose one for a study of the falls area.

The study, Munich said, must answer the following questions:

What should the boundaries of the proposed park be?

Who owns the land?

What financial arrangement for establishing and maintaining such a park should be made?

How should the park be laid out?

The total area under consideration for the proposed park includes about 1,499 acres of land and water on the river and the Indiana bank. It covers the fossil bank in the river; a long stretch of land, privately and publicly owned, along the Indiana bank; and possibly Shippingport Island. One of the first things to be determined is how much land should ideally be included in a park.

The Indiana land houses the site of the old Clark Fort, an ancient Indian burial ground, the dueling grounds along Silver Creek and other historic areas.

As for the ownership question, Kentucky owns land in the Ohio up to the low-water mark in Indiana, but the federal government has some jurisdiction over the dam area constructed by the Army Corps of Engineers, including Shippingport Island.

On the Indiana side, says Munich, part of the land is privately owned and part owned by the state, but there are conflicting claims to some areas that have been used privately.

Some of the proposed park area will have to be purchased from private owners. Although the commission has no power of land-taking under eminent domain proceedings, says Munich, the state of Indiana could exercise its powers on behalf of the commission.

In the matter of financial arrangements, the commission has the power to charge fees or otherwise raise funds to operate park. But Munich says no definite plans will be made until a professional park planning firm makes recommendations.

Perhaps the most important question to be answered is that of the physical layout of the proposed park.

"WE DON'T WANT A DISNEYLAND"

What recreational and educational facilities, if any, should be included? How should traffic, both pedestrian and vehicular, be patterned in the area? Should there be a museum or a monument, or both?

"We don't want a Disneyland here," says Munich, pointing out that because much of the land is on a floodplain, there is little threat of "overdeveloping" the park area.

The chairman says the commission will seek equal funds from Kentucky and Indiana to finance the preliminary study.

After the study is completed, prospects for financing the project include a federal loan or grant, state aid, or financial help from one of the country's major foundations.

Munich believes that because of the educational value of the falls area (the exposed coral reef forms the world's largest such fossil display), the commission will be successful in raising funds on a national level.

The preliminary study should offer the commission a variety of choices in planning the park, according to Munich, and it will be up to the commission's members (three from Kentucky, three from Indiana) to make the final determination.

NATURALISTS CONSULTED

But the commission chairman stresses that during the period of preliminary study and the period of final planning, the commissioners must consult and cooperate with interested naturalists' groups and the Army Corps of Engineers.

Representatives of several naturalists' groups (including the national Sierra Club and the Audubon Society, as well as the Louisville Geological Society, the Kentucky Natural History Society and the Beckham Bird Club) have already met with the commissioners and officials of the Army Corps of Engineers to discuss the park.

"The corps has been completely cooperative," says Munich. Officials of the corps have agreed to meet with members of a special council of interested naturalists' groups that is being established to work on the Falls of the Ohio project, according to the commission chairman.

"What nobody wants," he asserts, "is another Big Walnut Valley or Red River." (Bitter controversy has arisen over both proposed projects, the former in Indiana and the latter in Kentucky.)

PROBLEMS WITH THE DAM

In brief, the construction problem of the falls, stems from the modification of the McAlpine Dam on the Indiana side about three years ago. The change in the dam has reduced the flow of water over the fossil area, permitting the area to silt over and disturbing the ecological balance that has made the area a major feeding ground for migratory birds.

Secondly, the Indiana side of the falls area has been used as a dump, illegally in some places and with county approval in others, turning parts of what is a natural and historical wonder into a smoldering junkyard.

Munich lays little of the blame at the doorstep of the Army Corps of Engineers, whose activities are often under fire from conservationists.

"They are not ecologists," he says "Ecologists waited until these projects were finished and then blamed the corps for the results."

FIRST PARK PLAN REJECTED

He says the corps has been cooperative in helping members of the commission and naturalists' groups seek remedies. "They built a good dam," he says, "but it is just a little too efficient for the ecology."

The falls area was originally proposed as a national park in 1968, but was rejected by the Interior Department on the grounds that the area "lacks national and historical integrity" and is subject to serious and prolonged flooding by the Ohio River.

The Kentucky legislature enacted legislation in 1968 authorizing the Falls of the Ohio Interstate Park Commission. The Indiana legislature passed similar legislation early this year.

According to Munich, 9th District Rep. Lee H. Hamilton, D-Indiana, one of the sponsors of federal legislation to give final authorization to the commission, says that bill will soon be reported out of the House Judiciary Committee for action on the floor.

COMMENTS OF THE WORKING PRESS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the message I got from the Vice President's recent remarks about the national news media was that what this country needs is not less news, less analysis and less opinion, but more. It is useful, from the point of view, to review the comments of the working press regarding Mr. AGNEW's statements, and I include

as a part of my remarks at this point the comments of the editor of the Appleton, Wis., Post-Crescent, Mrs. John Torinus: [From the Appleton (Wis.) Post-Crescent, Nov. 23, 1969]

VICE PRESIDENT DRAWS DISTINCTION BETWEEN NEWSPAPER, TV EDITS

(By John Torinus)

I suppose I am in as good a position as any to comment on the speech delivered by Vice-President Agnew in Des Moines last week on the subject of news commentary by the television networks, a speech which has evoked as much controversy as did his previous comments on the organizers of the anti-war protests.

Being an employe of a corporation which owns and operates both newspapers and radio and television stations, and being the editor of both a newspaper and a television station, I spent a considerable amount of time reading the text of the Vice-President's address and a significant volume of subsequent discussion of his remarks.

Let's analyze the principle points he put forth.

Mr. Agnew's criticism was confined to the television networks and the small group of people who in the end are responsible for presenting network news and commentary. And the question he raised was whether the personal biases and opinions of these few people influence their choice of news to present and how it is presented.

He pointed out the marked difference in the way national news and opinion is presented in the newspaper of the nation and on the television networks.

There are some 1750 daily newspapers in the United States. The great majority are independently owned and operated and therefore present independent editorial voices. It is true they receive most of their national news from one or both of two news services, The Associated Press, and United Press International, but their reports are confined strictly to news. The editorial opinion and comment published in these newspapers is that of the editor and his staff, or of syndicated columnists whose services the newspaper purchases.

And again the Vice-President made an important distinction. "In tomorrow's edition of the *Des Moines Register*," he said, "you will be able to read a news story detailing what I said tonight; editorial comments will be reserved for the editorial page, where they belong. Should not the same wall of separation exist between news and comment on the nation's networks?"

The fact of television is that both news and comment is supplied the nation's TV outlets by the three networks, and that each network has terrific impact on the public. It is estimated that 40 million Americans watch network news each night. As Mr. Agnew said: "Where the *New York Times* reaches 800,000 people, NBC reaches 20 times that number with its evening news."

The Vice-President also referred to "the tremendous impact of seeing television film and hearing commentary compared with reading the printed page." This may be an area, however, where the Vice-President is on uncertain ground. He admitted that "our knowledge of the impact of network news on the national mind is far from complete."

When I write an editorial for newspaper or television, I certainly harbor no design of persuading my total audience to think as I do. My thoughts are offered with the purpose of stirring the thought processes of the reader or viewer to arrive at his own conclusion. Hopefully if I have the facts on my side and can marshal them properly in a logical thought process, many readers or viewers will agree with me. This is the challenge which is constantly before the editorial writer.

But there may be a difference in how television versus newspaper comment or opinion awards program (on Nov. 11) presented its may in some cases be merely a passive act, where the information presented seeps in by osmosis, whereas reading has to be an active function of the senses, and therefore critical faculties are brought into play.

The Vice-President was very careful to point out that "I am not asking for government censorship or any other kind of censorship." But he did refer to the networks "enjoying a monopoly sanctioned and licensed by government." And this evoked a stereotyped response from the networks. They declared Mr. Agnew was trying to intimidate them by holding the threat of government licensing standards over their heads.

I have maintained for some time that many executives in the broadcast industry are obsessed with concern over protecting their licenses and in the process become patsies for the F.C.C. They set up the bogeyman of government licensing in somewhat the same fashion that we in the newspaper business are wont to see in any criticism an attack on "freedom of the press."

And in doing so we both forget our grave responsibilities to our reading or viewing public.

In the end Mr. Agnew merely called the attention of the television networks to those responsibilities.

AGNEW, TV'S SAVIOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MICHEL. Mr. Speaker, I do not suppose it has occurred to our friends in the television industry but an editorial appearing in today's issue of the Peoria Journal Star raises the intriguing point that the recent series of speeches by Vice President AGNEW may have actually assured the freedom of television from Government controls over programming. In any event, I recommend the editorial to all interested parties and place it in the RECORD at this point:

[From the Peoria Journal Star, Dec. 1, 1969]

AGNEW, TV'S SAVIOR

One of the most infuriating things for the "liberal establishment" in the Agnew speech, undoubtedly, was the way it caught them in mid-stride and obliged them to reverse their field overnight.

In so doing, he may well have actually saved the freedom of television from government controls over programs.

There has been a determined campaign for control going on for no less than five years, and it had just made its first "breakthrough" at getting a station license revoked. It was looking ahead to big things.

Then, thanks to the peculiar faddish responses of the liberal breed, Agnew's remarks shot down the whole campaign.

How?

Well, take the High Priest of the movement, FCC Commissioner Nicholas Johnson, for example. Only this August he flatly charged TV with failing to give all points of view a "fair airing," described their arbitrary power over election campaigns, and actually said the real question is whether the President and Congress are already too late and too powerless to deal with the greater power of the "broadcasters."

This was but the latest attack in a long-

term campaign by that commissioner which apparently lapped over, inadvertently, into the new Nixon administration!

Then, Agnew spoke up, also critical, although not nearly as rough as Johnson and without the thrust for actual controls. What did Nicholas Johnson then have to do, instantly, to preserve his "liberal" membership?

Why, of course, he promptly condemned Agnew in sheer horror, and found himself defending the same "broadcast freedom" he had so long been attacking.

Almost simultaneously with Agnew's speech, Columbia University's survey and awards program (on Nov. 11) presented its Broadcast Journalism Award to Dr. Everett Parker of the United Church of Christ. For defending the independence and freedom of broadcasts from government interference? No, friends. For getting a station license revoked and put out of business by Uncle Sam's FCC because of Dr. Parker charges of "discriminatory" programming!

In that case, it was a virtue and not a crime, and the harshest possible use of government controls was praised. Indeed, at first, it was regarded as a great breakthrough in the liberal effort to have government enforce their ideas of program control. The climax of a five year campaign!

And nobody shouted, "freedom is in danger!"

Then Agnew's speech caught them in mid act.

Did you know there was a "National Citizen's Committee for Broadcasting" created for the express purpose of such intervention to become "a national force which ultimately can alter . . . what people are fed by broadcasters?" Who is this? The members are folks like composer Leonard Bernstein, actor Bill Cosby, director Mike Nichols, novelist Saul Bellows—"liberal" "reformers!"

Ah! Remember the great liberal "cause" of the Smothers Brothers? Freedom for the insertion of liberal propaganda in all forms of programming, begorra! And who did they run to? The FCC and to Congress. To Big Brother, for coercive action!

While all this was going on, apparently, the networks did not dare run out their big guns and fire full battery at Nicholas Johnson, FCC commissioner, or at the Bernstein-Cosby-Nichols "in group." Accuse them of "intimidation?" Too scary!

Then, along came good old "Spiro Nobody," who was fair game, and gave them an open field to defend their "freedom" from all comers—and out zoomed Dr. Frank Santon, Leonard Goldenson, Walter Cronkite, Chet Huntley, and every gun in the armory! Howling "intimidation!"

Opportunity finally knocked, and they were more than ready.

Imagine what happened then to the group of self-styled liberals who had been campaigning for years to get their hot hands on TV program controls! Imagine how they must feel! Imagine how the rug was yanked from under them with Spiro Agnew's speech!

They are falling over themselves for the most part in the scramble to back up and run the other way in defense of "freedom" and "no controls"—and to attack even "criticism" as abridging the "freedom" of the networks!

What a reversal! It's bigger than Michigan over Ohio State.

And it points up two things. One is that the modern liberal's principles are no longer applied across-the-board—they apply only on the basis of "whose ox is being gored."

The other is that Spiro Agnew may well have become the savior of broadcasting freedom by his "image" overnight changing the "great liberal reform tide" into a nasty right wing "thing" in the eyes of the liberal establishment."

He has already saved the media from gov-

ernment controls. It remains to be seen if he has influenced them also to save themselves from themselves.

THE ASH COUNCIL AND EXECUTIVE MANAGEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HAMILTON. Mr. Speaker, since its appointment in April the Ash Council—President's Advisory Council on Executive Organization—has given highest priority to restructuring the Executive Office of the President.

The Council's sense of priority is commendable for as Roscoe and Geoffrey Drummond point out in their recent column, "Massive Reorganization of Government Needed," the President does not know—and cannot get—information on whether Government programs are working well or badly.

A prime responsibility of the Executive Office of the President should be to provide the President alternative management plans to carry out the President's legislative program as enacted by the Congress.

Hopefully, the Ash Council will submit its recommendations in the near future to the President on restructuring the Executive Office of the President. Hopefully, as well, those recommendations will include seeking legislative approval for establishing an Office of Executive Management in the Executive Office of the President as proposed by Senator BAYH (S. 1952) and myself (H.R. 14679).

The establishment of an Office of Executive Management will provide the President timely management information on a continuing basis to solve at least some of the problems discussed by Roscoe and Geoffrey Drummond in their following article:

MASSIVE REORGANIZATION OF GOVERNMENT NEEDED

(By Roscoe and Geoffrey Drummond)

Can Richard Nixon be President of the United States?

He can occupy the office, but can he—or anybody else—effectively run the vast, creaking, cumbersome, overgrown monster called the federal government?

And by running it we mean make it responsive to his leadership.

The answer the President is getting from his own experts is no, not now, not the way things are.

The fact is that no President can get his hands on the levers of the federal bureaucracy because when he grabs one lever labeled "Do It Now" he finds it is attached to a dozen other levers which are attached to nothing.

After JFK had been in the White House a while he remarked in exasperation: "Sure, I can give orders but nothing seems to happen."

Mr. Nixon knows how he felt. He can raise his voice, but it becomes a mere whisper when it gets beyond the walls of this Ovals Office and into the corridors of the bureaucracy.

We have some good news: Virtually every high official in the Executive Branch, including those in the cabinet, agrees that it is an

administrative mess and that something must be done.

We have some bad news: Virtually every high official of the administration, including those in the cabinet, claims that the mess exists everywhere in the government except in his own department and that if he were given more money and a few more programs from other agencies everything would be fine.

It would not—and that is what the President's Advisory Council on Executive Reorganization is telling him. This council is headed by Roy Ash, president of Litton Industries, and includes other high-caliber men widely experienced in both management and government.

They are telling Mr. Nixon that radical, wide-ranging reorganization is imperative.

They are telling him more—that if reorganization is to work it will have to begin at home, at the top, in the White House itself.

And it isn't certain that the President is entirely immune to that human nearsightedness which afflicts most of his subordinates and causes each to feel that every other arm of the government needs reorganization but his own.

The Ash Council put its own priority on what it should do first. It is dealing with the operation of the government's massive and overlapping social programs, with law enforcement and with the independent agencies. But its highest priority is restructuring Mr. Nixon's own operation, and this rests on the conviction that if the President can improve the process of his own decision-making and decision-executing the rest of the government machine can be made responsive.

Here is what's wrong:

The President has no adequate information—and can't get it—on whether the government's costly, far-flung programs are working well or badly or at all. The departments don't even know. Example: Nobody in the Administration could tell the Ash Council how much federal money was being spent for what purposes in just one area of one city.

Without adequate information, the President can't evaluate anything that is being spent for what purpose.

The President must get much better control of the government if he is to do the job he was elected to do.

The recent White House staff reorganization—all in the right direction—is the merest beginning, two yards along the 20 miles of needed reform.

THE GENERATION GAP

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. WOLFF. Mr. Speaker, I am always pleased to have the opportunity to bring to the attention of my colleagues the efforts of dynamic community members who feel that the term "generation gap" is only an excuse for not confronting the many issues that the bright and active younger generation has brought to the foreground.

Recently, I was informed of a highly respected young priest, Rev. Phillip Eichner, S.M., a Marianist who heads Chaminade High School in Mineola, N.Y., which I am proud to say is part of the Third Congressional District which I represent in Congress. In his job Reverend Eichner has shown himself to be

quite sensitive to both the younger and older generations, offering both groups considerable intellectual and compassionate food for thought.

Not too long ago, Reverend Eichner forwarded a letter to all the parents of his students, concerning the general problems of the day. Since it reflects concern which many Americans feel for both sides of the age line, Mr. Speaker, I would like to take this opportunity to extend my remarks to include his letter to the Chaminade parents in the Record:

CHAMINADE HIGH SCHOOL,
Mineola, N.Y., November 8, 1969.

MY DEAR PARENTS: A climate of profound unrest has settled over many of our social institutions in America, and over the people themselves. The issues are tormented not only by their real depth and amazing complexity, but also by an impatience and emotional pressure for their resolution. The school, Chaminade or any other school, finds itself in the midst of this turbulent and fast flowing river of social criticism, being pushed either to become a victim of the intensity or a procreator of it. What, then, should be the role of the school, any school, in times such as these, and more specifically what should be the role of Chaminade in the face of social dynamics in America 1969?

I would like to give an explanation of the position of Chaminade High School, not on the practical decisions that this country has to make in order to live with its own conscience, but its position as a Catholic school and its role as a school in the face of organized social protest. I speak specifically of the question of the *moratoria* of past, present and future in regard to the question of Vietnam, and war, and peace. I do not speak for the student body nor for every member of the faculty, but I do speak as chief administrator for the school. To be more specific: what I want to present is not my judgments on the political and moral decisions of our government in respect to Vietnam, nor the judgments of anyone on these practical judgments; what I want to present and explain is the role of a school, or this school, Chaminade, if you will, when because of social and political events, it finds itself caught up in the dynamics of intense emotional thrusts. Certainly, I as everyone else at Chaminade, both students and faculty members, have personal judgments regarding the issues that beset America. The question is: to what extent can one let a school become the vehicle or weapon for the expression of social criticism and dissent.

The present day question brings us fundamentally to ask ourselves what is the role of the school in society at large. It would be absurd and totalitarian for us, and I speak as one whose daily life is absorbed with the task of Christian education, to imagine that the school is the hub of all society and social change, or that the school, whether it be University campus or a one-room grade school in the Great Plains, should be the center of social reform. The task of any school to society is to be that vehicle, not primarily of action, but of understanding; not the locus of emotional commitment, but of conscious awareness. This is not to say that the school as such does not participate in social reform; it does do so in its own way. The school is not an action committee, nor a lobby, nor the ombudsman. Its task is to help clarify the nature of the true and the good, to understand the nature of society, to judge on the level of value. Its contribution to the concrete order, as opposed to the transcendental order, is to make men prepared to choose the concrete good, men capable of great discernment, and not just mere prejudice.

The school prepares men for moral action and decision; it does not become the moral reformer itself. The school prepares men to make decision of political prudence which support the vision of things which they have received or which they see themselves; it does not set up a political office itself. The school exposes, clarifies, illustrates social evils in mankind; it even exposes its members to things they want to hide from; it will even attempt to give them symbolic or educational experiences in these areas; but it never takes upon itself the present task, here and now, of changing this particular law by channeling the tremendous personal resources of the young or of the faculty into a concrete act of violence or of protest or of lobbying. To do so would be to abuse the nature of the Christian school, and the freedom of action that is the privilege of parent and student alike. While the school may and often must be critical of social life, its criticism must remain objective, allowing the freedom of action to each individual. While the school may and must criticize alcoholic or drug addiction and convince its constituents of the destructive effects on the human personality, it would be out of place for the school to sponsor a bill for Prohibition. The school is not a welfare agency, although its ultimate goal is the welfare of all men; the school is not a political party, although just politics is an ultimate goal of the school. The school is the arena of dialogue, investigation, conscious pursuit of knowledge and judgment, and its forays into the area of concerted action must be very rare and carefully weighed. It would not be right for the school to usurp the rightful place of other agencies of society, just as it is unwise, in our system of government, for an executive to usurp the judicial function, or a judge to usurp the legislative function. And this is especially true in an epoch of high emotional tension: there must still be some areas of societal life where the issue can be discussed and looked at, even from an academic point of view, without an accompanying call to man the barricades.

Young people are idealistic, in this age as in every age. Their fervor touches more than the superficial aspects of society. It often comes to grips with the failures and sores of our human condition. Being young and inexperienced, anguished over the human mess of things, and buoyed up with the seemingly immediate hope of a better world, they can be easily led to give themselves to noble, yet, univocal causes with great emotional commitment. It would be playing very unfairly upon this undigested idealism for a school or for a teacher to direct it along very narrow lines of concrete action. I say unfair because the young person as yet has had little experience to judge as to the complexity of things, little time as yet to see the sweep of historical changes and how they come about, and little suffering to tell him that evil is not swept away with a slogan. We all know that youth can be used to foster the causes of any group, good or bad, political or non-political, moral or immoral, just as all of us can. Our saving grace from giving ourselves to things which are inadequate is the hope that men can see, and that seeing, they can act from a vision of prudence and justice.

For an adult to polarize the idealism and selflessness of the young people in partisan lines or along univocal paths to do violence to the very process of growing up that is the inherent right of a young person. We have seen in history the prostitution of the young in the name of a cause, such as the Children's Crusade or in the *Deutsche Jugend*. The school, while encouraging commitment and conscious decision, must be careful not to create such a climate that the freedom to intelligently question and discuss is al-

ready negated by the presence of an emotional charge. The school is an area of discussion not an action committee.

The particular question at hand is an organized demonstration for a particular course of action in regard to the United States' military presence and action in Vietnam. What should be the role of the school here? Surely, as a school, it is in favor of peace, justice, charity, concord among nations, mutual support, individual difference, conscience, and all the other values which a Christian humanism would promote. Further, the school as school would help investigate these values in their concrete expressions in social institutions, modern politics, and current mores. It even encourages judgments to be made in these areas, but it does not organize these judgments into practical action. The school is not the place for public demonstration, picketing, or petitions, on the part of the administration. Such action closes the question for most people, while the role of the school is to keep the question open in the hope that what is most prudent, what is just, what is true, will come to the fore. Meanwhile, the convinced man has the wide world to organize in view of his plan of committed action. He should not turn the school into an action committee to battle society, but rather to go out into the society itself and do battle with the forces of injustice and corruption there.

The question of Vietnam is a tormenting one, not only to the young but also to the older as well. It is a highly complex one, being in the midst of two concrete situations. Vietnam is a dilemma, and dilemmas do not lend themselves to doctrinaire solutions as many other problems. The very intensity of the question and the already evident polarity of emotion should be enough to convince the most optimistic (or the most doctrinaire) that the question has two sides and that we are involved in dilemma of practical prudence. Increasing the emotion either way does not necessarily create a better climate for extricating ourselves from the horns of the dilemma.

The question of the school's role would be different if it were evident to common sense and general moral awareness that a vast totalitarian plot were afoot which was already engaging in the plainly unjust oppression of men. In that case, the school would have to resist it. And it is a fact in history that often the school has not been able to resist because the school itself was one of the first footholds for the totalitarian movement itself! The administration of Chaminade, then, has made a primary judgment in the practical order, but it refuses to make the secondary judgment in the practical order. It judges the present issue to be a highly complex one, a dilemma of practical political and moral prudence, with arguments on both sides; it does not consider it to be a case of black or white, a shut case, in which a truly moral Christian position is so clearly evident that you have to be blind or perverse not to see it. The secondary judgment,—which of the horns of the dilemma to choose,—is not ours to make as a school. Because of the complexity and the possible justice on both sides, we cannot, in conscience, sanction any movement, in the name of the school, which would compromise the freedom a student has as a member of society to come to terms with a practical moral solution to the dilemma of Vietnam. We all have our own decisions, I, you, the parents, our students, and our teachers, on how the dilemma is to be resolved. But it would be unfair for us, the school to whom you have confided your son, to determine either way the minds of these same young men in this particular area of the Vietnam dilemma.

Hence, the policy of the administration at Chaminade in regard to these specific mora-

torium days is to observe a neutrality in our halls, not a neutrality toward peace, justice, brotherhood, and charity, but a neutrality in regard to saying that immediate withdrawal is the only moral solution, or a neutrality in saying that ultimate military conquest is the only moral solution. As parents you have the right and privilege to orientate your son in either direction and to allow him to engage in organized activity for either position. This letter is just to convey to you that we, Chaminade High School, in as far as we are a social structure, will not create any atmosphere in an attempt to incline your son either way.

We do hope to create an atmosphere where the issue itself can be discussed, where the factors of both positions can be argued out, and where the ultimate questions of good and evil, truth and justice can be personally seen. Thus we will not have a moratorium rally, nor a free day, but rather regular classes. We feel that this is the only position to take which is fair to you and to your son.

Such a theme as this opens itself to tomes of analysis. I hope I have expressed some idea briefly of why we do what we do. If you were to have any question on it or would like to discuss it at any time, please contact me.

May the crisis of today find a creative fulfillment in the world of tomorrow! And to borrow a familiar phrase from Chaminade-Parent correspondence:

Peace!

Sincerely yours in Christ,
Rev. PHILIP K. EICHNER, S.M.,
President, Chaminade High School.

ELECTRICITY ON THE MOON—A DEVELOPMENT OF 150-YEAR-OLD THEORY TO THE SPACE AGE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. KARTH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

ELECTRICITY ON THE MOON—A DEVELOPMENT OF 150-YEAR-OLD THEORY TO THE SPACE AGE

The radioisotope-fueled thermoelectric generator (RTG) which will be placed on the moon by Lt. Cmdr. Alan Bean, Apollo 12 lunar module pilot, is a direct descendent of one which has been circling the earth for eight years, keeping an early satellite—the Transit IV-A—functioning since it was placed into orbit. The moon generator will power scientific experiments and radio transmission equipment placed on the lunar surface by the astronauts. It is scheduled to be deployed at about 3:30 a.m. (EST) Nov. 19.

The space program generators, which convert heat from the decay of the nuclear fuel directly into electricity, are an outgrowth of pioneering work by 3M Company of St. Paul, Minnesota, in the development of devices which generate electricity not only from atomic energy, but from other fuels such as propane, gasoline and kerosene.

Fossil-fueled thermoelectric generators have brought electrical power to ocean coastlines, mountain peaks, arctic wastes, and wind-blown deserts to power microwave and radio transmitters, scientific data metering, navigational buoys and anti-corrosion devices for natural gas lines. The generators, which have no moving parts, are designed to provide reliable power for installations in

areas where it is impossible or impractical to utilize electrical energy from power lines.

The company has participated in a number of Atomic Energy Commission programs to develop nuclear powered generators for peace-time uses. The atomic powered generators have been dubbed "SNAP", Systems for Nuclear Auxiliary Power.

The first space thermoelectric generator developed by 3M was SNAP III-A, a grapefruit-sized unit which was introduced to the world by President Eisenhower in January of 1959 and hailed by scientists as a "significant breakthrough" in the search for a method to combine the still-infant atomic technology with the 150-year old thermoelectric principle.

The SNAP III-A generator weighed only five pounds and produced 2.5 watts of power. This generator later was installed in the Transit IV-A satellite, and is still powering radio equipment which transmits information intermittently.

The moon generator—SNAP 27—produces 63 watts to power the lunar scientific and radio equipment. It was designed to operate under anticipated lunar temperature extremes of plus 170 degrees to minus 280 degrees Fahrenheit for at least a year. SNAP 27 is 18 inches high, nearly 16 inches in diameter and weighs 28 pounds without the fuel capsule.

The isotopic fuel capsule will be carried in a special container on the outside of the descent stage of the lunar module. The astronaut will use a special tool to carry the fuel capsule from the module and to insert it into the generator, which will begin producing power within minutes.

The generator has undergone more than two years of reliability testing by the General Electric Company, which designed the system for the AEC.

Other SNAP programs in which 3M Company has participated are the terrestrial (SNAP 23) and oceanographic (SNAP 21) nuclear-powered generator project. Three SNAP 21 generators were placed at various depths in the Pacific Ocean off Long Beach, Calif., this summer for long-term operational testing. Eventually, these generators may power navigational aids, seismological stations and ocean research equipment. SNAP 23 is still in the developmental stage. It is to be used in remote areas on the earth's surface.

Today's space age thermoelectric generators can be traced directly back to development work more than 30 years ago which produced the first commercial applications for thermoelectricity—and which literally revolutionized the gas industry.

In the 1930s the gas industry was faced with extremely serious problems because of the lack of a reliable, fail-safe shut-off which would automatically stop the flow of gas into a gas furnace, hot water heater, range or other automatic gas appliance if the pilot light went out. Unless this problem could be solved, the gas industry faced a dark future.

A major research program was undertaken—leading ultimately to the development of a safety control employing a tiny thermocouple which holds the valve open as long as the pilot light is burning, but automatically shuts off the flow of gas when the pilot light is extinguished. The importance of this development to the gas industry is indicated by the fact that even today every automatic gas appliance sold in the United States must have this feature—and thermoelectric materials are still the heart of the safety shut-off control.

This research later led to thermoelectrically powered systems for controlling gas furnace valves—under remote thermostatic control— independent of outside power sources. This permits gas furnaces to continue to function normally even when household current is interrupted.

These developments—while quite unknown to the general public—were of vital importance both to the gas industry and to every person owning or using an automatic gas appliance.

Many of the men involved in this pioneering research and development work in the gas industry later became members of 3M's thermoelectric research and development team.

One of today's biggest potential uses of thermoelectric generators is to power telephone, radio and television communications. They already are in use in microwave repeater stations throughout remote sections of the world. The islands of the Hawaiian chain have been linked by telephone through thermoelectric-powered relay stations.

Another major use of the generators is to protect gas lines from the corrosive action of some soils . . . and thus prevent pollution and possible explosions. The corrosive action of the soil is overcome when an electric current is passed through the soil in which the pipe is buried.

The principle of thermoelectric generation is nearly 150 years old. It was in 1822 that a German physicist named Thomas Seebeck discovered that when the junction of two dissimilar metals was heated, an electric current would flow if the cold ends were connected to complete the circuit. It was not until the late 1940s, however, with the advent of the semi-conductor technology, that the use of thermoelectricity as a practical means of power generation—outside the gas industry—was foreseen.

THE AIR OVER CHICAGO

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MIKVA. Mr. Speaker, while the air in our cities gets dirtier and dirtier, the worst offenders seem to be content with this deteriorating situation.

Fortunately, some people are not sitting by idly, waiting for the utopia of clean air to be blown in by miraculous winds. One of Chicago's outstanding radio stations, WBBM Newsradio 78, has launched an editorial assault on air pollution.

WBBM is presenting a 10-part series about major polluters of the air over Chicago and the waters of the area. It is significant that the series addresses the heart of the pollution problem: those who persist in defiling the environment. I commend WBBM for their bold and constructive efforts to improve the quality of the environment in Metropolitan Chicago.

Air pollution has become a critical problem to millions of Americans because it concerns so many citizens and because of my colleagues interest in the problem, I am inserting at this point in the RECORD two of the 10 editorials in the series.

The editorials follow:

The pall of dirt and fumes that hung above this area last week underscored the gravity of the air pollution problem in Metropolitan Chicago. It was a grim reminder that the war against pollution is not being won.

With that in mind, WBBM initiates this week a 10-part series about the major air and water polluters in the Chicago area.

Attorney General William Scott has identified for us the major corporations, industrial groups and public agencies that are, in his opinion, most responsible for the pollution of our environment. We have talked with Attorney General Scott and air pollution experts about these ten polluters, and then we talked with those accused to get their side of the story. The resulting broadcasts are informative and perceptive about a problem that plagues everyone in this area. The shows run Monday through Friday for the next two weeks, and there will be a one-hour summary at 9:00 p.m. Sunday, November 30.

In some respects, these reports are demoralizing. Some of the polluters have a very callous attitude toward the public welfare. On the other hand, some corporations and agencies are making imaginative and sincere efforts to diminish pollution. We are also encouraged by the aggressive efforts of the attorney general to halt pollution.

We hope you will listen and respond to this series, particularly if you feel the nation's second largest city should not have to bear a shroud of dangerous and unpleasant pollution because of corporate and public negligence.

AIR POLLUTER

Commonwealth Edison company has asked the Illinois Commerce Commission for a rate increase. It wants an increase of six-point-one percent. Illinois Attorney General Scott is contesting the rate increase. He says the company is a major air polluter in the Chicago area.

Anyone who has visited the city's southwest side—near the Stevenson expressway—can verify this. In our opinion, Commonwealth Edison is adding to the air pollution in this region. We think the state should take every step possible to make pollution uneconomical for the polluters. It is a wise action to develop the philosophy that public utilities have a major obligation to serve the public interest and this includes compliance with air pollution laws.

Commonwealth Edison has sent overpowering fumes into the air from its southwest side plants. It is a danger to the health of all residents in that area.

If Commonwealth Edison seeks the benefit of a rate increase, it should go before the commerce commission and the courts with "clean hands." The firm has, in our opinion, failed to take adequate steps to clean up its air pollution. Until it does take the necessary steps, we oppose the rate increase sought by Commonwealth Edison.

BIG TRUCK BILL

HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 2, 1969

Mr. SCHWENDEL. Mr. Speaker, my editorial for today is from the Yankton, S. Dak., Press and Dakotan, in the State of South Dakota. The editorial follows:

HOW SAFE WILL BIG TRUCKS BE?

The trucking industry is back before Congress this year with a bill to permit the operation of heavier and bigger trucks on the nation's interstate highway system. Congress, as it did with a similar measure last year, should reject the proposed changes.

Foremost among the opponents of the legislation is the American Automobile Association, whose executives testified recently be-

fore the House Public Works Committee. The AAA's opposition is based on two points. The first is that bigger trucks will constitute a hazard on the highways because their bulk diminishes the visibility of other drivers and their length makes passing more risky.

The second point the AAA stresses is that

the increased weight of tractor-trailers and tractor-two trailers will punish pavements and bridges and increase not only the costs of upkeep but also the construction of new roads built to withstand the heavier loads.

Highway costs warrant concern, but the argument Congress should find most persua-

sive is the likelihood of greater danger on the nation's already unsafe roads. A 70-foot truck, more than eight feet wide and weighing as much as 15 tons, is an intimidating object. To allow such snorting behemoths on the public roads is not in the public interest.

SENATE—Wednesday, December 3, 1969

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou, who didst make all ages a preparation for Thy kingdom, in this season of high expectation prepare us for the advent of Him by whom all are to be judged. Give us strength and wisdom for our appointed tasks that we fail not. Forgive us even when we are unforgiving. Be patient with us even though we may be impatient with one another. Wilt Thou never leave us nor forsake us however far we wander, but follow us unto the journey's end. Then when the shadows lengthen, and the fever of life is over, and the busy world is hushed, grant that we may arrive with Thee in fullness of life to hear it said, "Well done, good and faithful servant."

In the name of the Lord of life. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, December 2, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. And that morning business, under the agreement, terminate not later than 10:30 a.m.

The PRESIDENT pro tempore. That already has been established by unanimous consent.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

Mr. GRIFFIN. Mr. President, by request of another Senator, in light of the business before the Senate today and the importance of it, I am constrained to object.

The PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, I understand the position in which the acting Republican leader finds himself in this matter. I have been in that position many times, also. But just as he is duty bound to record the objections of another Senator, I am duty bound to make some unanimous-consent requests, which I will do at this time, but in toto.

I ask unanimous consent that the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, the Subcommittee on Constitutional Rights of the same committee, and the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, reluctantly, but at the request of another Senator, who feels very strongly about the business before the Senate and that Senators ought to be in the Chamber, I must object.

The PRESIDENT pro tempore. Objection is heard.

Is there routine morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF ROSE MCKEE

Mr. MANSFIELD. Mr. President, I just happened to look at the news ticker and was shocked and saddened to read that an old friend, Rose McKee, who first came to Washington in 1944 as a correspondent for the old International Press Service, has passed away. Rose McKee was one of the finest persons I have ever known, and I remember her well with fondness and respect from my service in the House.

I recall that when the old International News Service went out of existence and merged with the UPI, Rose McKee joined the Government. Before that, however, she was assigned to cover the Capitol. In performing her tasks, she spent a great deal of time on the House side. And it was only with the demise of the International News Service that she became attached to the Small Business Administration and later to the Economic Development Administration. In 1964, President Johnson made her one of the first 50 women he appointed to

substantial Federal jobs. At that time he named her Director of Public Information for the Small Business Administration. Later she switched to the Economic Development Administration.

She was a fine woman and a good friend. We will miss her. At this time I wish to express to her three surviving sisters the deep regret and sadness of Mrs. Mansfield and myself on the passing of this fine woman.

The PRESIDENT pro tempore. I hope the Senator from Montana will permit the Chair to associate himself with all that he has said. It was my privilege to know Miss Rose McKee, a longtime correspondent on the Hill. I met her when she came here. No one had a finer concept of the ethics of that profession than Rose McKee.

Mr. MANSFIELD. I agree wholeheartedly.

TAHOE REGIONAL PLANNING COMPACT

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 118.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 118) to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes, which was, on page 23, strike out lines 15 and 16, and insert:

SEC. 6. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by or concerning the Tahoe Regional Planning Agency as is deemed appropriate by the Congress or such committee.

SEC. 7. The right to alter, amend or repeal this Act is expressly reserved.

Mr. BIBLE. Mr. President, the House amendment is a standard amendment which they have been insisting on placing in the compact. The amendment simply would require that the compact commission makes its books and reports available upon request of any of the Senate committees or House committees involved. It seems to me that this is a valid amendment and that it causes no undue hardship on the compact commission members.

Accordingly, I move that the Senate concur in the amendment of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.