

EXTENSIONS OF REMARKS

THE QUEST FOR LIBERTY—CONGRESSMAN WILLIAM J. GREEN SALUTES UKRAINIANS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. MOORHEAD. Mr. Speaker, in this 51st anniversary year of Ukrainian freedom, regrettably she is not free. But freedom that counts is in the hearts and minds of the people, and the Ukrainians have never lost their fighting spirit and brave determination to be free.

My distinguished colleague from Pennsylvania, WILLIAM J. GREEN, of Philadelphia, delivered a very stirring address honoring these courageous people before a Ukrainian Independence Day celebration recently at Benjamin Franklin High School in Philadelphia.

Under unanimous consent I include the very eloquent remarks on the subject of freedom given by my friend and fellow Pennsylvanian at this point in the RECORD:

REMARKS OF CONGRESSMAN WILLIAM J. GREEN, UKRAINIAN INDEPENDENCE DAY CELEBRATION, BENJAMIN FRANKLIN HIGH SCHOOL, PHILADELPHIA, JANUARY 26, 1969

Let me say at the outset that I was pleased and honored by your invitation to speak here this evening. I accepted that invitation immediately. I did so because you were holding—as John Kennedy once said—a "Celebration of Freedom."

And wherever Freedom is honored or the struggle for Freedom goes on . . . that is where I want to be.

I need not review for you the long history of struggle, sacrifice and heroism of the Ukrainian people.

You know that history better than I. You yourselves—and the generations that came before you—have been part of that struggle.

And I salute you for it.

Your story—and that of the Ukrainian Nation—will go down in history as one of man's great struggles against tyranny and oppression.

I have come here tonight because I want to help you remind America and the world that tyranny is not dead.

It lives on—in Europe, Asia and other parts of the world.

It raises its head at the Berlin Wall.

It stalks the streets of Prague.

And it dominates the great City of Kiev in the heart of the Ukraine.

I want to join you tonight in reminding America that there are still parts of the world that desperately want to be free . . . people who hunger for the freedom to speak their minds . . . worship as they please and work as their talent and inclination dictates.

And there is no struggle in this world which symbolizes that desire more strongly than the struggle of the Ukrainian Nation.

The Ukraine is the oldest victim of Communist domination.

Fifty-one years ago, the Ukraine proclaimed its independence.

But forty-nine years ago, it was overwhelmed by Russian force.

For nearly half a Century, the people of the Ukraine have known what it is to live under Communist domination.

They can tell the World a story that many have never known and many more would prefer to forget.

They can tell what it means to have lived with Stalin on one side and Hitler on the other.

They can tell of the heroism of the Ukrainian insurgent Army during World War Two and how it fought both the Nazis and the Russian Secret Police.

They can tell of the bloody Post-War persecutions and reprisals which swept the Ukraine but never broke its spirit.

They can tell of the systematic deportation of Ukrainians to Central Russia, the terror and assassinations of Ukrainian Leaders—even those who have led the cause of Ukrainian freedom in other Nations.

And finally, they can tell of the religious persecution and exploitation which Russia has delivered upon their Nation.

Other Nations have had their story told in brief headlines. . . .

The uprisings in Poland. . . .

The bloodshed on the streets of Budapest. . . .

The Russian tanks in the City of Prague. . . .

And the quick death for trying to escape over the Berlin Wall.

But the Ukrainian experience has, indeed, been the "Long, Twilight struggle" of man's desire to be free and his refusal to accept tyranny under any name.

And so, I come here to tell you not to let this Country forget . . . not to let the Free World forget that tonight, on the other side of the World . . . there are brave and decent people who want to be free.

And I have also come here to tell you that I, as a Representative of the people to their Government in Washington . . . shall not let our Government forget that the struggle for freedom—here in America and throughout the World—is the moral responsibility of this Nation and its free men.

Let us all—tonight—re-dedicate ourselves to the cause of freedom for all men. And let us honor the brave and courageous people of the Ukraine who stand tonight as the living symbol of that struggle for Freedom. Thank you.

COAL MINE HEALTH AND SAFETY

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. HECHLER of West Virginia. Mr. Speaker, I believe that all Members who will be debating and voting on coal mine health and safety legislation will be interested in the series of articles which appeared in the February 2, 1969, Charleston, W. Va., Gazette:

BLEAK PROSPECTS FOR CHANGE

(By George Lawless)

Less than three weeks after the Consol No. 9 explosion at Mannington snuffed out 78 lives, Secretary of Interior Stewart Udall convened a conference in Washington to discuss the problem of how to make coal mining safer.

Because the public interest in disaster dwindles swiftly, the testimony of mine safety and public health officials at the conference received scant attention by the news media.

The public was being titillated by such monumental events as the then President-elect Nixon's cabinet choices—including Alaska Gov. Walter Hickel as future chief of Interior. On Hickel will rest the burden of pushing through Congress any meaningful

new coal mine safety legislation in the new Congress.

Sec. Udall, perhaps looking back at Mannington, trotted out a beefed-up version of the belated Federal Coal Mine Safety and Health Act of 1968, which was introduced in the House by the lame-duck Administration last Sept. 11.

The new bill, according to New York Times reporter Ben Franklin, filled some "gaps" created by the 1952 Federal Coal Mine Safety Act originally introduced in the dying days of the Truman Administration by Rep. Ken Hechler, D. W. Va.

Basically, the gaps to be filled involved: Dropping the distinction between gassy and non-gassy mines and adoption of a uniform methane gas standard (methane explosion caused the Mannington disaster); relatively strong civil penalties for both mine operators and employees were introduced; federal mine safety jurisdiction was enlarged to include both strip and augur mines; and, finally, coal mine respiratory health standards were developed.

The latter standards were included largely as a result of the prodding in Congressional testimony last spring by public advocate Ralph Nader, and Drs. I. E. Buff of Charleston and Hawley Welles of Morgantown.

Some of the most damning testimony at Udall's December conference came from Jerome B. Gordon, an associate of Nader and author-expert on worker safety problems.

"The Farmington . . . disaster has caught everyone responsible for mine safety unawares and has exposed the sham that passes for public interest in industrial safety prevention and control in the United States," Gordon charged.

"We have had three notable mine disasters this year (1968)—two of them in West Virginia and one in Louisiana. In two of the three cases—Farmington and Belle Isle, La.—the mines were inspected by Federal Bureau of Mines safety officials. In both cases, extensive violations were found, mine operator officials apprised of them, but nothing was done to insure compliance by the U.S. Department of Interior—the responsible agency for federal mine safety regulation.

"What we have here are sufficient grounds for the filing of charges of criminal negligence by the surviving families of the mine fatalities against the mine operators, mine union leadership and an executive agency notorious for its subservient behavior in the face of substantive industry opposition to federal involvement in safety matters—the Department of Interior."

Gordon said the behavior of the United Mine Workers union leaves much to be desired from the viewpoint of their constituents—the soft coal miners and their families.

"Their (UMW) long history of tacit condonement of a non-support policy for mine safety and health matters put them very much in league with the companies and the federal government," Gordon declared.

He suggested that union and government officials could insist on some safety measures which would be of relatively little expense to the coal industry.

One is dispersement of "life support suits" for trapped miners or rescue workers; these self-contained breathing units could be installed throughout the industry for about \$20 million, Gordon said. Another immediate stop would be stiff regulations on underground water mapping, a rule that could have prevented the Hominy Falls disaster.

"Other things we're shooting for," Gordon said last week, "include a separately administered mine compensation and rehabilitation system. We must take it out of the hands of the UMW, which has done an obviously poor job." He said there should be a model mine

compensation and rehabilitation law administered by the federal government.

"Included under the Occupational Health and Safety Act of 1969 is a provision for amending basic social security legislation to provide a recourse for individuals who have had long-term disability," Gordon said. This provision would involve the loosening of the definitions of eligibility for disabled workers.

Gordon calls the present keeping and reporting of statistics on mine fatalities and permanent and partial disablements, as well as occupational health incidences, "less than reliable."

In too many states, he says, basic raw data on the incidence of occupational health hazards is just not reported. While the shock effect of deaths is unseemly in the extreme, the real problems are work accidents and the oppressive misery of respiratory diseases as in the case of pneumoconiosis, he contends.

It is on the matter of compensation for these latter ailments that Gordon reserves his strongest words. Noting that the Commonwealth of Kentucky has moved to compensate respiratory disease cases in the mining industry, Gordon said "the same cannot be said for the neighboring state of West Virginia, where only three cases of black lung (pneumoconiosis) disease have ever been compensated."

"... One wonders about the adequacy of the awards made to the surviving families of the Farmington disaster," Gordon mused. "There have been news stories estimating the monthly income benefit for the surviving families of the disaster at \$500. The truth of the matter is that the figure is the combination of West Virginia's workmen's compensation and UMW welfare fund payments, so that the size of the actual benefit is overstated."

"The reality will hit those unfortunate households when, in five years time, they will be forced to rely on their meager savings and public welfare payments."

Gordon suggested that an exhaustive study, similar to those conducted by federal agencies following airline and ship and bridge disasters, be initiated in the Consol No. 9 investigation.

Gordon concluded that changes for the benefit of the miner will come only if enough grass roots support can be generated for public and congressional action.

"Hopefully, it will come soon, perhaps in the start of the 91st Congress' first session. However, with an unfriendly administration on safety matters... invested into office last month, the prospects are, unfortunately, bleak."

BLACK COAL, BAD ODDS (By Harry Kelly)

WASHINGTON.—With the lights on the hard hats glowing yellow the miners tramped down the long steep tunnel toward black coal and bad odds.

As they walked, swinging their lunch buckets, they complained about a television commentator's observation at the time of last November's West Virginia mine disaster that "coal miners expect to die underground."

"Look," said one. "I been 25 years in the mines and I don't expect to die in one. I sure as hell don't."

"I seen one lit—explode once," said another. "I was at the entrance and it seared the back of my neck. Killed two of 'em. But they asked for it. They said 'There ain't no gas in this mine' and they lit a match. Boom!"

Despite the miners' tough, cock-sure attitude, the men who pry coal from the earth face the worst safety statistics of any major industry.

A White House expert even figures that because of greater mechanization, and "black

lung," coal mining may be more hazardous than ever before for the individual miner.

A man who spends his working-life in the mines faces one chance in 12 of being killed in an accident; at least one chance in five of suffering lung disease. He also can figure on suffering three or four injuries severe enough to keep him off the job.

An airplane pilot can get insurance at the standard rate; a coal miner cannot.

Now, suddenly, Uncle Sam is moving to try to improve those odds. As usual, it took a disaster, 78 West Virginia miners killed in an explosion that entombed them last Nov. 20.

The U.S. Bureau of Mines has taken most of the heat. It was accused of failing to protect the miners and of being production oriented. Now, says a union official, "it is closing mines right and left."

Despite this accelerated federal activity, 22 miners have been killed since the West Virginia explosion. But none died in a spectacular accident, and their deaths went largely unnoticed.

"Everyone gets excited when we have an explosion," said President W. A. Boyle of the United Mine Workers Union. "We don't have any trouble getting all this help during the time it is still warm, but let it cool off a little..."

After the West Virginia disaster, Secretary of Interior Stewart L. Udall acknowledged. "Regrettably, I must report that we have found the bureau could have done more than it has done, and we must take the responsibility for all of the shortcomings."

At a one-day mine safety conference after the explosion, a spectator asked how unsafe mines remain open, to take more lives. Answering his own question, the man charged that mining is "a crooked business," and spoke of bribery and payoffs including tickets to football games. But he offered no evidence.

Another veteran miner spelled out his anger in a letter to his congressman:

"I would like to know why the federal and state inspectors always notify the coal company before they make an inspection. I know they do this because the mine foreman always tell section foremen the day before to get everything fixed up for the inspectors will be here tomorrow."

"So they have the men go around and throw a little rock dust over the coal dust, set a few extra timbers, get the electric cables off the bottom and fix everything in general until the inspector leaves."

"And then they forget about safety until next inspection."

A crusader for mine safety, Dr. I. E. Buff, a member of the West Virginia Pollution and Control Commission, told the Washington meeting that inspectors were not enforcing regulations already on the books.

A spokesman for another safety crusader, Ralph Nader, charged there were grounds for filing criminal neglect charges against the Bureau of Mines, as well as against mine union leaders and mine operators.

UMW president Boyle blamed the bureau, saying it had fallen behind the times: "The Federal Bureau of mines is inspecting mines and writing reports in the same manner it has for years."

There were, as Udall described them, other short-comings. Relatively few mine closure notices were issued. Inspectors did not issue the notice if a safety violation was corrected immediately.

For instance, in 1967 only 1,162 orders withdrawing the men from a mine—or section of mine—because of imminent danger were issued by inspectors—compared with more than 15,000 law violations noted by them.

A government expert, S. David Freeman of the executive office of the President's science and technology staff, told the safety conference:

"As productivity increased through mech-

anization the safety record leveled off and there has been virtually no improvement over the past decade or so. When you add the increase in debilitating lung diseases, which have apparently become much more prevalent in the past 10 or 15 years as mechanization increased, some would conclude that our record for health and safety in the coal mines is actually getting worse."

The U.S. Public Health Service has estimated that one miner in five—or 125,000 working miners now—suffers from some stage of coal miners' pneumoconiosis or "black lung."

Some medical crusaders believe the disease is even more common. Autopsies of 1,000 miners showed evidence of "black lung" in four out of five.

As part of the flurry of activity after the West Virginia disaster, the Public Health Service recommended a standard for coal dust level in mines.

John F. O'Leary, who became director of the Bureau of Mines just before the explosion, issued a blizzard of new orders.

Within one week under his whip, there were 25 closures—compared with four or six in the previous week.

The 42-year-old O'Leary, a career government man, ordered:

"That the number of spot inspections be increased from 200-300 a year to at least 1,000. In December, there were 600."

That no advance notice of inspections be given to mine operators or unions under any circumstances.

That the bureau make a special inspection of any mine or complaint of a safety violation from a union representative, a safety committee or a minimum of three employees, with a guarantee that the source of complaint will be kept secret.

That notices be issued in the case of every violation, even those corrected immediately.

That either improperly dusted coal or accumulations of methane gas in excess of 1.5 per cent in a mine already classed as gassy be the basis for an order withdrawing the men.

What has the impact been?

In more than 11 months between Jan. 1, 1968, and the West Virginia disaster there were 129 orders issued withdrawing men from mines because of imminent hazard of disaster.

In the three months since the mine explosion, there have been 102 such orders issued.

BUREAU ON THE SPOT (By John Yago)

WASHINGTON.—The U.S. Bureau of Mines has been in the spotlight of public attention since last November's disaster at the Consolidation Coal Co. mine at Mannington roused interest in the health and safety conditions faced by the nation's coal mines.

As the agency responsible for enforcement of federal laws governing mining—"hard rock" as well as coal—the bureau is the focal point around which agitation for change in this federal control is swirling.

The Mannington disaster prompted a new review of the 1952 Coal Mine Safety Act, the present basic guide of government control. New regulations were issued, primarily to tighten up on federal inspection of coal mines, and the law is now being carefully studied to give its provisions the most rigid interpretation possible in reducing mining hazards.

But what the bureau is able to do in the next few years will be largely determined outside its own walls. What it is physically able to do and what it is allowed to do will be decided in the laboratory and in the halls of Congress.

MONEY SOUGHT

Congress this year will have before it several proposals—two have already been in-

roduced—to rewrite the Mine Safety Act, making substantial changes and for the first time including significant attacks on respiratory disease such as pneumoconiosis, or black lung. Present law mentions coal dust only as a potential explosive hazard, not as dangerous to health.

Although the Johnson administration had a safety bill introduced last September, it was too late for action.

The laboratories, where research is conducted or sponsored by the Bureau of Mines, will hopefully provide the knowledge to make the mines safer and healthier places in which to work.

For health and safety research, the bureau this year is seeking \$3.3 million in the new budget, a 50 per cent increase over the \$2.2 million appropriated last year.

There are two principal areas in which the bureau seems to be concerned regarding health and safety.

One deals with methane gas concentrations and explosions, and the other with heavy concentrations of coal dust in mines.

In addition, it is studying the results of government-sponsored safety courses for miners and supervisors to see how effective they are in reducing mine accidents.

Critical to reducing the underground explosions that usually cause the major disasters is a method of detecting dangerous conditions and doing something about them. Work is already under way on equipment that will detect what bureau scientists call an "incipient ignition" or an explosion just about to happen.

CRITICAL QUESTION

The problem here isn't particularly technology, for explosive methane gas can be readily detected and there are various methods of dampening a fire.

The critical question is time, time that is measured in a fraction of a second between a spark and a shattering explosion.

The bureau says a device is being developed to detect that spark and release a deluge of flame quencher in the fraction of a second before the explosion is set off.

The sensor uses ultraviolet ray radiation to detect an explosive situation and break an aluminum container of flame quenching chemicals. Perfection of the device, however, is as much as two years away and then industry must be persuaded to manufacture and sell it to mine operators.

Earl P. Shoub, chief of the bureau's division of accident prevention and health, said this explosion preventive equipment is very complex, but its use would alleviate one of the major hazards in mining.

The second, according to Shoub, is dust reduction.

"We desperately need to know now to mine by American methods efficiently and produce less harmful size component dust," he said.

The big villains in the antidust battle are the continuous mining machines introduced in quantity since World War II which are responsible for both the high coal output of American mines and the large amounts of dust in the working areas.

Shoub believes these machines can be adapted to produce significantly less dust without impairing production, but the job isn't an easy one.

Several groups are working on the problem, and the bureau is currently surveying their activities so there will be less chance of duplication when it undertakes its own efforts.

Research also is being done on respirators for miners to wear, but Shoub believes all of the precautions are merely second lines of defense against dust. The real need is not to generate dust in the first place.

Toward this end, techniques developed in Great Britain are being studied for possible adoption here although the British method of mining differs from the American and has a lower per-man production record.

There are, however, 17 American mines

using the British long wall method—without the expensive continuous miners—and production is higher than their European counterparts. But, Shoub cautioned, these American mines may be perfectly suited to the British method which couldn't be universally adaptable.

MORE INSPECTORS

While the Bureau of Mines awards contracts for much of its research work to outside organizations, it maintains its own experimental mine at Bruceton, Pa., near Pittsburgh. There it conducts research on underground dust and methane explosions, sparks, ventilation, dust collection and other mining problems. The bureau's explosives laboratory also is located on the 270-acre Bruceton site.

A key to improving the health and safety conditions in mines is compliance with regulations laid down to improve these conditions.

In the wake of Mannington, there were demands that inspection procedures be improved and made more strict. The bureau did just last month when it issued administrative orders calling for more spot checks of mines, unannounced inspections and generally stricter enforcement of safety and health regulations.

To step up the effort even further, the proposed new mine safety bill includes fines for violators of regulations.

The new budget also includes funds to add 55 men to the bureau's present force of 248 inspectors.

THE HOT EDGE OF HELL

(By Jeanne Rasmussen)

At Farmington, a man stood staring at a large wall map that detailed the catacombs of the Consol No. 9 mine.

"Two days ago," he said brokenly, "my brother told me: 'That mine's gonna' blow any day. If it does, don't bother to come looking for me—you'll never find me.'"

For 78 men working the "Cat-Eye" shift of No. 9 on the morning of Nov. 20, 1968, the prophecy came true.

Once again, miners' fate had been written in dust, seared by flames, and sealed in cement.

The rich Pittsburgh coal seam, which underlies most of Marion County, is seven feet thick in the Farmington-Mannington vicinity. It is here, also, where the worst disaster in the annals of coal mining history occurred at nearby Monongah, on Dec. 6 1907, when 361 men were killed in a violent underground explosion. Flames, dust and smoke shot out of the No. 6 and No. 8 portals like an erupting volcano, and the power house by the No. 8 shaft was said to have been crushed like paper-mache'.

The Jamison Coal and Coke Co., which owned several mines in the area, eventually sold their interests to Consolidated.

The northern mine fields had been marked by a number of disasters, all due to explosions. The first recorded, occurred on May 15, 1901 in the Chatham Mine at Farmington, killing 10 men.

On Oct. 19, 1916, Jamison No. 7 at Barrackville exploded, killing 10.

On Jan. 14, 1926, an explosion in Jamison No. 8 at Farmington killed 19 workers.

On Nov. 13, 1954, Consol No. 9 at Farmington (formerly owned by Jamison) exploded taking the lives of 16 men.

To this list must now be added Consol No. 9's latest fatality statistics.

The history of repeated disasters often caused mine owners and operators to change the name of the mine frequently, since it was difficult to get new workers in a mine rumored as "bad." As far as can be determined, however, at least three major disasters have occurred at the Farmington operation.

"Remember '54 . . ." miners and area residents say in guarded whispers. Even now, they are reluctant to speak of it, and confide only to trusted friends.

After the explosion that year the shafts of No. 9 had been ordered sealed after about three days, they state; When unsealed about three months later, reports filtered through the area, despite carefully prepared company statements to the contrary. Three men, it was said, had been found barricaded by brattice cloth . . . and had lived for several weeks in the underground tomb, marking each day off by scratches on the wall. One man, it had been rumored, had marked the last date of his survival on a piece of slate, which had reportedly been found still clutched in his hand.

Four men who "talked" were said to have been fired.

"It was a lesson to others," one old miner confided. Coal operators have a way of dealing with 'squealers.'

"Everybody was scared to talk, and it couldn't be proved." After the latest explosion, when the decision was announced to seal the portals of Consol No. 9 on Friday, Nov. 29, 1968—the day after Thanksgiving, miners muttered among themselves and families seemed resigned. A few, however, strongly opposed the action. One was Tony Megna, a school principal from Ohio, who had voiced opposition from the beginning.

Megna pleaded for officials to delay sealing of the shafts and begged for additional drills to test every area of the mine—not just the working areas. His pleas were eventually disregarded, as coal officials concluded "There is no hope for sustenance of life" and announced that "sealing of the portals will be done immediately."

Ironically, a similar disaster occurred at the St. Paul Mine, Cherry, Ill., back in 1909. It happened on Nov. 13, the same date as the 1954 explosion at Consol No. 9. The Cherry mine fire had become a blazing inferno, and when all efforts had been apparently made to extinguish it, the word came: "Choke it,"—seal the shafts . . . despite the fact that more than 200 men were still trapped below. Stunned families pleaded: "Please open the mine . . ."

James Penna, official of the UMWA, supported their belief.

"The closing of those shafts was a crime," he stated. "It was done for the purpose of saving the property of the mining company and the action was taken without regard to the lives of the miners."

"I have been a practical miner for 28 years," he declared angrily, "and in my opinion, old experienced men would never rush to their death in thick smoke while they had a chance to save their lives by retreating to the remote parts of the workings . . ."

Authorities, however, were certain and in agreement about one point—not a man could still be alive. Not a man could have survived first the fire, then the gases.

Besides them, the faithful waited and prayed for a miracle.

When inspectors went into the mine about seven days later, they discovered 21 miners who had retreated to a remote, unworked-in portion of the mine. Here, the men had barricaded themselves in an airtight tomb and miraculously, managed to survive.

Slab Fork is a slope mine in Wyoming County. The Slab Fork mine ant-tunnels into the earth at an incline of about 300 feet. The men who mine this coal bed work mostly on their knees, since the seam is only between 32 and 42 inches high in most areas.

One day, working one-and-a-half miles inside the mine, Weldon Miller turned to Hasel Tackett, a continuous miner operator, and said:

"Let's get out of here, Tacky—there's no air!"

Miller had been pulling the cable of the continuous miner when "everything exploded," blowing his hardshell hat off his head and knocking him to the floor of the mine. Groping for an escape route, Miller was halted time and again by the thick coal dust and intense heat.

His life was saved, he now declares, by a fellow-miner, Shelby Williams, who dragged him into "clean air."

Other miners, believing themselves to be human torches, described rolling on the floor in an attempt to "put out the fire."

One of the eight men to survive the explosion and flash fire which occurred July 24, 1968 at the Slab Fork No. 8 mine, Weldon Miller, described the experience "like a cloud of fire." His hands and face were charred; his eyes stared through lashless rims and the words came slowly, through painfully-burned lips. His wrists were bandaged where gloves had melted into the skin.

Sitting on his hospital bed in Beckley, the 25 year mining veteran planned to return to his job as soon as possible.

"It's a living," he shrugged, "and besides, if I make it four more years, I can retire."

Probably no single factor in coal mining safety is more important than proper ventilation. Mine experts hold to the principle that no man ever lost his life by gas when a mine was properly ventilated.

Two miles inside the subterranean passageway of the Saxewell No. 8 mine at Hominy Falls, 25 miners were trapped by a raging torrent of water, on May 6, 1968. Ten men, working a glittering black vein of coal with a continuous miner deep inside the mine, were trapped when a thick wall collapsed releasing an internal hemorrhage of millions of gallons of acid mine water.

"Like a small Johnstown flood inside a coal mine," commented Jim Comstock, editor of the West Virginia Hillbilly, a weekly paper published at nearby Richwood.

The breakthrough, it was learned, came from a nearby adjacent mine, abandoned and left to collect water for over 12 years.

After five days, 15 miners were safely rescued, but hope for ten others was all but abandoned.

"I knew he was dead," said Helen McClung, wife of one of the remaining victims, "but somehow, I just couldn't give up hope . . ."

But on the tenth day, six additional men were brought to the surface, alive and praising God. Four bodies were recovered several hours later. Renick McClung, father of nine children, was one of the dead.

Newspapers around the world proclaimed "The Miracle of Hominy Falls," and Helen McClung hugged a little tow-headed girl against her and wondered how she might buy the rented cinderblock house that had been home.

"Miracles" for the McClung family—as well as four others, were non-existent. The price of survival—and a little bit of security, depended on harsh reality.

While one cannot question the fact that the survival of 21 men without a Noah's Ark was indeed a phenomenon, the working miner of today cannot continue to rely on "miracles," while mining engineers provide inaccurate maps based on improbable surveys and some owners and operators fail to acknowledge and enforce even the most basic of safety precautions.

After official hearings, held in Summersville and Charleston, it was concluded that "engineering errors" were the basic cause of the Hominy Falls disaster.

One miner testified: "If we'd known we were that close, we would have drilled boreholes . . ."

Even in light of this latent observation, several miners recalled wading through water at least 10 inches deep on the mine's floor. "Sure, they should have drilled test holes," one miner commented angrily, but that takes time. It's an unpardonable sin to shut down a piece of machinery!"

The Federal Coal Mine Safety Act Amendment of 1965 specifies:

"Whenever any working place in an underground mine approaches within 50 feet of abandoned workings (as certified by competent engineers or surveyors), or within 200 feet of any other abandoned workings of such

mine which cannot be inspected and which may contain dangerous accumulations of water or gas . . . boreholes shall be drilled to a distance of at least 20 feet in advance of the face . . . and drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through . . ."

The history of coal mining is underlain with tragedy and stigmatized with poverty. "Miracles" are too far and few in between. Many miners still tend to regard survival as "God's will," lifting the burden of responsibility from those less competent.

Who pays? The Maust Co., operators and owners of the Saxewell mine, "portal to portal" wages to accident victims and families of the deceased. United Mine Workers' Welfare and Retirement Fund allots \$5,000 in monthly installments to widows and children of "working miners" (until January, 1967, the amount was \$1,000), extended over a five-year period, at which time hospital and medical benefits are also terminated.

"It doesn't matter how much they pay," Helen McClung said in a tear-tinged voice, "nothing would be worth Renick's life."

Gaunt, shaggy-haired Ben Boyce, a disabled miner from Mingo County, speaks with a halting mountain dialect. But it proved no handicap when he described the shocking circumstances of a mine disaster in testimony in Washington, D.C., February, 1968. The hearings, conducted by the Select Subcommittee on Labor of the Committee on Education and Labor, House of Representatives, were held for the purpose of establishing an "Occupational Safety and Health Act of 1968." Although testimony was heard from several miners, coal mine safety was not included.

Presiding at the session was Rep. James G. O'Hara of Michigan.

Boyce, whose career began at age 12, when he was employed as a "trapper" for Consolidated Coal Co., in Kentucky, stated:

"I worked for Island Creek No. 22 (near Holden, for 18 years, 11 months and 20 days. I run a motor.

The mine had a fire in 1960. We got out and they shut down. When we got the men out, 18 was kilt' . . . two was Garfield Hensley and Clyde Wylie."

According to Boyce, company officials exerted pressure for him to sign a statement blaming Hensley and Wylie for the fire, as well as the deaths of the 16 other men.

"They had a cutoff the day before. He changed Garfield to the day shift and put me in his place on the 'Hoot-Owl.'

"I gave 'em 20 empties (coal cars) off the rear of the tram and went to the bottom. The dispatcher told me the mine was on fire. I got the fire truck and went back up there, but 'hit was stopped up with rock dust—'hit wouldn't work."

Ben's voice filled with rage. "I couldn't see no reason that our men had started the fire. But," he added fiercely, "even if I knowed 'hit to be true, I wouldn't sign a statement as that nohow. They was my brothers in the union . . ."

After he refused to sign the statement, Ben says his foreman declared angrily: "The first chance I get, I'll fire you or lay you off."

Eight months later, Boyce lost his job. He was hired by another Island Creek mine—No. 25, but abruptly was told by the "company physician" (Employed by Island Creek) that he had "bad tuberculosis and shouldn't even drive his car home." All previous health examinations (done by the same physician) Ben related, were normal and listed him in "excellent health."

Rejected for employment time and again, Ben, his wife Faye, and eleven children barely survived. One member of the family—a baby girl, didn't make it. Rushed to the nearby Holden Hospital with a severe respiratory ailment, the child was refused admittance because Boyce no longer possessed a hospital card. She's buried in a tiny grave on the outer edge of a small rusty creek.

Eventually forced to seek work under the Federal and State ADCU (Aid to Dependent Children of the Unemployed) Program, Boyce cut weeds along state highways.

Disqualified from retraining programs because of age, health and limited education, Boyce encountered a new problem: Upon the slightest exertion, he became severely short-winded.

"I couldn't even push a wheel-borrow' without havin' to sit a spell and rest," he commented.

Examined at the Beckley Appalachian Regional Hospital, Boyce's tests showed the all-too-familiar evidence of lung impairment from long exposure to dust. (There was no indication from X-rays or skin testing that he had ever had tuberculosis).

What becomes of the Ben Boyce's? The worked-out, used-up, and cast-aside victims of industrial exploitation?

At age 47, his sole income is a \$251. monthly social security check. Nine Boyce children are left to be educated, and Ben is determined.

Mostly, his days are spent watching fuzzy pictures on a \$20 used television, or tinkering with the carburetor of a broken-down automobile . . . all in the shadow of a sign which proclaims: "Heart of the billion dollar coal field."

It was a humid Saturday morning in July, 1966, when Mount Hope became hell.

A violent explosion, which occurred about 14,000 feet from the driftmouth of the Siltix mine at Mount Hope, killed seven men and injured two who were in the direct blast impact. Approximately 39 other miners escaped unharmed by barricading themselves off in a small ante-room.

An investigation, conducted by the Federal Bureau of Mines, Department of Mines, United Mine Workers of America and representatives of the coal company, began two days after the disaster.

Their investigation concluded that the blast had been triggered by an electric "arc" which in turn, ignited concentrations of methane gas.

"The explosion could have been prevented by adherence to known principles of safe operation," the report stated.

Other findings brought to light showed that only the section foreman had carried a flame safety lamp (used for detecting concentrations of methane gas), and not enough safety lamps had been available to provide each equipment operator with one.

It was further noted that "tests for gas had not been made at working regions of the coal face before crews began moving electrical equipment in, and two separate splits of air from the same intake were not controlled to provide continuous and sufficient ventilation."

Coal mine safety and health legislation has been slow in coming and remains inadequate. For years, it has been a boil on the face of industry—brought to a head only in the glaring light of public exposure and indignation.

Complicating the problem is the effective enforcement of safety and health standards. At present, some mine operators find it less expensive to be fined, than to provide safe working conditions for their employes.

"Do you gentlemen have any opinion of the efficiency of the enforcement and inspection for safety in the places you have worked?" O'Hara asked during the Occupational Safety and Health hearings.

"We do not have any state inspections," a miner replied, "because the company knows a week ahead of time when they are coming so they can prepare for 'hit. I have doubled back and made extra shifts for rock dust because they were coming."

"Sure," another miner agreed, "Many a time I have been paid time and a half or double time to clean up . . . put the red light on the motor, or rock dust, before the state

inspector made his visit. They preach this safety, but they don't practice it!"

"The way I figure it," adds another still-employed miner, "The Feds notify the state inspector and then he tells the operator."

Preliminary hearings on the Consol No. 9 disaster, held in the Federal Building at Fairmont, brought caustic comments from a number of the rescued men.

One of the miners' rescued from the "Cat-Eye" explosion, told members of the hearing that he preferred to save his testimony and present it before Congress—"where it can do some good and not be whitewashed . . ."

"I have seen several failures toward safety features and if we bring it before the company, they look down their noses at us," he said.

Others testified that rock dusting had not been adequate, water pressure was not sufficient and ventilating fans "never did work right."

Another miner rescued from the Cat-Eye shift, was openly critical, stating that some mine safety procedures were either ignored or there wasn't ample time to practice them.

"The company might see fit to hold it against me for telling the truth," the 50-year-old miner concluded, "but we owe it to the men that died. We owe it to their families, we owe it to other miners and especially, we owe it to ourselves."

Gary Martin looks more like a college athlete than a coal miner.

"It's about the only kind of work a man can do around here and make enough money to support a family—especially if he doesn't have a college education . . ." he explains.

Martin has three children. They count their blessings, because Gary Martin was one of the men who barely escaped the Consol 9 disaster.

Wages, he points out, terminated with the first explosion. When he received his check, he was paid for only eight days' work. Already deducted from the amount was a burial fee, insurance dues . . . and \$61.00 he still owed the "company store."

The tragedy at Farmington initiated a Mine Safety Conference, held under the auspices of the Department of the Interior and the then secretary of the interior, Stewart L. Udall. Invited participants included governors, congressmen, heads of bureaus, federal officials, industry and union representatives, and an assortment of other invited and uninvited guests.

Constructive criticism and advice was abundant.

John O'Leary, director of the Bureau of Mines, issued numerous "effective immediately" memorandums to inspectors in the field. One, in particular, stated that "under no circumstances shall prior notification of a federal inspection of any coal mine be given to management or labor."

Secretary Udall pointed out that the present laws were primarily aimed at the "so-called major disasters. Yet," he said, "nearly two and one-half times as many coal miners died this year in roof falls, haulage and other accidents as in the kind of catastrophe that occurred at Farmington."

W. A. "Tony" Boyle, president of the UMWA, declared that "modern thinking should be adopted by the Bureau of Mines."

"I am always concerned with the condition of coal mines after inspectors complete their inspections and leave the mines," he said, "coal operators know their routine. This has not changed over the years. They know the inspectors visit the large mines three times a year and small mines twice a year. When the inspector has completed his work and departed, the operator knows he won't be back for four months. At the end of about three months and three weeks, the operator, who has ignored the law, starts putting his mine in shape. I suggest that the bureau revamp its housekeeping or inspection procedures!"

"All men who die in disasters die needlessly," Boyle asserted angrily.

Boyle proposed the establishment of a "rescue chamber," which could be located throughout the mine at certain places, sealed and ventilated with an opening to the surface through which men could retreat to protect themselves from deadly gases in the event of a mine explosion.

"They cost money," he observed, "but so does human life."

Dr. Hawey A. Wells, a pathologist from Morgantown, represented a group of physicians at the conference.

"We are here to emphasize our conviction that mine fires and black lungs are not acts of God," he told the assembled crowd, "they are simply the result of disregard of basic safety and health practices. The record speaks for itself: The Bureau of Mines and the Public Health Service have not done their jobs."

Dr. I. E. Buff of Charleston presented a dramatic highlight when he showed color slides of miners' black lung sections.

In a letter dated March 23 to Secretary Udall, Ralph Nader challenged:

"What is needed at the outset is for national concern to be drawn to what undeniably amounted to a national tragedy . . ."

But the tragedies weren't national, and they didn't make headlines. They were regional . . . deaths from slate falls, flash fires, equipment—recorded as a matter of life in coal mining communities. Obituaries and mutilations that were, for the most part, unsensational.

A sample of regional news for the month of August revealed: "Nine Miners Found Dead in Kentucky," trapped by an explosion two miles inside the shaft of the River Queen Mine, operated by the Peabody Coal Co. at Greenville, Ky.

On August 15, three Logan County, miners were killed in a slate fall at the Amherst Coal Co. slope mine near Man. An estimated 100 miners were working the mine when about 800 tons of rock and coal collapsed the tunnel. It was duly noted that six men had been killed in a similar disaster at the same mine in February 1958. Workers had complained frequently about the "bad top."

In Washington, Pennsylvania, a mine foreman was charged with "involuntary manslaughter" in the death of a Uniontown miner, killed Aug. 14 when a mine roof fell on him at the Montour Mine No. 4—owned by the Pittsburgh Consolidation Coal Co. Placed under \$1,000 bond by Washington County coroner, Farrell Jackson, the coroner charged that the foreman "maintained one of the lousiest, most decrepit mine operations I have ever seen in Western Pennsylvania!"

On August 22, a Logan County miner was electrocuted while working at the No. 5 mine of Island Creek Coal Co. near Sharples; and the return to work of 450 men employed by the Ireland Mine of Consolidation Coal Co. near Moundsville, received local press coverage.

The walkout had been called to protest a gas leakage and improper ventilation at the mine—a drastic step, considering the toleration of most mine employees.

Quietly, death continued to stalk the coal miner.

And then it happened. It happened at a place called Farmington, where miners complained of "gassy" conditions and nobody did anything about it.

It happened before the operators of Consol No. 9 could throw their annual Christmas party, and awarded a bonus to the foreman with the highest production record.

It happened before Thanksgiving—when a man who worked in the mine might sit down and simply give thanks to God for being alive.

It happened before Christmas, and kids learned that "Daddy" was more important than make-believe Santa Claus.

It was a national tragedy, and national concern suddenly focused on the small rolling hill section of Farmington, where 78

human beings died prematurely in a disaster that could and should have been prevented.

Representative Ken Hechler, D.-W.Va., put the question on the line: What is more important? To close down a mine . . . or to close down a man?"

THE OPERATORS SAY

(NOTE.—The following is a statement by the West Virginia Coal Assn. on the prospects and problems of the industry, especially as they pertain to markets and the current drive for "black lung" compensation in the state legislature.)

In a large measure, the coal industry has helped infuse West Virginia with a wealth that has eroded the depressing Appalachia picture.

Miners earn from \$30 to \$40 a day now, plus benefits worth more than \$10 a day and they are assured of steady work by virtue of long-term contracts for metallurgical and utility coals. They own modern homes and commute to work in new automobiles. Bath-houses make it impossible to distinguish the coal miner from his neighbors in other jobs. He is paid more than any other industrial worker in West Virginia except for chemical and steel workers. He can expect to live to age 74, four years longer than the average United States male, according to the United Mine Workers' Welfare and Retirement Fund.

The entire state of West Virginia is also a beneficiary of a resurging coal industry. Last year coal contributed approximately \$30 million to the state in direct and indirect taxes. \$312 million in wages were spent in West Virginia grocery stores, clothing stores, for housing and for other necessities and luxuries.

Better than \$250 million was spent for supplies, thereby supporting numerous satellite industries and their employes.

From a shivering sparrow which poorly wintered the years when it lost almost all of its steam locomotive market and almost all of its home heating market, the coal industry is now developing into the productive, proverbial goose.

There are those who, greedy for their immediate desires, would open up this goose for a single golden egg.

However, the coal industry is presently standing up well under new challenges. A nuclear power competitor subsidized by federal tax dollars, iron curtain coal dumped at a loss for American dollars, markets lost because of unreasonable air pollution standards and additional expenses occasioned by environmental pollution control standards, are among these challenges.

New Canadian and Australian coal fields, increased coal production in other states and advantages of market proximity enjoyed by these states are other challenges to the continued strength of West Virginia's coal industry.

As if these were not problems enough, the industry is now faced with an unrealistic attack in the form of a highly emotional thrust to rewrite the state's workmen's compensation laws without regard to the welfare of the coal miners and the industry itself.

In view of proposed legislation concerning coal workers' pneumoconiosis or "black lung," coal, the cornerstone of West Virginia's economy, is being seriously threatened because of a lack of understanding and misrepresentation of fact.

This legislation may severely hamper the coal industry and do great injustice to the coal worker.

Briefly, the proposed legislation assumes that after working only two years in the mines, a coal worker with any respiratory ailment has "automatically" contracted "black lung," and is entitled to an award under the state's Workmen's Compensation laws.

This presumption is without precedent anywhere in the world. In fact, respiratory disease is the largest single public health problem of non-coal workers.

An extensive pneumoconiosis study has been conducted by Dr. Rowland Burns, a Huntington internal medicine physician specializing in lung ailments. Dr. Burns' study has been endorsed by the Cabell County Medical Society and shows that coal workers may work in the mines for 20 years with 70 per cent of them showing no X-ray evidence of coal dust retention.

Furthermore, this study shows that miners may work for a lifetime in the coal industry with only 5 to 7 per cent developing lung complications which could result in significant disability. This represents quite a difference from the inference of Dr. I. E. Buff, Charleston's outspoken "black lung" critic, that 80 per cent of soft coal miners suffer from "black lung."

It is not only false but also ridiculous to say, as a few have said, that a miner will either be killed in a mine accident or, if not, then by "black lung."

In recent months there has been considerable misinformation going to the West Virginia public concerning "black lung" and the coverage of the condition under the state's Workmen's Compensation laws.

What is pneumoconiosis? Dust in the lungs. Coal workers' pneumoconiosis (black lung) means coal dust in the lungs. Silicosis is a pneumoconiosis caused by rock or sand dust in the lungs. Miners often breathe both coal and silica dust.

Cigarette smoke also is dust. According to Dr. Wolfgang T. Ulmer, a West German lung physiologist of international renown, one single cigarette exposes the smoker to a greater amount of dust than a miner is exposed to in three 8-hour shifts in the mines.

Persons with pneumoconiosis may or may not be disabled. It is an established medical fact that many persons with pneumoconiosis are not disabled.

Because it is frequently impossible to determine whether a disabled living miner has silicosis or coal workers' pneumoconiosis, thousands of claims have been paid by West Virginia's Silicosis Medical Board without regard to the distinction.

What is important to this board of doctors is that if the disabled man is a miner with dust in his lungs, then he is compensated for any resulting disability.

Anyone who says that Workmen's Compensation benefits are not being paid in West Virginia for the disease called "black lung" is not stating the truth.

A workmen's compensation law similar to that of Pennsylvania has been suggested for West Virginia's miners. This type law is bad for both the miner and the state. Unlike West Virginia's law, a Pennsylvania miner must be totally and permanently disabled before he is entitled to a single penny. His claim is heard by a referee with no medical training and may be appealed to a board of three lawyers.

On the other hand, upon discovering dust in the lungs, West Virginia's three-doctor silicosis board may award the miner \$1,000 even without a showing of disability. If the miner is disabled, an award is made according to the per cent of disability up to \$188 per month for life. Compare this to Pennsylvania's maximum life award of \$75 a month.

There is a crying need for the industry to adopt public health practices which would keep tabs upon the health of the miner and protect those who would become disabled from further exposure. There is a need to screen applicants from the industry if they evidence a predisposition towards contracting miner's lung ailments. There is a need to have an all-out drive to eliminate cigarette smoking among miners.

There is a need to utilize the best and most knowledgeable medical minds in the world to arrive at truths which may benefit our miners. If meaningful dust standards are to be adopted for the industry, they should be based upon thorough, objective studies.

West Virginia's coal industry realizes the need to face squarely its problems both outside the industry as well as within the industry with respect to the safety and welfare of its miners. It is committed to do so.

With over 56 billion tons of recoverable coal reserves, there is gold in the West Virginia hills. At the present rate of production, the industry could keep producing its golden eggs for almost 400 more years—so long as coal remains competitive in the marketplace.

THE UMW SIDE

(By Lewis E. Evans and Rex Lauck)

The fight of the United Mine Workers of America for coal mine safety began the instant the union was formed in 1890. One of its basic aims as stated in the preamble to the union's constitution was to fight for safer and healthier working conditions for coal miners in the United States and Canada.

Much of the progress in coal mine safety has only come after horrible mine disasters, two of the most publicized of which took place in West Virginia. On Dec. 6, 1907, a coal mine at Monongah, near Fairmont, blew up, killing 361 men, the highest toll of any mining accident ever to take place in the U.S.

The latest dramatic horror which also took place in West Virginia was the explosion and fire at Consol No. 9 Mine, Mountaineer Coal Co., near Farmington, on Nov. 20, 1968, which killed 78 miners.

The 1907 holocaust at Monongah and other tragedies which followed closely led to the creation of the U.S. Bureau of Mines in 1910 and also caused several coal mining states to pass mine safety laws. Under the 1910 law, the Bureau of Mines did nothing except promote health and safety activities. It had no power to enter or inspect coal mines or to force coal operators to operate them in a safe manner. State laws, too, initially were weak and improved only after local disasters brought about public indignation which forced politicians grudgingly to pass improved but still-weak safety laws.

The sole force to agitate for mine safety laws was the union of the coal miners, the United Mine Workers of America. Its great international presidents, including John Mitchell, John L. Lewis, Tom Kennedy, and now Tony Boyle, spent, and in Boyle's case still spend, much of their waking hours in working for improved safety legislation at Federal and state levels.

Success of their efforts has seemingly been slow, because the UMWA has always had to fight for these laws against the opposition of the coal operators—all of them—plus politicians controlled by coal operators, state departments of mines controlled by coal operators, and in some instances in earlier years opposition of directors of the U.S. Bureau of Mines controlled by coal operators.

The West Virginia district presidents, including the late Bill Blizzard; George Titler, now international vice president; the late Van Bittner; and the incumbent presidents, Ray Humphreys, Larkin Philpott, and Cecil Urbaniak, all labored for improved mine safety. The latter three will this year, with Gov. Arch Moore's promised support, try to get a model "black lung" law passed in the Mountain state.

As a first step this law would make coal workers' pneumoconiosis compensable under the West Virginia compensation law similar to the compensation plan now used in the state of Pennsylvania. Under the Pennsylvania law a coal miner disabled by this dread disease receives the sum of \$12,750 at the rate of \$60 a week, and when his money is used up the miner receives \$75 a month for the rest of his life. ("Gov. Raymond Shafer of Pennsylvania recently vetoed a bill passed by both houses of the state legislature that would have raised this latter payment to \$100 a month.")

The fight to make "black lung" a compen-

sable disease is not restricted to West Virginia. The UMWA's President Boyle has ordered all district presidents of the union to lobby for legislation that would bring coal workers' pneumoconiosis under state compensation laws in all coal mining states. Only three now do so. In addition to Pennsylvania, the other two are Virginia and Alabama.

After the Consol No. 9 disaster, public indignation was again aroused, as it has been so many times in past years by mine tragedies. The American people, who can apparently take casually 60,000 traffic fatalities a year and idly glance at headlines announcing the death of 100 persons in an airplane crash, were deeply moved by the horror of the unnecessary deaths of 78 men working deep beneath the earth.

INSPECTIONS BEEFED UP

Already this public hue and cry has brought about progress in coal mine safety. John F. O'Leary, the new director of the U.S. Bureau of Mines, has issued seven directives beefing up inspection procedures to be followed by U.S. coal mine inspectors. To call these improvements in enforcement of the federal coal mine safety act belated, has got to be the understatement of the year. The United Mine Workers of America has pressed for these and other improved inspection procedures ever since the act was passed in 1952, more than 16 years ago. It was not until December, 1968, after the tragedy at Farmington, that the bureau took any action on the union's demands for strict enforcement of the existing laws.

In spite of the fact that the UMWA has criticized the 1952 Federal Coal Mine Safety Act as being too weak, it must not be forgotten that it could have been a much better and more effective law had it been enforced properly. God knows how many coal miners' lives might have been saved had the O'Leary directive been put into full and forceful effect in 1952 instead of 1968. Secretary of the Interior Stewart Udall had nearly eight years to tighten up inspection procedures and his Republican predecessors wasted the eight previous years.

The Interior Department has also submitted to the Congress proposed amendments to the coal mine safety act that would strengthen that act in many needed areas and which would greatly improve coal mine safety if the act is passed and properly enforced. The UMWA will support this bill but will offer amendments of its own to strengthen the bill's provisions.

One of these, for instance, will be a requirement to provide explosion-proof chambers near production areas in underground mines. These will include double, explosion-proof doors and access to fresh air via a hole to the surface which can also be used to lower medical supplies, food and water to trapped men.

UMWA President Boyle has drafted a bill which goes after the problem of coal dust as a health hazard. It is being sponsored in the Senate by Sen. Jennings Randolph, D-W. Va., and in the House by Rep. Carl Perkins, D-Ky., chairman of the House Labor Committee. The UMWA's bill provides for control of dust in the mine and states:

"A health danger shall be deemed to exist in a mine or area thereof if the coal dust level . . . exceeds three milligrams of respirable dust (five microns or less) per cubic meter of air."

"The bill would provide that if this dust level is exceeded the mine or portion of it containing the dangerous dust would be shut down."

MONITORING OF COAL DUST LEVELS

The Boyle bill would also require: "Sec. 9. Each operator of a mine to which section 3 applies shall—

"(1) continuously monitor the level of coal dust in all of the mine through the use of approved sensing devices and by such other means as the Director shall prescribe,

"(2) keep such records as the Director deems necessary to enable him to carry out effective inspections under section 3, and

"(3) at all Bituminous and Lignite underground coal mines, adopt procedures to assure that all coal to be mined must first be undercut, centered, topcut or sheared.

"Provided, however, that other mining methods may be used if the operator can conclusively demonstrate to the Director, or a duly authorized representative of the Bureau as authorized in section 3, and to the employees in the mine, or their collective bargaining representatives, that such mining methods can be accomplished without exceeding the dust level set forth in this act.

"PENALTIES

"Sec. 10. (a) Any operator of a mine notified of an order made pursuant to section 3 or section 6, requiring him to cause persons to be withdrawn from, and to be debarred from entering, any area of such mine who willfully fails to comply with such order shall be fined not more than \$5,000.

"(b) Any agent of an operator of a mine, knowing of the making of an order requiring such operator to cause persons to be withdrawn from, and to be debarred from entering, any area of such mine, who willfully directs, authorizes or causes any person, other than one who is lawfully authorized to enter or be in such area, to enter or be in such area while such order is in effect, shall be fined not more than \$5,000.

"OTHER PENALTIES CITED

"(c) Any person, knowing of the making of an order requiring an operator of a mine to cause persons to be withdrawn from, and to be debarred from entering, any area of such mine, who enters such area or remains therein while such order is in effect, shall, unless he is a person who is lawfully authorized to enter or be in such area, be fined not more than \$5,000.

"(d) Any owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine subject to section 3 who refuses to admit the Director or any duly authorized representative of the Bureau to such mine, pursuant to section 3(c) shall be fined not more than \$500.

"(e) Any Operator of a mine who violates section 9 shall be fined not more than \$500 for the first such violation, and shall be fined not more than \$1,000, or imprisoned not more than 30 days, or both, for each subsequent violation."

The bill would take effect one year after passage.

After the Farmington disaster many politicians, anxious to see themselves on television, called for immediate action to prevent such tragedies in the future. They will now have a chance to support such legislation at both Federal and state levels. The UMWA will need all the political help it can muster to secure passage of safety legislation now before the Congress, and before the West Virginia legislature. All politicians could and should also take a huge step forward to protect coal miners from black lung, particularly to pass laws to compensate adequately those for whom it is now too late, whose lungs have been almost completely destroyed by this dread plague.

BLACK LUNG: WHAT IS IT? MALINGERING OR BLACK DEATH?

(By Jeanne Rasmussen)

It is 7:30 a.m. on Monday morning—a "typical day" at the Pulmonary Laboratory, located in the Appalachian Regional Hospital, Beckley. (BARH).

In a hallway just outside the glass-enclosed research area, four men sit on straight wooden chairs looking strangely like chickens on a roost. Clean-shaven and neatly dressed, none present the appearance of illness normally associated with a doctor's waiting room. They talk easily among themselves, and occasionally, the muffled echo of

their laughter wafts down the hospital corridor.

A technician approaches and indicates that the men are to come with him. They rise slowly and follow with shuffling feet. A smile of bravado passes between them. Apprehension jerks at the stomach, flutters in the throat, clutches at the chest—but it does not show outwardly: A coal miner learns early to conceal his fears.

Following an electrocardiogram the first patient is then interviewed by the doctor, Donald L. Rasmussen, M.D., a pulmonary physiologist, board-certified internist and director of the laboratory.

"What brings you here to see us?" he asks. "Well, Doc . . . I been having all kinds of trouble with my wind," the miner replies. "I want to know what's the matter. I want to know if I got silicosis . . . and how much . . ."

If the man fails to volunteer this information himself, Rasmussen usually poses the question for him:

"Do you have any trouble with your wind?"

Often, the response is immediate: "No." But Don Rasmussen has learned to wait, for after a pause, the miner invariably will add: ". . . unless I go to do something."

Shortness of breath, the key symptom of coal workers' pneumoconiosis (or "black lung disease"), is usually described as having been noticed about two to four years previously, with discomfort becoming progressively worse.

Over the past five years at BARH, Dr. Rasmussen has conducted a research project on about 3,000 bituminous miners . . . reportedly the largest amount of clinical data assembled in the United States. During the past two-and-one-half years, approximately 2,500 miners have been studied at the research facility.

Formerly chief of the Appalachian Coal Miner's Research Unit, Division of Occupational Health, U.S. Public Health Service. (USPHS) Rasmussen resigned his position in 1966 to continue his studies in an independent capacity . . . and the USPHS program moved to Morgantown.

"Approximately 60 per cent of the men we see here are still working in the mines," Dr. Rasmussen says. "The average age is somewhere in the early 50's, although the youngest we've seen was 23 and the oldest was about 74. Occasionally, they're sent here because someone found something on X-ray examination that looked like dust . . . 'silicosis or coal pneumoconiosis,' . . . and the patient and physician are somewhat anxious. Physicians haven't caught on to the fact that a miner's X-rays can be positive for a long long time before there is any shortness of breath or abnormality of lung function tests."

According to Dr. Rasmussen, lung disease (in varying degrees) has been found in 90 per cent of the men studied. Significant lung disease—"that which interferes with the capability to work," is apparent in at least 50 per cent of the number studied.

PNEUMOCONIOSIS NOT NEW

Miners have frequently been accused of "malingering," or pretending illness which doesn't exist to gain compensation. This "anxiety," Rasmussen points out, has often been dubbed "laziness" or "compensationitis" by many physicians in the Appalachian area who, for one reason or another, fail to acquaint themselves with the facts, or refuse to acknowledge the presence of serious lung disease.

"Actually, we find very few men who want to stop working," Dr. Rasmussen says. "Even when tests show severe impairment." As an example, he cites the statement made by a 56-year-old miner who pleaded: "Doc, I got one more kid to get through college. After that, it don't matter what happens to me."

Black lung disease (coal workers' pneumoconiosis) is as old as the hills of Appalachia.

Dust disease was described in England over a century ago, but it wasn't until 1935 that it was acknowledged in America. In West Virginia, the Workmen's Compensation Fund was created by the Legislature of 1915 to "provide medical attention for injuries received while at work . . . and provision for widows and orphans of men killed in industry." But it dealt with the outward manifestations of maiming and death, and remained blissfully ignorant of the effects of coal dust . . . which destroys silently . . . as well as explosively. Yet ever since the first pick was swung into "black diamond" back in the 1800's, men have breathed the tiny particles of dust into lungs which accumulated the deposits in unbelievable amounts, creating irreparable damage.

While "silicosis," (a term derived from rock dust, which contains silicon dioxide) is now generally recognized as an "occupational disease," it would seem that the presence and subsequent ravages of coal dust (which causes "black lung") have just been discovered!

From the hills of West Virginia to the hallowed halls of Washington, doctors, lawyers, politicians and journalists have suddenly become outspoken authorities on the subject. The word is out: Coal Miners are dying from coal dust!

From a past era when a miner's life was considered less important than the loss of a mule, we have progressed to the point of openly demanding better health standards in the nation's number-one death-trap . . . the coal mine.

While the future of the coal industry never looked more promising, the plight of the miner grows chronically depressing. West Virginia leads all other states in coal production, with approximately 30 per cent of the U.S. total. Over 149 million tons were produced in 1966. The result, however, has been a kind of "Robin-hood in reverse" economy, presided over by a gargantuan giant called "King Coal." While providing the world with the riches of civilization, he has virtually ignored the health and welfare of his own people.

Despite mechanization, improved techniques and attempts to legislate safer working conditions, coal mining remains one of the world's most hazardous occupations. The death rate of coal miners is twice that of any other occupational group in the United States. Diseases of the respiratory system, once said to account for five times as many deaths as that of the general working male population, are now believed to be much more prevalent than first thought. Physicians studying coal miners over recent years have noted with alarm the white shadows on X-ray, and stared in disbelief when autopsies yielded blackened, coal-encrusted lungs.

The conclusion was not pretty: If a miner managed to avoid accidents while working in the mines, eventually he would fall victim to a slow-stalking, progressively-disabling killer—dust.

Eugene King, a miner from Russellville, sat in the pulmonary laboratory waiting his turn on the bicycle (called an ergometer). He is a quiet man, with slightly stooped posture. His hair is streaked with white. A small plastic tube (containing a thin-walled balloon at the end) has just been inserted through his nose and lowered to the bottom one-third of his esophagus, where pressure changes during breathing will be measured while he exercises on the bicycle. On his left arm, an eight-inch plastic catheter disappears into the left radial artery. During the day-long period of testing, arterial blood samples will be obtained at appropriate times.

King was exercised on the bicycle at increasing levels, allowing rest periods in between. When he seemed to have difficulty completing a level, technicians made collections of expired air and blood (through the 4th to 6th minute) and other tests. While Dr. Rasmussen observed his performance, an EKG Telemeter audiosignal monitored King's

heart rhythm. After completing exercise at the 100-watt level (considered equal to moderate exercise), on two occasions with "considerable distress," King was described as exhibiting "at least a moderate amount of impairment."

Referred to the laboratory because of a noticeable shortness of breath when he "tried to do something," King stepped off the bicycle and gasping for breath, collapsed into a nearby chair. Temporarily . . . he seemed to have forgotten the amputated stump which had once served as his right arm.

"Black lung . . . miner's asthma, silicosis"—are familiar terms in the coal mining areas of Appalachia. Yet the exact definition and distinction seem vague—even to physicians. Before it is possible to define—or even attempt to pinpoint the difficulty, a specific definition must be established.

"Pneumoconiosis," the medical word, is a general term which simply means "dust disease in the lung." "Silicosis" is a pneumoconiosis (or dust disease) caused by silicon dioxide. "Coal pneumoconiosis" (or "black lung") is a specific disease caused by the inhalation of coal dust. Coal dust, however, can be mixed with any number of other dusts, possibly even silica, and "among these miners who have 'classical silicosis,' coal dust disease can also exist."

Cletus B. Hanley, West Virginia Compensation Commissioner, has stated: "There is a principle in law that you list specific things, enumerate them, then anything not listed is not covered.

"Our law follows this principle: We don't list specific conditions, except for silicosis. Therefore, any occupational disease is covered if it meets the tests set up by law."

James Jeter, a Kanawha County lawyer who specializes in compensation cases, was quoted as saying:

"The real problem is in establishing that the condition exists. Coal miners think they've got it if they're able to cough up black dust."

"Lung disease is among the most difficult to prove," Jeter added, "because X-rays are usually a key part of the evidence and many lung conditions cannot easily be verified by X-ray. The claim is awfully hard to verify when it involves the lung . . ."

"The only means of establishing a definite diagnosis is by microscopic examination of the lung tissue after biopsy (a surgical procedure of removing a small part of lung tissue) or autopsy. Biopsy is a 'helluva thing to subject a man to . . . and autopsy only proves a point. I'd shout it from the rooftops if possible," Dr. Rasmussen said. "There is no way to make the distinction by even the most sophisticated lung-function studies! Since the exact nature of all the toxic substances in the mine atmosphere remains unknown, there is no reason to conclude that other factors—in addition to coal dust and silicone dioxide—may not also produce injury to the lungs."

While the working miner of today has achieved one of the highest wages in American industry, he also incurs the most risk.

"Miners are becoming impaired much earlier because of the intense dust produced by modern mining equipment," Rasmussen explains. "The men most exposed to coal dust and most likely to show significant impairment (regardless of X-ray findings), are those who work at the face—predominantly cutting machine operators, shot firemen, coal drillers, roof bolters, loading machine operators . . . even section foremen. Motormen, on the other hand, are more likely to show classical silicosis than any other occupational group in the mines. Our studies here are beginning to show that face workers and shuttle car operators—even though they're younger than the average motorman, are as impaired—or possibly more so, than the older workers who have been in the mines much longer."

THE MINE SAFETY ACT

Coal dust, under provisions of the Federal Mine Safety Act, is restricted only when it is considered an explosion hazard. The dust, however, is not only dangerous in terms of explosiveness, but also clogs and destroys the tiny arteries in the lungs, causing severe respiratory difficulties and all too frequently, right ventricular failure of the heart. As fine as baby talcum, the black particles sift silently into breathing passageways, accumulate in ears and nose, and clings persistently around the eyes. Face masks, once initiated as a precaution, are not strictly enforced and few miners will wear one. Also, their actual effectiveness has never been determined.

"When a man can't breathe good nohow," one miner declared, "it don't help none to be smothered in a mask!"

"Some of the industry people do try," Dr. Rasmussen says, "but no one has ever told them what 'safe standards' of dust are in the mines—because nobody really knows. All previous measurements were designed to prevent explosions, and such information was usually obtained when conditions were optimal. Until recently, no one considered the possibility of lung damage."

Earl Stafford, a soft-spoken gentleman with a lean build and steel-gray hair (described in a Sunday Gazette-Mail State Magazine article by William Blizard in April of 1966, as well as other national publications), lives at Blackberry City, in Mingo County. Approximately 200 men of working age live at Blackberry City, but only eight are employed. The remainder are disabled miners.

Stafford consulted a doctor in 1965 because he was "short-winded." Referred to physicians in Beckley (who were then conducting the U.S. Public Health Service study), Stafford related:

"I run a motor and I've got to get out and walk around cars. I just plumb run out of breath. If it don't get better, I'll have to quit. If you don't work . . . the company don't want you."

Earl Stafford was found to have "a good degree of impairment," by Beckley doctors, but since he would be eligible for a \$100 monthly retirement pension in eight years, Stafford hoped to continue working.

When it appeared humanly impossible to continue working in the mines, Stafford reluctantly applied for workman's compensation: and was eventually granted a 30 per cent disability after his case was reviewed by physicians on the Compensation Board (although his work capacity loss was estimated at between 60 and 75 per cent by Dr. Rasmussen). Awarded a total compensation of \$5,040, paid at the maximum of \$42.00 per week, Stafford received the last payment in July.

"Seems like coal miners is the least thought-of people in the whole world," he comments perceptively.

"There is considerably more pulmonary impairment in the miners of the region—at least in Southern West Virginia, Eastern Kentucky and Southwestern Virginia, than is generally recognized," Dr. Rasmussen adds. "Many of these miners have significant impairment, but their X-rays reveal only minimal evidence of dust disease. Methods of evaluating this type of impairment, unfortunately, are not adequate."

George McClain of Beaver, worked approximately 13 years in the mines, was then told by a recruiting physician in 1942 that he had "tuberculosis." Because of over-filled state sanitariums, McClain was confined to his home for a year; admitted to the TB hospital the following year, he spent 13 months in the institution.

Just before he was discharged, a doctor informed McClain that he had "miner's asthma," or "third-stage silicosis."

A two-year statute of limitations, how-

ever, prevented McClain from obtaining workman's compensation, and he also discovered that he was not eligible for social security benefits. A subsequent physical examination revealed that McClain showed no evidence of ever having had active tuberculosis.

Today, George McClain receives \$41.00 a month from the state welfare program. He shares a crumbling frame house with his 80-year-old mother. The aged woman is quite feeble, and McClain has since developed right heart failure as a result of his lung disease.

His face etched in futility, McClain eased himself into an arthritic-looking hickory rocker.

"I reckon ever-thing goes against me," he muttered sadly.

APPALLING STATISTICS

In an address to the West Virginia University School of Medicine's "Centennial Symposium on Coal Workers' Pneumoconiosis" last year, Dr. Lorin E. Kerr, assistant to the executive Medical officer, United Mine Workers Welfare & Retirement Fund, stated that "responsible persons avoid facing known facts about the ravages of coal dust in human lungs."

Dr. Kerr blamed "legislators, company lawyers and 'employer-oriented' physicians" . . . for not meeting the problems of crippling and deadly lung disease among miners.

"Coal miners live with coal dust and far too many die from coal dust," he told the group. "As far as many physicians and lawyers are concerned, silicosis remains the only important occupational dust disease."

Kerr pointed out "appalling statistics," stressing that about 70,000 American coal miners are afflicted with pneumoconiosis, with an estimated 13,500 too disabled to continue working.

"It's time for a clear-eyed look to hasten relief for long-suffering," Dr. Kerr concluded, noting that the cause of pneumoconiosis could be eliminated if companies would improve techniques of controlling lingering dust in the mines.

Ralph Nader, a Washington attorney and writer (best known for his crusade against un-safe standards in the automobile industry), joined in the issue, accusing the Bureau of Mines of not "meeting its responsibility to protect the safety and health of mine workers."

In letters to then Secretary of the Interior, Stewart L. Udall, and Sen. Ralph Yarborough, D-Tex., Nader stated that "UMW leadership has been persuaded by coal management into choosing the alleged health of the industry over the health of its workers. . . . The choice has been to ignore needed safety improvements and especially preventive dust control. The UMWA Journal," Nader writes, "devotes endless space to the threat of other energy sources to coal but virtually nothing to the crucial matter of coal dust hazards. The union has built hospitals to receive the human debris from the mines, but has done very little to push for preventive dust control."

Outlining major reasons why he believed a Congressional inquiry was necessary, Nader said: "What is needed . . . is for national concern to be drawn to what undeniably amounts to a national tragedy. The time is long overdue for some vigorous feelings and action—for the health and safety of our nation's coal miners."

Dr. I. E. Buff, a Charleston cardiologist and member of the West Virginia Air Pollution Control Commission, is a man who intends to move mountains in West Virginia, if necessary. Buff has often been called "eccentric" or "radical" by some members of the coal "echelon," yet the Charleston physician has succeeded in bringing the problem of "black lung" to national attention.

Appalled by the industry's attempts to recruit miners from high school classes near Charleston, Buff had the "audacity" to ask

for "equal time," to emphasize to students the health hazards of coal mining. More recently, Dr. Buff publicly accused Cletus Hanley of "playing politics," and asserted that "black lung" was not covered under West Virginia compensation laws.

Commissioner Hanley defended his position by replying that the state laws were extremely liberal, and covered any kind of occupational disease which might occur. He referred to a "partial list of black lung claims over the past four years which," according to Hanley, "showed a total of 14. Four received compensation, two are still in litigation and the remainder were rejected for various reasons. . . ."

"Why do most miners have to hire a lawyer to get anything at all . . . and why are so many rejected?" Buff countered.

"If I say a man has coal pneumoconiosis," Dr. Rasmussen explains, "then I'm not allowed to testify before the silicosis medical board." It all came about, he says, when Cletus Hanley sent Charlie Price (counselor for the board) with a message:

"The Commissioner says if you do not specifically testify about the disease silicosis, you are not to testify."

(Coal pneumoconiosis or "black lung" is listed by the Occupational Disease Board as "an occupational disease which is incurred in the course of, and resulting from employment.")

Recorded in the transcript of hearings in one case a few years ago, Rasmussen cites the testimony of one member of the board (no longer there) who stated: "The Occupational Disease Board does not believe in the diagnosis of coal workers' pneumoconiosis (black lung)."

"In his judgment," Rasmussen adds, "this was simply the result of a bunch of damned doctors down in Beckley trying to make a name for themselves."

Rufus Robertson, a hefty Negro coal miner, had been a roof-bolter all his life. Diagnosed as having "simple-dust disease" (according to an X-ray classification) by one physician, he was later examined in the Appalachian Hospital (Beckley) by Dr. Rasmussen, who found the man to be in "early right heart failure." Approximately six months later, Rufus Robertson died. An autopsy, performed at the time of death, showed evidence of heavy coal deposits around the arteries. There was no other sign of vessel abnormality and no blood clots, but "the right ventricle," according to the pathology report, "was much larger and heavier than normal, and showed signs of having developed sudden failure."

"The cause of his death could only be attributed to his lung disease," Rasmussen says, "which was coal pneumoconiosis."

After five years, Robertson's widow was finally granted an award by the Occupational Disease Board. ("Undoubtedly, one of the four compensation cases which Mr. Hanley referred to," Dr. Rasmussen comments wryly.)

The Occupational Disease Medical Board is made up of three physicians, appointed by the commissioner. Their term consists of six years. The function of the board is "to determine all medical cases for compensation (for occupational diseases) other than silicosis."

Section 8-e, Workmen's Compensation Law (OD Medical Board) states that "if the employe is living, he shall appear at the time and place specified and submit to examination . . . including clinical and X-ray examination, as the board may require."

The law also states that "all evidence of medical and X-ray examinations, showing past or present condition of the employe, be submitted."

Dr. Hawey A. Wells, a pathologist formerly associated with the U.S. Public Health Study at Beckley, now examines the lungs of deceased miners at Conemaugh Valley Memorial Hospital in Johnstown, Pa.

"There is no justice in the present criteria which is based on X-rays and simple breath-

ing tests," Dr. Wells states. "It either allows the Santa Claus' doctor to give everybody compensation, or the 'tax saver' physician to deny even the debilitated miner compensation."

Dr. Wells, who reportedly, has accused the Public Health Service of "withholding adverse information on the health effects of pneumoconiosis among coal miners," recently appealed to medical and coal industry officials to "do everything you can" to force the PHS to release the data. Dr. Wells, who performed one-third of the studies on a controlled sample of 3,150 coal miners, charged that the PHS "suppressed key findings, including the geographic distribution of the incidence of the disease."

COOPERATION NEEDED

"Autopsy data in central Pennsylvania is similar to that of Southern West Virginia," Wells stated. "However, in Northern West Virginia and Western Pennsylvania, the lungs I have seen on autopsy and miners that I have examined clinically, don't appear to be as frequently involved with severe dust disease."

"I'd recommend a strict medical and legal definition of the disease ('black lung'), which can only come about by honest, intelligent research," Wells added. "I would plead with the government to cooperate with unions and companies in making this definition. It is the only way to diagnose early and rehabilitate the miner before irreversible damage occurs—before it's too late!"

"The present separate silicosis medical board should be done away with," Dr. Rasmussen believes. "Because of the load involved, we need to have a separate 'Occupational Respiratory Disease Board' to consider the problems of respiratory disease relating to all industry in the state, and including all suspected or proven cases from an occupational cause."

Dr. Werner A. Laqueur, pathologist at the Appalachian Regional Hospital, Beckley, has conducted autopsies on well over 1,000 miners. Results show that about 10 per cent of the autopsy cases have microscopic evidence of classical silicosis. The remaining majority have coal pneumoconiosis, or "black lung" disease.

"We have to be very careful," Laqueur explains, "because anatomically, the problem is quite complicated. You see, in the beginning . . . the disease can easily be distinguished; but later on, the findings become very complex because of the natural processes of aging in the lung, as well as concomitant disease. . . ."

"Most of my autopsies are done on far-advanced cases—people, say, considerably beyond sixty. I'd say it takes at least 20 years before a miner gets symptoms. To establish the natural history of the disease is difficult. Since some people believe the early lesion is vascular (pertaining to blood vessels), it needs to be established without a doubt—which is difficult to come by, since few coal miners die of dust disease in their 20's."

Laqueur, as well as many of his colleagues, believes that an autopsy should be done on every coal miner who dies, regardless of the cause of death.

Philip E. Enterline, a Ph. D., formerly chief of biometrics for the division of occupational health, USPHS, stated (at a meeting of the Public Health Assn., Kansas City, Mo.) in 1963:

"It seems unlikely that mortality rates for any single large occupational group in the United States exceed those noted here for coal miners. Some of this excess is no doubt due to diseases and conditions which arise from the working environment and from dust inhalation, while some must reflect the social and economic environment in which coal miners have been held by our society. . . . Poor health is not a 'necessary evil' for workers in the coal mining industry!"

Studies done at the research laboratory in Beckley point to a strong indication that coal

pneumoconiosis affects the small arteries of the lung to a far greater degree, and much earlier than the air passageways. A number of other authorities in the field of lung disease admit that the findings are not only possible but quite probable.

Dust, probably the most important substance breathed in the mines, is believed to collect around the tiny arteries in the lung.

"When enough arteries are surrounded by enough dust," Dr. Rasmussen states, "the normal function of the arteries is disturbed. This not only interferes with the distribution of blood to the air sacs, but also causes an increase in the work being performed by the right ventricle. This leads to enlargement of the muscle in the right ventricle (due to an excess work load) and eventually, can end in heart failure."

"Lung diseases produce disability because they lead to shortness of breath," Dr. Rasmussen explains. "Other complications and even death may occur later, but shortness of breath is the factor which limits a miner's working ability. Other diseases not related to the lung must, of course, be first ruled out."

According to Dr. Rasmussen, shortness of breath in patients with lung disease is caused by two main factors, or combinations of the two. First, there is an interference with the man's ability to move air into and out of the lungs, and secondly, there is a need to breathe more air in and out of the lungs than normal. Often, he says, the two factors are present in the same patient.

"The more typical coal miner, who has definite disability as a result of the dust deposition in the lung, usually has little or no difficulty moving air in and out," Dr. Rasmussen states. "Tests used to measure breathing capacity and vital capacity (such as blowing tests) are generally normal, or nearly so. The main problem is that the man breathes much more air than normal during light or moderate exercise. At the same time, tests reveal an increased resistance to the movement of oxygen from the lung to the arterial blood."

FEELS DONE IN

Dr. Rasmussen and others believe there is actually no clear-cut relationship between what the X-ray reveals and "how the patient feels, or what the results of his tests show."

"The appearance of the chest X-ray bears practically no relationship to the degree of impairment a miner may suffer," Dr. Rasmussen emphasizes. He points out that a miner's X-rays may look like advanced coal dust disease, and yet the man may be entirely well. Others, who are often seriously impaired by dust in the mines, show only minimal evidence on X-rays. Yet, by law or varied interpretations of law, they are found to be ineligible for compensation.

"Compensation is unjustly denied because of insistence of a specific X-ray pattern," Dr. Rasmussen concludes.

It has been estimated that as many as 125,000 of approximately 144,000 coal miners in the nation suffer from some degree of coal dust disease. In West Virginia, it is believed that more than 20,000 miners are impaired.

"When a miner is convinced you aren't out to 'do him in' and that you aren't 'hostile' (I suspect he's used to this kind of attitude), and after he's almost passed out trying to do all the exercise tests we put him through . . ." Dr. Rasmussen says intently, "Well, then . . . he'll start to tell you about how he feels when he goes out to bring in a little bit of wood . . . or a bucket of coal, or water from his well . . . and how he feels 'almost done in' by these simple chores. What he's done is this: he's stopped trying to answer your fancy medical questions, your big, scientific words, and he finally gets around to just 'talking' to you. God knows, he isn't trying to convince you he's sick . . . but he's telling you that something that's so easy, so much taken for granted . . . some routine activity that shouldn't bother anybody and

never used to bother him . . . has now become almost impossible to perform.

"I don't care what the skeptics say, they'll never convince me these guys are such good actors that they're just pulling my leg."

Because the necessary concern and cautions have not been forthcoming from either industry or the UMW to set standards of coal dust in the mines, President Johnson recently sent a 52-page bill to Congress, asking that new coal mine safety regulations be enacted and enforced. Among provisions listed, the bill "empowered the Secretary of the Interior to draw up, promulgate and enforce new safety standards as the need arises, and empowers him and the Secretary of Health, Education and Welfare to develop, issue and enforce health standards against black lung disease and other health risks . . ."

Unfortunately, the bill was introduced too late in the session, and no action was taken. Sponsors hope that this congress will see fit to insure the nation's coal miners of safer, saner and healthier working conditions than formerly provided.

THE MINE INSPECTOR

(By Harry Kelly)

Uncle Sam's eyes in the coal mines are inspectors like Charles Rath.

He works out of the U.S. Bureau of Mines office in Vincennes, Ind. He started in the mines as a teen-ager and worked his way up to mine foreman before going with the Bureau. He's 40, pleasant and sharp. The miners seem to respect him.

After an hour's drive through snow—and a brief stop at a roadside diner for biscuits and gravy—he arrived at the Thunderbird mine at 7:30 a.m.

The sky was still dark. Lights in the tippie gleamed. Inside a foreman was using compressed air to clean lamps the miners use to detect methane gas. Thunderbird is a gassy mine. The lamps seem old fashioned.

The Thunderbird employs 237 men on three shifts, six days a week. A power company buys all the coal.

Miners are paid portal to portal. About 8 a.m. they started down the long tunnel that also houses the conveyor. It's steep, so steep that the miners leaned backward as they walked, sliding their hands along a steel railing to break the momentum. It was like going down a very steep hill with a wind at your back.

Practically all the miners were middle-aged, but they are tough and in good shape.

The inspector was showing a little weight around the middle. But he made it with no sweat, trudging along with a bag carrying his equipment swung over his shoulder.

About 300 yards under the snow-covered Southern Indiana pastureland the miners climbed into low flatish covered cars.

Each has room for six miners, three facing each other with their legs stuck out and their hard hats practically touching the roof.

The tow has an electric motor. It was slow going and the ride was dusty, as the cars stirred up rock dust spread to keep down the coal dust.

"Did you shovel your neighbor's drive?" a miner asked in the darkness.

"Not me. It's better women do that. Shoveling snow is not good for a man's heart . . ."

It took 45 minutes to penetrate the three miles to the section where the men were working.

The work is all done with machines. There wasn't a shovel in sight.

About the only illumination was from the lights on the machines and on the miners' hardhats.

Once, and not so long ago either, these were oil lamps, but flame can set off an explosion. Now the lights are powered by batteries.

The knot of miners working in this section gathered around one machine for a safety

meeting. "We have one every Monday," said the foreman, glancing at the inspector.

Rath began peering around. He checked the equipment for defects that might cause an explosion.

As the miners started work, the shaft looked like some bizarre scene in a science fiction movie—like "War Under the Earth," or something.

The eyes glowed brightly on a big metal bug called a loader. Steel legs swept coal into a steel mouth. Shuttles swung around sharp corners. A drilling machine bored holes for explosive shots.

A concussion from a shot opening up the coal blew through this underworld like a gust of wind.

Rath was working. He checked the coal dust and took his lamp into dark corners. If a little halo appeared on the flame it meant gas. He also carried a meter for more refined checks and little vacuum bottles to take air samples.

He talked to the foreman, the miners, the mechanic.

"Everything okay? . . . Any problems? . . . Is that working all right?"

Some mines take a week to inspect, some less. Some big ones can take a month.

With the speed of modern mining machinery, a section that is safe when the inspector inspects it may be unsafe the next minute.

"We can't stand over their shoulders every second," said Rath. The ultimate safety responsibility, he believes, lies with the mine owners and the miners themselves.

Here at Thunderbird there are sections not being worked, but that have not been sealed. So he has to inspect them, too.

"Sometimes I have to force myself to do it," admitted Ted Rath. "But I do it. It's part of the job."

The unworked section was a dark catacomb without lights or directional arrows. Rath had to climb over—and sometimes through—rooffalls and crunch over roofscapes that peeled off the ceiling. It's rooffalls that kill most miners.

Seldom do you walk upright. Miners have developed a twisted bent walk. A novice learns quickly, and repeatedly, the need for a hardhat.

Prowling through 50 yards no higher than 5 feet is a better test of fitness than an army obstacle course. When Rath removed his hard hat his hair was plastered with sweat.

It's time to quit for the day. The inspector talked to the foreman by telephone.

"Everything looks fine here, old buddy."

He hailed a ride on an electric jeep. On an upgrade it barely crawls. But the closer the entrance—and the outside air—the colder it got. Pretty soon the inspector's chin felt numb. The miner driving the jeep wore a ski-type helmet that covered most of his face. "You should have one of these," he said.

Finally the ride was over. It may have taken 40 minutes but it seemed like hours.

In the washroom the face in the mirror was black. It could have been that of a miner 100 years ago. The best thing so far in the day was the shower, but it came too late. The muscles were already stiffening.

THE MASKED ANGELS

(By William Blizzard)

The coal miner pushed off his hard hat and wiped his blackened face with a grimy hand from which, as the result of a long-forgotten slate fall, the first joints of the index and little fingers were missing.

The miner had just been carried, grasping and half conscious, from a drift mouth in the side of a West Virginia hill. From this drift mouth, or mine entry, evil-smelling black smoke poured as if from a factory smoke-stack.

A mine whistle, generally used to mark shift changes, screamed incessantly. Up the road from the valley below, trucks and auto-

mobiles, wheels spinning, raced toward the roaring mine vehicle.

Behind the vehicles, men with strained faces and wide eyes ran on foot, their shoes kicking up great gouts of blood-colored red dog from the rough road. And behind the men, arms outstretched, clutching toward buried husbands and brothers, clutching toward hope that fate had spared their own, came the women eyes staring with fear, mouths forced open by anguish that knew no sound.

The rescued coal miner saw little of this scene, although from past experience he knew it well. He accepted a canteen of water from the marked figure standing above him.

"Thank God," he said. "When I first looked up and saw you through the smoke, back in that mine, I figured you might be an angel. But when I recognized that mask I knew I was going to be down here in this world for a while longer."

The man behind the mask smiled, then hurried to join his team mates, to see if the district inspector was going to permit another fast trip into the burning coal mine.

The man in the mask was one of the members of a mine-rescue team, one of hundreds of coal miners in West Virginia and other coal-mining states trained for instant rescue and aid to survivors of coal-mine fires and explosions. The mask he was wearing was known to him and his fellow workers as a self-contained oxygen breathing apparatus. With it he could work for at least two hours in an atmosphere that wouldn't keep a turtle alive.

Such men are little noticed by the general public, or even by people in their own mining communities, during normal times when coal spews from the earth without major peril to coal producers. But when the earth growls and chews up men and belches smoke and flame, mine-rescue workers are the most important actors on the scene, the masked angels of the mining camp.

Such masked angels are usually members of the National Mine Rescue Assn., a Pittsburgh based group that was formed in June 1924. The founding, or its initial steps, began after a first-aid contest in Fayette County, Pa., at the home of William G. Duncan.

The pioneer safety men assembled in Duncan's home where John T. Ryan, C. O. Roberts, George S. McCaa, J. E. Struble, J. V. Berry, George W. Riggs, and George H. Delke. They discussed the need for a mine-rescue organization and formed plans for its launching.

A little later, these men met with others of similar interests and a constitution and by laws were adopted. All men at both meetings were declared charter members of "The Smoke Eaters Assn."

The Smoke Eaters soon discovered they had unwittingly usurped the chartered name of a fireman's organization. As a result, they changed their title to the National Mine Rescue Assn., an accurate, if more prosaic name, they yet retain.

This is not to say that post-explosion mine rescue was not attempted before 1924. But there was remarkably little of it done in the early days of United States mining.

According to Woods G. Talman, safety director of U.S. Steel's Coal Division, the first large-scale commercial coal mining in this country, mining that produced coal burned in blacksmith forges, was on the James River in Virginia, in 1702, and the first coal was shipped on that river in 1758.

Talman's booklet, "The Selfless Ones," prepared for an NMRA meeting in 1961 and updated in 1962, is, incidentally, the source of much information in this article, and is herewith gratefully acknowledged.

Commercial mining did not become widespread in Virginia until after the beginning of the 19th century. When it did, mine disasters followed almost immediately, beginning with a methane explosion that killed

several men prior to 1818 in mines called "Heath's pits."

The first explosion of record was at the Black Heath Mine near Richmond on March 18, 1839. Black Heath was a fearful harbinger of things to come, for the explosion, like most since, was unimaginably violent, crushing or asphyxiating all within the earth.

Two men, somehow protected by a crevice near the mine mouth, survived, but 53 miners were killed. According to Talman, no rescue efforts were made.

This is not surprising, for it is hard to see how they could have helped. "Afterdamp," as in most mine explosions, killed most of the men, and would certainly have killed any rescue worker foolish enough to enter the mine prior to ventilation.

As it is known—and has been known since at least 1839—that combination of carbon monoxide, carbon dioxide, nitrogen, and other gases occurring after such blasts are responsible for most deaths in mine explosions, the concerned layman wonders why portable breathing apparatus, usable in a death-dealing atmosphere, has not been developed by the coal industry, the U.S. government, or some imaginative inventor.

It has been developed, of course, for members of mine-rescue teams, but such devices are far too bulky to be practicable for individual miners on a workaday basis. A crash program for the development of such devices seems long overdue.

Even if they made breathing possible only for a short time they could mean the difference, in many cases, between life and death.

Coal miners do have available, it should be noted, a "self-rescue" device worn on the belt that can help a miner to breathe under adverse conditions for 30 minutes. It is useless, however, in an atmosphere devoid of oxygen, as a mine atmosphere generally is after a blast.

The first rescue efforts after a mine explosion, so far as is known, occurred on Aug. 14, 1871, in a Pittston, Pa., anthracite mine. The efforts, however, were relatively minimal and quite fruitless, although the rescuers brought 17 lifeless bodies to the surface.

A mine inspector and five or six helpers were more successful on Oct. 27, 1884, at Uniontown, Pa., where 14 men were killed. Some miners, overcome with afterdamp, were taken outside the mine where they recovered.

But mine-rescue teams could do little after mine explosions without some method of remaining alive in the afterdamp. This meant some sort of self-contained breathing apparatus in most cases, for many so-called gas masks are useless in an atmosphere that can't support life.

Such self-contained breathing apparatus for mine use was introduced in the United States as early as 1905, but was slow in being perfected. When it failed to work in an atmosphere without oxygen the masked angel wearing it quite literally earned his title: he departed this life.

From 1908 to the present, it is recorded that 35 mine-rescue men, wearing such apparatus, lost their lives. Almost two thirds of these accidents occurred from 1908 to 1921, only one since 1940.

The dangers of mine-rescue efforts in the old days are underlined by the experience of a rescue party of 11 men on March 19, 1906, after a West Virginia explosion. The party went into a mine where 13 men had perished the day before, and their open-flame carbide lamps set off another explosion, killing all 11 would-be rescuers.

Thomas A. Edison's electric mine lamp, first placed in service on a limited basis in West Virginia in 1915, helped to prevent later repetitions of this tragedy.

Today, mine inspectors are reluctant to risk the lives of their men to attempt the rescue of men who may already be dead. It is done, but on a volunteer basis and only after considering all the facts in each individual case.

Too often, such masked angels can do

little except retrieve bodies and make preliminary reports on the nature and extent of the blast. For major explosions in coal mines are deadly. The initial blast may shake the earth and shatter men in the process, but the after effects of the explosion, as before noted, may be even more lethal.

For the blast produces gases, including carbon monoxide, that quickly expunge life. Mine rescue workers with their breathing devices may survive in this afterdamp, as the miners call it, but survival for long without such gear is impossible.

At Hominy Falls, W. Va., in May, 1968, 21 of 25 trapped miners were saved after up to 10 days entombment, but methane and coal-dust explosions were not involved. Flood waters from ancient diggings threatened these men, and the four victims drowned.

Sometimes, as happened most recently at Humphrey No. 7 mine near Morgantown, coalminers can barricade themselves against smoke and gases, but a great deal of luck is involved, particularly in being able to get sufficient fresh air to remain alive until help arrives. And no explosion was involved at Humphrey, a fact of great significance.

Until some way is found to enable trapped miners to breathe in an explosion-created atmosphere, the best-intentional masked angel will often be of little use, and entombed miners will die as surely as if they were suddenly thrust under 100 feet of water.

It is hard to believe, but from 1901 through 1910, 3,316 coal miners were killed at work in 111 major mining disasters. This dismal, horrible record led to the creation, in 1910, within the Dept. of Interior, of the United States Bureau of Mines "... to make diligent investigation of the methods of mining, especially in relation to the safety of miners, and the appliances best adapted to prevent accidents...."

It seemed hardly a moment too soon, yet the powers of the new bureau seemed unimpressive. Not until 1941, if my source of information is correct, did federal inspectors have the right to enter coal mines.

West Virginia did its share toward the creation of the U.S. Bureau of Mines with the great butchery at Monogah on Dec. 6, 1907, when at least 361 miners (no one knows, for sure, the total) were killed in an explosion that holds the U.S. records for high score in coal mining's death's-head Olympics.

But that is another story. Yet the story of the National Mine Rescue Assn. parallels it, in that Welch Post No. 1 at Gary was formed after the Bartley explosion in McDowell County on Jan. 10, 1940, killed 91 men.

It appears to be a lamentable fact that mine-safety progress occurs only after public apathy is shocked into awareness by human sacrifice.

In the early days of 1940, William Morris, E. L. Chatfield, Percy and Jim Gilie, Glenn Bearden and Jack Pero, all of Welch, tried to get an NMRA charter, but not enough people were interested, in the Welch area for a charter to be granted.

But not long after the Bartley explosion Welch Post No. 1 was organized, with 61 charter members. The main organizer, Fred J. Bailey, was named president.

Aside from the parent organization in Pittsburgh, there are NMRA posts in only three states: Kentucky, Illinois, and West Virginia. Memberships in all of them is largely composed of safety directors of coal companies, mine inspectors, safety inspectors, and mine rescue teams.

There are varied degrees of membership, depending upon the nature and duration of a member's service. In West Virginia, NMRA now has 350 members and 57 life members.

Most of the present high-ranking officials of the W. Va. Dept. of Mines are life members of NMRA, Elmer Workman, current director of the Dept. of Mines (awaiting replacement by a Republican), is such a life member, as is his safety director, Robert J. Marrs.

In West Virginia, mine-rescue stations are

maintained dually by the Dept. of Mines and coal companies, 27 stations for each of them. Workman recently explained how such stations work in his department:

"We have proper equipment," he said, "stored at each of these 27 stations, and we train mine-rescue men there. Such men are paid seven dollars each time they come out for class, but for actual rescue work are paid top wages—\$33 a day, plus overtime—according to the UMW scale.

"Last year, which was about average, we trained 322 mine-rescue men in 35 classes, and 605 men in accidents and their prevention. In the 27 company-owned rescue stations, they employ 224 men to perform similar training functions."

The West Virginia Dept. of Mines, by the way, was created long before its federal counterpart. Mine inspection began in West Virginia, under Oscar A. Veazey, in September, 1883, the year the department was created.

Every year, mine-rescue teams, both state and company trained, from all over West Virginia hold competitions among themselves. Similar national competitions, featuring first aid and mine rescue, are held in alternate years in one of the coal producing states, and area meets are also held in many mining centers to keep in practice.

Much of the training of mine-rescue teams involves the use of breathing equipment—masks of one sort or another that enable men to live in polluted or oxygenless atmospheres. Obviously, men using such equipment must know it thoroughly, for their lives depend upon it.

In the early years of mine rescue, such equipment came largely from Germany and England. But it has been U.S. produced for many years and consists of two basic types: masks designed for use in an atmosphere with enough oxygen to maintain life, and self-contained breathing apparatus that has its own oxygen supply and may be used in an atmosphere without oxygen, provided no corrosive elements are present.

Mine-rescue men must have yearly physical examinations, must have no major physical difficulties involving the heart or lungs, and must be no more than 50 years of age. Psychologically, they must be stable enough to withstand what can be, in emergencies, extremely trying circumstances.

The masked angels are important men when needed, little thought of, at least by the general public when all is going well in the coal-mining industry.

OUR RESPONSIBILITY (By John G. Morgan)

"It is difficult for me to understand how a state which is a prime producer of soft coal should not also be the leader among states in the adoption of modern safety laws."

So declared Gov. Arch A. Moore Jr. in his first message to the West Virginia Legislature.

"I think we of the State of West Virginia have an extraordinary responsibility in this area," Moore added. He further pledged that he will offer proposals "that hopefully, and in a novel way, will make our state a leader in the field of coal mine safety."

The Governor announced his support of legislation to make certain that miners afflicted with "black lung" disease can receive compensation under state laws.

As essential as coal mining is to the economics of the state, he said "it is also incumbent upon us to provide for the health of those now engaged in that vital industry."

Moore thus set the tone of the new administration in the field of coal mine safety. This part of his speech was practically a full notice that he will urge stronger laws and regulations to preserve life and limb in the mines.

The Governor could scarcely do less in the wake of mine disasters last year at Hominy Falls and Farmington—disasters which spoiled previous excellent safety records.

Few realize now that in 1967 West Virginia had its best mine safety performance since the state started keeping records 70 years earlier.

Official figures reflected a fatality rate of 0.84 per million man hours during 1967, compared to 1.13 in 1966, 1.29 in 1965, 1.22 in 1964 and 1.81 in 1963.

Even in 1968, before the thunderous blast at Farmington, Marion County, killed or trapped 78 miners, the state had a comparatively good record of 1.09 man hours. Preparation of laws and regulations to improve the record marred by disaster is now in a fluid state as the new administration looks at the past to learn its lessons and looks at the future with an eye toward taking advantage of every new idea and every technological advancement to make the underground world safer for miners.

During the past few weeks, before and after Moore took office, the State Mines Department staff, headed by Director Elmer C. Workman, union officials and operators put their heads together on proposed laws and regulations that would achieve these goals:

A foolproof system of mine mapping that would guard against another Hominy Falls type of disaster, with the workings of one mine located too close to another. Mapping would be supervised by a professional engineer.

More mine inspectors and higher salaries for them.

A new definition of "return air," meaning that after a volume of air has passed through and ventilated all the working places on a so-called "air-spill," it shall then be designated as return air.

Haulage lights on the rear, as well as the front, of machinery moving in the mines.

The need for a good mapping program has received much emphasis in the general discussions about mine safety.

Among other things, the maps would show all shafts, slopes, drifts, tunnels, entries, rooms, crosscuts and all other excavations. Additional information on the maps would show:

The outline of existing and extracted pillars, since designating an area "pillared" or "mined out," without the outline of the mined pillars, is unacceptable.

Direction of all air currents, using arrows. Abandoned portion or portions of the mine. The outcrop of the coal bed within the bounds of the property assigned to the mine.

The boundary lines of the coal rights assigned to the mine.

The known underground working in the same coal bed on the adjoining properties within 1,000 feet of such mine works and projections.

The elevations of the top and bottom of each shaft and slope, all drifts and the bottom along at least two parallel entries in each set of main and panel entries at horizontal intervals, not exceeding 200 feet.

Location of the principal streams and bodies of water on the surface, location of any impounded bodies of water inside the mine, and location of all boreholes penetrating the coal mine, and the location of oil and gas wells, high pressure pipe lines, high voltage power lines, principal roads and occupied dwellings.

One of the most significant provisions given study for the proposed law would permit any miner to examine a company mine map "if he has reason to believe that a working place is in the proximity to other workings that may contain impounded water or noxious gases."

Mine Director Workman made this simple but profound remark about safety in a coal mine:

"A bad top never killed anybody."

This simply means, he explained, that if a miner is informed that a top is bad, he doesn't get under it. This rule permeates all the rules of safety in a coal mine.

Workman believes it's impossible to attain perfection in mine safety because of the element of human error. He estimated that at least 90 percent of all fatalities in coal mines can be attributed to human error.

WHY THE SURPRISE AT "PUEBLO" SEIZURE?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. MICHEL. Mr. Speaker, while it will be some time before we get all the facts surrounding the seizure of the U.S.S. *Pueblo*, the early reports from the naval court of inquiry have produced the surprising revelation that apparently no one in the naval chain of command had any idea that the ship might possibly be attacked or seized.

As pointed out in an article by Mr. Richard Halloran appearing in the *Sunday*, February 2, edition of the *Washington Post*, the natural question arises as to—

"What made everyone so sure the North Koreans would not try something so audacious as capturing that ship?"

The article raises some very significant and pointed questions and I insert it in the *Record* at this point:

WHY THE SURPRISE AT "PUEBLO" SEIZURE?
(By Richard Halloran)

The question nobody seems to have asked yet in the *Pueblo* inquiry is: What made everyone so sure the North Koreans would not try something so audacious as capturing that ship?

Cmdr. Lloyd Bucher, captain of the ship, testified in answer to a question from the board of inquiry: "No, sir, I never considered I would ever be attacked on this mission. It never occurred to me . . . it never occurred to me that I would ever be put in the position I found myself in that afternoon."

Capt. Thomas Dwyer, in charge of naval intelligence in Japan at the time of the *Pueblo's* capture, testified in closed session that he did not even know the North Koreans had publicly warned the United States against such missions.

Rear Adm. Frank L. Johnson, the Navy commander in Japan at that time, testified that such a seizure was considered "highly improbable." He defined this as, "in effect, there is almost no chance of this happening."

"The feasibility of this type of operation," Johnson said of the *Pueblo's* mission, "is dependent to a large degree on the safety provided by the time-honored recognition of the freedom of the seas. This has gone on for over 150 years. No public vessel had been seized in all that time. This was a very excellent precedent on which to base the safety of any one individual ship."

Yet in June, 1967, only seven months earlier, Israeli aircraft and patrol boats strafed and torpedoed the USS *Liberty*, a ship similar to the *Pueblo* on a similar mission on the high seas in the Mediterranean.

That was the case of a friendly nation attacking an American ship and by accident. Did it not occur to anyone that a hostile nation might do so and deliberately?

There was no attempt to capture the *Liberty* but the distinction between an attack and a seizure is surely only one of minor degree. In military terms, capture is the logical objective of attack.

Consider the evidence of North Korean hostility toward the United States in the following facts, all obtained from overt, public sources:

On Nov. 2, 1966, the day President Johnson left Seoul after a state visit, the North Koreans ambushed and killed six American and one South Korean soldier in the southern portion of the demilitarized zone that divides Korea.

That was the first incident in a marked upsurge of flagrant violations of the Korean armistice and clearly aggressive actions by the North Koreans.

During 1967, the North Koreans killed 131 American and South Korean soldiers and wounded 294 more in attacks along and below the DMZ. There were a total of 445 fire-fights along the DMZ, plus more in the South Korean interior.

Moreover, two American camps were shot up. There were artillery exchanges and at least one small tank battle. Two railroad trains were sabotaged.

At sea, numerous South Korean fishing vessels were captured. A South Korean patrol boat was blown out of the water by North Korean ships similar to those that attacked the *Pueblo*. There were other exchanges of fire inside and outside territorial waters, north and south of an imaginary extension of the DMZ.

In December, 1967, North Korean Premier Kim Il-sung reiterated in the clearest terms the North Korean intention to reunify all of Korea under Communist domination by force of arms. It was the third time that he personally had done so and each time he emphasized that American forces were the target of priority.

On Jan. 6, 1968, five days before *Pueblo* left Japan, and again on Jan. 11, the day the ship sailed, North Korean broadcasts warned against spy ships off their coast and said they were determined to take counter measures.

Most flagrant of all, the North Koreans sent 31 men into Seoul in an attempt to assassinate South Korean President Park Chung Hee. This blatant evidence of North Korean belligerence occurred on the night of Jan. 21—a full 36 hours before the *Pueblo* was seized. It would be interesting to know whether Bucher had been apprised of it.

He may not have been for all three experienced naval officers testified that, in effect, they had no idea the North Koreans were in a threatening mood and would violate the freedom of the high seas, just as they had violated so much on land and at sea before.

Nor have the five admirals on the board of inquiry delved deeply into this point. Rear Adm. Marshall W. White asked Adm. Johnson whether the DMZ intrusions had not made him think the same thing might happen at sea—"a so-called crossing of the DMZ in the water."

Johnson replied that the chances were so remote "a bookmaker would give you such fantastic odds that even someone as rich as Howard Hughes could not pay off on it."

No one could have predicted, of course, exactly what the North Koreans might do, any more than any other event can be predicted. Gen. Charles H. Bonesteel III, the commander of American forces in South Korea and a perceptive student of his North Korean adversaries, has often called Kim Il-sung a "meglomanic" and said he would never try to guess what Kim would do next.

One might also have been surprised at the audacity of the North Korean seizure of the *Pueblo*. But little could have been more audacious for North Korea than to send armed soldiers into South Korea to assassinate the President.

But the basic question remains, in light of all the other evidence: What made everyone so sure that the North Koreans would not try it?

JOB TRAINING DILEMMA

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. PICKLE. Mr. Speaker, the Job Corps has been one of the most outstanding programs in recent years, and I am proud that we in central Texas have one of the best Job Corps centers in the Nation.

As we all know, there has been a great deal of discussion lately about the future of the Office of Economic Opportunity and the programs operated by them. Only in the past few days we have seen accounts indicating that OEO will be allowed to expire, or that its functions will be shifted elsewhere.

Whatever decisions are made in this respect, I feel it is imperative that the kind of Job Corps projects we have at Camp Gary in San Marcos, Tex., be maintained at a full level. The Gary center has been one of the most successful ones in the country, and as was said by one constituent—a member of a central Texas school board which had a lot of excavating work done by Gary Job Corpsmen—there is no monetary way accurately to measure the immense value of the training being given at Camp Gary.

Over the past year, I have extended invitations to Chairman CARL PERKINS of the House Education and Labor Committee to visit Gary. I have also invited his committee colleagues. Many have visited Gary and seen the fine work done there, but I hope soon that a large representative group might visit Gary. While the efforts going on there are by no means perfect, I can firmly say that we do have one of the best possible vehicles in Gary for reclaiming a young man and giving him a hope in life.

It is my feeling that the Job Corps program can be made to work better than any other one in OEO, and, in fact, I feel that this is already the case.

Mr. Speaker, in the Sunday Washington Post, Eve Edstrom wrote a penetrating and interesting article on what we can expect in job training. I was particularly pleased that the Gary center was singled out as one worthy of special comment by this forthright and capable reporter.

At this point in the RECORD, I am going to reprint this article:

JOB TRAINING DILEMMA: NIXON SEEKS MORE PRIVATE FIRMS FOR TASK, CONDEMNS INDUSTRY-RUN JOB CORPS

(By Eve Edstrom)

In the course of his campaigning for the Presidency, Richard Nixon made two promises that Washington now finds hard to reconcile.

On the one hand, he called for a far greater enlistment of private industry to solve America's social problems because private enterprise "is the greatest instrument" for change and progress.

On the other hand, he condemned as a "failure" the one Federal antipoverty program that America's industrial giants have been most deeply involved in.

That program is the Job Corps and Mr. Nixon said it should be killed.

SEEK TO SAVE IT

Currently, representatives of such large corporations as Litton, Xerox, Westinghouse and Burroughs are drafting recommendations to prevent the Job Corps from being abolished.

To give Mr. Nixon a face-saver, the industrialists would change the name of the Job Corps. It has been suggested that it be called a "growth opportunities" or a "residential skills" program.

But the game—cost-plus-fixed-fee contracts with private industry to run residential centers for training unskilled youth—would be the same.

Yet there is little evidence that the private corporations have been successful in fulfilling their chief mission—that of developing new approaches to educate boys and girls that the public schools couldn't hold.

"The harsh fact is that (the Job Corps) has helped only a minority of those who sought its aid, despite the relatively ample resources that were allocated to it," Sar A. Levitan has concluded.

Levitan, in a 58-page evaluation of the Job Corps for George Washington University's Center of Manpower Policy Studies, found that the most successful center was one operated by an independent, nonprofit corporation established by the State of Texas.

The Texas center at Gary is the largest in the Nation, with an enrollment of 3000. Business was involved to develop training materials and to place corpsmen. But the center is run by top-level state educators.

"The experience of Gary suggests that, given more adequate support (including money) from businesses and the community at large, the educational system might fare better in serving the disadvantaged," Levitan said.

This is exactly the point that Rep. Edith Green (D-Ore.) has consistently made as she has hammered away at the "high costs and questionable results" of the Job Corps. If existing educational systems had the financial underpinning of the Corps, she has said, they could have done far greater good for greater numbers.

A principal target of Mrs. Green's criticism has been the Parks Center in California which is run by Litton. She cites a November, 1967 review of the Parks operation by the General Accounting Office to show how poverty funds have been wasted.

WASTE WRITTEN OFF

The GAO report noted that Litton contracted with its subsidiaries for thousands of dollars worth of educational materials and equipment that was too sophisticated for poorly educated Job Corpsmen. Levitan writes off such "waste" as attributable to the early experimental nature of the Job Corps program.

In fact, many of the Job Corps' difficulties cannot be blamed on the private contractors. They had nothing to do with the initial haphazard screening procedures that sent many youths to Job Corps centers only to have them drop out before they could benefit from the program.

The private contractors would now like to correct this by being responsible for screening as well as job placements so that training programs can be better matched to available jobs. They also would like to siphon off 15 and 16-year-olds from the program, and focus on the 17- to 21-year-olds.

It was Litton that sold the first Poverty War chief, Sargent Shriver, on hiring private corporations to operate Job Corps centers. And Litton's president, Roy L. Ash, is close to President Nixon, having been selected to study the organization of the Executive Branch of the Government.

But whether Litton and other industrial powerhouses will be able to persuade President Nixon that the Job Corps—costing about \$1 billion since 1965—by whatever name, should be retained is an unanswered question.

TRIBUTE TO A DEDICATED DOCTOR

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. MURPHY of New York. Mr. Speaker, over the years, I have had the privilege of working in conjunction with a truly dedicated man in obtaining greatly needed medical care for disabled veterans. Recently, that man, Dr. Philip R. Casesa, medical director of the Veterans' Administration Hospital, Brooklyn, N.Y., was honored by Richmond County Post No. 248 of the Veterans of Foreign Wars. Under leave of extension of remarks, I include the remarks of Mr. Charles A. Di Sogra, VFW national aide-camp and the joint speech of Michael and Camille Di Sogra, past post and county VFW commanders, in the RECORD:

REMARKS OF CHARLES A. DI SOGRA

Tonight we pay tribute to Doctor Philip R. Casesa, a medical career officer of the Veterans Administration, for his 25 years of dedicated service to his country and our disabled veterans.

Dr. Casesa has been Director of Veterans Administration Hospital, Brooklyn, N.Y. since September, 1960; and has exercised the highest level of administrative skill and resourcefulness in planning and co-ordinating the Veterans Administration Hospital program.

He has demonstrated exceptional leadership for the outstanding ability as a capable and efficient administrator and fostered harmonious relationships with the local community; and Doctor Casesa has given unselfishly and with the highest degree of professionalism towards furthering the Veterans Administration program among veteran leaders in the community and with whom he developed and maintained a close personal liaison.

Largely through the efforts of the Honorable John M. Murphy, Member of Congress 16th Congressional District, New York, and Doctor Casesa, beds for veteran patients, was established in the U.S. Public Health Service Hospital, Staten Island, New York.

We do proudly cite Doctor Philip R. Casesa, for his leadership, sound judgment and unwavering devotion of duty in keeping with the highest traditions of the Veterans of Foreign Wars of the United States.

PHILIP R. CASESA, M.D.

It has been said that the only thing that distinguishes failure from success in ones pursuit of certain goals is the attitude with which one approaches things and with this philosophy in mind; Dr. Philip R. Casesa, a career Medical Officer in the Veterans Administration, imbued with a dream, determination and faith during his early childhood days, entered the study of medicine in his later years, to choose the honored profession of Hippocrates (460?-377? B.C.)—influential author, teacher and celebrated physician, who was and is still called "the father of medicine," who practiced among peoples throughout the ancient world. Thus, through the days of his life, Dr. Casesa, was dedicated to the brotherhood of healing and allied health fields. His long and illustrious career in the practice of his art is appreciated by all men.

Dr. Casesa, a native of Agrigento, Sicily, Italy, was born June 6, 1909. Sicily, often referred to as a most beautiful island in the Mediterranean sea, was inhabited at the dawn of history by a people called Siculi or Sicani, who, according to tradition, crossed over into the island from the southern extremity of

Italy. They were members of the great Latino-Italian family. However, the recorded history of Sicily begins with the establishment of Greek and Phoenician colonies, who left their mark on the land. A study of Sicily and the customs of its inhabitants tells us much of its legacy, a mixture of beauty and a culturally rich past. When we get to know these people we capture some of the unique qualities which shaped Sicily's destiny. Agrigento or Acragas, a city of antiquity, was situated near the s. coast of Sicily. It was founded by a colony of Rhodians and Cretans from Gela about 582 B.C. It was the second Greek colony established in Sicily. Agrigento, early acquired prominence under the rule of Phalaris, and was an important trading, religious and cultural center. It is also worth noting that Hippocrates roamed the hills of these colonies to practice the art of medicine. Agrigento is currently the capital and episcopal see of the same name. Various interesting ruins of ancient Agrigento are extant, notably the temple of Hercules. The Cathedral in Agrigento dates from the 13th century. The modern city of Agrigento occupies part of its ancient site. Agrigento, retained its dignity through ancient times and still retains this status under its modern name of Agrigento. Dr. Casesa, a man of great warmth and energy, is married to former Rose Giammalvo, and they are the proud parents of two children, Marie and James.

Dr. Casesa attended elementary and secondary school in New York City, graduating from Boys High School, Brooklyn, in 1927. He pursued his higher education at Long Island University, Brooklyn, (1927-29), and at Tufts College, Medford, Mass. (1929-30). Subsequently, after three years of studies, he received his doctorate in Medicine from Boston University School of Medicine, in 1934. Dr. Casesa's many Postgraduate advance courses in Medicine were attained at New York University Graduate School of Medicine; American College of Physicians, and American College of Hospital Administrators. Dr. Casesa was licensed to practice medicine in New York State and New Jersey in 1934. His first medical appointment was an 18 months residency (rotating internship) at St. Elizabeth Hospital, Boston, which was completed in July, 1935. Doctor Casesa then went into private practice in Brooklyn, and remained in this field until July, 1942.

Dr. Casesa's first VA assignment was at Waco, Texas, as a staff physician in July, 1942, serving until Jan., 1944. Following three months of service on the VA medical staff at Columbia, S.C., he was commissioned a Captain in the Army Medical Corps and discharged with the rank of Major in 1946. His post war VA assignment was as a Medical Officer and Chief of the VA Outpatient Service, Bronx, N.Y. In May, 1947, his duties were then performed as Chief of Staff of the VA Outpatient Clinic, Brooklyn, N.Y., serving until Sept., 1956. Dr. Casesa's development and utilization created a most efficient staff which meant better medical treatment and care of the sick. One who possessed leadership, initiative and excellent communication between his Staff, patients and the community.

In Sept., 1960, in recognition of his long distinguished service, he was appointed Hospital Director, of the Brooklyn VA Hospital, a job that entailed planning and supervising the whole medical program of this large VA complex. During his tenure he has been receptive to new ideas and new approaches. Looking for better ways to do things, thereby accomplishing his goals and objectives in a better hospital program for our veterans. Dr. Casesa's effectiveness in organizing and planning in the management of VA Hospital programs has generated enthusiasm for their mission, gaining the cooperation and loyalty of those concerned. His high degree of professional, medical and practical skill is in evidence and respected.

Dr. Casesa is a member of American College of Hospital Administrators and Hospital Council of Brooklyn, Queens and Staten Island. His other fraternal, civic, veteran, and professional affiliations are: Kings County Medical Society; New York State Medical Society; American Medical Association; Brooklyn Internal Medical Society; Fellow, American College of Chest Physicians; New York State Society of Internal Medicine; American Society of Internal Medicine; Anfuoso-Sessa Post, American Legion; Dyker Heights Civic Association, Inc.; President, Better Brooklyn Committee & Brooklyn Hall of Fame; Adjunct Professor, Biology, C. W. Post College, Greenvale, N.Y.; Consultant, Medical Technology; Who's Who in America (current listing); Courtesy Staff of St. Mary's Hospital, Brooklyn.

His realistic literary output of professional papers published in the New York State Journal of Medicine include: "Transient Bundle Branch Block"—Nov. 15, 1950; "Localized Pretibial Myxedema"—Mar. 15, 1952; "Outpatient Medical Care for Veterans"—Dr. A. Norman & Dr. P. R. Casesa—Mar. 15, 1954; "Famillal Leptocytosis"—May 15, 1956; and, "A Home Care Program in Physical Medicine and Rehabilitation"—Dr. P. R. Casesa & Dr. S. Feuer—published in the DM & S Information Bulletin—Oct., 1954.

Like sands through the Hour Glass, Dr. Casesa's ability to establish good relations with the public and with officers and employees; to lead in a humane manner; and willingness to teach and help subordinates develop their full potential, is a criteria based on integrity. One of this country's acknowledged authorities on veteran care, Dr. Casesa is, his fellow physicians agree, a touchstone of current information on the subject. Our confidence in the future of the VA Hospital Program has never been greater during our many visits with veterans. With each passing year Dr. Casesa adds a greater depth of meaning to the phrase "efficient and quality medical care to those in need" by striving to engender, qualities of initiative in order to make the VA Hospital Program the best.

We are especially grateful for your support in paying tribute to a congenial quiet-spoken man of understanding. Our entire V.F.W. organization is highly commendable of his accomplishments. We have profound appreciation and admiration for him for his professional assistance rendered to our ailing veterans. This, then, has been a brief résumé of Dr. Casesa which tells you what he was and is. Dedicated to hard work, to the good of our nation, and this nation's veterans. Indeed a fine American. A great man. A patriot of the highest caliber. A physician of unequalled skill. A true leader of men. Remember him. Remember him well. Men like him built the Veterans Administration Hospital Program. Men like him earned the Veterans Administration her universally fine record and reputation in the care of our disabled veterans.

In closing, we wish our Honored Guest and his family, happiness and contentment, each and every day in the years to follow.

BOAZ WINS SECOND AWARD

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. BEVILL. Mr. Speaker, for the second year in a row, the city of Boaz, Ala., in my congressional district has been recognized nationally for its efforts in the National Cleanup Contest.

I am extremely proud of Boaz, Mr. Speaker, and offer at this time a news

article from the Boaz Leader which tells of this city's contributions to keeping our Nation clean and its outstanding efforts in the contest. The article follows:

The community betterment efforts of Boaz have won a Distinguished Achievement Award in the 1968 National Clean Up Contest in which the city was in competition with communities of under 25,000 population from across the country. This national contest is sponsored annually in Washington, D.C., by the National Clean Up-Paint up-Fix Up Bureau.

Presentation of the award to community representatives will take place at a special ceremony February 25 at the Statler Hilton Hotel in Washington. The awards ceremony, which climaxes the 1969 National Congress on Beautification also sponsored by the Clean Up Bureau, will receive national press coverage.

Boaz created and increased community awareness with the use of a special civic improvement sheet which alerted individuals, firms, etc. to the need for improvements in the city. Projects carried out included a "Plant Up" program and antilitter and general spruce up campaigns, essay and poster contests, a "Yard of the Week" program, and "Weed Week" filled out activities.

CABINET VOICE FOR CONSUMER

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. DULSKI. Mr. Speaker, I am today joining in the sponsorship of legislation to create a new Department of Consumer Affairs in the executive department.

The position of Special Assistant for Consumer Affairs was created on the White House staff by the late President John F. Kennedy, a position which for the first time gave the consumer a real voice in the top level of our Government.

President Johnson continued this White House staff recognition while he was Chief Executive.

While the two women who served in this position—Mrs. Esther Peterson and Miss Betty Furness—did an excellent job to the extent that they had the opportunity, I feel we really need to have a Cabinet-level voice not just a special assistant.

In the meantime, however, I certainly hope that President Nixon will follow the leadership of his predecessor and at least name a successor to Miss Furness. We need a special assistant to keep an eye on consumer affairs until a department can be created.

The need for Cabinet-level coordination becomes apparent, it seems to me, when you take into account the fact that there are now 33 different Federal agencies which are trying to administer some 260 consumer protection programs which have been enacted into law in recent years.

The wide range of consumer laws today makes it unreasonable to expect coordination with so many different agencies involved. The same sort of maze is what brought about the Department of Housing and Urban Development in 1965 and the Department of Transportation in 1966.

The need for the consumer protection laws is clear, but their effectiveness is restricted by the inefficient organization that exists.

I am also joining in sponsorship of legislation to provide Federal grants-in-aid for the establishment and strengthening of State and local consumer protection offices.

Consumer protection requires coordination at all levels of government, State and local as well as national.

A STRAWBERRY FARMER SPEAKS OUT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. RARICK. Mr. Speaker, Mr. Carl Drude, Jr., is a strawberry farmer in my Louisiana district who has spoken out for the strawberry farmer.

Blessed by the Creator with pleasant weather, good soil, ready access to city markets and ports, this part of Louisiana has for nearly 100 years been able to support its people by raising strawberries and other truck produce.

Now our farmers find that while elements of nature are favorable, the grave threat to their livelihood comes from the foreign policy of their own Government which has all but removed any protection from foreign imports. Now these American strawberry producers cannot compete price-wise.

We in Congress must recognize the plight of our own people—at least as readily as that of so-called developing nations. Prompt action is necessary to rehabilitate our foreign policy so that it protects our people, rather than have it hurt our food producers.

A year ago, I introduced legislation to amend the tariff schedules and to impose limitations on foreign imports but have been unable to muster enough interest to get hearings or constructive relief.

This Congress, I have reintroduced H.R. 571 and 572 and so that our colleagues may readily appreciate the position of the Louisiana strawberry farmers, I include Mr. Drude's remarks which appear in the Hammond Daily Star for January 24 in full text, followed by the provisions of my proposed legislation:

A STRAWBERRY FARMER SPEAKS OUT

(By Carl Drude Jr.)

Our state department in Washington, which seems more interested in making friends of Mexican producers and others with Mexican import interests, are trying hard to convince the American public that Mexican imports are not a threat to U.S. producers, although it is hard to argue the facts.

Imports of frozen strawberries from Mexico have increased from a yearly average of 23 million pounds in 1959-61 to 83 million pounds in 1966. This caused a drop in prices because of oversupply.

Imports of fresh strawberries increased from 387,000 pounds in 1960 to around 25 million pounds in 1967. Over 27 percent of

the strawberries eaten in the United States in 1968 were imported.

Fresh tomato imports jumped from 245 million pounds in 1963-64 to nearly 400 million pounds in 1966-67. Disease and weather curtailed exports to the U.S. last year, but they can be expected to be heavy this season.

Cucumber imports went from 18 million pounds in 1964 to 58 million pounds in 1967.

U.S. prices and market needs will greatly influence timing, total amounts, and whether the product is fresh or processed, even though imports of Mexican-grown fruit and vegetables are likely to increase. Mexican tomato growers say that they can ship a 22-pound flat of tomatoes into the U.S. for less than \$3.50 to Nogales, Ariz. If the prices are too low, the tomatoes are processed.

The main cause of the sudden increase in Mexican production and exports are the large shifts in American growers and capital into Mexico following the cutoff of bracero and offshore labor.

But, the Mexican producers don't have all the advantages. First, the area in which most of the fruit and vegetables are grown is 2,500 miles from Chicago. Costs soar with the increase in freight rates, U.S. tariffs, Mexican export duties and other inspection costs.

Mexican equipment, fertilizer, pesticides and packaging materials are higher than their equivalents in the U.S. Much of the merchandise comes from the U.S. Tractors and other equipment costs 50 to 60 per cent more in Mexico than in America.

Yet, the Mexican grower does have some advantages. Labor is cheap and an unskilled laborer receives approximately \$1.72 per 8-hour day. Dams and irrigation projects will open several million acres for cultivation. The Mexican climate is favorable, but heavy rains provide a big drawback. Also, some of the growers have American partners. When the bracero returned home, the Americans took their capital experience, marketing know-how and went into successful farming below the border for themselves.

Solutions for the American farmer, if he is to remain in business, are multiple.

Since powerful union lobbyists in Washington won't tolerate the spiraling increases on all that the farmers buy, the government could take steps to halt the rise in costs.

Fruits and vegetables could be subsidized in the U.S. Presently they aren't.

Farmers could band together and form co-operatives in which their purchasing power would save them money. Organizing would aid them politically as well as in marketing power. In the past the farmers have not demonstrated organizational strength on either a local or national level.

Though irrational, the farmers could simply get out of the fruit and vegetable business until markets get high enough to meet the farmers' demands. However, most farmers (except part-timers) need every year's crops to sustain themselves.

A final solution would be for the farmers to become productive enough to simply outdo the extra costs of production. Such a

method seems to be the best one at the present time. Newer varieties, cultural practices, frost and heat control techniques and better marketing methods are already taking place and keep the U.S. grower in business.

H.R. 571

A bill to impose import limitations on fresh, prepared, or preserved strawberries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the aggregate quantity of fresh, prepared, or preserved strawberries specified in items 146.58, 146.60, and 146.75 of the Tariff Schedules of the United States (19 U.S.C. 1202) and of paste and pulp of strawberries specified in item 152.74 of such Schedules which may be imported into the United States in calendar year 1969 or in any subsequent calendar year shall not exceed 5 per centum of the average annual consumption in the United States of such fresh, prepared, or preserved strawberries and paste and pulp of strawberries during the five calendar years immediately preceding such calendar year.

(b) The Secretary of Agriculture, for each calendar year after 1968, shall, before the beginning of such year, determine, publish, and certify to the Secretary of the Treasury the aggregate quantity prescribed for such calendar year by subsection (a). In making such determination for any calendar year, the Secretary of Agriculture shall use estimates for any portion of the immediately preceding calendar year for which final statistics are not available.

(c) The Secretary of Agriculture shall allocate the aggregate quantity of such fresh, prepared, or preserved strawberries and paste and pulp of strawberries which may be imported in any calendar year after 1968 among supplying countries on the basis of the shares of such countries supplied to the United States market during the five calendar years immediately preceding such calendar year, except that due account may be given to special factors which have affected or may affect the trade in such articles.

(d) The Secretary of Agriculture shall issue such regulations as he determines to be necessary to prevent circumventions of the purposes of this Act. All determinations by the Secretary of Agriculture under this Act shall be final.

H.R. 572

A bill to amend the Tariff Schedules of the United States with respect to the rates of duty on fresh, prepared, or preserved strawberries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 1, part 9, subpart B of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out items 146.58 and 146.60 and inserting in lieu thereof the following new items:

146.57	Strawberries: If products of Mexico.....	5.25c per lb.....	
146.58	Other: If entered during the period from June 15 to September 15, inclusive, in any year.....	2.0c per lb.....	10.25c per lb.....
146.60	If entered at any other time.....	4.0c per lb.....	10.25c per lb.....

and

(2) by striking out item 146.75 and inserting in lieu thereof the following new items:

146.76	Strawberries: If products of Mexico.....	60% ad val.....	
146.77	Other.....	30% ad val.....	70% ad val.....
146.79	Other berries.....	30% ad val.....	70% ad val.....

Sec. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from ware-

house, for consumption after the date of the enactment of this Act.

WAR ON CRIME

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. McCLORY. Mr. Speaker, in connection with advancing the war against crime, it is vitally essential that we improve the administration of justice and expedite the handling of criminal cases. Utilizing automatic data processing can contribute substantially to the efficient operation of the court system and the more expeditious handling of litigation—including criminal cases.

A specialist in ADP and the related field of operations research is our information science specialist in the Legislative Reference Service in the Library of Congress—Robert L. Chartrand. Bob Chartrand, who has also had extensive experience in the private sector, recently authored a significant article on the value of automatic data processing as it relates to the administration of justice. Bob Chartrand's article was featured in the December 1968 issue of the *Journal of the American Judicature Society* and is reproduced herewith, as follows:

SYSTEMS TECHNOLOGY AND JUDICIAL ADMINISTRATION

(By Robert L. Chartrand)

(NOTE.—The views expressed in this paper are those of the author and are not necessarily those of the Legislative Reference Service nor the Library of Congress. Copies of Mr. Chartrand's full report, "Deficiencies in Judicial Administration," are obtainable from the American Judicature Society.)

The citizenry of these United States exists in an environment which epitomizes continual change and complexity of a high order. As our society has striven to absorb the products of science and technology, it has had to do so under the impetus provided by a rapidly increasing population of unprecedented mobility. The kaleidoscopic changes inherent in the contemporary milieu are affecting the mores, the institutions, and the course of justice throughout the nation.

The effectiveness of our courts—at all levels and in all localities—is a function of the judges who must render decisions and the judicial administrators who are responsible for the scheduling, docketing, screening, and preparation of documentation of both criminal and civil cases. Today, a great many courts are plagued with congestion and drawn out handling of cases. The results: delay of due process and, upon occasion, obstructed justice.

There is a growing consensus among judges, lawyers, legislators, and society at large that new tools and techniques must be identified, placed in operation, and evaluated in order that the judicial functioning be improved sufficiently to overcome the prevalent problems. Chief Justice Earl Warren stated:

"It seems to me there is a definite need for thorough analysis and study of the mechanics—in its physical aspects—of carrying on the business of our courts. I am led to this belief by the accomplishments of new data processing method employed in other fields—medicine, for example."¹

Judicial administration involves the handling of a great deal of narrative and statistical information. This information must be, in many instances, specially structured, indexed, stored, manipulated, and retrieved according to criteria that will satisfy a diverse user group. With the advent of automatic data processing (ADP), a new dimen-

sion to handling efficiently the requisite data has come into being that may be of benefit to the decision-makers on the bench and the court administrators who manage the daily operations which affect judge, counsel, and client alike.

Far-sighted leadership in the judiciary is allocating increasing resources—both personnel and money—in order to discover how ADP and related information handling techniques can be of assistance in this particular environment. Nearly fifty state, county, and municipal court systems have machine-oriented support systems in being, while other jurisdictions are experimenting to determine the ways in which ADP can fulfill their priority needs.

During the past decade, a number of imaginative and energetic groups in industry, and universities, at various governmental levels, and in joint endeavors, have worked to enhance judicial administrative capabilities across the nation. Among the areas in focus has been the application of ADP devices and programs.

Applications where computers or punched card equipment have proven to be of significant assistance in improving judicial administration include: the preparation of selected data on case loads by trial firms and individual lawyer, creation and maintenance of inventories and of indexes to cases, chronologies of cases, periodical tabulations of selected law firms' and court backlogs, and reports of cases filed, pending, or terminated. Computer support also has proven valuable in handling jury information: the selection of individual jurors, determination of jury composition, and management and ancillary (e.g., payroll) data.

In addition to using ADP in performing information retrieval, those responsible for improving judicial administration also are learning that the computerized simulation of a court system—perhaps taking the form of a carefully defined "model" of a given court operation—may provide salient information indicating identifiable strengths and weaknesses. The "systems approach," then, with its spectrum of tools and techniques, can help the American courts to overcome some of their problems. Perhaps the best expression of the role of technology in the courts appeared in the study performed by the Institute for Defense Analyses:

"Modern management techniques can help to achieve the most efficient use of the available resources, within the limits of procedure designed to ensure the due administration of justice."²

The utilization of proven mathematical analysis in the study of courtroom operations, administrative data loads, and the interaction between key system components was scrutinized in the IDA study. Stress was placed on the fact that simulated pretesting provides a first estimate of the effects of proposed changes on resources, work-loads, and delays.

The initial analytical effort by Drs. Navarro and Taylor of IDA (see their article in *JUDICATURE*, August-September, 1967, pp. 47-52) featured the development of a computer simulation of court processing functions. The time delay problem was considered through the mechanism of studying 1,550 felony defendants whose cases were initiated in 1965. The development and use of this experimental model allowed analysis of procedures to be conducted without disrupting on-going daily court operations. The Courtsim model was activated through the use of an existing simulation language, the General Purpose Systems Simulator (GPSS), developed by the International Business Machines Corporation.

Various members of the United States Congress have long sought to pass legislation which would result in raising the level of performance of courts throughout the country. One focus of activity during the 90th Congress has been on bills introduced both

in the Senate and House of Representatives which would provide for the creation of a Federal Judicial Center. In urging that ADP be utilized in court systems in the future, one supporter, Representative William M. McCulloch of Ohio, took care to present the perspective from which the new tool should be viewed:

"The use of computers by courts does not mean an abandoning of traditional legal duties and functions. To the contrary, it is the addition of improved legal skills and tools, less susceptible to error and capable of high speed efficiency. The implications for the future are obvious."

Yet a more positive delineation of the role of ADP in judicial administration was set forth in the wording of a bill (H.R. 7091) introduced by Representative Robert McClory of Illinois which specifically included phraseology calling for examination of the application of automatic processing and systems procedures to the federal courts. Favorable action by both chambers resulted in the enactment of Public Law 90-219. The Federal Judicial Center has as its first director retired Justice Tom C. Clark, who has long been concerned with improving court operation.

Also active within the Congress has been the Subcommittee on Improvements in Judicial Machinery (Senator Joseph D. Tydings of Maryland, chairman) of the Senate Committee on the Judiciary. Senator Tydings, in discussing court congestion and delay, has examined intensively the role which management consultants and systems analysts might fulfill in any study of existing court procedures. Hearings were held by the Subcommittee in mid-1967 in connection with the proposed National Court Assistance Act; the resulting testimony and supporting documentation are contained in "Deficiencies in Judicial Administration."³

Another approach has been the efficiency study of the District of Columbia courts which was initiated in April 1968 with financing from the Ford Foundation, the Eugene and Agnes E. Meyer Foundation, and the Russell Sage Foundation. The "Court Management Study" will concentrate on improvements in the current methods of handling cases (both civil and criminal) and will include the calendaring and scheduling of cases. The structure, jurisdiction, and procedures of the subject courts, as well as court organization and supporting systems, will be examined. The recommendations of the study team will be presented to the Committee on the Administration of Justice, for use with the Judicial Council of the District of Columbia Circuit (see *JUDICATURE*, November 1968, p. 168).

In recent years the American Bar Association has moved forward positively to strengthen judicial administration. Leadership was provided by Justice Tom C. Clark and his colleagues in the Section of Judicial Administration. A Joint Committee for the Effective Administration of Justice was created and commenced working with the National Conference of State Trial Judges to develop a comprehensive program of seminars bearing upon judicial problems of local concern. In 1964 the National College of State Trial Judges was founded. The importance attached by the College to the potential of ADP in assisting the court administrator was reflected in the commissioning of a special presentation in 1967 on "The Role of Automatic Data Processing in Improving Judicial Administration."⁴

The University of California at Los Angeles (UCLA) also has recognized the need to merge the perspectives and techniques of the scientist and the lawyer. A Law-Science Research Center has been established to study the future role of technology and society. Its staff has participated in such milestone projects as "A Study of Data Processing in the Los Angeles Superior Court."⁵

Concern over efficiency in judicial operations has not been limited to the United

Footnotes at end of article.

States. Charles S. Rhyne, President of the World Peace Through Law Center, has been

instrumental in forming a World Association of Judges, which includes among its goals the

use of modern techniques, such as computerized records, by the international judiciary.

SYSTEM SIZE AND COURT CASELOAD RANGE

Annual dollar cost	Computers			Punched card (50,000-20,000)	Manual
	Medium (Above 225,000)	(225,000-150,000)	Small (130,000-75,000)		
Cases per year:					
Criminal:					
Felonies.....	Above 5,000.....	6,000-2,000	4,000-1,500	2,000-400	Under 400.
Minor crimes.....	Above 30,000.....	32,000-11,000	21,000-6,000	10,000-2,000	Under 2,000.
Civil:					
General civil.....	Above 7,000.....	7,500-2,500	5,000-1,500	2,000-500	Under 500.
Divorce, nonsupport and probate.....	Above 30,000.....	30,000-10,000	20,000-6,000	10,000-2,000	Under 2,000.
Small civil actions.....	Above 75,000.....	75,000-25,000	50,000-15,000	20,000-5,000	Under 5,000.
City-county population.....	Above 1,500,000.....	500,000-1,500,000	300,000-1,000,000	100,000-300,000	Under 100,000.
		(55) ← Overlap → (85)		(200)	
Number of city-counties in each size group.....	10		300		2,700

STATE AND LOCAL USE OF ADP

Although the potential of the electronic computer and associated devices for judicial users still is incompletely understood, there is a growing number of state, county, and municipal court systems where ADP is used regularly. Among the decisions which must be made by the would-be user of ADP is whether such equipment actually expedites data handling, and if cost-effectiveness can be achieved. There have been instances of smaller courts becoming enamored of the flashing lights and spinning tape reels, and embarking upon a course of equipment use which was neither truly helpful nor within the established budget. An excellent comparison of manual versus punched card versus computer (both small and medium) systems was prepared by Norbert A. Halloran, and appears above.⁶

New machine-supported systems are going into operation in all sections of the country. The Secretariat of the National Conference of Court Administrators distributed a questionnaire in 1965 which provided an initial listing of those states, counties, municipalities, and territories which have installed some form of automatic data processing equipment for use in court operations. This information, together with later status indicators,⁷ provides an overview of the scope of activity:

Alaska*	Massachusetts: Boston
Arizona*	ton
California: 10 counties, 12 municipalities	Minnesota: Hennepin County
Colorado*: 2 counties, Denver	Missouri: Clayton County
Connecticut*: East Hartford	New Jersey*: New Jersey*
District of Columbia	Hudson County
Georgia: Fulton County	New York*: Suffolk and Dutchess Counties, New York City
Hawaii*	Ohio: Summit County
Illinois: Cook County	Oregon: 5 counties
Indiana*	Pennsylvania: Allegheny County and Philadelphia
Iowa: Polk County	Philadelphia
Kansas*	Puerto Rico
Louisiana: New Orleans	Texas: Dallas and Houston Counties
Maryland: 2 counties	

* State systems.

The willingness of the leadership of these court systems to try out new devices, programs, and procedures reflects the priority which has been assigned to improving court administration.

For example, the application of ADP equipment and techniques to selected operations of the Los Angeles County courts has been carried out in an evolutionary fashion, commencing with a study begun in 1961 by the System Development Corporation. Three Su-

perior Court functions were earmarked for analysis: processing of civil files, preparation of statistical reports, and an analysis of records in the Conciliation Court. Following this scrutiny of system activities emphasizing document origin, flow, content, and impact on the overall system, a second phase effort treating the entire court was undertaken. Today, ongoing activity in the Superior Court area resulting from the recommendations of the Special Committee on Data Processing includes: random juror selection, the issuance of jury summons, and statistical data on case activity.

With the creation of the Court and Law Enforcement Data Center in 1965, a series of new systems improvement activities were started. Municipal and Superior Court, as well as the Sheriff's Department and County Clerk's operations, were selected for ADP servicing—for example, the handling of prior offenders' records, prisoner movement, historical records of traffic offenders (both in the Municipal and Superior Courts), and a calendaring system for the Superior Court—with extensive use of disk files and peripheral access devices. Subsequent effort is to be expended in the District Attorney's and Public Defender's Offices. Projected equipment support features an IBM 360/40 with nearly 200 keyboard and video screen terminals, to begin January 1, 1969.

The development of such long term projects requires sustained management determination to expend precious resources and the patience to await meaningful results.

The trend throughout the United States is for judges and court administrators to study new ways and means of alleviating existing problems such as congestion and delay. While the many electronic processing devices have been part of the modern scene for nearly two decades, many persons still view the new technology with distrust and apprehension. Perhaps the most essential consideration for each person or group who is thinking about using ADP is this: precisely how and to what extent can a machine-centered information handling system improve the current operation? All too often this "moment of truth" is postponed, with subsequent problems for all.

In the realm of judicial administration, as in all other areas where information handling is so vital, man must work continually to expand the horizons of his thinking and his day-to-day performance. Dean Roscoe Pound in 1906 urged his colleagues to move with the times, apply new techniques, and introduce those procedural reforms which would help society:

"The public seldom realizes how much it is interested in maintaining the highest scientific standard in the administration of justice."⁸

The pressures upon those who are charged with dispensing justice and ensuring due process are, today, often many degrees of

magnitude greater than those of only a generation ago. Those who comprise the contemporary judiciary now may view the advantages which may be derived from applying scientific problem solving techniques and man-machine procedures to those problems which have become virtually inherent in the court operational environment. Technology has its place, however, and man must monitor carefully his use of the innovative mechanisms:

"Mechanical devices and electronic wizardry will handle the routine procedures of the court very nicely but justice will always be dependent upon the decisions of conscientious and dedicated students of the law. The wisdom and compassion displayed by our trained judiciary can never be duplicated by any machine."⁹

In the years to come, the effects of population growth and the intensification of human existence caused by megalopolitan living may bring new threats to individual freedom and the survival of collective rights. The judiciary of the nation will have to assess ever more accurately their efforts in terms of the welfare of the people. Justice under law, a heritage priceless to all Americans, will become more than an accepted right. It will stand as the most cherished possession of mankind.

FOOTNOTES

¹ Warren, Earl. Address delivered at the annual meeting of the American Law Institute, Washington, D.C., May 18, 1966. p. 9.

² Navarro, Joseph A. and Jean G. Taylor. *Data Analyses and Simulation of a Court System for the Processing of Criminal Cases*. Reproduced from the Task Force Report: Science and Technology, a report to the President's Commission on Law Enforcement and Administration of Justice. Prepared by the Institute for Defense Analyses, Arlington, Virginia, June, 1967. p. 37.

³ U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Improvements in Judicial Machinery. *Deficiencies in Judicial Administration*. Hearings before the Subcommittee, 90th Congress, 1st session, April 18-19, June 27, July 20, 1967. U.S. Government Printing Office, Washington, D.C., 1968. 470 p.

⁴ Chartrand, Robert L. *The Role of Automatic Data Processing in Improving Judicial Administration*. A presentation before the National College of State Trial Judges, the University of Nevada, Reno, Nevada, August 15, 1967. 14 p.

⁵ Adams, Eldridge. *A Study of Data Processing in the Los Angeles Superior Court*. Conducted for the Court's Special Committee on Data Processing. Santa Monica, System Development Corporation, November 1, 1963. 98 p.

⁶ Halloran, Norbert A. "Modernized Court Administration." In *Task Force Report: The Courts*, Appendix E. Published by President's

Commission on Law Enforcement and Administration of Justice. p. 163 (chart).

⁷ Comus, Louis F., Jr. *Use of Computers and Other Automated Processes by the Courts*. Geneva, World Association of Judges and the World Peace Through Law Center, 1967. 41 p.

⁸ Pound, Roscoe. *The Causes of Popular Dissatisfaction with the Administration of Justice*. In reports of the American Bar Association, v. 29, 1906. p. 181.

⁹ Ellenbogen, Henry. *EDP: Last Hope for the Jury System*. In Proceedings of the Conference on EDP Systems for State and Local Governments, New York City, September 30-October 2, 1964. p. 28.

MEN OF THE YEAR IN SERVICE TO AGRICULTURE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. NICHOLS. Mr. Speaker, each year the Progressive Farmer magazine honors a "Man of the Year in Service to Agriculture" in each of the States in which the magazine is distributed. The most recent recipient of the award in Alabama is our State commissioner of agriculture and industries, Commissioner Richard Beard. In receiving this award, Commissioner Beard joins such distinguished Alabamians as the late Senator John H. Bankhead, Senator Lister Hill, who just recently left the Senate, and our senior Senator JOHN SPARKMAN.

At this point, I would like to insert in the RECORD the citation which appeared in the January 1969 Progressive Farmer announcing that Commissioner Richard Beard had been named "Man of the Year":

MEN OF THE YEAR IN SERVICE TO AGRICULTURE

He's honest. He does the best job he knows how to do. He's able. Put them all together and you have an unusual public servant. These words from a career employee of Alabama's Department of Agriculture and Industries aptly describe the head of the department, Commissioner Beard.

More farmer than politician, Richard Beard has done such a remarkable job of getting maximum production and income from the 275-acre farm he developed that more than 15,000 farmers and businessmen have visited his farm during the past few years. But he's been a full-time public servant since taking office in 1967.

Even before then he joined with members of the State Board of Agriculture in urging the Alabama legislature to appropriate funds for a study of his department. He later was instrumental in bringing about a reorganization based on recommendations of the study group. These changes have enabled members of the department to function more efficiently and to give greater service to the people of Alabama.

The following comparisons of last year's activities to those of other years are used as examples of their increased efficiencies.

Collected and analyzed 3,500 samples of feed—a 19% increase over 1967 and a 150% increase over 1966.

Inspected 18,037 scales, 18,237 gasoline pumps, and 97,109 packages during the first 10 months of 1968 resulting in 33,863 condemnations as compared to 12,943 two years ago. <

CXV—183—Part 3

INADEQUATE INDIVIDUAL TAX EXEMPTION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. ZWACH. Mr. Speaker, in 1947, nearly 22 years ago, Congress established a \$600 per person exemption for individuals before determining the tax due to the Federal Government.

During these 22 years, we have established and funded a massive Marshall plan which has revitalized war ravaged Europe, it has seen a time when we have funded programs to go to the moon and return, we have largely financed the Korean war and the Vietnam conflict, we have witnessed a remaking of the world map since 1947, and we have also experienced a great change from the decision of Congress at that time that "\$600 was determined to be the minimum amount needed for maintaining a decent standard of living."

The consumer price index in 1947 was 77.8 percent of the 100 percent base of the 1957-59 period. In November 1968, this index was at the record level of 123.4 percent, or an increase of 56.6 percent since 1947. This reflects a portion of the astronomical increases in interest rates, service charges, college educational costs, housing, and so forth. It is high time that major improvements and revision be made on our income tax laws and regulations to close the loopholes and to become realistic in the exemptions authorized per person. My bill changes this to \$1,200 from the present inadequate level of \$600.

The effect of this change would be to leave nearly \$17.3 billion in the hands of those who earned it, and thus permit them to more nearly meet and accomplish their life's goals.

I have received hundreds of letters from honest, hardworking parents who tell of their individual problems of coping with the higher costs foisted on them through continued Government deficit spending, and who plead for the need of increasing the personal exemption to a level more nearly consistent with today's costs and prices.

The adoption of this change will help over 100 million taxpayers in 1 year, and this matter of only \$50 a month increase will avoid the time-wasting efforts of filing their reports and then having them scrutinized by the Federal Government of nearly 19 million taxpayers.

I am not advocating that we should have a deficit, or that an unbalanced budget will develop because I want to leave over \$17 billion back in the deposits of 19 million people. This revenue can easily be made up by the plugging of loopholes now in the laws so that as much as \$50 billion in taxes are not paid. If all this were to be collected, then the individual exemption might well be increased to nearly \$2,000, and still provide over \$30 billion in new Federal revenue.

A PLAN TO EVACUATE THE JEWS FROM IRAQ

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. HALPERN. Mr. Speaker, it is indeed proper to mourn for the 14 human souls, Jewish and non-Jewish, who were so notoriously mass murdered by hanging in the streets of Baghdad, Iraq. Civilization cries out against this return to the barbarity of the German Nazis by the government of Iraq.

But we must do more than merely cry out. We must embark on an action plan to save the survivors. The remaining estimated 2,500 Jews in Iraq are all under virtual house arrest. They face restrictions modeled after the Nazi Nurnberg laws. They may not emigrate from the country. Scores are in jail. Many are now facing phony trials. Such as the so-called trials conducted by the Gestapo judges of Nazi Germany. We fear more mass executions from day to day in this campaign of genocide.

The government of the United States can do little because Iraq broke off diplomatic relations with Washington during the 6-day war of 1967. The fanatical generals and colonels who act as military dictators of Iraq have voiced public contempt for anything the U.S. government might say.

Indeed, the State Department has indicated that it might even be counterproductive for Washington to intercede directly. One of the charges against those held in Baghdad jails, including even an American gentile citizen, is that they are spies for the United States.

Therefore, I am proposing to our Secretary of State an action plan to save the surviving Jews in Iraq.

The government of India is the government with the most influence with Iraq. Indeed, India may be Iraq's closest friend. Iraq chose India to represent Iraqi diplomatic interests in Washington after the Iraqi embassy was closed.

I propose that the United States enlist the offices of India, a country that has received as much as a billion dollars a year in various forms of loans and economic assistance from the United States, which reflects the humanitarianism of the American people. I will suggest that India show a special measure of compassion for the Jewish victims of Iraq, just as we have shown compassion for the hungry masses of India.

India can do this through her special status as diplomatic representatives of Iraq in the United States. Specifically, India can propose to Iraq whom she represents and with which she is on such good terms, that Air India provide an emergency air lift, a flying carpet of compassion, to remove the Jews from Iraq.

The estimated 2,500 Jews of Iraq could be flown out by Air India in less than a week. Other airlines could rush to lend planes to Air India just as the airlines

of the world sped to the assistance of the Arab airlines after the Israeli action at Beirut. At Beirut not a single life was taken. But at Baghdad human beings are being liquidated in naked genocide.

The government of India would be compensated for the special expenses including air fares, by appropriate philanthropies. Special visas could be issued by the U.S. Government under the immigration provisions providing emergency sanctuary for refugees from religious or political persecution.

I believe that the Government of India should make the rescue of the Jewish community in Iraq a matter of utmost priority. Pending before the subcommittee on international finance of the House Committee on Banking and Currency, a subcommittee on which I happen to serve as the ranking Republican member, is a bill crucial to India.

It is a bill authorizing a 4-year commitment to the International Development Association. The largest single beneficiary of this bill is the Government of India. Indeed, some have argued that India is receiving a disproportionately large amount of aid and there is some opposition to the bill. However, I am mindful of the human plight of India's millions of underprivileged and am taking this into account as I form my own opinion.

But I would be less than frank if I did not state my belief that a country like India, which receives massive U.S. food-for-peace grants, U.S. Government loans and assistance of all kinds, both directly and indirectly, should show a little compassion for the helpless Jews of Iraq. It would be in keeping with the finest traditions of Mahatma Gandhi who so eloquently denounced Adolf Hitler's persecution of the Jews.

Last Saturday, President Nixon devoted the entire session of the U.S. National Security Council, his top advisers on diplomatic, military, and security matters, to the crisis in the Middle East. Indeed, this was the only subject taken up in many hours of White House discussions. The conclusions, of course, have not been publicly announced.

But I am now confident on the basis of my own information that the President will not rush headlong into any deals which would involve a sellout of Israel. I can also reassure you today that the President expressed concern about the situation of the Jews in Iraq at yesterday's meeting.

The President is convinced that the most important threat to world peace exists in the Middle East. But he is not pushing the panic button. He is avoiding possible missteps that might compromise Israel's right to peace and security.

I can assure you today that the President has resisted various pressures for a headlong surrender to pressures for a so-called imposed settlement injurious to Israel. He is acting cautiously and with a cool determination to preserve the peace and security of all the countries of the region.

While the outlines of the new American policy are not yet clear—indeed, the

President has not yet made up his mind on basic options—one thing is certain. It is that he understands that the Russians are exaggerating the crisis in a self-serving manner in a bid to help their Arab friends and to further penetrate the region. I am confident President Nixon recognizes that the threat to Israel is also a grave threat to the national security interests of the United States.

USE IMPORT DUTIES TO ASSIST RURAL CITIES AND VILLAGES THAT ARE HURT BY IMPORTS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. ZWACH. Mr. Speaker, there has been a great erosion of business activity in our smaller rural cities and villages. This is due largely to the loss of family farms and lower farm net income.

The fall of farm prices to their present level of 72 percent of parity is due to many factors at work in our changing economy, but one of the contributing factors has been the steady increase of imports of competing agricultural products.

Another has been the increased cost of farming. Our Nation has changed from a largely agricultural country to a highly industrialized one. Each remaining farmer has had the increased responsibility of more mouths to feed and that has meant greater investments in machinery, fertilizer, herbicides, as well as in more sophisticated feed supplements for livestock.

Faced with these mounting costs, farmers have been forced to shop harder for the products they buy and this has cut into the business volume of the small towns.

It has been said that one business in the country villages dies with the loss of four farm units. It is foolish to allow the continuation of this trend. Our farmers and our small towns both need our help.

There is a way to help these small towns without placing an extra burden on the taxpayers. Under my bill, their adversaries would in fact become their benefactors.

I propose using the pool of funds accumulated by the assessment of duties on our imports to help our rural communities. Besides the uses specified in section 22 of the Import Act of 1935, a fourth use would be specified for these funds.

This fourth use, as proposed in my bill, provides that \$300 million would be available from the import duty fund under the 1935 act, for loans or grants to rural communities to be used for the installation or expansion of public services such as water and sewer systems and other facilities needed for the location of new industries in these areas.

This action is needed as a step toward the revitalization of our countryside.

THE LITTLEST PRINTING SHOP THRIVES AMONG THE GIANTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. EILBERG. Mr. Speaker, in the Philadelphia Evening Bulletin on Monday, January 13, 1969, appears a column by writer James Smart concerning David Snyder, who resides at 6003 Castor Avenue, Philadelphia, Pa., in the Fourth Congressional District.

It is my pleasure to know this gentleman, a distinguished citizen of our community, who is active in many civic, fraternal, and religious affairs.

I should like to share Mr. Smart's column with my colleagues and so, his column follows:

THE LITTLEST PRINTING SHOP THRIVES AMONG THE GIANTS (By James Smart)

Among the printers who belong to the Graphic Arts Council of the Delaware Valley are Curtis Publishing Co. and Cuneo Eastern Press and David Snyder.

Curtis prints things like Holiday and Ladies Home Journal. Cuneo prints things like Life and Time. Snyder prints things like stationery and bar mitzvah announcements. Snyder has the only one-man print shop in the council.

He has his shop in the basement of his row house on Castor av. above Comly, just off Oxford Circle.

Because this is Printing Week, I stopped in to ask Snyder what it's like to be the smallest member of a giant printing industry organization.

"There are not too many shops like mine around," said Snyder. "And most little shops don't seem to want to join the council."

"For one thing, I don't think some of them realize that the dues you pay depend on the size of the shop."

He said he gets the advantage of group Blue Cross rates from his membership, and can use the council's debt collection service. Once the council office spent two years collecting a debt of \$35 for him.

But, he admitted, he doesn't bother attending council seminars on labor relations.

He was hand-setting type for a business letter for a local automobile salesman.

In the low basement room were cabinets of type, two job presses, boxes of envelopes, stacks of paper and jars of ink. Inky rollers hung from an overhead water pipe on loops of string.

"Many printers won't do business cards or envelopes any more," he said. "Some small printers found they could work in bigger shops and get \$5 an hour plus benefits."

"But I do all right. I've been busy ever since I got here."

Snyder went to work for \$5 a week in a print shop after graduation from Northeast High School in 1933. After three years, he got a chance for a better paying job in the Post Office.

He was in the Army later, and then worked for the Veterans Administration.

"Printing was my hobby," he said. "I had a press in the basement of my house."

In 1950, he started his one-man shop. He sets and prints almost everything himself, although he farms out some typesetting, off-set printing and wedding invitation work.

"My son, Alan, used to help me when he was going to Northeast," Snyder said. "He had to work two hours a day. I taught him to set type, run the press. He went to Penn.

Now he's a big CPA with the SEC down in Washington.

"My daughter Barbara's a senior at Kent State in Ohio. She's going to be married in June. The only problem I don't have is the invitations."

His wife, Frances, came down the cellar steps with a stack of printed forms, 3,000 each of pink, white and yellow, that she had been collating in the living room.

"She's the delivery driver and the wedding invitation consultant," Snyder said.

He began setting type again, deftly picking the metal letters from the little wooden compartments in a flat tray.

The phone rang, and he answered.

"I'm working on your letter now," he said. "You can pick it up on your way home from work . . . Lunch time? . . . Sure, you can get it then."

He finished setting the type for the letter, talking while doing it, telling about his equipment.

"I'm proud of my collection of type," he said as he locked the type in a galley. "I've got Brush up to 48 point, and I have Coronet . . ."

He placed the job on the press with wooden blocks, put in paper, and pulled a lever. The Heidelberg 10x15 job press started flailing its windmill arms, and a stack of printed letters began to appear.

Curtis or Cuneo could hardly have done it better.

TRIBUTE TO AVERELL HARRIMAN

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 1969

Mr. MURPHY of Illinois. Mr. Speaker, I join my colleagues in paying tribute to one of the world's greatest statesmen, W. Averell Harriman.

Mr. Harriman, who just a few weeks ago returned from the Paris peace talks where he served as our chief negotiator, originally came to Washington in 1934 to serve as Administrator of the National Recovery Administration. During the next 35 years, he served his country in such positions as Special White House Representative, Ambassador to Russia, Britain and NATO, Director of the Mutual Security Agency, Secretary of Commerce, Governor of New York, and successively Assistant and Under Secretary of State. During this period, he dealt with every prominent world leader from Stalin and Churchill to Nehru, Tito, Mossadegh, Tshombe, and Nasser. He has had more different Government positions than any American since John Quincy Adams and no man has served longer in higher and more diverse posts.

During the course of my work on the House Committee on Foreign Affairs, I came to know Governor Harriman well. I found him to be a patient, persistent, and pragmatic man; one not obsessed by shibboleths. He brought to each endeavor a capacity for zealous application, an insatiable appetite for work, and a curiosity that few half his age could match.

I could extoll Ambassador Harriman's abilities at length, but I can pay no greater tribute than to express my sincere conviction that our country is infinitely richer because he has served it. He will always occupy a high rank in the his-

EXTENSIONS OF REMARKS

tory of this country. His character, his many achievements, and his faithful service will be an inspiration to many for generations to come.

LEGISLATIVE PROGRAM, 1969, AFFILIATED YOUNG DEMOCRATS OF NEW YORK STATE

HON. LEONARD FARBSTEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. FARBSTEN. Mr. Speaker, under leave to extend my remarks I am pleased to submit for the information of my colleagues the legislative program adopted by the Affiliated Young Democrats of New York State for the year 1969:

AFFILIATED YOUNG DEMOCRATS, INC., OF NEW YORK STATE ADOPT STATE LEGISLATIVE PROGRAM FOR 1969 ON JANUARY 23, AT THE HOTEL PICCADILLY, 227 WEST 45TH STREET, NEW YORK CITY

The State Legislative Committee of the Affiliated Young Democrats at a meeting held Thursday evening, January 23rd at the Hotel Piccadilly, 227 West 45th Street, New York City, unanimously endorsed their State Legislative Program for 1969; which will be introduced by their members in the State Assembly and Senate.

LEGISLATIVE PROGRAM FOR 1969

1. Greater protection and preservation of our natural resources.
 - A. Continue fight against pollution; clean water and shores.
 2. Lower voting age to 19 years.
 3. Liberalize Abortion Law.
 4. Strengthen our Divorce Laws.
 5. Require State Legislature to keep transcripts of all proceedings, and open to public.
 6. Mandatory free education to all State and City Universities and Community Colleges.
 7. Change Penal Law to allow tenants and property owners to protect their property.
 8. Strengthen Laws as to prison terms for Narcotic sellers.
 9. Tighten laws to enforce Compulsory Auto Insurance Law.
 10. Create State Recreation Department.
 11. Stronger Code of Ethics.
 12. Bonus for Korean and Vietnam Veterans.
 13. Raise drinking age to 21 years.
 14. Raise Minimum Wage to \$1.75 an hour.
 15. Strengthen Taylor Law against strikes.
 16. Law to enforce sale or purchase of Cigarettes, tobacco and cigars to anyone under 18 years of age.
 17. Raise the Juvenile Jurisdiction of the Courts from 16 to 18 years; all youthful offenders should be put in different Institutions than adults.
 18. More incentive Scholarships to assist needy students to go to college.
 19. Permanent Personal Registration be changed in New York City to do away with less congestion.
 - A. Do not have to Register if person moves in the same County of New York City, only mail to Board of Elections notarized change of address.
 - B. Do not have to re-register, unless a person fails to vote in two consecutive National Elections.
 20. Cost of Campaign for election of all Political Offices in the State should be mandatory by law, after a study as to a reasonable cost.
- June T. Shaw and Kenneth A. Banks are Co-chairman of the State Legislative Committee of the Affiliated Young Democrats.

RAY MARTIN WRITES ON HEALTH AND SAFETY IN THE COAL MINES

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. HECHLER of West Virginia. Mr. Speaker, national attention is focused on coal mine health and safety whenever there is a disaster in the coal mines. Since the November 20 disaster at Farmington, W. Va., which resulted in the deaths of 78 miners, many questions have been raised as to what can and should be done to protect the lives and safety of the men who work in these dangerous conditions.

Ray Martin of the Morgantown (W. Va.) Dominion-News, a member of the National Conference of Editorial Writers, has examined this subject in depth in a series of articles which should be carefully read by all those interested in taking constructive action to clean up the mines and make them safer for those who work in them. These articles should provide a sound basis for action in this vital and complex area.

There follows a biography of the author of these articles, Ray Martin, and the text of the articles during the period from December 4, 1968, through January 31, 1969:

BIOGRAPHY OF RAY MARTIN

Born at Baltimore, Maryland, on March 19, 1924. Married. No children. Army veteran of World War II.

Educated in the public schools of Baltimore City, Baltimore City College, University of Maryland, Johns Hopkins University, and Armstrong State College, Savannah, Ga.

Cited for coverage of state government affairs in a historic joint resolution of the Connecticut General Assembly. Holds citations from the Baltimore and Westminster, Md., City Councils. Awarded Certificate of Distinguished Citizenship by the State of Maryland. Holder of the Gold Quill, a journalism award granted by the National Council, Boy Scouts of America. Cited by the Glen Burnie (Md.) Lions Club and the Chambers of Commerce of Glen Burnie and Westminster for outstanding community service. Recipient of the first citizenship award of the Student Senate of the Willimantic State College. Nominated for four Pulitzer Prizes. Awarded special commendation for editorial writing by the Maryland Press Association. Won balloting in "Man of Year" poll conducted by Educational Television Network in Connecticut for 1967.

Member of Sigma Delta Chi, National Conference of Editorial Writers. Listed in Who's Who in the East. Member of American Academy of Political and Social Science and the Academy of Political Science.

Former vice president of the Savannah and Anne Arundel County Press Clubs. Professional Background:

From June, 1968, until the present time, city editor of The Dominion-News, Morgantown, West Virginia.

Prior to coming to Morgantown, served as editor of the Willimantic (Conn.) Daily Chronicle.

Previous to that served as editorial page editor, Savannah News-Press, Savannah, Ga.; editorial page editor, The Knickerbocker News, Albany, N.Y.; managing editor, The Anne Arundel Star, Glen Burnie, Md.; editor, Carroll County Times, Westminster, Md.; Hudson Dispatch, Union City, N.J.

Since starting with the Baltimore (Md.)

Evening Sun, has covered city and state government in Maryland, Georgia New York, Connecticut and West Virginia. Experience includes Capitol Hill correspondence from Washington.

WE MUST MAKE SURE MINER FATALISM WILL NOT CONTINUE

Ray Martin, City Editor of the Dominion-News, is writing a series of articles on present mine safety laws, how they are administered, and many of the cold, frightening facts of mine accidents, fatalities and injuries.

In describing mine safety regulations, inspections and inspectors' findings, Mr. Martin is performing a public service.

Many long-time residents of this mining area are getting a clearer picture than they had before of responsibilities for safety in the mines, results and inadequacies of present precautions.

Mr. Martin's third article was postponed from today's paper because of the hearing in Fairmont and other demands on the news space. It will appear tomorrow. He has spent time at the Bureau of Mines headquarters in Washington, interviewed John F. O'Leary, who recently advanced to the position of director, and has studied many U.S. mine inspectors' reports.

Some facts heretofore unpublished are that there were 18 fatalities in West Virginia industries in October, 12 of them coal miners. Twenty-seven children were left fatherless by the 18 industrial accidents, and miners accounted for 1,110 West Virginia workmen's compensation cases in October, meaning that 1,110 miners were injured in nonfatal mine accidents in our state in a single month.

The West Virginia Safety Council held a conference on industrial safety in Fairmont in October and no representatives of mine operators or miners' union attended, Mr. Martin was told.

Mr. O'Leary said in Washington Wednesday the United States, that leads the world in so many advancements, has much to learn from Europe in mine safety.

"Their fatality rates and their whole range of safety controls are better than ours. . . . The government companies apparently work together more over there.

"We haven't done in my agency all we could have done to reduce safety hazards. The union, the United Mine Workers of America, and the companies can do more. And so can the miners themselves."

Mr. O'Leary's comments are borne out by the fact that last year there were 27,742 violations reported by inspectors nationally in large mines, 11,014 such violations in West Virginia's large mines, and 94,749 violations nationally in smaller mines and 17,000 violations in small West Virginia mines. Our state in 1967 accounted for 1,979 of the nation's 7,269 active mines, both large and small.

One of the most disturbing things Mr. O'Leary said, and which we have observed, is that "the fatalism which surrounds coal mining is the greatest safety hazard we have to combat."

The fatalism must be eliminated. It can be only when companies, union, the men, the federal and state mine safety laws and their enforcement are brought around to the standards of Europe—and higher.

Yesterday's testimony in Fairmont added, if anything, to the uneasy feeling that too many people accept "everything is the way it is and nothing can be done about it."

This newspaper is not going to forget the horror in Mountaineer Mine No. 9 between Nov. 20 and Nov. 29, 1968 and we do not intend to permit the Federal Government, State Government, operators, union and miners or the voters to forget about it and accept half-way measures that have followed previous accidents.

The 78 men—the latest large-scale mine disaster victims—must not have died in vain.

A NATION'S CONSCIENCE IS AROUSED: MORE MUST BE DONE FOR MINE SAFETY

(EDITOR'S NOTE.—This is the first in a series of articles relative to mine safety, legislation concerning mining operations, research and the effort to make mining a safer occupation.)

(By Ray Martin)

In a message issued at the Texas White House last Saturday, President Johnson said the decision to seal the explosion-wracked soft coal mine at Mannington "is a final and tragic acknowledgement of human failure," in mine safety laws.

The President's reference was to the disaster which struck Farmington No. 9 mine Nov. 20. Twenty-one miners escaped or were rescued and 78 were presumed to be trapped in the mine when it was sealed to snuff out flames in the early morning hours of Nov. 30.

"The hearts and prayers of America go out to them," Mr. Johnson said, referring to the families of the miners sealed into the fiery tomb.

"But we owe these families more than sympathy. The men and women of our mining communities must have our promise that such shocking tragedies will not be repeated," the President said.

The President recalled that he had asked Congress last September for an act to improve the coal mine safety law.

"But no number of laws, no amount of inspection and enforcement, can ever eliminate the hazards that confront our mine workers every day.

"The only safeguard against those dangers is the daily concern of the employers and workers, the constant concern of management and labor to value protection as well as production," the President declared.

In commenting on the Mannington disaster, the Christian Science Monitor said editorially: "We cannot believe that modern technology plus a more fervent determination to do what is right and required could not measurably increase miner's safety. If any corners are being cut, if any technological devices are being overlooked, if any research is being neglected, this must be remedied at once. If conscience is not enough to bring this about, state and federal regulations must.

"It is sometimes said, fatalistically, that mining has always been hazardous and always will be. But there need be no such dispiriting acceptance of disaster or danger. All normal constructive human activity can be made safe and secure. This fact must be realized—and acted upon."

Except for an amendment in 1966 there have been no changes in the Federal Coal Mine Safety Act of 1952. The 1966 amendment made the act applicable to mines employing less than 15 miners.

In the decade prior to the 1952 federal law, the United States Government could only offer advice dealing with safe operation of mines. Before 1941 the federal government had no authority, however weak, to pursue mine safety measures.

Officials at the Department of Interior say that the federal government entered the mine safety field primarily at the request of state governments. It was thought that U.S. inspectors would be able to do a more effective job at maintaining safety than state officials.

The effectiveness of the federal program has been criticized in the wake of the Mannington disaster. There has been only one recorded instance of a penalty being invoked since the adoption of the 1952 law.

Ralph Nader, the consumer protection and automobile safety crusader, said "the situation of coal miners in this country is reminiscent of medieval times."

Speaking at the University of Notre Dame two days after the Mannington disaster, Mr. Nader declared: Political representatives in Washington and in the statehouses of states

such as West Virginia and Kentucky represent coal; they do not represent coal miners."

Earlier this year Mr. Nader charged that thousands of American coal miners faced unnecessary risks because the U.S. Bureau of Mines was "the captive" of the coal industry in drafting mine safety regulations.

He charged that the coal industry, the United Mine Workers and the Government had all shown more concern about maintaining the low-cost production advantages of coal in the high competitive fuel market than about the safety and health of mine workers.

Secretary of the Interior Udall has candidly admitted, in the wake of the Mannington disaster, that neither industry, labor nor his department "has done enough." His department readily admits that more than 80 per cent of the country's underground mines were in violation of one or more of the federal safety requirements last year.

Completing editorially, The Washington Post said: "The existing law is widely admitted to be inadequate and too loosely enforced. The ugly truth is that the country has winked at potential death traps in mines in the vain hope that good fortune would save us from large-scale tragedies. The grief, suffering and economic loss that has now overwhelmed Mannington should be ample warning that this neglect is no longer tolerable."

The United Mine Workers of America and the Bituminous Coal Operators' Association, representing a majority of the soft coal producers in the United States, recognize the federal law in their contractual agreement.

Under the heading of "Mine Safety Program," the contract signed Oct. 14, 1968, contains this language:

"(a) Mine Safety Code.

"The Federal Mine Safety Codes for Bituminous Coal and Lignite Mines of the United States, Part I—underground mines and Part II—strip mines, promulgated and approved Oct. 8, 1953, by the Secretary of the Interior are hereby adopted and incorporated by reference in this contract as a code for health and safety in bituminous and lignite mines of the parties of the first part.

"(b) Enforcement.

"(1) Reports of the federal coal mine inspector: Whenever inspectors of the United States Bureau of Mines, in making their inspections in accordance with authority as provided in Public Law 49 and Public Law 552 find there are violations of the Federal Mine Safety Code and make recommendations for the elimination of such noncompliance, the operators shall promptly comply with such recommendations, except as modified in paragraph two of this subsection.

"(2) Whenever either party to the contract feels that compliance with the recommendations of the federal mine inspectors as provided above would cause irreparable damage or great injustice, they may appeal such recommendation to the Joint Industry Safety Committee as hereinafter provided."

Many officials at the Bureau of Mines headquarters in Washington said they were not aware of the clause in the union-management contract which would supersede the inspectors' findings.

One ranking official, who asked not to be identified, agreed that the contract was in effect a conspiracy to violate federal laws. This, he said, is a matter which should concern the Justice Department and should have been noticed in the Interior Department previously.

BUREAU OF MINES HAS MANY DUTIES: FEDERAL MINE SAFETY ACT FLAGRANTLY VIOLATED

(By Ray Martin)

The Bureau of Mines was established July 1, 1910 in the Department of Interior by an act of Congress on May 16 of that year. It was transferred to the Department of Commerce in 1925 and returned to the Interior

Department in 1934 under the President's reorganization powers.

The Bureau conducts programs designed to conserve and develop mineral resources and to promote safety and healthful working conditions in the mineral industries. Its activities are divided into six major categories: minerals research, fuels research, explosives research, mineral resources, helium, health and safety and economics and statistics.

The United States Government Organization Manual defines the health and safety mission of the Bureau of Mines as follows:

"Programs are conducted to reduce fatalities and injuries and improve health and safety conditions in the mineral industries. This is accomplished through research to devise acceptable standards for mining operations; training of mine personnel in safe practices and rescue recovery methods; and, under certain circumstances, closure of unsafe mines."

There are three bureau installations in West Virginia. Two are inspection field offices: Mount Hope has 58 inspectors and Morgantown has a staff of 22. The Morgantown office on Collins Ferry Road also houses one of the bureau's 10 principal minerals research centers.

Established in 1962, the Coal Research Bureau of West Virginia University's School of Mines also gets some federal money in support of its various projects.

The federal coal mine inspection program was established to carry out provisions of Public Law 49, approved by the 77th Congress on May 7, 1941. This Act was subsequently amended and designated Title I, Advisory Powers Relating to Health and Safety Conditions in Mines, under Public Law 552 approved by the 82nd Congress on July 16, 1952.

Public Law 552 includes Title II, Prevention of Major Disasters in Mines, and is known as the Federal Coal Mine Safety Act.

The 1952 act was passed as a result of public indignation and demands for enforcement powers for federal coal mine inspectors following seven major coal mine disasters between Jan. 15, 1951, and March 27, 1952. The Government defines a major disaster as any accident that causes the death of five or more persons.

The Federal Coal Mine Safety Act was further amended by Public Law 376, approved by the 89th Congress on March 26, 1966, to extend the provisions of Title II to all underground coal mines regardless of the number of persons employed. However, mines employing less than 15 men underground and mines using black blasting powder specifically permitted by state statutes were exempt from the act's provisions until Oct. 1, 1966.

Under the provisions of Title I, the Secretary of the Interior, acting through the U.S. Bureau of Mines, is authorized and empowered to make, or cause to be made, annual or necessary inspections and investigations in coal mines, the products of which regularly enter commerce or the operations of which substantially affect commerce.

The principal functions of the federal coal mine inspectors under Title I are to determine the causes of accidents and occupational diseases in coal mines and then endeavor to eliminate or ameliorate them (1) by revealing, through personal conferences with mine personnel, correspondence, and published reports, the unhealthful and unsafe conditions and practices existing in the mines and (2) by recommending practical means for correcting the conditions observed.

Title I does not provide any enforcement powers. Therefore, compliance with the recommendations of the inspectors is not mandatory under its provision. It does give inspectors the right to enter mines for inspection purposes.

Title II is designed to prevent major disasters in coal mines. Compliance with its mine safety provisions is mandatory.

Under this section of the law, each mine is to be inspected at least annually to determine whether an imminent danger described in Section 203(a) exists, whether any of the mine safety provisions of Section 209 are being violated, or whether any mine is gassy as prescribed in Section 203(f).

Under Section 203(a) the inspector can order the mine closed if there is danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur before the danger can be eliminated.

Section 203(f) deals with the detection of methane gas and directs the inspector to issue a notice to the operator requiring compliance of the provisions of Section 209.

Section 209 prescribes standards for ventilation, roof support, rock dusting, electrical equipment, fire protection and several miscellaneous provisions.

The federal law also provides for joint State-Federal coal mine inspections. Agreements have been approved and are in effect in Alaska, North Carolina, North Dakota, Oklahoma, Washington, Wyoming and Virginia.

In the period between July 16, 1952 and Dec. 31, 1967, a total of 1,131 withdrawal orders were issued by inspectors under Section 203(a). West Virginia with 328 orders topped the list of 29 states in which there is mining activity. Kentucky ranked second with 206 closures. The breakdown of West Virginia orders were: man-trip 74; man-hoist 0; mine fire 127; explosion 117; and inundation 10.

During 1967, 171 orders were issued in the 29 states. Kentucky ranked first with 67 and West Virginia second with 51.

There were 7,269 active mines in the U.S. in 1967. Of this total, 1,979 were in West Virginia.

In his annual report to Congress, Walter R. Hibbard, Bureau of Mines director, noted that only two West Virginia mines were found to be free of violations during 1967 inspections.

There were 914 inspections at state mines employing more than 15 miners underground and 1,381 in mines with less than 15. The report showed that 11,014 violations were observed in the large mines, the largest number in the nation.

A total of 17,970 violations were observed in the smaller mines, ranking second to Kentucky's 22,032.

Nationally, there were 27,742 violations in large mines and 94,749 in the smaller mines.

Mr. Hibbard's report showed that 5,079 violations in the large mines were recorded in reports, while 13,237 were noted for the small mines. Listed as abated during inspections were 5,935 violations in large mines and 4,733 in the smaller mines.

Bureau of Mines records in Washington show that since August, 1964, there were 145 violations of the Mine Safety Act and Safety Code recorded by inspectors at the Farmington No. 9 mine in Mannington. Details of earlier inspections are not available since records are automatically destroyed after five years.

One of the most consistent violations noted in inspectors' reports over the four-year period was one dealing with rock dusting.

Bureau records indicated that closure orders affecting parts of Farmington No. 9 mine issued after the explosion of Nov. 13, 1954, and a fire closure order issued Nov. 1, 1956, were still in effect until early this year. Three areas of the mine at Mannington were covered by the orders.

The closure orders were annulled sometime between Dec. 30, 1967 and April 2, 1968. Bureau officials in Washington were not able to determine from available records when the order was rescinded.

The Mannington mine is classified as "gassy" on Bureau records. Its August, 1964, inspection report showed that 2,358,000 cubic feet of methane was liberated in a 24-hour

period. Four years later that figure was increased to 7,918,000 cubic feet.

Bureau records show at least one incidence in which ventilation equipment is being operated in accordance with an order of the Joint Industrial Safety Committee which was created by the UMWA-operators labor contract. It shows a June 6, 1964, date.

The mine at Mannington was inspected in August 1964, February 1965, July 1965, November 1965, March 1966, July 1966, December 1966, March 1967, August 1967, December 1967, April 1968 and August 1968. Violations reported during those inspections respectively, were: 12, 18, 12, 14, 12, 9, 10, 17, 14, 9, 11 and 12.

ABILITY MUST BE SHOWN: MINE INSPECTORS FACE TOUGH TESTS (By Ray Martin)

The Federal Coal Mine Safety Act provides that applicants for jobs as mine inspectors must have had at least five years practical experience in the mining of coal. In addition, they must demonstrate their knowledge, skill, and ability to perform the duties of the position at the level for which they apply.

Applicants are required to pass a written examination given by the Civil Service Commission which tests knowledge of the Federal Coal Mine Safety Act and the Federal Mine Safety Codes, both bituminous and anthracite.

The written examination also tests the applicant's ability to solve arithmetic problems as applied to mine safety, ability to prepare and understand written reports, and a knowledge of the principles of mining and mine safety, including knowledge of first aid and mine rescue as taught in the mining industry.

A passing grade of at least 70 in both the written test and in the evaluation of the applicant's experience and training is required.

The applicants must also pass a very strict physical examination before appointment. The presence of varicose veins, for example, would disqualify an applicant.

Applicants for mine inspector positions must be 18 and there is no maximum age limit.

New inspectors are placed on probation for a year and are given intensive training at the Bureau of Mines Central Experiment Station at Pittsburgh.

In the 1967 report to Congress, Walter R. Hibbard, who served as Bureau director at the time, recommended the Civil Service Retirement Act be amended to provide more liberal retirement benefits for coal mine inspectors. Mr. Hibbard said:

"Because of their arduous duties, coal mine inspectors and investigators must have sturdy physical qualifications, and the experience requirements make it difficult to obtain young men. It is rare that any man has such experience before the age of 30; consequently most appointees have been 40 years of age or older. Their physical abilities decline rapidly after 55, and after 60 most inspectors and investigators lack the physical stamina and ability to cope efficiently with the arduous efforts of their regular work or the hazardous emergencies which they constantly face.

"The combination of arduous and hazardous duties plus the high average entrance age means that few coal mine inspectors and investigators can hope to accumulate sufficient years of service to achieve an adequate retirement annuity. Enactment of legislation to provide more liberal retirement benefits for these people will improve Government services in that it will permit the acquisition of younger and more efficient personnel by encouraging the better qualified men in industry to seek employment and allow for systematic retirement without undue hardship of those who can no longer safely and efficiently fulfill the required

duties after serving the Government well and faithfully."

As of Jan. 1, 1967, there were 260 mine inspectors and investigators assigned to the Bureau's five field offices.

A spokesman for the Bureau's inspection headquarters in Washington said the Bureau could not hire 25 new qualified inspectors if it were told to do so immediately. If 25 applicants could be found, the spokesman said, half of them would be disqualified during the probation period.

The Federal Mine Safety Codes are used as the basis for determining unsafe and unhealthy conditions and practices in all coal mines inspected, and the Mine Safety Provisions of Title II of the Federal Coal Mine Safety Act are mandatory at all underground coal mines.

Generally, neither the mine operators nor the miners are notified of an impending inspection. The Bureau doesn't regard a telephone call on the day preceding an inspection to determine if the mine will be working as advance notice.

The manual for coal mine inspectors, revised in September, 1968, requires that larger underground mines be inspected at least three times each calendar year. Smaller underground mines are inspected at least twice each year.

The regular inspection work may require one day or several weeks, depending on the size of the mine, the thickness and pitch of coal beds, the system of mining, the degree of concentration of working places, the prevalence of hazardous conditions and practices, and other factors.

The inspector is required to inspect every working place in the mine, all active haulageways, entrances to abandoned workings, accessible old working airways, escapeways, other places where men work or travel or where dangerous conditions might exist, electric equipment and installations, haulage facilities, first aid equipment, ventilation facilities, communication installations, roof and rib conditions, blasting practices, surface plant, etc.

He also is required to test for gas and for oxygen deficiency in all mines and to collect samples of mine air and mine dusts for chemical analysis, if necessary, to determine precisely the conditions with respect to noxious and explosive gases, oxygen content, and coal dust and rock dust.

In multiple-shift operations the inspector is required to devote part of his time to inspection on each shift so that hazards are not inadvertently overlooked.

In addition, unannounced "spot-check" inspections are made between regular inspections of certain mines where experience indicates lack of sincere endeavor by the operator to comply with accepted safety standards between inspections.

Records at the Bureau of Mines headquarters in Washington show there have been 59 regular inspections at the Farmington No. 9 mine at Mannington and at least two "spot-check" inspections.

Bureau policy has been to avoid sending inspectors into areas where they were previously employed as miners. Each inspector is assigned mines that he inspects regularly, contingent on the availability of manpower at the time, every fourth inspection of a mine is conducted by an inspector from a different area. This is done, the Bureau says, "to assure that hazards are not being overlooked."

FEDERAL INSPECTION RECORD—122,491 MINE VIOLATIONS IN 1967
(By Ray Martin)

The U.S. Bureau of Mines has investigated major mine disasters, one in which five or more men were killed since its inception in 1910 as part of its accident prevention program.

The bureau also has investigated explo-

sions and fires in which less than five or no lives were lost, but before 1950 it was not general practice to investigate fatalities resulting from occurrences other than mine fires or explosions.

There have been 219,416 regular inspections of coal mines since 1941.

In the period between Jan. 1, 1967 and Dec. 31, 1967 inspectors observed 122,491 violations of the Federal Mine Safety Code while making 7,778 inspections. Seventeen per cent of violations were corrected during the period of inspection, according to inspectors' reports.

During the same period, 15,434 violations of the Federal Mine Safety Act were observed. Of this number, 13,132 were said to have been corrected during the course of inspection.

During 1967, inspectors issued 1,140 notices at 718 mines giving operators a "reasonable time" to totally abate violations of Section 209 of the Federal Mine Safety Act. A total of 1,162 notices were issued for violations which are subject to re-inspection in 90 days.

Inspectors issued 331 notices granting additional time for the abatement of violations. It was reported that 2,181 violations of the Mine Safety Act were totally abated between time of original inspection and special inspection.

The Bureau issued 171 withdrawal orders at 116 mines during 1967 for imminent hazards which could lead to death of miners. Since July 16, 1952 a total of 1,131 such orders have been issued. Of that total, 328 affected West Virginia mines, the largest number issued in the 29 coal mining states.

A total of 251 withdrawal orders for failure to abate violations which could substantially contribute to a disaster-type accident have been issued since March 26, 1966. This "resulted from the unwarrantable failure of the operator to comply with provisions of Section 209" the Bureau of Mines report for 1967 states. They were issued at 157 mines. During 1967, 68 of these orders were issued against 44 mines in West Virginia.

Thirty-eight withdrawal orders were issued for repeat violations of Section 209 in some mines which received the orders mentioned in the paragraph above. The 38 orders were issued to 21 mines in the period between March 26, 1966 and Dec. 31, 1967. Seventeen such orders were written against eight West Virginia mines last year, the highest reported for any of the 29 coal mining states.

Distribution of final reports of inspections of coal mines is as follows:

- Company official, one or more copies.
- One copy to the Safety Division, United Mine Workers of America, Washington.
- One copy to the UMWA Welfare and Retirement Fund office in Washington.
- Two copies to the UMWA district office in cases where the mine inspected is covered by contract.
- Two copies to the state department of mines.
- One copy to the Joint Industry Safety Committee.

In addition to the inspector's copy, the subdistrict, district and Washington headquarters of the Bureau of Mines inspection division each got one copy.

The Injury and Employment Statistics Division of the Bureau gets a copy of the first inspection report during each year for each mine inspected.

When the mine is located on Indian land or government property, a copy is sent to the Geological Survey's Washington office and to the district mining supervisor.

The regional office of the Division of Mineral Resources gets a copy of the report on original inspection of mines and the first inspection report each year.

A cooperative agreement with the Wage and Hour and Public Contracts Division of the Department of Labor provides that the Bureau of Mines field offices inform the regional offices of the Labor Department divisions of violations of the Federal Mine Safe-

ty Code in mines that supply coal directly or indirectly to a Government agency. The operators of such mines face cancellation of Government contracts if the hazards are not eliminated promptly. The Labor Department gets a copy of inspection reports when it is known that the mine's output is used by the Government.

Revised in September, 1968, the Coal Mine Inspectors' Manual issued by the Bureau of Mines contains detailed instruction on inspection techniques and the preparation of reports.

Page 4 of the Inspectors' Manual contains this notation:

"There has been some constructive criticism offered to the Bureau of Mines because of the apparent superficiality of coal mine inspection work on the part of some inspectors. There is, in fact, substantial evidence that at least some federal coal mine inspectors spent a large portion of their time on trivialities and consequently fail to devote sufficient time and attention to the prevention of disasters and other serious accidents.

"It has also been observed that some inspectors are content with bringing about compliance with Title II of the Federal Coal Mine Safety Act, without giving any attention or study to the disaster potential beyond the specific requirements of the Act.

"The training and experience afforded federal inspectors in the course of their employment in the Bureau should qualify them as experts in all phases of accident and disaster prevention technology, and it is expected that they should be of substantial assistance to the industry in developing and maintaining safer mining conditions beyond the mere requirements of the Act."

A special investigation of a mine disclosed that three continuous mining machines in a section continued operating after a breakdown of carloading facilities, and the loose coal from the machines was stored at several locations in the section for several shifts.

The inspector did not issue a notice under Section 209 even though he did not know for sure when the stored coal would be loaded out. Inspectors were told when a similar condition is observed, a violation notice should be issued, giving a reasonable time to correct it.

"The most vital area insofar as prevention of explosion disasters is concerned is between the section loading point and the working faces and, in view thereof, each inspector must make absolutely certain that dangerous accumulations of coal dust in the vital areas are cleaned up and removed from the mine and that such areas are rock dusted thoroughly," states a note on Page 4 of the Inspectors' Manual.

Reference is made on Page 97 of the manual to an operator who ignored a violation of a section of the Code which was cited in 17 successive inspection reports.

"When air-or-dust-sample analyses received after a routine inspection has been completed indicate a violation of the Federal Coal Mine Safety Act not hitherto known to exist, the following procedures shall be observed: a. If the violation is abated before midnight of the same day the operator is notified, a notice shall not be issued, and the violation shall be considered as corrected during the inspection and shall be recorded in Part IV of the report," states a section of Page 106 of the manual.

This statement appears on Page 98 of the manual:

"Some inspectors are not giving due consideration to certain conditions in some mines that present imminent dangers that warrant summary withdrawal of men from the mine. This refers to those mines in which multiple violations of the provisions of Section 209 of the Federal Coal Mine Safety Act or other hazards are present, any one of which, taken individually, could not be considered of imminent nature, but a combination of several of which presents all the req-

quisites of a potential disaster as covered under Section (a) (1). During and following each inspection, the over-all perspective conditions found shall be studied carefully to determine whether such a combination of hazards exists, so that prompt action will be taken to have the men withdrawn from the area involved under the provisions of Section 203(a) (1)."

FIRST U.S. MINE EXPLOSION IN 1810: GOVERNMENT RESEARCH PROGRAM BEGAN STUDIES IN 1908

(By Ray Martin)

H. B. Humphrey, Bureau of Mines health and safety engineer, completed work on the manuscript for "Historical Summary of Coal Mine Explosions in The United States" in 1957.

Published as Information Circular 7900 by the Bureau in 1959, Mr. Humphrey summarized the results of his study in these words:

"Explosions of gas and dust in coal mines have caused death and injury to miners and destruction of workings in all countries where coal is mined. In the United States the first reported explosion was in 1810; explosions have continued to the present.

"The danger to men in a mine when an explosion occurs is not always measured by the violence created or by their nearness to the area through which flame and violence extend. As many, perhaps more, men have died from gases and lack of oxygen (known as 'after damp') than have been killed by the blast and heat.

"Mine explosions often are caused by a combination of factors, including concentration of methane in air, formation of clouds of dust, and the presence of a flame or spark. These explosion factors have varied with changes in mining methods and practices over the years, but the basic causes have always been the same.

"Understanding of the causes and acceptance of ways to guard against explosions and their effect have been slow to spread from investigators to officials and then to bosses and miners.

"To a considerable extent there has been a belief that explosions were a mining risk that might be put off but could not be prevented. Such belief is based on the human failure to maintain and observe necessary precautions.

"These failures, caused by inertia to change, carelessness, or reliance on continuance of past explosion-free years, are being reduced in number and effect by education of miners and supervisors and acceptance of higher prevention standards."

Government research on the prevention of mine explosions began in the Technologic Branch of the Federal Geological Survey of the U.S. Department of the Interior in 1908. This was a result of a succession of disastrous coal mine explosions that caused the death of 1,148 miners in eight mines in the U.S. in 1907. Included in that group of disasters was the worst mine explosion in this nation—an underground blast in the soft coal fields of West Virginia that killed 362 men (more or less—exact records were not kept then of men underground) at Monongah Mines Nos. 6 and 8 on Dec. 6, 1907. These mines are about 12 miles from the site of the Farmington No. 9 disaster which occurred Nov. 20, 1968. (Sixteen miners lost their lives at Farmington No. 9 when an explosion wracked the mine on Nov. 13, 1954.)

The first recorded mine explosion in West Virginia occurred on March 27, 1880. It was at Gaston Mine in Marion County and two miners were killed.

Indiana and West Virginia were the sixth and seventh states, respectively, to enact mining laws in 1879.

Provision was made by Congress in July 1910 to transfer to the Bureau of Mines the duties of the Technologic Branch of the Federal Geological Survey.

In charge of the section of the Bureau devoted to mine rescue work and training and investigation of mine explosions and fires, was J. W. Paul. After serving as chief of the West Virginia Department of Mines, he joined the Technologic Branch of the Geological Survey in 1908 and came with that group into the U.S. Bureau of Mines. He was a leader in developing the mine safety work of the Bureau and the inventor of the Paul oxygen breathing apparatus. Later he was in charge of the Experimental Mine at Bruceston, Pa., and then the head of the staff set up to study roof falls.

In the 34 years that followed the disaster at Monongah—or the next 295 mine explosions and 7,301 miners' deaths by mutilation, fire or suffocation—the U.S. Bureau of Mines was not even empowered to send its inspectors on mine owners' property, except by consent.

It was not until 1941, after more than 12,000 mine explosion deaths, that the Bureau finally won the power to inspect—and then its only power to correct was publicity, a stream of press releases reporting the grossest violations. They received scant attention.

The coal industry up to then had won its legislative battles by crying "states' rights"—let the states inspect the mines—and by gravely predicting that stricter safety standards would bankrupt the industry.

In the meantime the Bureau of Mines was shifted from the Department of Interior to the Department of Commerce in 1925. It was returned to Interior in 1934 under the President's reorganization powers.

In May 1946, after strikes closed many of the bituminous coal mines, they were put under control of the Government by Executive Order 9728. The order of seizure directed the Secretary of the Interior to take possession of mines affected by the strike and to operate them under the existing management as Coal Mines Administrator.

Secretary Julius A. Krug and John L. Lewis, president of the United Mine Workers of America, entered into an agreement on May 29, 1946, which contained certain provisions designed to improve safety conditions and practices in the mines involved.

This concept of safety regulations by contract supplemented regulation by state statute.

The Krug-Lewis agreement led to the issuance of the Federal Mine Safety Code for Bituminous Coal and Lignite Mines of the United States, dated July 24, 1946.

The primary responsibility of the Coal Mines Administrator was to maintain the output of coal at a high level of production; on the other hand, under the agreement, his obligation was to put a reasonable safety code into effect.

The Code was intended to obtain as great a measure of safety as possible without jeopardizing the production of coal. For these reasons the requirements of the Code were not as severe or inclusive as the safety standards employed by the Bureau of Mines in its procedures under the Coal Mine Inspection Act of 1941.

The power of enforcement was vested in the Administrator and not in the inspectors of the Bureau of Mines, whose responsibility was to make inspections and to report to the Administrator violations of the code and any imminent dangers.

Page 231 of the Humphrey study contains this comment:

"The Code was a compromise between the recommended standards and current practices and conditions. Even so, immediate and complete enforcement was not intended, since new equipment would have to be obtained and extensive changes made in many mines to conform with the Code requirements."

The Burning Springs (Kermit, W. Va.) explosion in January 1951 and the Buttonwood (Wilkes-Barre, Pa.) explosion in March of

that year broke the longest disaster-free period in the history of American coal mining. Both were caused by ignition of undetected gas accumulations in working places. Six major explosion disasters occurred between Jan. 18, 1951, and Feb. 2, 1952.

The Orient No. 2 (West Frankfort, Ill.) disaster on Dec. 21, 1951, which killed 119, brought action in Congress on bills that had been pending to give enforcement powers to federal coal mine inspectors. Because these bills, as originally drawn up, gave complete regulatory power to the federal agency, whereas it had always belonged to the states, the bills had not been enacted, although hearings had been held and one had passed the Senate.

A bill was drawn up to grant enforcement powers for safety measures to prevent major mine disasters and became law on July 16, 1952. Known as the Federal Coal Mine Safety Act, it applied only to those mines employing 15 or more men regularly underground.

The 1952 Act incorporates, as Title I, the Coal Mine Inspection and Investigation Act of May 7, 1941, which gave the Government inspectors authority to enter and inspect mines but no power to enforce their recommendations. Title II of the 1952 law contains the "teeth"; federal inspectors are empowered to require compliance with the mine safety provisions, or certain penalties may be invoked.

However, the act is designed primarily to prevent major disasters from explosions, fires, inundation, and man-trip or man-hoist accidents. It does not cover the ordinary day-to-day type of hazards, which the Congress specifically reserved to the jurisdiction of the state mining departments.

The 1952 Act is still the basic law, and although there have been four explosion-free years since its passage—1955, 1956, 1964 and 1967—the death toll in the 15 years it has been in effect including the most recent major disaster on Nov. 20 at Farmington No. 9 is 376 dead, thousands of others injured and disabled.

An amendment in 1966 made the provisions of Title II applicable to all underground mines. It thus removed the exemption that "dog-hole" or mines employing less than 15 men underground had enjoyed for 14 years.

Last September, President Johnson submitted proposed legislation to Congress to strengthen the 1952 Act. It received no committee hearings and died with the adjournment of Congress.

Rep. Ken Hechler, D-W. Va., who introduced the White House measure, said he will reintroduce it again in January when the new Congress convenes. Hearings are scheduled for early February.

NO HEARINGS HELD ON BILL: PRESIDENT PROPOSED TOUGH MINE SAFETY LAW

(By Ray Martin)

The U.S. Bureau of Mines was to have delivered a report to the Congress on the "sufficiency" of existing legislation on March 26, 1968.

A day earlier, Ralph Nader, the consumer protection and automobile safety crusader, charged that thousands of American coal miners faced unnecessary risks because the Bureau of Mines was the "captive" of the coal industry in drafting mine safety regulations.

He charged that the coal industry, the United Mine Workers and the Government had all shown more concern about maintaining the low-cost production advantages of coal in the highly competitive fuel market than about the safety and health of mine workers.

In a four-page letter to Secretary of Interior Stewart L. Udall, Mr. Nader demanded a list of all meetings on proposed mine safety requirements between top officials of the

Bureau of Mines and officers of the Bituminous Coal Operators' Association and the mineworkers union.

Bureau of Mines spokesmen could not definitely confirm that there had been such meetings. George L. Judy, president of the operators' association, acknowledged that officials of his organization had had some meetings with Bureau people during February and March.

The New York Times reported on March 26 that the Capitol-bound report was "undergoing a careful review" in the light of Mr. Nader's criticism, and "it is probably going to be delayed."

It was not only "delayed," it was never sent to Capitol Hill.

A Bureau spokesman yesterday confirmed this fact and said that instead the Bureau prepared a draft copy of the Federal Coal Mine Health and Safety Act of 1968. The Bureau's proposals didn't meet with White House approval and President Johnson had the measure rewritten to make it more effective.

In his annual report for 1967, Bureau of Mines Director Walter R. Hibbard said:

"A comprehensive report on the 'Sufficiency of the Safety Requirements of the Federal Coal Mine Safety Act as amended' required by Public Law 89-376 effective March 26, 1966 was submitted to Congress by the Secretary of the Interior. This report outlined in detail proposed changes in the Act to further improve the safety provisions thereof and it was suggested that action be delayed for one year on all but four of the 20 suggested changes to permit further study of the present Act and the collection of field data to support the recommendations proposed. A final report will be submitted to the Congress before March 26, 1968."

The White House bill was sent to Congress in September and was introduced in the House by Rep. Ken Hechler of Huntington, W. Va. The West Virginia Democrat plans to reintroduce the measure, with amendments, when Congress convenes next month.

President Johnson sent letters to Vice President Hubert H. Humphrey, presiding officer of the Senate, and House Speaker John W. McCormack on Sept. 11 urging passage of the new mine safety bill.

"When President Harry Truman signed the Coal Mine Safety Act 16 years ago, he declared that, 'the legislation falls far short of the recommendation I submitted to the Congress to meet the urgent problems in this field,'" Mr. Johnson said.

Continuing, he told the congressional leaders, "The record shows just how far short that measure fell. Since 1952, over 5,500 miners have been killed on the job. Another 250,000 were seriously disabled. No one knows how many thousands more have died, their lungs blackened by the ravages of coal dust disease—pneumoconiosis.

"Today, despite the safety measures on the books, coal mining remains the most dangerous and hazardous occupation for the American worker. The National Safety Council reports that of the 40 major industries in this country, coal mining ranks highest in frequency and severity of death and injury.

"We have succeeded in preventing many of the major coal mine disasters that took dozens of lives at a time," the President said. "But coal miners are still crushed by cave-ins, burned by explosions, maimed by antiquated and unsafe equipment. They still pay with their health for the right of earning a living because the air they breathe is thick with coal dust. At the very least, one out of every 10 active miners—and one out of every five retired miners—suffer from a serious respiratory disease. For the tens of thousands of miners so afflicted, the shortness of breath may shorten their lives."

After citing two accidents in West Virginia and one in Kentucky, Mr. Johnson said, "There was nothing inevitable about these

disasters. They happened because our coal mine safety laws are inadequate, and because even existing laws are all too frequently ignored.

"At the present time," the President said, "Federal inspectors have too little jurisdiction over the working face of the mines, where nearly half of the fatal accidents occur. They cannot tell a mine owner to shore up a sagging roof in this area. They cannot require the replacement of a potentially hazardous machine. They cannot require a reduction in the level of coal dust in the air to safe limits because the laws do not even touch on the problem of health standards. They have no jurisdiction at all over the nation's 2,250 surface mines, which account for almost 40 per cent of our coal production.

"Our inspectors are not even backed by effective enforcement penalties where the law does apply. It is a measure of this weakness that last year more than 80 per cent of the nation's nearly 6,000 underground coal mines were in violation of one or more federal safety standards," Mr. Johnson said.

The White House measure provided, for the first time:

Extension of federal enforcement to the face of the mine, the area where so many deaths and injuries occur, as well as correcting 18 other specific safety omissions in the present law.

Abolition of the "grandfather clause" which allows old and unsafe electrical equipment to be used.

The Secretary of Interior with authority to develop and issue safety standards as the need arises rather than turning to Congress for every change in safety regulations. The secretary now has this power in the metal mining industry.

A way to reduce the human devastation of coal dust disease by requiring the Secretary of Health, Education, and Welfare to develop health criteria, and the Secretary of Interior, following such criteria, to issue health standards and enforce them.

Meaningful and effective sanctions for failure to comply with the terms of the law; criminal penalties and higher fines for willful violations, civil penalties and injunctions to deter and stop unsafe practices.

Extension of the law's reach to surface coal mines.

Creates simplified and streamlined enforcement procedures to require quick correction of hazardous conditions.

The penalty section, for example, empowers the Secretary of Interior to levy a penalty of up to \$1,000 for each violation of health and safety standards. In the case of continuing violations, each day would constitute a separate offense.

Persons who willfully violate or refuse to comply with orders can be fined up to \$5,000 or imprisoned for six months, or both, for the first offense. A subsequent conviction would bring a \$10,000 fine and a jail sentence up to one year, or both.

"The cost of this measure will be small," Mr. Johnson said. "Its benefits will be large, not only in terms of the lives it can save and the injuries it can prevent, but in practical terms of dollars and cents. Last year alone, over 1.8 million man-days were lost to the nation and the mine owners as a result of job-related deaths and injuries. Many millions of dollars in workmen's compensation payments were awarded to injured and disabled miners.

"I realize that it is late in the session. But the health and safety of America's 144,000 coal miners deserve immediate * * * the President told the Vice President and the Speaker of the House.

No committee hearings were held on the President's mine safety proposals prior to the adjournment of Congress.

(The next article in this series will describe the types of violations of the Federal Mine Safety Act found by mine inspectors.)

A 600 PERCENT INCREASE ORDERED: MINE INSPECTIONS WILL BE HIKED BY O'LEARY

(By Ray Martin)

WASHINGTON.—A 600 per cent increase in the number of spot inspections of underground mines was ordered Wednesday by Bureau of Mines Director John O'Leary.

O'Leary said the number of such inspections conducted annually would be increased to 1,000 "in order to keep the general level of maintenance of the mines to the extent we can." There were 175 spot inspections during 1967, he said.

On the eve of a one-day meeting called by Secretary of Interior Stewart Udall to "reexamine" and "reevaluate" the nation's coal mine safety program, O'Leary stressed that the Bureau's authority was delineated by the Federal Coal Mine Safety Act.

"There are a few things we can do that we aren't doing," he said.

After announcing the increase in the number of spot inspections, O'Leary said there would be other "relatively modest changes" in the Bureau's administration of the existing mining law. He did not elaborate on the changes, however. "But above all we need new authority," he said.

O'Leary said it would be impossible to station mine inspectors on an around-the-clock basis at the country's 6,000 mines. He also cited the size of some of the mines as a prohibitive factor. He said, for example, that Farmington No. 9 mine at Mannington, W. Va., was about equal to the size of the Borough of Manhattan in New York City.

Efforts of some locals of the United Mine Workers of America to have a full-time paid safety committeeman in each mine have been rejected by the union's international headquarters according to Frank Wilhelm, president of UMW Local 6295 at Isabella, Pa.

Rep. Ken Hechler, Huntington, W. Va., Democrat, told O'Leary:

"You ought to take your Bureau of Mines by the scruff of the neck and shake them and get some of the dead wood out of there and get more people who really believe in safety rather than production."

O'Leary partially disputed Hechler's contention regarding Bureau employees. He said that those charged with the responsibility of safety are devoted to it, referring primarily to the inspectors in the field.

The Bureau of Mines director then said: "I think we would have to recognize that there has been a period of about a year in which the Bureau of Mines has not had the sort of strong leadership that it should have had in this field and that's being remedied now. We are picking it up by the scruff of the neck and shaking it."

O'Leary was apparently referring to his immediate predecessor, Walter Hibbard Jr. Hibbard, who left the post in April after holding it for little more than a year, told a Senate committee on one occasion that he had been in a coal mine only once in his life.

During the course of a televised interview on NBC's "Today" show Wednesday, John Corcoran, president of Consolidation Coal Co., owner of the Mountaineer Coal Co., which operated Farmington No. 9 mine, was asked if he thought the mine was safe prior to the Nov. 20 explosion. He replied:

"Yes. In my opinion that mine was safe. Let me say this. We in Consol felt prior to this disaster that we had done a pretty good job in promoting mine safety and reducing accidents."

Continuing, Corcoran said, "Inspections alone will not solve this problem. We must do more research. We must increase our knowledge. We must find out what it is that makes these things happen. Because in all honesty, as I indicated before, this just can't happen.

"It just cannot happen again," Consol's president said.

In response to a question about Bureau of Mines inspectors reporting violations in

the last 24 inspections at Farmington No. 9 mine, including those dealing with rock dust, Corcoran said:

"You've got to understand what these inspections really amount to. Don't misunderstand me, I don't condone a single violation. I would hope that we all could achieve perfection. But we don't always do that.

"You have got to keep in mind that some of the violations that were cited are such things as having a cover off a gear box. Such things as a man failing to wear a given type of protective equipment."

Asked specifically about rock dusting, Corcoran declared:

"The federal inspection that was made prior to this disaster. There were 125 samples taken of rock dusting that was done in that mine. Only three of 125 samples proved to be substandard. One of these, for example, was 1,200 feet from the working face. Now, again, I don't condone a sample that is substandard.

"But I say to you and any expert, who has examined that mine or any other mine, would agree that the three violations or citations on that examination have absolutely nothing to do with that explosion. Have nothing to do with the cause of it and could not under any circumstances have contributed to extending the explosion.

"I'm not condoning violations," Corcoran said. "But I'm saying as firmly and as factually as I know how to say it that, none of the violations, none of the citations, had the slightest effect on this explosion."

The Consol president was asked if, in view of the Mannington disaster, any further instructions had been issued to the persons at the company's other mines relative to safety. Corcoran replied:

"Well, as I said earlier, we have strived diligently to make our mines as safe as we know how to make them and I might point out again that I think we have done a reasonably good job. Although I'm not in any position, with having faced a tragedy of this magnitude, to say that there isn't more we can do. There is more we can do and we are constantly striving to achieve a perfect record with no citations and certainly our people are constantly under instructions to be sure that these—even the minor violations—do not occur, but occasionally they do occur."

Congressman Hechler said, "I think every time we have one of these tragedies we go through the same thing. It's almost as if the scripts were already written in advance.

"Everybody wrings their hands and says 'we have to do more.' But the time has now come when we must decide that the precious value of human life is far more important than the dollars to be gotten from production."

Continuing, the West Virginia Democrat said, "I think what we have to do is to write into the law as we do in the Federal Aviation Act that safety is the first priority. As President Johnson said in his statement on Nov. 30, there must be a commitment on both the part of management and labor that protection is as important as production. There must be written into the law (the fact) that safety is more important than production."

Asked about the cost of increased safety measures, Hechler cited the fact that Consolidation Coal Co. had been acquired by Continental Oil through the exchange of \$538 million in cash and stocks. The congressman said the prospects for the coal industry "look good" and noted that Consol has a contract with a Monroe, Mich., power plant to provide it with four million tons of West Virginia coal annually. The Huntington Democrat also cited the possibility of converting coal into gasoline and this would result in even greater demands for coal.

Corcoran then said, "I would go a step further than the congressman. I think that not only is protection equally important with production, I think protection is more important than production."

The Consol president pointed out that his company, which was already doing without any law the things which would have been required under the law introduced in Congress last September.

Hechler then mentioned mine deaths and injuries other than those resulting from explosions, stressing the need for "tough legislation."

Corcoran then sought to defend Bureau of Mines inspectors, contending that they wouldn't condone any hazards since they were underground themselves.

In a sharp retort, O'Leary said, "There are definite limitations on their authority. They cannot, under existing law, get to the basic causes of most of the accidents that occur in the mines."

"I agree with that," Corcoran said.

Continuing, Consol's president said, "That's why I pointed out that in our own mines, we have already gone far beyond what the law requires. And we're already doing things that are in the bill that is now being proposed for Congress and we are quite willing to do these things because I'm not willing to put a dollar sign on safety. We must do whatever must be done."

Hechler again cited mine accident figures, noting there were 3,500 accidents in West Virginia this year. This, he said, means that one out of every 10 men who go into the coal mines is bound to have an accident.

"This is completely unacceptable," the congressman declared.

"We can influence our destiny. We might not be able to control it, but we shouldn't be fatalistic about this business," Hechler said.

O'Leary said there were three tiers in the quest for mine safety. First, he said, management must concern itself with safety. Second, the people who work in the mines must adopt safe work habits. Third, is the need for the Government to formulate an adequate set of safety standards and assure that they are enforced.

The Bureau of Mines director said the new spot inspections would be conducted without prior notice to the operators. He indicated that apparently a "few" operators had been notified in the past.

Strict adherence to the new policy would probably result in telling inspectors not to call mines the day before their arrival to determine whether the mine will be in operation the following day.

The Bureau is in the process of developing a plan whereby individual miners will be able to request that inspections be conducted at specific mines. Presumably, this will be patterned after policies used in the Armed Forces in the submission of complaints to the inspector general's office.

After 16 years of study, the Government Monday recommended the first federal standard to reduce coal dust, which causes an incurable lung disease blamed for more miner's deaths than accidents.

The Department of Health, Education and Welfare acknowledged that the United States is the only major coal-producing country that does not have a Government standard for keeping down coal dust. Authority to enforce the standard still must be sought.

HEW's recommended standard is set at not more than three milligrams of respirable coal dust per cubic meter of air as measured by Mining Research Establishment instruments.

Public Health Service studies completed in 1964 found that almost 10 per cent of the active soft coal miners and 20 per cent of the former miners in the Appalachian area showed X-ray evidence of pneumoconiosis, or black lung disease. A final report on that study is expected soon.

FOR COAL MINE SAFETY: RANDOLPH TO SPONSOR LEGISLATION

WASHINGTON.—Sen. Jennings Randolph, D., W. Va., Wednesday notified Secretary of the Interior Stewart L. Udall that he will sponsor

legislation in the 91st Congress "dedicated to improvement of coal mine safety and federal enforcement."

Randolph's message to Udall came on the eve of a coal mine safety conference to be held Thursday at the Department of Interior. Nearly 200 persons including Gov. Hulett C. Smith of West Virginia have been invited to the one-day session.

In the message to Udall, the West Virginia senator said "as a senior majority member of the Senate Labor Committee, I will insist on, work for, and participate diligently in thorough hearings of coal mining practices and safety procedures and on the legislation that may be necessary to strengthen them."

Coal as a basic fuel and as an ingredient of "sophisticated new fuels and related products—coal as a pipeline gas—coal converted to liquid fuels and coal as an industry with market demands for increasing production, have the prospects of a greater future," Randolph told Secretary Udall.

"Consequently," the senator declared, "there is a greater obligation on the industry, on the union of miners, and on Government to make sure that safety in the mines is enhanced.

"There is no escaping the fact that even without the fatalities and the handicaps of the recent major coal mine disaster in West Virginia, the labor force available to the production expanding coal industry has reached a critically short supply condition. We have been working to establish a manpower development and training program in the interest of expanding the trained labor force to be available to the coal mining industry," Randolph added.

Continuing, he said, "If such tragic events as the recent disaster near Mannington, W. Va., are not to cast doubts on coal mine safety and the legal and administrative capacity of the Government to stimulate and enforce the best and the necessary in safety practices, there must be prompt and unified action—cooperative action—by the coal industry, the coal miners' union, and governments, both state and federal.

The West Virginia senator said he believes the Congress and the incoming national administration, as well as the legislatures and executive establishments of the coal producing states, "will give coal mine safety legislation in the coming year the high priority consideration which has been accentuated by the recent disaster in which 78 West Virginia coal miners' lives were lost."

GOVERNOR SAYS WVU, STATE TO AID SAFETY

WASHINGTON.—Gov. Hulett C. Smith, the third official to speak at the Interior Department's "conference to make coal mining safe" Wednesday said he believed "some meaningful improvements can be made at the state level."

The West Virginia governor said, "state law at this time prevents the Coal Research Bureau from undertaking research into hazard factors and safety procedures. While the School of Mines itself is continuing to work in this field, it is evident that coordination and cooperation must be assured."

Asked to explain the source of prohibition of safety studies at the CRB, located at West Virginia University, Governor Smith said the 1962 law creating the CRB carefully defined its functions. These, he said, are oriented toward finding new uses for coal and coal products.

The Governor said WVU's School of Mines had achieved international prominence in such areas as roof safety, diesel power usage in mining operations, and proposals to reduce methane gas concentrations, but "certain reorganizational procedures greatly slowed down one of these critical activities in the late 1950s."

Continuing, he said, "a methane drainage research proposal was developed at West Virginia University. This proposal could have eliminated many of the hazards associated

with methane gas in underground mines through a process of draining methane gas from mine locations before the actual extraction of coal was to begin. By a process of water infusion and fracturing, the methane could have been removed, and—in fact—could have been sold to natural gas producers, thus minimizing the cost of the entire operation.

"The proposal, as submitted, drew active resistance from the U.S. Bureau of Mines, and eventually was channeled to the U.S. Office of Coal Research for approval.

"However, there was a moratorium on new research projects of this caliber at this time, and the project was never funded for implementation by the state, nor undertaken by federal authorities, according to J. W. Leonard, director of the WVU Coal Research Bureau," the Governor said.

Governor Smith said there was a need for a higher level of cooperation and exchange of information between agencies working on all aspects of mining.

"I plan to propose to the West Virginia Legislature that the law which prohibits the Coal Research Bureau from engaging its safety research be amended and made less restrictive," the Governor said. "I also shall commend the desirability of such legislation to my successor when he takes office on Jan. 13, and urge him to seek additional funds for the School of Mines for research efforts."

Gov.-elect Arch A. Moore Jr. was present at the conference, but made no statements.

The governor indicated that he would ask the Legislature to review the mining law and "bring it up to date." Smith said he would ask his Republican successor to join him in supporting the review of mine laws.

"The West Virginia Department of Mines has indicated a need for 10 additional inspectors for coal mining operations, although the department indicates its supervisory staff seems adequate in numbers and proficiency. I am, therefore, taking steps to provide 10 additional inspector positions in the budget which I shall submit to the Legislature prior to leaving office early next year, and to urge that the salaries of these inspectors and their qualifications be reviewed," Governor Smith said.

The governor said it would be "unjust" to suggest that passage of the Mine Health and Safety Act of 1968 alone could have averted the tragedy at Mannington, W. Va., on Nov. 20.

"However, I believe that it is apparent that stronger mine safety legislation, backed up by adequate and coordinated enforcement, certainly will save the lives of many of the men who go into the coal mines each day—knowing that they do so at the risk of life and limb, because coal mining always has been and probably always will be, one of mankind's most hazardous occupations," Governor Smith said.

The governor indicated his approval of many of the provisions contained in legislation submitted to Congress last September by President Johnson.

ON MINES: O'LEARY ISSUES ORDERS

WASHINGTON—U.S. Bureau of Mines Director John F. O'Leary Thursday released the text of six orders to coal mine inspectors designed to improve the bureau's inspection procedure under existing laws.

The first order directs inspectors to immediately increase the number of spot check visits to underground mines. O'Leary wants the inspectors to conduct at least 1,000 such inspections each year. During 1967 they spot checked on 175 occasions.

The order means that each inspector will have to make an average of five spot checks annually.

In O'Leary's words "The mines where such inspections are to be conducted shall be selected at random and are to include the better operated mines, as well as mines where it is suspected that an operator is not com-

plying with the act and code between regular inspections."

Inspectors were told that if violations of the act are observed, a complete regular inspection of the entire mine shall be started promptly.

"If the members of the safety committee at a mine, or any three employees at a mine, or any representatives of the mine workers' organization that has jurisdiction at the mine desire to bring to my attention any mine conditions or practices that they may deem hazardous, they should be invited and urged to do so by signed letter addressed to me in Washington. These persons should be assured that such letters will be held in strict confidence," O'Leary told the inspectors.

Another order states that no bureau employee shall review with persons outside the bureau any report of a coal mine inspection, any report of a coal mine investigation, or any report of a coal mine disaster before such reports are officially released for distribution.

Appropriate notices shall be issued promptly for all violations of the provisions of section 209 of the Federal Coal Mine Safety Act, O'Leary told his inspectors. Such notices, he said, shall be written underground promptly after a violation is observed and handed to the mine official who accompanies the inspector. The notices are to be posted on a bulletin board, too.

Inspectors were directed to record observed violations of the federal mine safety code in the inspection report as violations regardless of when they were corrected. The action taken to abate the violation is to be recorded immediately following the statement of violation.

O'Leary instructed his inspectors to list on the last page of their reports of regular inspections the number of observed violations of the act and code by date of inspection. Violations are to be identified and the number of times a violation was observed are to precede the identification of the violation. This order applies to inspections of mines which require more than one day to complete.

"Experience has demonstrated that the presence of inadequately inerted coal dust in gassy mines can propagate explosions initiated by the ignition of methane or other ignition sources. Consequently, in a gassy mine the presence of observable inadequately inerted coal dust creates a danger that a mine explosion or a mine fire will occur in such mine immediately or before the imminence of such danger can be eliminated and shall be cause for the making of an order of withdrawal under section 203 (A) (1)," O'Leary told inspectors in another memorandum.

WIRTZ HURLS CHALLENGE AT CORCORAN AND BOYLE—MINE SAFETY ACTION URGED IMMEDIATELY

(By Ray Martin)

WASHINGTON.—Secretary of Labor Willard Wirtz Thursday challenged the willingness and readiness of a coal mine executive and a union leader to take effective action in the interest of mine safety.

Wirtz' targets were John Corcoran, president of Consolidation Coal Co., and W. A. (Tony) Boyle, United Mine Workers president.

The two men were in the parade of government, industry and education officials who made statements at a conference on mine safety called by Secretary of Interior Stewart Udall.

Udall called the one-day conference on Nov. 29, the day that 78 miners were sealed into an underground tomb at Consol's No. 9 mine at Mannington, W. Va. The men were trapped in an explosion in the mine Nov. 20.

Corcoran said, "There can be no question that the health and safety of employees in the coal mining industry must be given first priority."

The Pittsburgh-based coal executive added,

"I cannot and do not accept the all-too-prevalent attitude that periodic disasters are inherent and an unavoidable risk of the industry."

After outlining the company's current research programs the Consol executive said, "We are prepared to cooperate fully by contributing time, talent and money to any new and promising areas of research which may be undertaken by joint government and industry groups."

Continuing, Corcoran said, "In the regulatory area, we favor and will support any meaningful and constructive changes in laws and regulations that will improve coal mine safety. We would, of course, urge that all laws and regulations relating to safety must be strictly and uniformly enforced."

He said he also spoke for the National Coal Assn., American Mining Congress and the Bituminous Coal Operators Assn. The latter group represents the coal mine operators in negotiations and contractual arrangements with the United Mine Workers of America.

Immediately prior to Corcoran's statements, Surgeon General William Stewart told the group assembled in the Interior Dept. Auditorium details of the Public Health Service's recommendations for coal dust control standards.

This standard calls for a respirable dust level in the coal mines not to exceed three milligrams per cubic centimeter of air.

The PHS officials said the standard recommended to the Dept. of Interior, if properly enforced throughout the soft coal mining industry, would make a significant reduction in new cases of pneumoconiosis (black lung) and decrease the rate of progress of old cases.

Wirtz asked Corcoran if Consol was prepared to implement the coal dust regulation.

Corcoran said he would agree to it in "a minute" but asserted that "standards haven't been developed."

The labor secretary then asserted that the coal company executive "reduced everything to platitudes."

Corcoran then said that if the HEW standard "is the right standard, then we'll support it."

He suggested that it must first be determined if the health agency's recommendation is based on "scientific evidence."

The coal company official reiterated the point that he didn't put a dollar sign on safety.

Wirtz then asked Corcoran if Corcoran would implement the standard at once rather than in stages over a period of time, assuming that he were convinced of the standard's validity.

Corcoran then pledged immediate implementation under those circumstances.

Turning to Boyle, Wirtz questioned why the UMW had never taken any action to get enforcement under an agreement between the labor and interior departments.

The agreement calls for the cancellation of government with any mine which violates federal safety standards.

The Labor Secretary also wanted to know why individual miners appeared to remain "silent" about safety issues. He also questioned why Boyle had opposed imposition of penalties on miners who violate safety laws during the course of hearings on the 1966 amendment to the mining law.

Boyle said that miners paid a penalty with their lives and that operators controlled all operations in the mine and thus were the responsible parties.

After saying that he doubted that any miner had violated mine safety laws, Boyle said that on a number of occasions the UMW has pulled men out of mines for safety reasons.

The UMW chief asked whether it would be necessary to bring the widows and children of dead miners to Washington next month in order to get Congressional legislation on mine safety.

"We won't need a resurrection city," Boyle said. "We'll bring them in my bus, if you want, have them testify and send them home."

Rep. Ken Hechler, a Huntington, W. Va., Democrat, recalled Francis H. Pierpont's criticism of state mining practices in 1886 following an explosion at Newburg.

Pierpont, who lived in Fairmont, said that "No attention is paid to the inspector's judgment and the mine is still worked. . . . The whole legislation looks like a grim joke gotten up to pacify the miners to give an office and in no way offend the mine owners."

The congressman said the first thing a Task Force on Coal Mine Safety did in 1963 was to arrange a Federal-State Coal Mine Safety Conference.

No one at the conference challenged the difference between the PHS recommendation and that of the Interior Dept. The latter agency would do it on a gradual basis. Under that plan, mines would have a year in which to meet a standard based on 4.5 milligrams of dust rather than three milligrams.

In a lengthy statement, the United Mine Workers president traced the history of efforts to obtain safer working conditions. He said most critics failed to recognize the roll UMW has played.

He said the late President Franklin Roosevelt had Interior Secretary Harold Ickes arrange a conference on mine safety in 1938. Twenty persons were invited. Only two coal operators attended, Boyle said.

The UMW official said the organization's safety efforts have encountered opposition from industry, from government, from coal-mining states and "even at times from the general public." He said such opposition has compelled the union to accept compromise legislation in order to secure passage of safety measures.

Among the suggestions offered by Boyle was the establishment of rescue chambers located throughout a mine at certain locations, sealed and ventilated with an opening to the surface through which men could retreat to protect themselves from deadly carbon monoxide in case of a mine explosion.

The union president charged the Bureau of Mines is inspecting mines and writing reports in the same manner that it has for the last 20 years.

Boyle told the conference that Consolidation Coal Co. was the only operator which supported the UMW's efforts to get a mine safety law passed by Congress in 1966.

Labor Secretary Wirtz said "blaming Congress is likely to be an easy way out for most of us."

Hechler indicated that a conference seems to follow every mining disaster and questioned the value of the one held here Thursday.

He wondered whether Congress would have the courage to enact a really meaningful coal mine health and safety law.

"Will the Bituminous Coal Operators Assn. go out and try to weaken the law and drive loopholes at the expense of those who work in the mines?" the Congressman asked.

Hechler cited the emphasis placed on safety in the Federal Aviation Act and said similar priorities have to be placed in mine safety laws.

"We must write health and safety into new legislation to make it unmistakably clear that this generation and its successors value human life above production and profit," Hechler said.

"If we do our job, we won't have to have any more coal mine safety conferences," he added.

Hechler had a verbal brush with Wirtz, too. Wirtz wanted to know why there wasn't more cooperation in health and safety matters between the legislative and executive branches of government.

Jerome B. Gordon, an associate of Ralph Nader, described the problem facing the con-

ference as "the current disarray and future prospects of change in federal mine safety policy."

Gordon cited three mine disasters this year—two in West Virginia and one in Louisiana. In the case of Mannington, W. Va., and Belle Isle, La., disasters he said the mine inspectors found extensive violations but nothing was done to insure compliance by the Interior Dept.

"What we have here are sufficient grounds for the filing of charges of criminal negligence against the mine operators, mine union leadership and executive agency for its subservient behavior in the face of substantive industry opposition to federal control in safety matters," Gordon asserted.

He challenged the accuracy of statistics of mine injuries and fatalities.

He scored the Bureau of Mines practice of submitting pre-publication copies of reports on mine disasters to both mine operators and mine union reviews for "editing" prior to official release.

Gordon said the chances for change in mine safety under the incoming Nixon administration appear "black."

He said coal operators weren't the real foes of safety legislation. He said it was the owners of the mines. Railroads, steel companies and oil companies were said to be the mine owners.

Interior Secretary Udall opened the conference with a review of legislation which the department will submit to Congress next year. It follows the pattern of the bill submitted by President Johnson in September with some modification.

During the course of his remarks, Udall acknowledged that Nader had been "correct in his charges concerning the Bureau of Mines" last March.

In his remarks, the Surgeon General cited the role of the University Hospital in Morgantown, W. Va., and the Appalachian Laboratory for Occupational Diseases is also in Morgantown in the effort to combat the effects of black lung disease.

Sen. Robert C. Byrd, D-W. Va., announced that he would sponsor mine safety legislation next year.

Others appearing at the conference included Charles T. Holland, dean of WVU's School of Mines; Benjamin Linsky, air pollution control administrator, WVU; Rep. James Kee and Secretary of State-elect Jay Rockefeller.

INTERIOR DEPARTMENT REMAINED SILENT ON MAJOR MINE SAFETY LAW CHANGES

(By Ray Martin)

The passage of time has a habit of changing attitudes. Memories tend to be short and thus the ravages of time can almost obliterate dire and chaotic situations.

Twenty-one months ago, in March 1967, Secretary of Interior Stewart Udall made a report to Congress on a special study made by the Bureau of Mines to determine the "sufficiency" of the safety requirements of the Federal Coal Mine Safety Act of 1952, as amended by Congress in 1966.

The second paragraph of the 1967 report states:

The study, now completed, has disclosed that rather extensive revision would be advisable to protect mine workers from loss of life and mine property from destruction."

Three paragraphs later, after a brief explanation of the study's contents, the report states:

It is suggested that the changes in the Act numbered 1, 4, 5, and 6 could appropriately be made now, but that the other changes should be deferred for at least one more year, so that the present Act may be studied further and a better evaluation of its application made. A supplemental report will be submitted prior to March 26, 1968."

The "supplemental" report was never submitted to Congress. Questions raised by Ralph Nader, the consumer protection and automobile safety crusader, on March 25, 1963, led to

a "careful review" of the Capitol-bound report.

The Bureau of Mines prepared a draft copy of the Federal Coal Mine Health and Safety Act of 1968 as a substitute for the report. The proposals didn't meet with White House approval and President Johnson has had the measure rewritten to make it more effective. The President's bill was introduced in Congress in September by Rep. Ken Hechler of West Virginia.

Mr. Nader had charged that thousands of American coal miners faced unnecessary risks because the Bureau of Mines was the "captive" of the coal industry in drafting mine safety regulations.

The 1967 report to Congress, listed the possible changes in the Act "in the order of their probability of reducing mine accidents and improving the effectiveness of the federal inspection service."

The first proposal was for extension of mandatory roof support requirements to include "working faces where the majority of workers are injured by falls of roof, face, or ribs and where disaster potential is virtually always possible."

Delay was recommended for the next two proposals. They concerned the deletion of the "grandfather clauses" from provisions governing use of electrical equipment, thus making use of permissible equipment mandatory in gassy mines and an increase in the quality of air in all mines.

With respect to the latter proposal, the report said, "These requirements should greatly reduce gas ignitions, which all too frequently become explosions."

Action was suggested on the next three proposals. They would:

1. Require some means of directing the ventilation current from the last crosscut to the working face where gas is almost frequently liberated and where ignitions occur with alarming frequency.

2. Require that each mechanized section of a gassy mine be ventilated by a separate split intake of air.

3. Require that idle or abandoned sections be inspected for gas and other hazards before men enter or work therein.

No action was taken to amend the law in 1967 or 1968 with respect to the four points listed by the Secretary of Interior in the March 1967 report to Congress.

The remaining 14 points on which the report said action could be delayed until 1968 included:

Rescinding the provision that air from unsealed abandoned areas may be used to ventilate active face areas.

Rescinding the provision that air that has passed through an abandoned panel which is inaccessible for inspection or air that has been used to ventilate a pillar line may be used to ventilate an active face area.

Require that only permissible explosives or permissible blasting devices be used underground in mines and that these be used in a permissible manner.

Require that gas tests be made before and after the firing of each shot or group of shots to minimize the possibility of gas being ignited by blasting.

Require at least two separate and distinct travelable escapeways from each working section of a mine.

Require that only fire-resistant hydraulic fluids be used in the hydraulic systems of underground equipment.

Require that deluge-type water sprays with temperature actuators, or equally effective devices, be installed at belt-conveyor drives to combat fire.

Require that electrical equipment be kept free of accumulations of oil, grease, and fine coal to minimize the fire hazard.

Require that precautions necessary for the safe use of belt conveyors to transport men be mandatory.

Clarify the requirements for collecting air samples in order to classify a mine as gassy.

Extend authority to duly authorized representatives of the Bureau of Mines to annul imminent-danger closure orders to eliminate the time and expense now incurred by lack of such authority.

Modify the cooperative Bureau-State Plan inspection system which wastes time, increases the expense of inspecting mines, and has not been widely accepted by the major coal-producing states.

Revise Section 105 to require mine operators to report the man hours worked in order that injury statistics may be calculated properly and thus be more meaningful.

Revise Section 209(g)(4) to permit the use of plastic or equivalent containers (for oil and grease) which might be better than metal, but which were not available when the Act was passed.

Although the 1967 report suggested a year's delay on the "grandfather clause" section, Page 7 of the document had this to say on the subject:

"The 'grandfather clause' in the law since 1952 have permitted the continued use of nonpermissible equipment, thereby giving the owner an opportunity to wear out equipment which he owned. However, 15 years have elapsed since the passage of Title II of the Act, which would indicate that the equipment may never wear out because all the parts of an entire machine may have been replaced during this period. However, the same serial number is retained, and such procedure could be continued ad infinitum. Hence, the safety afforded by permissible equipment might never be realized in certain mines."

The tragedy that occurred at Farmington at 5:30 a.m. Nov. 20 has served as a catalyst to generate a revived interest in mine safety. On Nov. 29, the day that Farmington No. 9 mine was sealed with 78 miners underground, Secretary Udall announced that a conference "to make coal mining safe" would be held in Washington on Dec. 12.

"The people of this country no longer will accept the disgraceful health and safety record that has characterized this major industry," Secretary Udall said as he opened the Washington conference.

Continuing, he said, "We consider ourselves an enlightened people. Ours is an affluent society, technologically as advanced as any on earth. Yet we have accepted, even condoned, an attitude of fatalism that belongs to an age darker than the deepest recess of any coal mine. At every level of responsibility, from the individual miner to the highest councils of government, we have looked with horror on the spectres of death and disease that haunt our mines. Then we have shrugged our shoulders and said to ourselves: 'Well, coal mining is an inherently hazardous business,' or 'It's too bad of course, but as long as coal is mined men inevitably will die underground.'

"We no longer can continue on this path. We cannot continue to ignore harsh reality in the hope that it will go away. More important, we all must face up to our responsibilities. Management must realize that it has the primary responsibility for health and safety in our coal mines, assisted in no small measure by the men working in the mines. The Federal Government can establish the standards and assist in the process through inspections and training, but, in the last analysis, management and labor must see to it that good safety practices are observed," Secretary Udall said.

Since the disaster at Farmington, Secretary Udall said his staff has been striving to answer the question: "What can be done to guarantee a safe and healthful working environment to the men who mine our coal?"

Approaches to the question were along three principal lines. First, the department sought to determine whether it was doing everything possible under present law. Second, the department closely scrutinized the

strong mine health and safety measure proposed by President Johnson last September to see what further refinements are possible.

UDALL UNVEILS NEW MINING LAW AFTER CRITICIZING CONGRESS

(By Ray Martin)

Before unveiling the text of the proposed Federal Coal Mine Health and Safety Act of 1969 at the Washington conference "to make coal mining safe," Interior Secretary Stewart Udall commented on Bureau of Mines activity under the existing law.

"Regrettably," Secretary Udall said, "I must report that we have found that the Bureau could have done more than it has done."

Elaborating, he said, "The Bureau traditionally has sought to achieve the objectives of our coal mine safety laws by encouraging the cooperation of mine operators and workers. Federal inspectors have brought their enforcement powers into play only on a limited basis, relying in the main on attempts to obtain voluntary compliance with the law's provisions."

"This approach, which perhaps relied too heavily on persuasion, was natural outgrowth of the Bureau's experience during a decade of operation under the Federal Coal Mine Inspection Act of 1941, which endowed the Government's coal mine inspectors with advisory powers only. Moreover, the Bureau's experience over more than a quarter century has shown clearly that the willingness of both management and labor to accept their share of responsibility for safety varies markedly from one mine to another."

"It is clear now that persuasion alone cannot do the job," the secretary said.

Secretary Udall then reviewed six new directives designed to strengthen inspection under the existing law that were issued by Bureau of Mines Director John O'Leary.

These new orders, among other items, call for the issuance of violation notices for every violation found by inspectors and eliminate the practice of telephoning mines a day prior to inspection to determine if the mine will be operating. Also outlawed by the O'Leary directives is the practice of letting representatives of management and labor "edit" reports on mine disaster prior to their release to the public.

It was in 1952, the secretary pointed out, 42 years after the public outcry at the wanton sacrifice of human life in the underground coal mine industry led to the establishment of the Bureau of Mines, that the Government took its first timorous and hesitant step away from voluntarism in the effort to prevent major mine disasters.

"The hesitant, indeed the almost apologetic, manner in which the Federal Government entered the field of enforcing mine safety standards is illustrated by the fact that the 1952 Act was designed to control the occurrence of major disasters only—those which as the legislative history observes, take the lives of five or more miners in a single accident," Secretary Udall said.

Continuing, he said, "The non-disaster type of safety as well as the entire field of health were not only not covered; the intention to do so was expressly disavowed! And this, in the face of the fact that major disasters even then accounted for not more than 10 per cent of the fatalities in underground coal mining."

"The causes of 90 per cent of the fatalities in coal mining as well as the entire field of health were left where Congress found them in 1952—outside the scope of the federal law," Secretary Udall said.

He said nothing more graphically illustrates the limited nature of federal concern with mine safety under the present law than the example cited by the House committee reporting out the 1952 legislation—that of "permissible equipment."

"The only concern that the Bureau of

Mines was to have with 'permissible equipment' was to determine whether its design, construction, and operation were such that it would not cause a mine explosion or a mine fire. The committee stressed the fact that the legislation it was reporting out did not require the equipment to be designed or maintained with regard to the health and safety of the operator or the men working around the equipment. The Federal law, the committee underscored would not protect the operator or the men from, and these are direct quotes, 'the lack of, or inadequacy of, guards or protective devices,'" Secretary Udall said.

As he introduced the department's proposed legislation to the nearly 300 people in the Interior Department auditorium on Dec. 12, Secretary Udall said, "We would like your views on how it can be improved, recognizing that we still have time before Congress convenes and before we must finalize it for the 91st Congress."

In its "declaration of purpose," the proposed law states, in part, "That the operators of such mines have the primary responsibility to prevent the existence of unsafe and unhealthful conditions and practices in such mines with the assistance of persons working in such mines."

The proposed law, according to the secretary, would replace the 1952 Act and "provide a flexibility of response that is urgently needed as the technology of coal extraction changes and new mining hazards appear."

As far back as 1938, with the passage of the Federal Food, Drug, and Cosmetic Act, Congress recognized the necessity for flexibility of response. That Act gave the agency responsible for its administration freedom to develop and promulgate mandatory health and safety standards and revise old ones as the need is apparent.

The need for such flexibility in an age of rapid technological change has been acknowledged time and again by Congress during the past decade in such legislation as the Aviation Act of 1958, the Water Quality Act of 1965, the National Traffic and Motor Vehicle Act of 1966, the Federal Metal and Nonmetallic Mine Safety Act of 1966, the Clean Air Act of 1967, the Natural Gas Pipeline Safety Act of 1968, and the Radiation Control for Health and Safety Act of 1968.

Pending formulation of new standards, the department's proposed law provides for continuing on an interim basis, with some improvements and additions, the safety standards for underground coal mines that are now in the existing law. These interim standards would remain in effect until changed by regulation of the Secretary of the Interior.

Seven sections of the proposed law would take effect 90 days after its passage by Congress and the remainder would become effective upon adoption. This means, for example, the Secretary of the Interior has 15 months to prepare safety standards for surface coal mines and no specific time in which to chart new standards for the underground mines.

In the development of such standards, the secretary is obligated to consult with other interested federal agencies, representatives of the States and coal mine operators and workers.

A significant feature of the proposal is that it would, for the first time promulgate an interim health standard for underground coal mines. The standard was developed by the Secretary of Health, Education, and Welfare and published a week ago. It requires that all mines must reduce respirable dust concentrations at the active working places to achieve as soon as technically feasible an interim mandatory health standard of three milligrams of dust per cubic meter of air. The Interior Department would publish the compliance schedule in the Federal Register 60 days after enactment of the new law.

Secretary Udall said, "It is our present thinking that the first step in the schedule would be to require that all mines meet a standard of 4.5 milligrams of respirable dust per cubic meter of air not later than one year after enactment."

The proposed law would extend the secretary's health and safety responsibilities to surface coal mines, such as strip and auger mines, which now supply well over a third of our domestic coal production and account for roughly 12 per cent of the fatal and nonfatal injuries in the coal mining industry.

A major thrust of the proposal is in the provisions it makes for coping with the causes of the many fatal and nonfatal injuries that are in the accident category, resulting mainly from carelessness or negligence on the part of management or labor.

According to Bureau of Mines preliminary figures for this year, 203 of the 290 fatalities recorded were in the "accident" rather than the "disaster" category.

The proposal would incorporate several other improvements on the existing law. It would:

Authorize inspections and investigations of coal mines for various purposes, including development and promulgation and enforcement of mandatory health and safety standards.

Authorize the appointment of advisory committees to assist the secretary in carrying out his responsibilities.

Provide for the issuance of withdrawal orders by the inspector in cases of imminent danger. The latter means the existence of conditions or practices in coal mines which could reasonably be expected to cause death or serious physical harm before such conditions or practices can be abated, such as a roof fall. (The present law limits authority in this respect to mine explosions, mine fires, mine inundation, or man-trip and man-hoist accidents, the so-called major disaster type conditions.)

Require the inspector to issue notices in all cases of violations of the mandatory standards which would not result in an imminent danger. Failure to comply could result in the issuance of a withdrawal order.

Provide that all withdrawal orders would remain in effect until modified or terminated by the inspector.

Provide injunctive relief.

Provide for the assessment of a civil penalty of not less than \$500 or more than \$10,000 on the operator of a coal mine in which a violation of a mandatory health or safety standard occurs. Each violation is a separate offense. The penalty may be compromised by the secretary, but the findings must be published in the Federal Register.

Provide for the assessment of a civil penalty of not less than \$25 and not more than \$500 on persons who work in the coal mine and who themselves violate the mandatory health or safety standard.

Provides that whoever knowingly violates or fails or refuses to comply with any order issued under the Act shall, upon conviction, be punished by a fine of not more than \$5,000, or by imprisonment for not more than six months, or both. A second conviction would bring a fine up to \$10,000, a year in jail, or both.

Remove the differences in standards as between gassy and non-gassy mines. All mines would be subject to same standards.

Require a roof control plan approved by the secretary for the face and other active working places as well as the travelways and roadways.

Require pre-shift examinations at all mines.

Require examinations for methane in face workings of mines where electrically driven equipment is operated at least every 20 minutes.

Require that all electric face equipment in a coal mine shall be permissible and be maintained in a permissible condition. Mine-

by-mine exceptions where nonpermissible equipment is in use and replacement equipment is not available can be authorized by the secretary.

Require accurate and up-to-date maps showing all active workings, all worked out and abandoned areas, elevations, escapeways, adjacent mine workings, mines above and below, water pools above, and oil and gas wells in such mine.

Require at least two separate and distinct travelable passageways clearly marked as escapeways which shall be maintained in safe condition.

In concluding his remarks, Secretary Udall said, "I understand that not far from the scene of the Farmington tragedy there stands a monument to the memory of 16 miners who died more than 14 years ago as the result of an explosion in the same mine that now has claimed the lives of 78 others. Doubtless another monument will one day be dedicated to these latest victims of coal mining."

"We, who are meeting here today, have an opportunity to build another kind of monument—a monument to the living, which can be more durable than any that is made of stone. To build that monument we must be determined and united in our purpose and constant in our dedication to the cause of humanity," the secretary added.

FOLLOWING TWO MINE DISASTERS: LINSKY'S HYPOTHESIS PREDICTS PROMPT AND SWEEPING ACTION

(By Ray Martin)

When Secretary of Interior Stewart L. Udall announced his one-day conference "to make coal mining safe" he said, "I believe it essential now to examine the full range of federal and state programs for protection of miners and to reevaluate the effectiveness of discharge of responsibilities by government, management and labor. Views of all informed persons who share my concern should be made known."

Eight college and university educators attended the Dec. 12 conference in Washington, including two from West Virginia University.

"My attendance here is for the College of Engineering of WVU," said Benjamin Linsky, who ended the parade of witnesses before Secretary Udall and Labor Secretary Willard Wirtz.

"I am not a mine specialist, but have been a flammable gas and dust explosion specialist and safety engineer. Because I have been and am now an air pollution control engineering specialist and control program administrator, it was thought probable that this broad environmental engineering background might bring to light some fresh approach that could be explored with people and groups who are skilled in mining," said Professor Linsky.

Continuing, he said, "Two such ideas have come to mind so far. One of them may be useful to you right now."

"It takes two similar disasters within the memory of living public leaders to bring about expensive or otherwise troublesome legislated changes for the public environment," the WVU professor said.

This fifth hypothesis of semi-social physics, he said, rose out of the Study Club fire in Detroit followed by the Coconut Grove fire in Boston and the Meuse Valley, Belgium, smog followed by the Donora, Pa., smog. The two London smog disasters within the 1950s led to similar action there.

"Now, the Hominy Falls disaster followed by the Farmington disaster seems to provide another such example," Professor Linsky said.

Fortunately, when these events occur in pairs, even though the first one is shrugged off as being an "unusual" combination ("one in 100 million"), the second one cannot be shrugged away by conscientious leaders, the professor pointed out.

"Also, fortunately, when the catastrophic

legislation and administrative programs are brought into being, the entire subject area is moved in on. Thus I would expect new and reinforced nation-wide fire safety, mechanical safety, and occupational disease laws and programs, not just for coal miners, during the next year," said Professor Linsky.

The approach taken by Dean Charles T. Holland of WVU's School of Mines was somewhat different than that of other educators. Leaving early because of other commitments, Dean Holland's prepared remarks were read by George E. Evans Jr. of the Kentucky Coal Association.

"This meeting is being held primarily because we have been rudely jolted recently by a serious mine explosion. As the matter stands right now, we do not even know what led to this explosion. It may not have had anything to do with our laws, or inspectors, or the matters that we will consider here," the dean's text said.

Continuing, he said, "Mining is a hazardous occupation, and additional attention should have been given to mine safety years ago. Doubtlessly suggestions will be made today for increased legislation, stricter legislation, for more research, and possibly deeper research into mine safety, for more inspectors, and stricter inspection, and more frequent inspections. All of these things, undoubtedly can contribute to mine safety and all, especially those pertaining to research are worthy of consideration."

"We have piled federal mine inspectors on top of state inspectors, and then we have increased the number of both; and yet these disastrous accidents continue to occur. Evidently, our research findings are not being applied, or not applied in the right way. Our laws are not being properly interpreted, or not being applied with the maximum benefit; and our inspections are not reaching the core of the matter. So it would seem that something beyond more legislation, spending more money on research, and additional inspectors is needed," Dean Holland said.

The WVU dean said that part of the "something that is lacking" is an insufficient number of properly trained men to supervise the mines, to engineer them, to inspect them, and to carry out safety provisions provided by mining laws. He said there were two reasons for this situation.

"Since 1953, an insufficient number of young men have the requisite training entering the mining industry have been available to provide the personnel for the engineers, managers, general managers, executives, superintendents, and mine foremen in our coal mines, and other mines," the dean said.

He noted there were about 100 graduates a year to supply the needs of the hard-rock mining, non-metallic and coal mining industries.

"The second fact that has helped to cut down the number of men qualified to take on the advanced training needed to look after our safety requirements is that since 1950, panels of unemployed men have existed at our mines, and as a result comparatively few high school graduates have been employed, especially the better trained and more capable high school graduates, during that period in the mines. Hence, the mining industry has been operating extensively throughout the country seriously undermanned insofar as technical and scientifically trained personnel are concerned," Dean Holland said.

"Until this situation is remedied, piling more laws on our present laws, or increasing the research over our present research effort is not going to be very effective. Insofar as additional properly qualified inspectors are concerned, we can only get them by robbing segments of the industry which need them for safety reasons more urgently than the inspection force does," he said.

Dean Holland called for the initiation of

a program designed to attract more young men to the mining industry and hence available for collegiate training.

"It is useless to expect the schools to get out and hunt them up. We do not have the money to do it, nor do we have the staff. This is a job that will have to be done by the Federal Government, the state government, and the mining industry acting in unison," the dean said.

Continuing, he said, "The second thing is, now that the panel of unemployed has been pretty well dissipated, we should be encouraging the better qualified high school students who do not go into our colleges for engineering training and managerial training to accept positions in the coal industry; and third to provide a means of training for them at the mines or close to the mines that will give them the technical education necessary for them to rise to the positions of say general mine foreman even superintendent. Such training can be gotten through extension programs, or through community colleges, or even by correspondence schools. These young men who come to us from high schools who have the ability to take on training of this kind, should be encouraged in every way possible by the management to do so."

Dean Holland observed that WVU has an extension program that operates better than most states. Some states, he said, do not have anything of this nature. He said that money for extension training could be obtained from state legislators, or the industry itself might put up the money to carry on the training.

"The training need not be concerned entirely with mining subjects, certainly good mechanics and good electricians are just as essential to mine safety as are good mine foremen, good assistant foremen, and good safety people. Without top-notch maintenance, safety is largely a hollow word.

"It is important," Dean Holland stressed, "to urge that this work be carried on under the direction of mining people who understand the situation, and who have the welfare of the industry at heart.

"The program should not be supervised by general extension people or others who have little or no sympathy for the mines: nor should such people be in a position so that they can control the programs. This type of training should be under the strict control of mining people," Dean Holland said.

Concluding his prepared remarks at the Washington conference, Dean Holland said, "If the suggestions above are followed, we can do a lot in comparatively short time to improve our situation insofar as the supply for qualified properly trained men are concerned to apply the things that we know will make for safe mining. If these are not done, more research, more laws, and more inspection is largely going to be wasted."

PENNSYLVANIAN TELLS HEARING WEATHER AFFECTS COAL MINES

(By Ray Martin)

The march of science and technology has been under way in the coal industry as in other sectors of the national economy, with the result that the average miner now extracts six times as much coal in a day as his father did 20 years ago.

Yet today's 144,000 miners are no safer underground than were their predecessors. The toll of death and disability—higher in coal mining than 39 other major industries—varies little from year to year. Given the fact that the coal industry is making money, one is impelled to wonder why.

"I am afraid that I would have to attribute this failure along with many others in our nation to lack of sense for priorities in our national affairs," was the way Dean C. L. Hosler put it in Washington on Dec. 12 at the conference "to make mining safe."

The dean of the College of Earth and Mineral Sciences at Pennsylvania State University observed that we spend billions of dollars in glamour areas to apply technology and "to assure the safety of astronauts and clerks in the Pentagon."

He said we have spent similar billions for the development of atomic energy for peaceful uses with all of the attendant safety research and education and then posed the question of how many billions have been spent for research to improve the efficiency and safety of mining operations "which are a primary source of the wealth of our nation and which employs hundreds of thousands of people."

Dean Hosler told the audience in the Interior Department auditorium that "one by one, the Departments of Mining at Lehigh University, Carnegie Tech., Ohio State University, Illinois and Lafayette have closed down and the programs at the Universities of Pittsburgh and Kentucky are in jeopardy due to lack of interest on the part of either Government or industry in preserving an educational structure to promote education and research in mining and mineral engineering fields absolutely vital to the survival of our nation in peace or in war."

He said the research the academic community has done has often been peripheral to the real problems of mine safety because money was not available to attack them.

The dean cited the problems his state was having in obtaining funds for training programs which would lead to an associate degree in mining technology.

"My first discouragement with mine safety measures came 20 years ago when I conducted and published a study clearly demonstrating a cause and effect relationship between weather changes and the occurrence of dangerous conditions in mines," Dean Hosler said.

"Having noted that in England a warning system based on similar studies has been in effect for the last 15 years, it is understandable that I have been somewhat disappointed that up until today no such steps has been taken in the United States.

"Where is there a mine in which the time and space variations of dust and methane are known and monitored? To the best of my knowledge, spot checks are usually made that are not representative of any other place in the mine or any other time than when taken. It isn't as if we can't do it. We simply do not do it," the dean said.

Concluding these remarks, Dean Hosler said, "I feel a great sense of failure and frustration after each disaster when I check the atmospheric pressure trace and realize that on most occasions a warning could have been issued in advance of the occurrence of dangerous amounts of gas and dust."

"POORMOUTH" ATTITUDE HURTS COAL INDUSTRY

(By Ray Martin)

Although the question of rapid temperature fluctuations in coal mines was downgraded in the wake of the Nov. 20 disaster at Farmington No. 9 mine, it is reported that Bethlehem Steel Co. has for years doubled and tripled safety precautions at its coal mines whenever there is a sharp drop in temperatures during the winter months.

Dr. Robert Stefanko, head of the Department of Mining at Penn State, told the Washington conference that "coal mining has become extremely complex with its high degree of mechanization.

"While continuous mining may have improved economic conditions, it has created greater potential hazards. Higher penetration rates and a production of more fines contributes to greater methane liberation," he said.

Continuing, Dr. Stefanko said, "The spark-generating capability of bits striking hard occlusions in the coal seam and the

more complex electrical system maintenance create potential ignition hazards. At the same time, the bulk of the machine makes effective face ventilation more difficult. Finally, mining is proceeding to greater depth which generally means more gassy conditions."

After citing a decline in attendance at continuing education courses in mining subjects and the shortage of college-level students pursuing mining careers, Dr. Stefanko posed the question of how the industry got into its present plight. Answering it, he said:

"Certainly the economic situation until recently was not bright. During the 1950s the market and subsequent production of coal shrank markedly. Mines were shut down and unemployment was rampant. Companies were reduced to 'poor-mouthing' in order to receive tax and other concessions.

"As President John Corcoran of Consolidation Coal Co. recently said, the industry did such a good job of downrating itself that now it cannot attract the people that a vigorous industry demands.

"An industry cannot have two images: a black one to wring concessions from Government, and a bright one to attract talent for the industry.

"The industry spends less money for research than any other—a tiny fraction of 1 per cent of its sales. Its answer generally is to let the Bureau of Mines do it—and how well does the industry support education and training?

"Scholarships for mining engineering are practically non-existent," Dr. Stefanko said. "An industry with such policies toward education and research could not help but arrive at its present deplorable position."

Dr. Stefanko concluded: "Too long have shoulders been shrugged and dangerous practices accepted as inherent in the industry. Not enough has been done to improve safety. Instead of trying to assess blame, constructive programs should be adopted to eliminate today's safety problems."

Dr. John J. Reed of the Department of Mining Engineering, Colorado School of Mining, said, "Instrumentation is available, in rudimentary form, to warn of impending rock falls underground, but it is used more in construction than in mining. Research can develop more such warning systems if funds and personnel are made available, and education can assist those working underground to utilize such new tools to prevent accidents.

"Adequate state departments of mines are the exception rather than the rule, for lack of interest, funds, and educational qualifications for technical personnel. Yet mining in one form or another is a basic industry in every state," Dr. Reed said.

"Many of the coal companies carry out their mine development plans under the direction of someone other than a mining engineer," said Dr. George Richard Hill, dean, College of Mines and Mineral Industries, University of Utah.

"In the concern for minimizing the costs of coal production, those responsible for the development may overlook engineering safety features due to their lack of comprehensive engineering training," the dean observed.

Continuing, the Utah educator said, "Unfortunately as curricula in mining engineering become more sophisticated and as pressures for more general education courses increase within universities, courses on mine ventilation and safety practices have been reduced.

"More research should be directed toward mine safety in mining engineering departments of universities. The input from fundamental research in related areas is readily available to assist in the design of new equipment for mine safety. The U.S. Bureau of Mines should receive funds for supporting

contract research with universities for this purpose," Dr. Hill said.

Ernest M. Spokes, chairman of the University of Missouri's Department of Mining and Petroleum Engineering, said that "we must be ready to change our safety codes to meet technological changes as they appear, instead of reacting to them several years after they have been in effect.

"New information is useful only when it gets to the proper people. We need to devote more time to safety at company staff meetings, union meetings, mining institutes, seminars, and conventions of professional societies. We should have short courses in safety as part of our continuing education programs for engineers and executives.

"It is a truism that a safety program reflects the concern of the highest company officials. That concern can be fully generated only by those officials who have been properly educated in the broadest aspects of safety, including the costs to the corporation and society," the Missouri educator said.

"Most of the needed technology for safe operation of mines is probably available," declared W. G. Worcester, Virginia Polytechnic Institute's dean of engineering. "It should be sought out and applied, with due regard for the social and economic factors that distinguish the mining system from the other systems. The key to this approach may be the deliberate involvement not only of those skilled in mining, but of people with a broad range of skills and training in areas other than mining, who may be able to suggest fresh approaches from a new perspective, and who can bring to the mining problem the knowledge that has been developed in other fields."

Dean Worcester called on the Interior Department to form "task forces" to investigate all of the events that led to the Mannington mine disaster; catalog the applicable research findings already available; evaluate the research now in progress, or in the proposal stage; solicit from all sources new ideas and new approaches; and to develop estimates of time and cost for a comprehensive program.

"In the short term," Dean Worcester said, "it should be possible to improve the safety and reliability of power and communications systems, the control of ventilation, the in situ rock properties and some of the human behavioral problems that lead to accidents through carelessness.

"Longer-range studies should deal with rescue vehicles capable of operating under extremely adverse conditions—even in a burning mine; life-support systems to keep men alive while a rescue is effected; new communications techniques, less vulnerable to disruption in the event of disaster; remotely-controlled or automatic mining machinery; techniques for mining in a nonexplosive atmosphere; techniques for the removal and use of methane; dust control or collection; improve cutting machinery; and reliability studies of all the components of the mining system," Dean Worcester said.

ON THE NEED FOR NEW MINING LAWS SENATORS, REPRESENTATIVES HAVE DIFFERING VIEWS

(By Ray Martin)

"I'm horrified at the disaster," said George Judy, president of the Bituminous Coal Operators Association, referring to the Nov. 20 disaster at Farmington No. 9 mine in Mannington.

"But let's not go off half-cocked. Are you going to take all the airplanes out of the sky because they crack up and kill 78 people? A submarine went down here recently with people aboard, but as far as I know they haven't shut down all the submarines," Mr. Judy said.

He was objecting to legislation proposed by the Administration which would give the Secretary of Interior tough new controls over mine safety and permit him for the first time

to keep standards abreast of changing mining methods. The legislation was proposed prior to the November disaster, but some coal operators have seized on the West Virginia tragedy as if it were an isolated incident and the safety proposals a punitive response.

The coal industry may speak out for or against legislation. The President may issue an impassioned plea. The mine workers' unions may take a position on proposed laws. Some segments of the general public may be heard from on the matter at hand. It is the members of Congress, both House and Senate, who must act to change the existing federal laws concerning coal mining safety. What have they said?

Arch A. Moore Jr., Governor-elect and member of the U.S. House of Representatives from West Virginia's First District, which includes Marion County—the scene of the Nov. 20 tragedy—attended the Dec. 12 conference "to make mining safe" but made no public statements.

The state's Second District member of the House, Harley O. Staggers, said that whenever there is a disaster of this scope, there are those who immediately want to "pass a law."

Commenting, in the wake of last month's disaster, Representative Staggers said, "No one knows at this point what the facts are, and we must determine those facts before rushing into the enactment of new legislation."

The Second District congressman added that "if there is need for additional legislation, I will support it."

On the day of the Washington conference, Sen. Robert C. Byrd announced his intention to introduce a broad-ranging bill granting tax credits to mining companies installing miners' health protection equipment in their mine facilities.

The bill would double the present 7 percent tax credit allowable on new investments.

"Passage of this bill would be an important step toward the elimination of the unsafe conditions existing in some mines which take the lives of miners, either through accident or disease," Senator Byrd predicted.

"In coal mining, for example, companies using the bill's provisions could obtain tax benefits on the purchase of dust suppression equipment designed to prevent pneumoconiosis among miners. The purchase of respirators might similarly be covered," the senator said.

Although present for a segment of the Washington conference, Senator Byrd did not take an active role in it.

Prior to the conference, Sen. Jennings Randolph sent Secretary of Interior Stewart L. Udall a four-page letter. In that letter, Senator Randolph recalled that he was one of the floor managers for the May 7, 1941 law which provided for advisory inspection of coal mines. He also cited his efforts in behalf of the 1966 law which made the provisions of the 1952 applicable to mines employing less than 15 miners underground.

"I give assurance that I will sponsor legislation in the 91st Congress dedicated to improvement of coal mine safety and federal enforcement. Any measure I may introduce will be one which I would endorse in principle, but probably not in all of its provisions and details. Such a bill, in company with those which I presume will be introduced by other senators and representatives, will form the basis for what I hope will be thorough hearings. As a senior majority member of the Senate Labor Committee, I will insist on, work for, and participate diligently in thorough hearings on coal mining practices and safety procedures and on the legislation that may be needed to strengthen them," Senator Randolph told Secretary Udall.

Rep. James Kee of West Virginia's Fifth District told the Washington conference that "our mines must be made safer; our mines must be made healthy."

Regarding the Mannington disaster, Rep-

resentative Kee said, "I only hope there is enough evidence left to determine what caused it."

In a statement entered into the record at the conference, Sen. Hugh Scott, R-Pa., said, "The recent mine disasters which have occurred in our country are doubly tragic because they might have been prevented. Too often they have resulted not from natural or unavoidable causes, but from faulty equipment, inadequate preventive measures, and disinterest in the plight of the miners.

"In this age of technological innovation, not enough has been done to protect the physical safety of miners. In an age of scientific and medical breakthroughs, little has been done to prevent or cure 'black lung,' a respiratory disease which causes the death of about 1,000 coal miners each year in Pennsylvania alone," Senator Scott said.

The Pennsylvanian said his state is currently studying the problem of how to control this occupational disease and report is expected about Feb. 1, 1969.

Rep. Daniel J. Flood, D-Pa., listed a five-point program to strengthen the mine safety laws at the conference. The items listed by Representative Flood were:

1. Constant maintenance of positive communication facilities from the working face to the surface.

2. Additional research to perfect present devices that instantly detect explosive gas and mandatory installation of such devices in the working area and other strategic locations. This is appropriately necessary due to the rapid technological advances of mining machinery that enables cutting and loading machines to remove the coal at very rapid rates.

3. Improvement of ventilation procedures and coal dust suppression techniques to protect the health of the miner and reduce explosion hazards.

4. Construction and maintenance of adequate escapeways, properly located.

5. Strong provisions relating to the installation, use, and repair of electrical facilities and machinery.

Looking directly at the top leaders of government, industry and labor, Congressman Flood declared, "The men don't feel adequately instructed in safety. I don't care what you tell me. I've talked to the men."

(The next article in this series will describe the activities of Rep. Ben Hechler, Huntington Democrat, in seeking increased safety in the nation's mines.)

WEST VIRGINIA'S REPRESENTATIVE KEN HECHLER HAS KEEN INTEREST IN MINE SAFETY

(By Ray Martin)

"The 'instant' experts and the ill-informed are, as usual pointing the finger of blame at the coal industry, at the U.S. Bureau of Mines, at the United Mine Workers of America and at coal mining safety laws," proclaims an editorial in the Dec. 1, 1968, issue of the United Mine Workers Journal.

The editorial goes on to state: "The facts are that there is no simple answer to the question of why such disasters occur. The coal industry, the Union and the state and federal agencies and coal mine safety men do know what causes such tragedies and they do know, in theory, how to prevent such disasters.

"We do know that coal mining is now and always has been the nation's most hazardous industry. We do know that constant vigilance and constant cooperation among all coal mining men is essential if men's lives are not to be snuffed out in such disasters."

Elsewhere in the same issues of the Journal, Assistant Editor Rex Lauck, reporting on the Nov. 20 disaster at Mannington, wrote:

"A few national figures took advantage of an opportunity for publicity to take a 'cheap shot' at the union, management and federal and state governments. While those four groups were working feverishly together

in an attempt to rescue the trapped men the 'instant experts' were being interviewed and filmed in Washington and New York far from danger and far from any knowledge of coal mining. This group included Ralph Nader, Sen. Gaylord Nelson (D. Wis.), Secretary of Interior Stewart Udall and Rep. Ken Hechler (D., W. Va.).

"The UMWA will submit mine safety and health legislation of its own to the 92nd (sic) Congress. It is at that time that we will find out who the true friends of the miners are. It will be those who support legislation aimed at improving coal mine health and safety, not those who take advantage of the rash of publicity which comes after mine disasters to get themselves on national television and page one of the daily papers," Mr. Lauck wrote.

Representative Hechler, a Huntington Democrat, has a personal motto. It is: "Better to jump the gun than not to move when the gun goes off."

Born Sept. 20, 1914, two miles outside the town of Roslyn on New York's Long Island, the Fourth District congressman has an early identity with West Virginia through his grandfather, George Hechler. The grandfather was a Union Army volunteer at Parkersburg in 1861 and was mustered out as a corporal at Wheeling in 1865, having been wounded at Antietam and fighting in major battles.

After education at Swarthmore College and Columbia University, Representative Hechler served on the faculties of Columbia, Princeton and Marshall Universities. He was a research assistant to Judge Samuel L. Rosenman and President Franklin D. Roosevelt. Prior to World War II, he held posts with several federal agencies. He entered the Army as a private in 1942 and a year later was commissioned as a second lieutenant. He was discharged with the rank of major and holds five battle stars from Normandy to the Elbe.

The Huntington Democrat is no stranger to mines, miners and mine safety. He had a major role in fashioning the legislation which President Truman sent to Congress in the 1950s. It was emasculated by the legislators and what emerged has been known as the Federal Mine Safety Act of 1952.

The 1952 law gave federal mine inspectors the power of positive action only in the five instances of imminent danger.

It was Representative Hechler who introduced President Johnson's measure in Congress in September. No hearings were held on the bill. He plans to introduce an even stronger bill when the 91st Congress convenes next month.

Following the disaster at Consol's Farmington No. 9 mine, Representative Hechler said, "Coal miners don't have to die. In a civilized society, it is nothing short of criminal to allow the present conditions to continue in the coal mines. Federal and state mine safety laws are weak, most coal companies seem to know when the inspectors will appear, enforcement of safety standards is weak and entangled in red tape, the union leaders seem more interested in high wages than in health and safety, there is no aggressive attack on the health hazards of coal dust which causes 'black lung', the coal miners and their families have been steeled to take a fatalistic attitude toward death and injury, and both Congress and the general public have been complacent and apathetic.

"From Monongah to Mannington, the same script is grimly familiar. The national searchlight is focused on a disaster. The company officials promise that everything possible is being done. The families wait stoically. The union leaders say that everything possible is being done. The surviving coal miners and their sons say that, of course, they will go back into the mines. Soon everybody goes back to the status quo until the next disaster strikes in the coal mines.

"Coal miners have a right to live, to

breathe, and to be protected by 20th Century safety standards. The nation must rise up and demand that strong and effective mine safety legislation be passed by Congress," the Huntington Democrat said.

On Dec. 6, the anniversary of this nation's worst coal mine disaster, killing 361 miners in 1907 at Monongah—within 10 miles of the Nov. 20 disaster at Mannington, Representative Hechler said, "Once again those who should be leading the parade for strong mine safety laws are dragging their feet."

He complimented local mine union leaders and men down at the working level in West Virginia who are urging specific and constructive improvements in the mine safety laws and its enforcement.

"I'm sure that those progressive coal operators in West Virginia are ready to put safety measures into effect, contrary to the backward attitude expressed by the Bituminous Coal Operators of America," the congressman said.

Continuing, he said, "There was a time 40 years ago when airline pilots were charged higher life insurance rates because of the hazards of their occupation. Today, with the Federal Aviation Act placing a high priority on safety and the progress made in air safety, airline pilots can get life insurance at standard rates.

"If you're an underground coal miner and try to get life insurance, you can buy it now but only if you pay a higher than normal rate, according to the Life Insurance Institute of America.

"I'm not going to give up this fight until coal mining is a far safer occupation, and coal miners can get normal insurance rates," Representative Hechler said.

The Huntington Democrat then listed a number of ways in which the federal mine safety law could be strengthened. Six days later many of these proposals were among those enumerated by Secretary of Interior Stewart Udall at the Washington conference "to make coal mining safe."

In commenting on the first federal recommendation of health standards designed to reduce the coal dust which produces "black lung" disease among coal miners, Representative Hechler said, "It seems rather ridiculous to me that we take steps to sterilize drinking water for coal miners, see that their children are vaccinated against smallpox, typhoid fever and other such diseases, and, yet, let the miners themselves descend into the pits with little protection from coal dust which causes 'black lung' or pneumoconiosis."

The U.S. Public Health Service of the Department of Health, Education and Welfare made its recommendation public Dec. 9, three days before the Washington conference. Under present law the federal government has no power to enforce the recommended coal dust standard.

Representative Hechler and his aide, Dick Leonard, were on hand during the entire time that Secretary Udall's conference was in progress. During that session the congressman questioned the value of conferences following disasters, when little or nothing seemed to be accomplished.

Prior to the conference, the West Virginia Democrat appeared on a television program with Bureau of Mines Director John O'Leary and John Corcoran, president of Consolidation Coal Co., which has been transmitted around the world.

The congressman continues to get mail from all parts of the globe and the inevitable question raised, he says, is why does it take so long to get meaningful mine safety laws enacted.

UDALL CONFIRMS ACCURACY OF NADER'S MINE SAFETY CHARGES (By Ray Martin)

Speaking in South Bend, Ind., at the University of Notre Dame in the wake of the

Nov. 20 disaster at Mannington, Ralph Nader said "the situation of coal miners in this country is reminiscent of medieval times."

He then told his university audience: "Political representatives in Washington and in the statehouse of states such as West Virginia and Kentucky represent coal; they do not represent coal miners."

Mr. Nader has already fought the automobile, gas pipeline, and fish and meat packing industries, often bringing about reforms that few observers thought were possible when he began his public criticisms.

On March 25, 1968, Mr. Nader charged that thousands of American coal miners faced unnecessary risks because the U.S. Bureau of Mines was the "captive" of the coal industry in drafting mine safety regulations.

He charged that the coal industry, the United Mine Workers and the Government had all shown more concern about maintaining the low-cost production advantages of coal in the high competitive fuel market than about the safety and health of mine workers.

The March, 1968, attack was Mr. Nader's first against the coal industry, and it was made at what Washington officials said was an awkward time for all of the parties involved. Mr. Nader's charge against the allegedly "preferential" treatment given the views of the coal industry and the union on new mine safety proposals came on the eve of a report by the Bureau of Mines to the Congress on the "sufficiency" of existing legislation.

That report was due on Capitol Hill March 26. It never got there. At the time Interior Department sources said it was "undergoing a careful review" in the light of Mr. Nader's criticism.

The young Washington lawyer had written a four-page letter to Secretary of Interior Udall demanding a list of all meetings on proposed mine safety requirements between top officials of the Bureau of Mines and officers of the Bituminous Coal Operators' Association and the mineworkers union.

Spokesmen for both the association and the union confirmed that there had been "routine" meetings with federal officials on the proposals. Bureau of Mines spokesmen said that they could not definitely confirm such meetings.

Walter R. Hibbard Jr., then serving as Bureau of Mines director, specifically denied Mr. Nader's assertion that the bureau was "the captive of mining interests."

As he concluded his remarks in Washington on Dec. 12, 1968, at the conference "to make coal mining safe," Secretary Udall said, "In all honesty, Ralph Nader was right when he wrote me earlier this year."

Jerome B. Gordon, Mr. Nader's associate, spoke on his behalf at the Washington conference convened by Secretary Udall.

"The Mannington, W. Va., Consol Mine disaster has caught everyone responsible for mine safety unawares and has exposed the sham that passes for public interest in industrial safety prevention and control in the United States," Mr. Gordon said.

Continuing, he said, "We have had three notable mine disasters this year—two of them in West Virginia and one in Louisiana. In two of the three cases, the Mannington, W. Va., and the Belle Isle La., catastrophes, the mines were inspected by Federal Bureau of Mines safety officials. In both cases, extensive violations were found, mine operator officials apprized of them, but nothing was done to insure compliance by the U.S. Department of the Interior—the responsible agency for federal mine safety regulation.

"What we have here are sufficient grounds for the filing of charges of criminal negligence against the mine operators, mine union leadership and an executive agency notorious for its subservient behavior in the face of substantive industry opposition to federal in safety matters," Mr. Gordon said.

He said the lack of an aggressive mine safety and health stance on the part of the U.M.W. would seem to indicate that they value the gradual elimination of the coal miner through his destruction and the fear that this generates as well as the relative mechanization of mining production itself than they do protecting him, and ultimately his family, on the job.

Mr. Gordon said the U.M.W. was not alone in this regard. He cited the "noticeable lack of active support by the union movement" for the Occupational Safety and Health Act of 1968. He said this would seem to "indicate that the safety and health of the entire labor movement are very low down in the pecking order of important things to do."

Continuing, Mr. Nader's associate said, "Over the intervening weeks between the start of the Mannington, W. Va., disaster and this meeting today, there has been a cauldron of criticism, countercharges and, belatedly, announcement of remedial steps in mine safety."

"Mine operators have displayed the ultimate sin of 'hubris'—arrogant pride, by disdain the necessity for development of new mine safety standards. Union officials have called hypocritically for greater federal involvement for mine worker protection, after their less than adequate public support for both the Occupational Safety and Health Act of 1968 and the Mine Safety Act of 1968."

"The U.S. Public Health Service has announced to the world that they have condescended to institute coal dust standards in mining after a 16 year investigation. How kind of them to say something after D. I. E. Buff of the West Virginia Air Pollution Commission has consistently displayed overwhelming evidence of the necessity for coal dust standards for the past several years," Mr. Gordon said.

He then posed a number of questions: What is to be done? What kind of program of action should be adopted? What are the prospects for immediate remedial action by the incoming administration and the new Congress?

He then proceeded to answer the questions.

"First, let's not kid ourselves the present statistics of mine fatalities and permanent and partial disabilities as well as occupational health incidences are less than reliable," Mr. Gordon declared.

He said the accident "reporting system" places a heavy premium upon employer compliance and is subject to underenumeration and definitional errors. He said more reliable sources of basic mine safety information are needed.

"Inspections are a sometime thing. They have no real meaning in terms of having, at present, police powers to issue fines and cease and desist orders to hazardous mine operations. The 1968 Mine Safety Act had that kind of muscle," Mr. Gordon said.

"We need drastically increased research and development efforts channelled through the Office of Coal Research at Interior into new processes of mining that mitigate the production of potentially explosive gaseous by-products and provide for adequate rock dusting and venting of gulleries to keep the level of coal dust in the mine to a minimum."

"We need manpower retraining programs and, concomitantly, sufficiently significant greater alternate job opportunities for miners and potential miners in these regions to get them off the treadmill to extinction."

"Let's use a little of the expertise of my colleagues in the systems analysis profession to conduct the policy studies and analyses that will tell the Interior Department and the Congress where, and in what amount, resources should be allocated for the achievement of better mine safety conditions. Let's find out just what the range of the preferred combinations of accident reporting, research and development, occupational health and

rehabilitation delivery systems would be to tackle this job," Mr. Gordon said.

He then asked: "What are the chances for change in mine safety?"

Answering, he said, "Right now they are black. As black as the coal drawn forth from the nation's mines and as black as the acrid smoke that boiled forth from the funeral pyres of Consol Mine No. 9. Why?"

"The public forgets all too easily. The half-life of the impact of the deaths of those 78 fathers and sons is already past, and the opportunity for exploiting it, beneficially, has virtually evaporated."

"The incoming administration has adopted a 'laissez faire' attitude on worker safety reform generally, and has had a notorious affiliation with organizations unresponsive to mine safety specifically."

"For example," Mr. Gordon told the Washington conference, "President-elect Nixon was a principle in a law firm that provided corporate counsel in a variety of regulatory matters to the Cargill Co., owner and operator of the Belle Isle, La., salt mine, site of 25 mine deaths this past March."

"The Cargill Co. did not show ostensible compliance with fire protecting and fire fighting equipment violations and recommendations made by this Department in August of 1967; although the lack of such arrangements was a significant factor in the March, 1968 disaster."

Continuing, Mr. Gordon said, "The candor of the (Interior) Department in assessing blame for the causes of specific mine disasters is another roadblock to reform. The practice of submitting confidential pre-publication copies of reports on specific mine disasters to both mine operator and mine union reviewers for 'editing' only compounds the difficulty of determining negligence in specific cases and prevents the formulation of beneficial public comment leading to possible remedial action and change."

"If the Federal Aviation Agency can assess causes in aircraft accidents, then I think the Interior Department should be mature enough to accomplish the same task for mine disasters," Mr. Gordon said.

"Change for the benefit of the miner will come only if enough grass roots support can be generated for public and congressional action. I'm afraid, that it will be up to the concerned few among the invited guests at this hearing to prepare the necessary spadework for such an eventuality."

"Hopefully, it will come soon, perhaps at the start of the First Session of the 91st Congress. However, with an unfriendly administration on safety matters to be invested into office next month, the prospects are unfortunately, bleak," Mr. Gordon said.

LEE WHITE, FPC CHAIRMAN, URGES ACTION ON MINE SAFETY
(By Ray Martin)

"It is a matter of grave concern to every thinking citizen, both within and outside the Government, that so high a price in human life must still be paid for the extraction of the nation's coal resources," Assistant U.S. Attorney General Clyde O. Martz told the Washington conference "to make coal mining safe."

"There is awareness on the part of underground workers of uncontrolled hazards in particular mines; yet they are often deterred for economic reasons from raising their voices or declining the work," he said.

Continuing, the federal legal official said, "There is jurisdiction in State and Federal governments to require safe working conditions, and reasonably adequate legislation in the Federal Coal Mine Safety Act of 1941, as amended in 1952 and 1960, but we are advised that this legislation has not been uniformly enforced."

"Following the recent disaster near Farmington, W. Va., Secretary Udall has voiced the concern of all; more importantly he has

called for action as a Government response to that concern. The Attorney General supports his position and pledges the assistance of the Department of Justice in finding appropriate solutions and in enforcing the administrative action of the Interior Department," Mr. Martz said in the statement which was entered in the record of the Dec. 12, 1968, conference.

In an obvious comment on the U.S. Bureau of Mines practice of seeking "cooperation" of mine operators in the matter of mine safety, Lee C. White, chairman of the Federal Power Commission, said, "You can go further with a kind word and a gun than you can with a kind word alone."

He attributed the original quotation to Chicago gangster Al Capone.

Chairman White told the Washington conference the electric power industry, over which the FPC has rather broad regulatory jurisdiction, is the largest single user of coal in the United States, accounting for approximately 50 per cent of domestic coal production.

In 1967, the electric power industry purchased 274 million tons of coal and almost two-thirds of the thermally produced power was generated using coal as a fuel, he said.

"The cost of coal is one of the principal determinants of the ultimate rates which the nation's consumers must pay for their electric power," Chairman White said. "The other industry over which the FPC has rather broad authority is natural gas, which since the end of World War II has been the coal industry's most aggressive competitor."

The FPC chairman said both the natural gas and electric power industries have been faced in recent years with problems similar to those which are now confronting the coal industry.

In the natural gas field, a pipeline explosion in Natchitoches, La., in March, 1965, which took the lives of 17 persons, focused the public's attention on the inherently dangerous nature of pipeline operations and in recognition of this, Congress, in 1968, passed the Pipeline Safety Bill the FPC chief pointed out.

Chairman White noted in the electric power field, the Northeast blackout of Nov. 9-10, 1965, created widespread interest in remedial measures to enhance the safety and reliability of our nation's bulk power supply. Congress, he said, is now actively considering such legislation.

"In both of these instances," Chairman White said, "dormant public interest in safety and reliability was galvanized by a dramatic or tragic incident involving danger to human life and substantial loss of property. It was no defense to plead that compared to others, these industries had relatively good records, for the public is simply unwilling to tolerate the continuation of the conditions which permitted these incidents to happen."

"Two of the principal arguments against the Pipeline Safety Act and the proposed electric power reliability legislation were: (1) that the period immediately following a dramatic public incident is highly emotionally charged and this is not the appropriate atmosphere in which to consider what may be the best long-range solution; and (2) that the economic burden imposed by the remedial measures would be intolerable."

"No responsible person would quarrel with the fact that solutions which are conceived in emotion and approved in panic probably would not be the most sensible solution to problems like electric power reliability or pipeline or mine safety—but this does not mean that a moratorium should be called on all remedial activity."

"Surely, responsible and knowledgeable men are capable of dispassionate consideration of what steps need to be taken. Thus, the recent time tragedy should act as an impetus to seeking solutions to the vexing problems of mine safety rather than as a

reason for further delay," Chairman White said.

Continuing, the FPC chairman said, "The argument that enhanced safety standards will impose undue economic burdens cannot be passed over lightly for it is definitely pertinent to any solutions that are proposed. But again, the fact safety costs money cannot be used as a defense of the status quo.

"It was not accepted in the area of natural gas pipeline safety, and I do not believe it will be accepted by the Congress or the public with respect to mine safety," Chairman White said.

The FPC chairman noted that in the last four years Congress has enacted legislation to protect the American public against death and destruction on our highways, against flammable clothing and blankets, hazardous appliances, dangerous toys, electronic radiation and unsafe tires, as well as against pipeline accidents.

"The public expects business to make positive contribution to the quality (as well as quantity) of our society and to carry out its responsibilities with due regard for the health and well-being of our citizens and with minimum intrusion upon our environment. This means that business and industrial practices which were accepted in the past are not necessarily adequate to satisfy our more sophisticated contemporary society," Chairman White said.

Continuing, the FPC chairman said, "There is no doubt in my mind that mine safety is a national goal of the highest priority; neither is there any doubt that the relatively poor record of the past, coupled with the recent tragic loss of 78 lives, provides an appropriate occasion to focus on how these problems might best be solved.

"If enhanced safety standards mean that increased costs must be passed on the ultimate consumers, I am confident that they will be willing to pay the necessary increment. Moreover, in the case of electric power consumers who have been enjoying the progressively lower rates which technology and the economies of scale have permitted, there is no reason to believe that higher fuel costs would necessarily mean higher rates.

"I would urge, therefore, that all interested parties work with all of the resources at their disposal toward assuring that remedial measures are undertaken to enhance mine safety without further delay," Chairman White said.

(The attitudes of other key Government officials will be the subject of the next article in this series.)

HECHLER, NADER ATTACK COAL SAFETY INERTIA (By Ray Martin)

WASHINGTON.—A Nixon cabinet member-designate and the Department of Health, Education and Welfare's concern with pneumoconiosis (black lung) were the subjects of two separate attacks here Thursday.

Rep. Ken Hechler, a Huntington, W. Va., Democrat, asserted that "effective coal mine safety legislation may be in jeopardy if Alaska Gov. Walter J. Hickel becomes Interior Secretary in the administration of President-elect Richard M. Nixon.

"Nothing in Governor Hickel's record of public announcements indicates that he will insist on tough new regulations to protect the lives and health of men working in the coal mines," the Fourth District congressman said.

Representative Hechler also said that "public interest in strong mine safety laws has already begun to fade now that the shock of the Nov. 20 mine tragedy near Mannington, W. Va., is wearing off.

"It will take leadership by the new President and at the cabinet level to spotlight public attention on what must be done to protect coal miners against black lung and the dangerous conditions which kill, burn

and maim thousands of miners every day," Hechler said.

"But even assuming that Congress enacts a law with teeth in it," Representative Hechler said, "such a law would be meaningless if it is enforced by a lackadaisical secretary of the interior whose interest and attention are directed elsewhere."

Opposition to Hickel's confirmation by the Senate has been growing. Conservation groups throughout the country have expressed opposition to Hickel's stated position on public lands.

Ralph Nader, consumer protection critic, called on HEW Secretary Wilbur Cohen to supply an accounting of funds appropriated for the Bureau of Occupational Safety and Health for research on the causes and control of pneumoconiosis for the past five years.

Referring to a recent statement made by Secretary Cohen which indicated "there is much left to do," Nader said occupational health and safety must be in the front rank of importance.

"This hazardous exposure to working men and women is far more serious than the conventional statistics of 14,500 deaths, 2 million disabling injuries, and \$6 billion in economic loss," Nader said.

Continuing, he said, "The more insidious impacts of toxicity from carbon monoxide, dust, and a wide range of chemicals have not yet been quantified. The Department has failed utterly to give this problem the leadership and seriousness that it so badly needs.

"The states are spending an average of 40 cents per year per worker on industrial health and safety, with huge areas totally ignored," Nader declared.

"Black lung is the major public health problem in several states—especially West Virginia and Kentucky. Until your Department, under the pressure of the recent Farmington disaster and other recent exposures, issued dust standards for containing the onset of this disease, the principal activity of the federal government has been researching the nature, etiology and prevalence of this disease," Nader told Secretary Cohen in a three-page letter.

"Unlike European countries, this country has no coal dust standard in effect and, with the exception of Pennsylvania, Alabama and apparently Virginia this year, coal miner's black lung is not covered by workmen's compensation laws—that is, in practice, states such as West Virginia and Kentucky have not considered such a disease as work-related.

Coal mine operators, the United Mine Workers' leadership and the U.S. Bureau of Mines bear heavy responsibility for this state of affairs," Nader said.

"Your Department," Nader told Cohen, "lost a major opportunity nearly a decade ago to forge the facts that would have fostered more vigorous public policy. A glimmer of what this opportunity was came from a survey by the Bureau of Occupational Safety and Health on the widespread prevalence of black lung and subsequent research at the Appalachian Regional Hospital in Beckley, W. Va., showing that the prevalence may well be much higher."

Nader asserted that the \$5 million in appropriations that the HEW has received since 1953 for black lung research "has little to show for itself" apart from the prevalence study and the aborted research effort at Beckley.

"Poor management, petty bureaucratic infighting, and well known belief by the physician in charge of the research program that a safe dust level for coal mines could not be set because of political and economic factors," Nader said.

Continuing, he said, "Dr. Murray Brown has outraged more than one responsible person in Government by the degree to which his political antenna has over-riden his professional obligations as a physician vis-a-vis the coal miner's black lung disease.

"Because of the eroding impact of this research non-program on discovery and action against black lung and because of the effects on other, long-neglected diseases, and investigation by a detached group of knowledgeable citizens of the pneumoconiosis program under the Bureau of Occupational Safety and Health is needed," Nader said.

Nader said the areas of the inquiry should increase.

1. The events leading to the resignation of physicians and the closing down of the occupational health program field station in Beckley.

2. The circumstances leading to the resignations of physicians from the staff of the Bureau of Occupational Safety and Health's Appalachian Laboratories for Occupational Respiratory Diseases, charging administrative harassment and lack of equipment despite available funds.

3. The refusal of the Bureau of Occupational Safety and Health to provide funds for the transportation of miners examined under contract to the National Institutes of Health for further work-ups by a physician being paid out of HEW funds.

In regard to this point, Nader said funds were ultimately furnished by the UMWA Welfare and Retirement Fund.

4. The failure by the Bureau for over a year to use its only qualified mining engineer in the East to investigate dust levels in the soft mines.

5. The refusal of the Bureau's Appalachian Laboratories to establish and maintain liaison with hospitals and clinics in mining areas to assure a readily available source of patients.

"The laboratories, by self-admission, say that 'miners are admitted to the University Hospital in Morgantown for study at the rate of one to two per week' and that 'studies have been completed on 35 miners to date' in a year and a half," Nader said.

"At this rate 35 studied in the first 18 months of operation, it will take eight years to complete the 'study sample of 200 needed before initial conclusions can be made.'

"This record of ineptitude prevails while an epidemic of black lung disease is raging," Nader declared.

"Dr. Lorin Kerr of the UMWA Welfare and Retirement Fund called the role of physicians here one of the greatest disgraces in modern medicine. Vested economic interests, and their control over state and national governmental policy on coal miner health, have infected HEW with an institutionalized malaise and paralysis.

"The facts about the Bureau are not unknown to your staff and the remaining time in office is not too short for something to be done about it," Nader told Secretary Cohen.

Nader asked the HEW secretary for details on expenditures, names, titles, job descriptions and locations of work under the Bureau's program, equipment purchased and its location, and administrative and travel costs. He also requested a list of all meetings relating to dust levels in foreign and domestic soft coal mines which were attended by Bureau representatives, including dates, personnel attending and any minutes of such meetings.

Nader told Secretary Cohen: "I would appreciate hearing from you about the black lung research program conducted by the Bureau of Occupational Safety and Health and that Bureau's reply to serious charges by Drs. Rasmussen, Wells and Sciple of mismanagement, indifference, and subservience to economic and political interests that have almost rendered the 15 year long program a nullity.

"These charges are known to the Department inasmuch as they were made in writing on the occasion of two of these physicians' resignations. It is incumbent upon the Department to reply to these criticisms and I look forward to seeing such a reply," Nader said.

**CONGRESS GETS FIRST MINE SAFETY BILL—
MIXED OPINIONS HELD ON STATE'S MINE
LAW**

(By Ray Martin)

The first mine safety bill of the 91st Congress is now a matter of record.

It was introduced yesterday by Rep. John Dent of Pennsylvania. The measure he sponsored is identical to the Federal Mine Safety and Health Act of 1968 introduced last September by Rep. Ken Hechler of West Virginia's Fourth District.

Representative Hechler said last night that he did not join in sponsorship of the Dent bill because he plans to introduce "a much stronger" piece of legislation. The Huntington Democrat indicated that he might sponsor two separate bills. One would deal with mine safety and the other with occupational health.

While Congress was getting its first piece of mine safety legislation, members of the state legislature from Monongalia County were expressing their views on the need or lack of a need to amend West Virginia's mining laws.

State Sen. William Moreland said, "This is an extremely technical matter and I am not certain that the laws need strengthening or whether it is the rules and regulations the U.S. Bureau of Mines and the State Department of Mines promulgates which need revision.

"I know of no bill dealing with amendments to the mine safety law which is being discussed at the present time," the former Senate majority leader said.

Senator Moreland said there were several proposed bills dealing with black lung under consideration. He said he had a strong suspicion that the silicosis provision in the workmen's compensation law would be broadened to place the burden of proof on the employer rather than the employe as it is now.

The senator said that one of the problems concerning miners and other workers' occupational diseases is the reluctance of the medical profession to label them as such.

Senator Moreland said that he was not aware of the United Mine Workers activity, if any, with regard to state legislation. He indicated that the Department of Mines was making a study of its authority to upgrade aspects of its operations.

The senator said that if it is determined that the state agency has the authority to upgrade its operations and doesn't do it voluntarily then the legislature should do something.

Delegate Robert Dinsmore said he had no legislation in mind, adding that legislative needs have been discovered through research.

"Legislation can solve a lot, but not everything. Miners have something to do with it," Delegate Dinsmore said.

The newest member of the county delegation to the legislature noted the accident ratio between large and small mines. He called for strict enforcement of mine regulations, stressing that the face of the mine "is the most dangerous place."

Delegate Harry U. Howell said that stricter enforcement of present laws are needed along with some new legislation. He tended to agree with Delegate Dinsmore that smaller miners posed a greater problem, saying "no one gets up in arms about the two men killed at a mine in the southern part of the state."

Delegate Howell said, "I am hoping that any place the law needs strengthening, it will be strengthened."

Delegate Cliff Hoard said, "From what I have been told by miners, all we need is enforcement of the legislation we now have."

He said he hadn't heard of any plans to amend the mine safety law; was aware of plans of two Raleigh County legislators to introduce a bill to compensate miners suffering from respiratory diseases.

Delegates Jackie Withrow and Ted Stacey, both Democrats, said the measure would make the workmen's compensation commis-

sion show such diseases were nonoccupational.

Current laws require the individual to prove that his disease resulted from his occupation.

Under terms of the proposed law, it would be presumed that persons with respiratory diseases, who had worked in a mine for two years and contacted the disease as a result of their employment.

**NIXON CABINET CHOICE CONTROVERSIAL—
RANDOLPH TO QUESTION HICKEL**

(By Ray Martin)

WASHINGTON.—As chairman of the Senate Public Works Committee, Sen. Jennings Randolph, D-W. Va., will participate in the questioning of Walter J. Hickel, President-elect Richard Nixon's choice for secretary of interior, by the Senate Interior and Insular Affairs Committee Wednesday.

The West Virginia senator was invited to take part in the session because his committee has jurisdiction over pollution control laws administered by the Interior Department. He is expected to be accompanied to the hearing by Sen. Edmund Muskie, D-Maine, author of Pollution control legislation.

Logically, Randolph also could pose questions concerning Hickel's views about the Bureau of Mines and mine safety. The West Virginia Democrat as the senior member of his party on the Labor and Public Welfare Committee will probably chair that committee's hearings on mine safety legislation in the 91st Congress.

Wednesday's questioning which could extend over a three or four day period, could prove to be a knotty problem for the Senate. Some Capitol Hill observers see a parallel between it and the recent controversy over President Johnson's nomination of Justice Abe Fortas to fill the non-existing vacancy as chief justice of the U.S. Supreme Court.

Secretary of Interior Stewart Udall, a Democrat, has not left his post and the President-elect is not yet in a legal position to submit nominations to the Senate for confirmation.

Some senators indicated they were willing to get around the legal hurdles by regarding Wednesday's session as an informal hearing by Sen. Henry Jackson, D-Wash., and members of his committee.

Hickel, Nixon's most controversial Cabinet choice and the one facing the most questioning, is hoping the Wednesday session and his private visits with senators will help change his image.

The Alaskan governor has been paying courtesy calls on senators who would not be taking an active role in Wednesday's hearing. He sought such an appointment with Randolph.

Hickel is getting support from Alaskan Sen. Theodore Stevens, a Republican whom the governor appointed to fill a full six-year term left vacant by the death of E. L. Bartlett in December.

Stevens is sending a letter to each senator, defending Hickel and citing his conservation record as governor.

After a press conference here and some statements Hickel has made, many conservation-minded legislators are worried about his conservation views, or are not certain what they are.

There also are rumors that Hickel will be questioned about business dealings which, critics say, could be a conflict of interest with his new position.

"The more I read about this fellow the more doubts I have," said Sen. George S. McGovern, D-S.D., a member of the Interior Committee.

McGovern said that the secretary of interior usually is thought of as a "trustee" of the nation's resources rather than a champion of business and industrial development.

"Hickel has given an indication that he

is more concerned with business and industrial development than with resources," the senator said.

McGovern said it is "conceivable" that Hickel's nomination could be rejected by the Senate, but that he doesn't expect that to happen.

Hickel told Sen. Frank E. Moss, D-Utah, that he has been misunderstood because of press accounts of his views and said he was looking forward to the hearing to set the record straight.

Shortly after Nixon announced his intention to name Hickel to the Cabinet, a former Federal Wildlife Service biologist in Alaska said of Hickel: "He will look at a piece of land and he'll see it as a place for oil or industry."

In his first press conference as secretary-designate, Hickel questioned "a policy of conservation for conservation's sake."

He also renewed his war with departing Secretary Udall over Udall's withdrawal of several hundred million acres of federal land potentially available to Alaska.

"What Udall can do by executive order," Hickel snapped, "I can undo."

At another press conference, Hickel also criticized the nationwide pollution standards set by Udall. "You can't have one standard for the whole country," the secretary-designate declared.

Conservationists assert that as governor, Hickel overruled the Alaska Fish and Game Board on several occasions at the request of local politicians. They maintain that when a governor interferes directly with decisions made by a body of men appointed by him in the first place, it indicates that politics comes before resource management.

Tens of thousands of letters have been sent to members of the Senate expressing opposition to Hickel's appointment on the basis of his stated views and past action relative to conservation.

Some members of Congress, among them West Virginia's Rep. Ken Hechler, have questioned Hickel's silence about mine safety proposals. Alaska has six strip coal mines.

As if Hickel's troubles with the vocal band of conservationists weren't enough, other critics are accusing him of being entirely too sympathetic to Alaskan oil interests and decidedly unsympathetic to Eskimos and Indians, many of whom come under Interior Department protection.

Leaders of the 54,000-member Alaska Federation of Natives, representing 19 native groups, will be present at Wednesday's hearing before the Senate committee.

The natives—Eskimos, Indians and Aleuts who make up a fifth of Alaska's population—became concerned after Hickel was quoted as saying he wants to lift the land freeze imposed by Udall two years ago.

The freeze delays Alaska's selection of 103 million of the state's 375 million acres, as allowed under statehood terms, until Congress rules on land claims by the natives.

As governor, Hickel tried to pry the land loose, saying the natives could be fairly treated while the state developed economically.

In a letter to Hickel as secretary-designate, the native federation demands 40 million acres and \$500 million in compensation for natives.

Sen. William Proxmire, D-Wisc., and other members of Congress have expressed concern about the relationship between Hickel, who until his 1966 election as governor was chairman of the Anchorage National Gas Co. and a director of the Alaska Pipeline Co., and Robert O. Anderson, a major stockholder in Atlantic Richfield Co., which owns vast tracts of oil acreage on Alaska's North Slope.

Development of the North Slope will be costly. It will be worth it, observers say, if the price of oil remains near the current \$3 a barrel mark. That will only happen if cheaper foreign imports, at about \$1.75 a barrel, are kept out of the U.S.

Hickel already is on record with the state-

ment that domestic markets cannot be left "wide open" to imports of foreign oil.

Another oil matter is the object of concern among some members of Congress. The concern is evidenced because it in effect pits one West Virginia coal operator against another for the first time in Capitol Hill observers' memories.

Consolidated Coal Co. lobbyists are expressing their opposition to hopes of Island Creek Coal Company's parent firm, Occidental Oil, getting free port facilities in New England. Consolidation Coal is a part of Continental Oil Co.

The hearing on Hicel will start about two hours before senators can introduce any legislation in the current session of Congress. Senate rules prohibit introduction of bills until after the President's State-of-the-Union Message has been received. President Johnson will deliver that message in person at 9 p.m. Tuesday to a joint session of Congress. The Senate will meet at noon Wednesday.

U.S. OFFICIAL AND MINE LEADER ATTACK HEW HEALTH STANDARD (By Ray Martin)

The Department of Health, Education, and Welfare has been criticized for taking 16 years to proclaim a health standard for the soft coal industry in the United States.

Three days after announcement of the proposed standard on Dec. 9, 1968, industry and Government spokesmen went on record against prompt enforcement of the HEW proposal.

Thirty days ago HEW recommended the first federal standard which could be used to lower respirable dust levels in coal mines. This standard calls for a respirable dust level in the coal mines not to exceed 3.0 milligrams per cubic meter of air as measured by the Mining Research Establishment horizontal elutriator instrument.

Surgeon General William H. Stewart, addressing the Dec. 12, 1968, conference to "make coal mining safe," said "We developed this standard primarily in an effort to reduce the incidence of soft coal workers' pneumoconiosis. This chronic chest disease, which is caused by the accumulation of fine coal dust particles in the lung, conservatively affects more than 100,000 soft coal workers.

"This standard which we have recommended to the U.S. Department of the Interior could, if properly enforced throughout the soft coal mining industry, make a significant reduction in new cases of pneumoconiosis and decrease the rate of progression of old cases," Dr. Stewart said.

He noted that HEW has no authority specifically directed to the health conditions in the coal mining industry.

"However, as the federal agency whose primary concern is in protecting the health of all Americans, we do, nevertheless, have a responsibility to try to assure that no citizen lives or works under conditions that are harmful to his health or general welfare, the surgeon general said.

The Federal Coal Mine Health and Safety Act of 1968 introduced in Congress last September by Rep. Ken Hechler of Huntington provided for the establishment of health standards. The initial health criteria were to be prepared within five months after adoption of the law by Congress. HEW was charged with this responsibility and the Department of Interior was to enforce the standards in the mines.

Interior Secretary Stewart Udall acknowledged the HEW proposal at the Dec. 12 conference and then said: "It is our present thinking that the first step in the schedule would be to require that all mines meet a standard of 4.5 milligrams of respirable dust per cubic meter of air not later than one year after enactment."

John Corcoran, president of Consolidation Coal Co., told the conference "there can be

no question that the health and safety of employees in the coal mining industry must be given first priority."

Continuing, Mr. Corcoran said, "In the regulatory area, we favor and will support any meaningful and constructive changes in laws and regulations that will improve coal mine safety. We would, of course, urge that all laws and regulations relating to safety must be strictly and uniformly enforced."

The Pittsburgh-based coal executive said he also spoke for the National Coal Association, American Mining Congress and the Bituminous Coal Operators Association. The latter group represents coal mine operators in negotiations and contractual arrangements with the United Mine Workers of America.

Secretary of Labor Willard Wirtz asked Mr. Corcoran if Consol was prepared to implement the coal dust regulation.

Mr. Corcoran said he would agree to it in "a minute" but asserted that "standards haven't been developed."

The Consol executive suggested that it must first be determined if the HEW recommendation is based on "scientific evidence."

Secretary Wirtz then asked Mr. Corcoran if he would implement the standard at once rather than in stages over a period of time, assuming that he were convinced of the standard's validity.

Mr. Corcoran then pledged immediate implementation under those circumstances.

Surgeon General Stewart said, "For over 30 years, the (HEW) Department has undertaken some cooperative studies with the Bureau of Mines on miners' health problems. However, it was not until 1963, that the Department received for the first time funds for the direct support of operations in this area. Our first major project was a prevalence study of soft coal miners which covered not only Appalachia but other coal mining areas.

"It was this study that established that soft coal workers' pneumoconiosis, commonly referred to as 'black lung', was an occupational respiratory disease of serious and previously unrecognized magnitude.

"Our research showed that 1 in 10 men in the mines and 1 in 5 of the former miners in Appalachia had X-ray evidence of this chronic respiratory disease. Further, research supported by the Department at the former UMWA Welfare and Retirement Fund Hospital in Beckley, W. Va., indicated that the incidence of disease is probably higher than indicated by X-rays," the surgeon general said.

Continuing, he said, "In 1966, the Department established the Appalachian Laboratory for Occupational Respiratory Diseases in Morgantown, W. Va. Research is currently under way to determine more precisely the role of coal dust in soft coal workers' pneumoconiosis, to develop early diagnostic techniques, and to discover methods to halt the progression of or to manage this disease.

"At the present time, the emphasis is on studying miners admitted to the University Hospital. There the newest techniques of pulmonary and cardiac testing and biochemical analysis are used in their evaluations. The Laboratory is also the base for epidemiological studies on coal workers pneumoconiosis," Dr. Stewart said.

Scheduled to begin soon is a research and clinical study, to be made in cooperation with the Bureau of Mines, on a group of over 5,000 miners working in 34 mines, predominantly in Appalachia, the surgeon general noted.

The miners in the study group will receive an initial medical examination to determine the amount of pulmonary disease present in the group. They will be re-examined at approximately five year intervals to correlate the development of disease to the environmental conditions in the mines where they work.

"We are also conducting animal studies on the possible synergistic effect between infectious and other agents and coal dust as well as research on the development of more

precise coal dust sampling equipment and procedures," Dr. Stewart said.

Continuing, he said, "In brief, the goal of our research program is to develop the knowledge which will allow men to work in the coal mines without endangering their health.

"The standard we have recommended is based on the best available current knowledge. If additional experience shows that our recommendation needs to be either modified or strengthened, we will do so. In the meantime, we firmly believe that the standard if adopted and enforced will be a major step forward in reducing pneumoconiosis among coal miners," the surgeon general said.

U.S. RESEARCHER SAYS MINE SAFETY REQUIRES NEW ENGINEERS (By Ray Martin)

Basically, there are two ways of tackling the problem of reducing hazards of underground mining, according to Dr. Thomas E. Howard, director of mining research for the U.S. Bureau of Mines.

The first deals with the mining process, as it is, and involves continuing intensive study of the various parts of the process—the men, the machines and the environment in which they work—to identify and define dangerous situations.

Based on this study, Dr. Howard says, safe operating and emergency procedures can be established and safeguards protective devices and warning instruments and systems developed. Concurrently, sound regulations are developed and provision made for their rigorous enforcement. Ideally, regulations are continually modified, as necessary, to take care of technologic change, Dr. Howard notes.

The second approach, he says is to deal with the mining process in terms of what it should become; that is, to attack the roots of the problems through research aimed at developing a mining technology that is intrinsically safe—a technology in which the sources of the hazards have been eliminated.

"Note that I said mining technology," Dr. Howard said in a report entered in the record of the conference "to make mining safe" held in Washington Dec. 12, 1968.

"It is important to recognize that this approach must go far beyond what is normally considered health and safety research, such as work on dust control, permissibility, protective equipment, warning devices and the like. It must be a fundamental approach to the process of production seeking new ways of accomplishing the various steps required to get coal or ores out of the ground—new ways that avoid the dangers of the old," Dr. Howard said.

Historically, health and safety activities of the mining community, both private and public, have been confined largely to the first approach, or what might be called the "protective technology" route.

Any comprehensive new thrust toward improving health and safety in mines must include a maximum effort in this direction to make presently available production techniques as safe as possible, Dr. Howard observed.

"But this kind of effort alone will not be enough," he said. "Since it is directed toward production technology, as it exists, it can only provide interim solutions to the problems, which, of course, change, and, in many cases, become aggravated as production technology evolves.

"Real and lasting solutions will also require an all-out effort along the second path to develop new mining systems, that are inherently safe," Dr. Howard said.

Continuing, he said, "This sounds like a large order. Is it practical? And if it is why haven't we taken this 'new inherently safe technology' route before?"

Answering his own questions, Dr. Howard said:

"Without question, it is a large order. But the Bureau of Mines opened the door slightly on this tremendous task about five years ago. Since then, we have learned enough to be confident that it is practical. And in the process, we have developed a small group of scientific and engineering specialists who could serve as the nucleus for an expanded national research effort to develop inherently safe mining technology.

"It must be understood that the Bureau of Mines cannot do the job alone. The best talents of all concerned—Government (both state and federal), industry, labor and the academic community—will be required. But we are convinced that the efforts of all, applied properly, can develop improved production technology that will make mining as safe as any other occupation that involves man's working in an essentially alien environment.

"The key to the kind of technologic advance we need lies in a systems approach to the planning and conduct of mine research and development. This strategy has evolved only during recent years and as yet has not been applied widely outside the aerospace and defense fields.

"Heretofore, in mining as in most other fields of technology, it has been generally accepted that technologic advance had to be evolutionary and therefore largely uncontrollable. We assumed that we had to take the new developments as they came along and then try to make them safe.

"One of the most important results of the rapid growth of research since World War II has been the demonstration that such a premise is not necessarily valid—that the advance of technology can, in fact, be directed," Dr. Howard said.

He declared that the evolution of the systems approach makes possible a new departure in efforts to remove mining from the top of the list of unsafe occupations.

This approach, he said, holds particular promise for underground mining where the constraints imposed by close quarters in which men must work, emphasize the critical interdependence of the various elements of the system.

"The manner in which we accomplish any single step in a mining operation is likely to have a profound effect on how we must accomplish some of the others," Dr. Howard said.

"For example," he added, "in a given gassy coalbed, two of the principal mining factors that affect the amount of methane liberated into the mine workings are the rate of extraction and the way the coal is broken loose from the solid seam. In general, other things being equal, the faster we move and the finer we break the coal the more methane we liberate.

"The more methane liberated the more ventilating air we must bring to the point of liberation to dilute the methane and prevent it from becoming explosive. But more air means a higher air velocity, which, in turn, will suspend a higher concentration of dust particles and increase the danger of explosion and the hazard of respiratory disease," Dr. Howard said.

Noting that while specific requirements will differ for each mining operation, Dr. Howard listed several requirements that could be used as a starting point for establishing research and development objectives. The ideal system must, of course, fit, or conform to, the physical characteristics of the mineral deposit. It must provide a safe and healthful working environment for the men who operate it. It must make a profit. It must operate in such a manner that the national goals of resource conservation are served. It must do minimum damage, or provide for repair to the land and environment.

"Our ideal mining system must satisfy all five of these requirements simultaneously, but above all, it must be safe," Dr. Howard declared.

Turning to the problems of coal mine explosions, he said it was primarily one of environmental control. Explosions result from unwanted ingredients, methane and coal dust, becoming part of the mine atmosphere.

Dr. Howard then subjected the problem to the two different approaches.

"The first avenue, which is, of course, the 'protective technology' path, is the one that has been generally followed in the United States. Taking this first approach both methane and dust are diluted, the former with ventilating air and the latter with rock dust, to maintain non-combustible mixtures.

"This is obviously the simplest approach to the problem," Dr. Howard said, "because it permits solutions that lie almost entirely within one subsystem—environmental control. The complications of having to introduce complementary improvements and modifications in other subsystems are avoided. There are, of course, other ways in which methane, the key ingredient in the explosion problem, might be made noncombustible. It might be burned as it bleeds through the mining face. It could be collected near the face and passed through a reactor to be inert before being discharged into the ventilating system. Diluents superior to rock dust for treating coal dust to make it non-combustible might be found. And there are a number of other possibilities."

He noted that because the rate of methane emission into the mine can vary widely from place to place and time to time, a completely effective system would require a ventilation system capable of delivering instantly, on demand, widely varying amounts of air anywhere in the mine. The system, he added, would have to be automatically controlled by a foolproof, continuous detection-measurement system with sensors distributed throughout the mine. Any other techniques for diluting, or otherwise rendering the methane noncombustible as it enters the mine would have to meet the same criteria, it was pointed out.

"Now for the other or 'new technology' route. How can we minimize and control the amount of methane entering and accumulating in a mine? And how can we reduce the formation and accumulation of coal dust?"

"Asking questions like these," Dr. Howard said, "immediately brings out the systems aspects of the problem; because, before we can answer them we must find the answers to even more basic questions. For example: Where does the methane come from? How much of the gas that we have to contend with comes from the face? the ribs? the roof? the floor? the broken coal? What determines the rate at which gas enters a mine opening? Why does the rate sometimes vary widely from place to place and from time to time within a mine? How is the coal dust generated? Where and how does it accumulate? etc."

To find answers to these fundamental questions, Dr. Howard noted that researchers must look into all of the elements of the mining system, as well as the physical characteristics of the coal and formations in which it occurs.

"There can be no doubt that the explosion problem has roots in all four of the major elements of the mining process and their interactions with the coal and rock in which they function. For example, the rate of methane emission from broken coal depends on the amount of gas absorbed in the coal and size of the fragments into which the coal is broken. So part of the solution to the problem may be in the fragmentation subsystem; it might be a mining machine with an improved cutting head that would produce a maximum of coarse coal. Such a solution would also, of course, reduce the dust problem," Dr. Howard said.

He observed that the Bureau of Mines research on control of methane began about five years ago. He said the problem hasn't

been solved but that research has progressed to the point that there is confidence that it can be solved.

Dr. Howard declared that the ultimate answer to health and safety in mining was good engineering.

"But it must be engineering of a caliber not now possible. For until we vastly improve and quantify our knowledge of the fundamental character and properties of rocks and minerals, and their behavior from the perspective of the entire mining process we will not be able to design a mining operation in the modern engineering sense. Furthermore, the kind of new machines and tools that will make mining not only safer but more efficient, will only come from a better understanding of the earth's crust, as a material and a medium in which to work," Dr. Howard said.

Continuing, he said, "The miner's biggest handicap has always been that he is unable to see into the solid rock and mineral surrounding the excavation he is making and predict accurately and consistently what will happen when he penetrates it. So his guiding precept through the ages has been 'expect the unexpected.' And he has become fatalistic about the surprises which are the causes of most of his accidents.

"But these surprises can be eliminated. Our adventures into aerospace and the depths of the ocean have already demonstrated that research can provide the new knowledge and the extensions of men's senses, such as radar and sonar, necessary for him to function safely in environments much more hostile than the depths of the solid earth," Dr. Howard noted in conclusion.

"NOT NEARLY STRONG ENOUGH"—HECHLER RAPS L. B. J. MINE PROPOSALS
(By Ray Martin)

WASHINGTON.—A West Virginia congressman Wednesday voiced criticism of the Johnson Administration's mine safety and health proposals scheduled for introduction in the House of Representatives Thursday.

Rep. Ken Hechler, Huntington Democrat, made his comments as the legislative proposals arrived on Capitol Hill from the Department of the Interior Wednesday too late for introduction. Rep. Carl D. Perkins, a Hind-man, Ky., Democrat and chairman of the House Education and Labor Committee, is slated to sponsor the measure drafted by the Interior Department.

A spokesman for Secretary Stewart Udall's department said the 1969 proposal was stronger than the agency's 1968 measure. Hechler introduced the administration's 1968 bill in September after it had been rewritten in the White House.

The new legislation would eliminate present distinctions between gassy and nongassy mines for inspection purposes. It also calls for civil penalties against employees as well as mine operators who violate the safety code.

The administration bill calls for the establishment of mandatory health standards for coal mines. Included is one that would ultimately call for a maximum of 3 milligrams of respirable dust per cubic meter of air. An interim standard of 4.5 milligrams is specified in the legislative proposal and mine operators would be given one year after enactment of the law to achieve that goal.

The Interior Department spokesman said the new proposal closely follows the one outlined by Secretary Udall at the Dec. 12 conference "to make coal mining safe."

The coal mine bill arrived on Capitol Hill 24 hours before Secretary Udall was due to proclaim the first federal health and safety standards ever developed for the nation's non-coal mines. These standards are expected to be published in Thursday's issue of the Federal Register and take effect upon publication.

Representative Hechler said, "From what I have seen and heard, the new coal mine

health and safety bill is an improvement, but not nearly strong enough to do an effective job of protecting the miners.

"For example," the West Virginia Democrat said, "there isn't adequate protection of miners against black lung—the dreaded pneumoconiosis. Last month the Public Health Service recommended that a standard of 3 milligrams of respirable coal dust per cubic meter of air was needed to protect the health of those working in mines. Yet the administration bill considerably weakens this provision by requiring a standard of 4.5 milligrams and this lower standard is not mandatory until one year after enactment of legislation."

The Huntington Democrat plans to introduce mine safety legislation himself. He said he delayed his bill until he had an opportunity to determine the contents of the administration's proposal.

"In the bill I will introduce," Hechler said, "I will make a standard of 3 milligrams immediately applicable."

"I am deeply concerned that the Bureau of Mines, which by tradition is production-oriented, will retain authority to administer the legislation."

"I feel that the Department of Labor, which is traditionally primarily oriented toward employees should be given full enforcement authority under provisions of new bill," Hechler said.

The West Virginian stressed that "we must insure that safety and health and their protection are given top most priority in the advancement of new legislation."

In his budget message, President Johnson Wednesday asked for funds to add 55 new men to the present roster of 248 coal mine inspectors. The added staff would enable the Bureau of Mines to increase spot inspections and give greater concentration to the smaller coal mines than in the past.

Bureau of Mines Director John O'Leary expressed concern that the increased spot inspection program might hinder plans for a minimum of three inspections of each mine annually. He said it was possible that the bureau might be forced to seek a supplemental appropriation to hire additional personnel in order to reach the three-a-year inspection goal.

The total staff of the Bureau of Mines in 1968 fiscal year was 8,088. It will rise to an estimated 8,828 in fiscal 1969 and projected for the year which begins in July is a staff numbering 11,121.

During 1967 inspectors conducted 5,316 inspections. The total for 1968 is expected to be 5,800 when statistics are compiled. It is projected that 5,900 inspections will be conducted in 1969.

Sources close to the White House said the Nov. 20 disaster at Farmington No. 9 mine at Mannington played a major role in the President's decision to seek more funds for methane gas research.

Mr. Johnson requested \$1,593,000 "to accelerate development of technology necessary to minimize the hazard of mining in a methane environment."

The Bureau of Mines current appropriation for methane gas research is 393,000.

SAFETY AND HEALTH BILL, INCLUDING MINES, INTRODUCED IN HOUSE

(By Ray Martin)

WASHINGTON.—Rep. James G. O'Hara, D-Mich., Thursday introduced a tough, wide-ranging worker safety and health bill, which is applicable to coal mines, in the House of Representatives—the Occupational Safety and Health Act of 1969. Twenty-five members of the House joined O'Hara in sponsorship of the legislation.

The new legislation is the successor to a bill recommended by President Johnson last year and introduced by O'Hara. A modified bill was reported out of the House Committee on Education and Labor, but died in the Rules Committee.

The Michigan Democrat said federal action to insure worker safety is necessary because of the unwillingness or inability of many states to develop effective programs of safety and health standards. As a result, very hazardous industries seek out plant sites in states with weak programs.

In a statement Thursday, O'Hara declared that "There can be no doubt that there is a severe occupational safety and health hazard problem in this nation."

"Some 14,500 workers are killed every year, just from occupational accidents, and a literally uncounted number die from occupational diseases."

"Of lesser importance but of major significance, is the \$7 billion plus lost to the gross national product because of industrial accidents."

"The recent coal mine disaster at Mannington, W. Va., captured the headline and brought forth from all parties concerned renewed determination to do something about occupational safety and health, but it is the day-to-day accident and disease toll, unnoticed because it is so common, which is the really significant problem in all areas of American industry."

"There are too many deaths, too many injuries, too much time and money lost to industrial accidents and disease. As a civilized nation, we can no longer tolerate this frightful toll," O'Hara declared.

The bill, which is stronger than the one reported last year by the committee, authorizes the secretary of labor to establish standards for occupational safety and health, and to enforce those standards through both administrative and judicial proceedings. The standards may be set by adoption of existing federal standards, adoption of "consensus standards", already worked out by private organizations and concurred in by all interested parties involved in an industry, through adoption of other private standards on an interim basis; or through consultation with advisory committees, representative of management, labor, the professions and the public.

The O'Hara bill provides a procedure by which a state may develop a safety standards and enforcement plan and submit it to the secretary of labor for approval. If the secretary approves such a plan, which must contain a number of assurances set forth in the bill, the secretary and the state agency will have concurrent jurisdiction for at least a year, following which the secretary may delegate his jurisdiction entirely to the state, to the extent the state plan covers the field.

Even in these cases, the secretary retains the right to make periodic inspections within a state whose plan has been accepted, and he may withdraw approval if he finds that the state is not performing in accord with its assurances. Unlike the bill reported last year, there are no provisions for judicial review of the secretary's refusal to accept a state plan or his decision to withdraw approval.

The 1969 bill allows the secretary of labor to assume jurisdiction in cases where existing statutes have conferred jurisdiction on other federal agencies. He could, under this provision, take occupational safety and health jurisdiction from the Bureau of Mines with regard to mines, from the various transportation agencies with regard to railroads and air traffic, and from the Atomic Energy Commission with regard to nuclear installations.

Other provisions of the 1969 proposal are taken from last year's reported bill, including provisions for research activities by the Department of Health, Education and Welfare, the requirement that federal agencies develop standards governing their own internal operations, and provisions for employer and employee education.

O'Hara was joined in introducing the legislation by Rep. Carl Perkins, D-Ky., chairman of the House Education and Labor Committee, and Reps. Joseph Addabbo, Jonathan Bingham, George E. Brown Jr., Hugh L. Carey, John Conyers Jr., John H.

Dent, Bob Eckhardt, Don Edwards, Joshua Ellberg, Michael A. Feighan, William D. Ford, Cornelius F. Gallagher, Jacob H. Gilbert, James J. Howard, Joseph E. Karth, Abner J. Mikva, William S. Moorhead, Bertram L. Podell, Benjamin S. Rosenthal, William F. Ryan, James H. Scheuer, Fernand St Germain, Frank Thompson Jr., and Joseph G. Minish.

On the other side of Capitol Hill the legislative recommendation of the U.S. Bureau of Mines and the Department of the Interior was introduced as a bill in the Senate by Sen. Jennings Randolph, D-W. Va.

A similar bill was introduced in the House by Rep. Carl Perkins, D-Ky.

Randolph, commenting at the introduction of the bill, told the Senate that recent mine disasters such as that which took 78 lives last November at Mountaineer No. 9 mine near Farmington, W. Va., "have created an awareness that the coal mine safety laws and the administration and enforcement of those laws need to be modernized and tightened."

"There is likewise an awareness that miners' occupational health needs more attention than it is receiving," the West Virginia senator said.

Randolph, ranking majority member of the Senate Labor Committee to which the measure was referred for hearings, said that he concurs with the Bureau of Mines proposal in principle, but recognizes that Senate provisions of the measure could—"and probably should"—be changed after the committee hears all witnesses in the hearings.

SAFETY LEGISLATION; MINE OPERATORS, UNIONISTS HOLD DIFFERING VIEWS ON LAW

(By Ray Martin)

Attitudes of mine operators and their representatives differ on the need for new mine safety legislation. As is to be expected, some of the views of the workers' representatives tends to be in contrast to those of management.

These views range from no change in the existing laws through a modicum of change to complete revision of applicable mining laws and regulations.

A representative of the Rocky Mountain Coal Mining Institute, whose members operate mines in Colorado, Utah, New Mexico and Wyoming, holds the opinion that the mining laws as they now exist with the states and the federal government are adequate.

John A. Reeves, headquartered in Denver, said, "Every mine accident or disaster which has occurred could have been prevented if the present laws were obeyed. The problem is much more complicated than legislating stricter laws or increasing the number of inspectors in the health and safety division."

"To legislate more punitive mining laws will have the effect of discouraging men from entering our industry," Mr. Reeves declared.

"The coal industry needs to attract the very finest people obtainable, and impediments to attracting them should not be inaugurated," Mr. Reeves continued.

"In our opinion, safe operations can only be realized through total cooperation from top management down through all ranks of the company. Management must be mature and sensible enough to realize that the only way to mine coal is to produce it safely, and the men must be sensible enough to accept the safety training and to work safely. It appears that the real problem in coal mine safety is one of education and research."

"In the field of education there are many areas where improvements can be made. It is useless to write laws requiring machines with greater permissibility requirements if we do not have mechanics who know how to maintain them. It is useless to write stricter laws regarding the methods of mining coal if skilled miners are not available," Mr. Reeves said.

Continuing, he said, "The Institute com-

mends the inspection departments of the state and federal government for their efforts in safety, and believes the problem of mine safety will be solved only through total co-operation of all persons concerned.

"The Rocky Mountain Coal Mining Institute desires to go on record as being against additional federal legislation, and strongly recommends that the federal and state programs divert additional energies to educational and research programs," the Institute representative said.

Some support of Mr. Reeves' position is given by Commissioner H. N. Kirkpatrick of the Kentucky Department of Mines.

Commissioner Kirkpatrick said, "In our opinion both the Kentucky and federal mining laws are basically sound, and provide an adequate framework for reasonable mine safety assuming compliance and proper administration. However, periodic reviews of existing legislation are advisable and modification should be recommended to reflect changes related to improved technology.

"A comprehensive study of the mining laws of Kentucky is now under way to determine those changes which appear advisable because of technological progress in the period since the last amendment to the law in 1952.

"In this respect, preliminary studies are now being conducted by the Department of Mines and Minerals and other agencies of state government. Any recommendations for changes to the law forthcoming from these studies will be presented to the 1970 General Assembly of the Commonwealth," the commissioner said.

"Before anyone arbitrarily decides that existing federal laws are inadequate," he added, "we believe they, too, should be subjected to the same type of constructive and objective appraisal. In 1967 the U.S. coal industry experienced the best year in its recorded history so far as fatalities are concerned.

"We caution that solutions which may be economically destructive of one industry must be accompanied by commensurate government cooperation and incentives.

"We emphasize our desire that any proposed legislation reflect workable solutions to proven problems and not be an emotional overreaction which will work to the disadvantage of all elements concerned," Mr. Kirkpatrick asserted.

The disaster which occurred in Mannington Nov. 20 was a saddening and sobering experience for John Corcoran, president of Consolidation Coal Co.

Mr. Corcoran said it occurred at a time when Consol felt it had made significant progress in reducing mine accidents and mine fatalities.

"At the time of this tragedy we had reached a point where it did not seem possible that an accident of this magnitude could occur in one of our mines," Mr. Corcoran said.

"But it did occur. And because it did occur we must now accept the fact that our efforts to date have not been adequate, even though we do not yet know why or how our efforts failed us," he said.

"I cannot and do not accept the all too prevalent attitude that periodic disasters are an inherent and unavoidable risk of the industry. The mere existence of this fatalistic outlook is evidence of the insufficiency of our knowledge and the need for additional research."

The Consol president told the Dec. 12 conference in Washington "to make coal mining safe" that his company was prepared to cooperate fully by contributing time, talent and money to any new and promising areas of research which may be undertaken jointly by government and industry groups.

"In the regulatory area, we favor and will support any meaningful and constructive changes in laws and regulations that will improve coal mine safety. We would of course,

urge that all laws and regulations relating to safety must be strictly and uniformly enforced," Mr. Corcoran told the conference in the auditorium of the Department of Interior.

At the conclusion of his remarks last month, Mr. Corcoran said he spoke for himself as well as the American Mining Congress, the National Coal Association and the Bituminous Coal Operators Association. The latter group represents the industry in contract negotiations with the United Mine Workers of America.

In response to a question from Secretary of Labor Willard Wirtz, Mr. Corcoran said Consol would not implement the Public Health Service's recommended standard for maximum coal dust levels in mines until he was convinced that it was based on scientific evidence and was a proper standard.

During the conference, W. A. (Tony) Boyle, UMW president, pointed out that Consol was the only company that assisted the mine workers in efforts to obtain passage of a strong mine safety law in Congress in 1966.

"Deep mine catastrophes such as we have witnessed recently and in the past can be controlled and prevented by the rigid enforcement of the safety laws of the federal and state governments. It is the duty of both management and labor to assist in the enforcement of these laws," Paul Byrge, president of the Southern Labor Union, said.

"A vital need of the industry, in the field of safety, is a training program, utilizing modern training aids, which will demonstrate to the coal miner, who is exposed to the dangers of underground mining, his personal need to be safety conscious. Only through such a program, with mandatory attendance paid by federal funds if necessary, can the coal miner be instilled with the constant need for safety practices," Mr. Byrge said.

"Sufficient laws have been enacted on both a federal and state level," he continued. "One of the greatest needs is to make the individual coal miner aware of what these laws are. A training program can greatly improve safety practices and reduce the chances of human error causing another underground catastrophe. We strongly urge that such a training program be implemented at the earliest possible date.

"We also recommend that enforcement of safety laws be made on a non-discriminatory basis and that the large mines be required to comply with these laws on at least the same basis as the small mines. In the larger mines the lives of more individuals are at stake and the human element is compounded by the increased number of coal miners," the Southern Labor Union president said.

The UMW president noted that his union's safety efforts have encountered opposition from industry, from government, from coal mining states and even at times from the general public. Such opposition, he said, has compelled the UMW to accept compromise legislation in order to secure passage of safety measures.

"Public support for mine safety legislation is strongest after mine disasters. But, the groundwork for such legislation has been laid years before by the officials of the UMW. This was true in the 1941 legislation, in the 1952 legislation, and in the 1966 legislation," Mr. Boyle said.

"We need an improvement in our present laws relating to safety standards; we need health legislation to protect coal miners from lung diseases caused by the inhalation of dust in mining operations. Equally important, we need proper enforcement and compliance with those laws."

The UMW president said the bill President Johnson sent to Congress on coal mine safety and health was, in the main, a "good bill." That bill was introduced by Rep. Ken Hechler, a West Virginia Democrat.

"However, we believe it could stand some changes," Mr. Boyle said. "It will have our support with certain improvements."

The UMW president has objected to proposals that individual coal miners be subjected to penalties for violation of safety regulations. He maintains that the miners comply with the directives of the operators who run the mines and that mine operators are responsible for all violations of codes and laws.

TIME HERE FOR BLACK LUNG LAW

(By Ray Martin)

BECKLEY.—The large number of coal miners who gathered at Park Junior High School here Saturday afternoon seem firmly convinced of Victor Hugo's admonition that "no army can withstand the strength of an idea whose time has come."

The miners' idea is that the time has come—and to many it is long overdue—for the State of West Virginia to adopt a meaningful compensation program for pneumoconiosis or "black lung."

Conservative estimates place at 500 the number of miners attending the "rally" here to listen to a trio of doctors who spearhead the Physicians' Committee for Miners' Health and Safety. Similar size audiences have shown up at rallies held in Welch, Delbarton, Logan, Marmet, and Vivian.

The Pineville Courthouse will be the scene of another miners' meeting Sunday afternoon at 5 o'clock.

Meetings have been scheduled in Fairmount and Moundsville next Saturday, which will precede a mass rally in the Charleston Civic Center on Sunday at 2 p.m. The Fairmount meeting is set for 4 p.m. at the Fairmount West High School.

The Charleston meeting will solidify the miners' legislative campaign strategy. In addition to the numerous area meetings, the "grassroots movement" has arranged for a substantial number of miners to circulate in the Statehouse halls every day the Legislature is in session. Damaged lungs are on display.

Formation of the West Virginia Black Lung Association was announced Saturday. The association met at the Montgomery City Hall and will meet there at 7 p.m. every Sunday.

Charles Brooks of Kanawha City is association president and has invited the public as well as miners to attend the weekly sessions. The group is dedicated to passage of appropriate legislation dealing with the disease.

Brooks said contributions to assist work may be sent to the association in care of Ernest Riddle, treasurer, Cannelton, W. Va. 25036.

Former State Sen. Paul Kauffman of Kanawha County has been retained as the miner's formal lobbyist.

Plans for a formal march on the State Capitol were proposed at the Welch meeting. These will probably be shelved in favor of more sophisticated methods of convincing the General Assembly of the need for black lung legislation.

A black lung compensation bill has been introduced in the House of Delegates by Dels. Thomas (Blue) Goodwin, D-Boone, and Cleo Jones, R-Kanawha. Sen. Neal Kinsolving, R-Kanawha, plans to introduce a similar measure in the Senate.

Kinsolving introduced a black lung bill two years ago. It died in committee.

Woodrow Mullins of Gallagher, Kanawha County, is acting as spokesman for the miner's group.

He said the miners' drive came to life because "we became more aware of the causes of the disease." He attributed this awareness to Dr. I. E. Buff, a Charleston heart specialist and public member of the State Air Pollution Control Commission; Dr. Donald Rasmussen of Beckley and Dr. H. A. Wells of Johnstown, Pa.

The three doctors head the physicians committee and have been speaking each week-end recently at the area miners' meetings.

Asked if the group would also be working

at the same time for new mine safety legislation, Mullins said, "No, we'll take one thing at a time."

While the doctors' appearances at the meetings have concentrated on black lung their concern for miners' health and safety has a much wider base.

Speaking for the doctors at Secretary of Interior Stewart Udall's conference "to make mining safe," Dr. Wells said, "We are a committee of physicians who are responsible for the day-to-day care of sick and disabled coal miners. As such, we are entrusted with information these men cannot, or will not, give to anyone else.

"We are here today (Dec. 12, 1968) to emphasize our conviction that mine fires and black lungs are not acts of God. They are simply the result of disregard of basic safety and health practices. The record speaks for itself; the Bureau of Mines and the Public Health Service have not done their jobs.

"We will, therefore, present the confidential information which we have and will continue to collect, to the next Congress which we hope will be more responsible, Dr. Wells concluded.

Members of the Physicians' Committee live in West Virginia, Virginia and Pennsylvania.

Dr. Buff warned that the legislative campaign on both the state and federal levels faces great difficulty "because you have to fight four lobbies."

They are, he said, the coal operators, railroad, oil and steel lobbies.

"These are probably the most powerful interests not only in the State of West Virginia but in the entire nation," Dr. Buff said.

Dr. Buff suggested that the coal miner disabled with black lung should be paid \$250 a month for eight years and then \$75 a month until death.

The compensation law which the miners seek is similar to the Pennsylvania statute for occupational diseases. It would differ in that benefit payments would come out of workmen's compensation rather than the state's general fund. Compensation funds come from assessed payments from employers.

The black lung issue has divided the medical profession and sharpened the natural economic segmentation. Motives have been impugned.

The Cabell County Medical Society is in the process of trying to mobilize West Virginia's 1,300 physicians against the three doctors and the miners.

The Society adopted a resolution presented by Dr. Rowland Burns calling the widespread publicity concerning coal workers' pneumoconiosis "alarming appeals based upon evidence open to serious question of its validity."

Each of the miners' meetings follows a similar pattern.

"Here," says Dr. Wells, holding up something thin, dry and fragile before his audience, "is a slice of one of your brother's lungs."

The 32-year-old doctor, who teaches at West Virginia University one day a week, closes his fists on the object until it crumples to bits and floats to the floor. "Dust and dust. Just as black as can be."

Dr. Wells introduces himself as a pathologist.

"I have to do the autopsies," he says.

Dr. Rasmussen exhibits mounted sections of lungs.

Dr. Buff says the long-run objective is no compensation for disabled miners but to make the disease so expensive for the operators that they will "clean up the mines."

The Charleston heart specialist accused the coal mine owners of "suppressing brains" by maintaining low quality schools that would assure adequate manpower for mining jobs.

"The schools are terrible," he declared.

"They don't want you to have a good education."

Dr. Buff, 60, said that medical care in West Virginia, with a few exceptions, was second and third class and that some of the doctors were in league with coal companies to disqualify a job applicant with suspected lung trouble. He said the state compensation law was so full of loopholes that only four black lung victims have won awards in four years, whereas Pennsylvania paid \$57 million in such benefits in 1967.

Asked what lead him to take up this cause, Dr. Buff said, "I guess it was all these lung failures that they were calling heart attacks."

The Charleston doctor estimates that at least 20,000 miners in West Virginia are afflicted with some form of lung disorder.

"You get black lung from working in mines, not from cigarettes, not from tobacco," he tells audiences. "This is caused by the greatest loophole finders that ever existed."

Many of the miners seek the floor to talk about their symptoms and their disabilities.

Dr. Wells sent a sharp letter to Dr. Charles Andrews, vice president for medical affairs at WVU, accusing him not only of supporting the opinion that cigarette smoking caused black lung but also questioning whether his motivations were affected by "pressures and interests unworthy of any member of an academic institution."

Dr. Andrews denied having made such a statement and said he would not indulge in a dialogue about motives. He said he had delivered papers linking cigarette smoking with chronic bronchitis in miners.

"Part of the problem," Dr. Andrews said, "is what is black lung? Coal miners have lung diseases, but to lump them all under black lung is where we get into trouble. The key question is, does coal dust cause emphysema? It may prove to be so, but right now we don't know."

The WVU vice president said he would issue a statement about black lung and research on the problem Sunday.

Members of the medical fraternity hold strong views about the three doctors who have been talking to the miners, particularly the two younger physicians.

It is said that if research is faulty, then the two must share some of the blame because they have been part of that research effort.

It is readily agreed that the position taken by the trio is a "minority one" and it could very well be substantiated as fact within the next decade. At the present, however, the majority view is to give the minority opinion no credence whatsoever.

GOVERNMENT SET TO FIGHT "BLACK LUNG" (By Ray Martin)

WASHINGTON.—In the closing hours of President Johnson's administration, Health, Education and Welfare Secretary Wilbur J. Cohen ordered an attack on pneumoconiosis, long neglected by federal and state agencies in the United States.

Secretary Cohen recognized the disease—commonly called "black lung"—as "a serious occupational health problem, an official step long urged by those concerned with the health of coal miners."

The HEW secretary ordered an eight-point program instituted under Charles C. Johnson Jr., administrator of the cabinet agency's Consumer Protection and Environmental Health Service.

Cohen's action was disclosed in a letter to Ralph Nader, consumer protection critic.

The retiring secretary regretted "that the short time remaining to me . . . will not permit me to continue my official interest," and said "I am confident that under Mr. Johnson's leadership" there will be pressure for action.

Earlier this month Nader wrote Cohen saying HEW "has failed utterly to give this

problem the leadership and seriousness that it so badly needs."

The young Washington lawyer charged that the states were spending on the average of 40 cents per year per worker on industrial health and safety, with huge areas totally ignored.

Nader told Cohen that HEW lost a major opportunity nearly a decade ago to forge the facts that would have fostered more vigorous public policy. He said a glimmer of that opportunity came from a survey by the Bureau of Occupational Safety and Health on the widespread prevalence of black lung and subsequent research at the Appalachian Regional Hospital in Beckley, W. Va., showing that the prevalence may well be much higher.

"Poor management, petty bureaucratic infighting, and well known belief by the physician in charge of the research program that a safe dust level for coal mines could not be set because of political and economic factors," was one of the reasons cited by Nader.

"Dr. Murray Brown has outraged more than one responsible person in Government by the degree to which his political antenna has over-ridden his professional obligations as a physician vis-a-vis the coal miner's black lung disease," Nader told Cohen.

Also called "miner's asthma," pneumoconiosis has increased in the U.S. with the use of machines to rip away coal seams, filling the air with fine dust.

The U.S. Public Health Service has estimated that one miner in five—125,000 working miners currently—suffers from some stage of the disease.

Crusaders like Dr. I. E. Buff, a Charleston, W. Va., heart specialist, think the disease is far more common. Autopsies of 1,000 miners showed evidences of the disease in four out of five.

Advocates of black lung legislation have also pointed to lack of effective dust control in mines, to lack of local regulation and to "vague" standards even in the Coal Mine Safety Act proposed by President Johnson last September.

Cohen said the Environmental Health Service has taken a "long overdue action of recommending an interim national standard of respirable dust, not to exceed 3 milligrams per cubic meter of air" in mines.

Legislation proposed by Secretary of Interior Stewart Udall last month and introduced in Congress earlier this month would lower that standard to 4.5 milligrams and give coal mine operators a year from time of the law's enactment to implement the lower standard.

"We must refine the interim standards," Cohen said. "We must develop better diagnostic procedures. We must develop methods for treatment. We must develop better coal dust control procedures, and must examine the adequacy of existing legislation."

The program Cohen ordered would seek to carry out these steps and, in cooperation with the Labor Department, review present control and compensation laws and "disseminate recommendations for federal and state legislation."

The disease is covered by compensation laws in only three states, the HEW secretary said, "and in only one is the law even reasonably adequate." The three are Pennsylvania, Virginia and Alabama, with Pennsylvania's law regarded as the best by HEW.

Dr. Buff thinks compensation for black lung will soon be a reality in West Virginia.

He predicted that if the West Virginia legislators allow the proposed changes in the Workmen's Compensation Law to die in committee, they are dead politically from now on.

Dr. Buff advocated that coal be taxed 10 cents a ton for lung disease in all states where mining is an industry to prevent competition, and that "railroads give up a little to compensate for the damages to miners' lungs."

The Charleston physician has denounced researchers of the Appalachian Laboratory at West Virginia University in Morgantown.

WVU issued an analysis Sunday saying only one per cent of miners with black lung are actually disabled by it, and that, when disability occurs, the cause more likely is cigarette smoking.

Dr. Buff retaliated by accusing the WVU researchers of "having the corporate interests (of the coal industry) at heart."

He called the WVU project one of the most expensive medical projects in existence. He said only 34 persons had been examined in a three-year program which has cost the federal government \$3.5 million.

The Charleston doctor said research was important but the WVU researchers apparently recommend a course of inaction while they complete more studies.

"We must never put ourselves in the position of coddling this disease which is not treatable or curable, but is only preventable. Let us not put ourselves in the position of letting people die while we are making up our minds," Dr. Buff said in response to the statement issued by Dr. Charles E. Andrews, provost for health sciences at WVU.

Meanwhile, on Capitol Hill, Sen. Jennings Randolph, D-W. Va., said he plans to introduce Tuesday a mine health and safety proposal suggested by the United Mine Workers of America.

"FEAR FOR THEIR JOBS" HAMPERS FREE EXPRESSION ABOUT MINE DISASTER—MINERS, THEIR WIVES, UNION LEADERS SPEAK OUT

(By Ray Martin)

Almost 60 days have passed since the fate of 78 West Virginians was sealed in the Farmington No. 9 mine at Mannington as the result of explosions and fire which raged through the mine on Nov. 20, 1968.

Since the disaster, many individuals, including miners and wives of miners, as well as organizations have communicated their feelings and ideas to members of Congress.

Referring to the status of mine safety legislation, the American Jewish Council expressed its opinion in three words: "What a scandal!"

The secretary of a United Mine Workers of America local union in West Virginia told a congressman: "The miners do need the very strictest of legislation enacted and put into effect and strongly enforced by government and the coal companies.

"There are top leading officials in other categories who for some reason don't want any stronger laws enacted. The miners are being forced back to the position they were in before they were given the unions by the Roosevelt Administration in the early 1930s," the union official said.

"Fear for their jobs and some other matters are hampering miners from speaking out, like they should. They need assurance from some government agency that they will be backed up from the ravages of the coal company officers. Unless this is done they still are doomed forever," the UMWA leader said.

In a letter to Cecil J. Urbaniak, president District 31, UMWA, Robert L. Scragg, president of Com-Nav Electronic, Inc., Huntington, said: "We as a company, were appalled by the lack of communications that just were not available in this tragic time of need.

"As you know, our whole company's existence is based on 'Safety in the Maritime Industry Through the Use of Electronic Communications and Navigational Devices.' We, as a company, were unaware that some reasonable semblance of direct communications between the men underground and the men above ground did not exist. We ask the question, why? At the present time, our company, and others, are involved in direct communications systems that serve moving objects on the ground, under water, and in

space over distances of thousands of miles; why were there no communications between the men at Farmington?"

"We have listened to many discussions of safety, of every nature, in every conceivable situation, and always without exception, communications is the vital link to safety.

"We wish, at this time, to make it known that this company will make every effort to make certain that communications becomes an every day tool of the mines. In this effort, we will work with or for any private industry, agency of the government, or any organization wishing to accomplish this goal," Mr. Scragg said.

A miner with 22 years of service from Anawalt said that a mine foreman had told him "we have to get everything in top shape because the 'man', meaning the inspector, will be here next week."

The same miner said, "I also believe that anyone caught, whether it be a mine worker or the company, in violation of the state or federal mine laws should be taken to court and tried by jury and, if found guilty, they should be prosecuted to the fullest extent of law."

A miner's wife in Van said, "I do not agree with the Williamson lawyer who stated publicly that we should drop it, newswise, because it was giving the state a black eye. I feel if anyone was getting a black eye, it was the operators and inspectors and probably justly so.

"I was not surprised when the first news reports stated that the names and number trapped at Mannington could not be determined because the lamp house and mine foreman's office were destroyed in the first explosion. However, the mine law manual now states that a continual and up-to-date check lists of all persons under ground at any given time will be kept at a distance far enough away so as not to be destroyed in the event of fire or explosion.

"I assume Consolidation was using the most common form of check list among West Virginia mines," the miner's wife said.

"There is no longer a 'lamp house man' to know who gets what lamp. Most places, each man is assigned a lamp and 'charge rack.' At the beginning of his shift he takes his lamp off charge—leaving his rack empty. If his charger has not operated correctly, his lamp is not charged, so he quite frequently has to take another and put his back.

"There is no one to issue him another lamp, and he must have one before entering the mines. Therefore, just how correct is this form of check list?

"This is not speculation and it does happen. I recently found out that a good number of mines cannot tell you, without calling inside, if a man is working over or is working someone else's shift or even if he is still inside the mines after his shift is finished.

"Several years ago the law went into effect that each man under ground would be issued a metal identification tag which would be attached to his safety belt and lamp. Also one placed outside for check. These were issued at first, then nothing. One company out of the last four where my husband has been employed have issued ID tags.

"Nothing has ever been said about how many of the 'company' men trapped were certified. If it is like most places, chances are that more of the union men trapped were certified than the 'company' men. Most companies, if they care to check, will probably find that they have more certified men working under the union than they have as foremen.

"The companies do not offer enough for a man to leave the union, so he hides the fact that he is certified and hires in under UMWA. Why should he give up the protection of the union for \$650 or \$36.50 per day? So the companies use 'crew chief' or certification examination flunk outs as foremen. This may seem harsh but the fact remains that this is too

often the case and there are no other words to use.

"If the companies are made to use only certified men, men who have studied and passed their examination, much as a lawyer or doctor have to be licensed, they will have to offer these men a better 'deal' to get them and keep them," the miner's wife said.

The woman referred to the president of Consolidated Coal Co., stating that violations in the Mannington mine were "minor." John Corcoran, she said, mentioned the absence of a gear box cover.

"If this were not necessary, it would not be a violation," she said. "Several of these minor violations might well lead to a major accident," the woman added.

"I understand, one of the changes (in the law) is to be that a man may notify the officials of a violation or ask for an inspection in secret. Why in secret? As it stands now—an operator of the above mentioned piece of equipment in violation, is well within his rights to refuse to operate it until the cover is replaced. The company then begins to classify him as a trouble maker so he will, in most cases, ignore the situation. If he has to report in secret the situation is not much better.

"If the companies know that an individual can report a violation in the open and not be afraid of repercussions, there should be fewer violations," the miner's wife said.

The woman from Van told her congressman: "Possibly I have said too much already, but anytime an individual in the industry says anything against it, the first remark you get is 'why should you complain, look at the fat raise they got.'

"This is not the case because this 'fat raise' brought up the price of coal to those men who still use coal, plus local markets upped the price of food, etc., so much so that it has been figured that these men lost 37 cents from this 'fat raise.'

"The case is—I am simply one wife who wishes the industry would abide by safety regulations religiously so that I may not be faced with the same situation as the wives at Mannington," the miner's wife said.

(The next article in this series will report on additional views expressed by miners, their wives and others to members of Congress.)

FOR THE COAL MINES: NEVADA GEOLOGIST SUGGESTS NEW INSPECTION SYSTEM

(By Ray Martin)

While members of Congress have been inundated with letters containing comments and suggestions since the Nov. 20 mine disaster at Mannington, miners in West Virginia were expressing their concern for safety and health a month before the 78 miners were entombed in Marion County.

In October, 1968, the officers and members of Local Union 8454, United Mine Workers of America, at Lorado asked congressmen from West Virginia to support a change in the state law.

That petition read:

"We, the officers and members of Local Union 8454, United Mine Workers of America, Lorado, W. Va., strongly urged you to support Dr. I. E. Buff's plea to the next session of the West Virginia Legislature, that a law be put into effect, which states, 'When a miner is told he is suffering from pneumoconiosis or as it is more commonly known, "black lung" disease, he will be eligible for the following benefits under this law:

"He will be paid a fixed amount monthly for five years. This amount will be determined by the Workmen's Compensation Commission.

"After five years, he will then be paid a fixed amount until his death."

"We also propose that this law be retroactive for 10 years," the UMWA local's petition stated.

Dr. Buff, who has been criticized by some members of the legislature for not present-

ing his proposals for study prior to the convening of the legislature, has suggested that miners disabled by black lung get \$250 a month for eight years and \$75 a month until death.

A Mt. Jackson, Va., miner who has worked in mines in that state, Pennsylvania and West Virginia told a congressman: "I know that inspectors don't do what they are supposed to do or make inspections when they should in coal mines, strip pits or rock quarries."

The same miner told of observing an 11-year-old boy operating a front-end loader at a mine site. The Virginian reported that he had suffered a back injury and had been declared ineligible for compensation.

A West Virginia miner, who became disabled in 1963, and who had worked in the mine since 1926, told Rep. Ken Hechler that he would not discuss mine safety with the United Mine Workers, coal mine operators, the U.S. Bureau of Mines or the West Virginia Department of Mines.

He said, "These groups do not want to do anything or will not try to correct it."

The writer of the letter identified himself as a former safety commissioner with the State Department of Mines. He also served as a mine inspector.

"I will discuss this matter with you, a congressional committee, or any group that can give me assurance that the matter will be given due consideration," the West Virginian said.

Tony Megna, high school principal in Plain City, Ohio, lost his brother in the Farming No. 9 disaster. He received a letter bearing on the disaster from Burton J. Westman, a consulting mining geologist, in Las Vegas, Nev. The author of the letter sent a copy of it to Sen. Gaylord Nelson, D-Wis., and Mr. Megna sent a copy of it to Rep. Ken Hechler, D-W. Va.

After extending condolence to Mr. Megna, Mr. Westman said, "I have known the effect of such avoidable loss because I grew up in a large mining district of Northern Michigan where loss of life and limb was a common event—until certain safety practices were brought about. That dreaded long blasts of a mine whistle whenever a serious accident occurred still can be heard after all these years.

"I am now a consulting geologist but I started out after high school as a miner but went on to obtain a degree in mining geology and, after service in World War II, gained experience in mining and construction and particularly core drilling.

"But the foremost interest," the Nevada geologist said, "due to several near fatal rock falls as a miner, has been underground safety. And because of this and the shocking events of this disaster, I believe that you will want to know that something can be done to avert further events of this nature.

"First, I would like to comment on the shocking scene viewed on television regarding the drilling of those probe holes after the blast and fire. Why in God's name did they use diamond drills? No slower method could have been possibly used!

"Just why wasn't a rotary rig brought in with a down-the-hole hammer which could have drilled a large hole—at least six inches—in a fraction of the time? I am certain that each hole would not have taken more than one day to put down. These drills are in common use all over the world.

"If I recalled correctly, a few years ago, a 23-inch well was drilled to over 2,000 feet, cased and completed for a water well in three or four days for the Navy out on the Mojave Desert in California south of here—just to cite an example of the speed.

"I doubt that there was any part of that mine where those men were that could not have been penetrated in a few days—and supplied with fresh air and where the fires were inject foam, and other fire fighting chemicals.

"Secondly, I wish to comment on the recent 'debate' over mine safety practices and so-called inspections which were made. Here I shall cite the record of the mine disasters which were so frequent in the Michigan (and Wisconsin) iron mines caused, not by gas or fires, but extremely bad, caving ground.

"It was not until the mining companies were forced to institute new mining methods and, above all, institute and enforce mine safety program fostered admittedly by the U.S. Bureau of Mines but enforced by the local people. And, here is where these disasters can be averted as they have been in the Michigan mines where the USBM Holmes Award is given to the mining company with the best safety record which in recent years runs into millions of accident-free man hours where formerly such could be only counted in hours," Mr. Westman said.

"But this record of achievement rests solely on a locally elective officer, the mine inspector. Each mining county has one and he is the one who has complete authority to enforce safe mining practices. Not the state or the federal government.

"The representative of the mining families and one experienced in all practical phases of underground mining. He is not an appointive federal official who came out of the books. He is not one to hem and haw when disaster strikes and does not make tongue in cheek comments from a polished desk in Washington. He makes his decisions at the mine face and if unsafe practices are found they are corrected right now—not given until midnight to correct an infraction before issuing a citation, or, if need be, close down the mine as is his full right to do. . . .

"Thirdly, I wish to comment on the explosive nature of coal mines. Surely there must be a better way to control dust explosions other than the expensive, time-consuming bagging, haulage and distribution of rock dust used to coat accumulations of coal dust discharged into the mine from the cutting machines," the Nevada geologist said.

"I would think that such (dust) could be abated by creating a negative pressure at the face particularly in and about the digging machines," he said. "The evacuated air then passed through portable dust collectors would permit removal from the mine of this highly explosive material rather than trying to cover it up where it now settles. Also, it may be possible to remove settled dust by a piped in vacuum cleaning system whereby the cleaning crew would keep working areas free of dust until such time when an area becomes remote enough that rock dusting would be more practical. As for the inaccessible areas other than caved ground, wouldn't chemical wetting agents be more effective over a longer period of time?

"As for explosions caused by accumulations of gas, the coal mining industry has been plagued by this from the start but in all the literature I have never read of any attempts to bleed off this formational gas before it is encountered at the working face.

"There is little difference in the entrapment of this gas than that which accumulates in other natural reservoirs such as an oil or gas structure. It is entrapped due to the natural process of coal formation in an impermeable environment and pressurized by overlying column of rock. Penetrating this environment releases this gas as mining advances. Most of the time, fortunately, it is a slow 'bleeding' process but there have been many instances of extremely violent rupturing of the coal seam such as one mine in the Saar, I believe, blew coal clear out to the surface with heavy loss of life and without a thermal explosion.

"The pathetically slow drill holes put down at Consol No. 9 encountered 'explosive accumulations of gas' to quote the press releases. Just why this gas 'accumulates' when advance long hole drilling vented to the surface would prevent such gas from entering the

workings. Such advance drilling can be done readily from the underground along the seams and, in very gaseous seams, tapped by drill holes from the surface," Mr. Westman said.

"It would appear that mine safety has always been an after-the-fact activity. The slow advance of the safety of miners is clearly portrayed in 'Coal Through the Ages' by Howard N. Eavenson, A.I.M.E. Series, 1942, and others.

"The need is urgent for preventive safety measures and stringent enforcement of safety regulations. As in the Illinois coal mine disasters not too long ago, here again dusting with rock flour was not continuous. The miners, union officials, the company officials and the inspectors were aware of this. This was brought to light—after the disastrous fires. I believe that such enforcement of safety regulations can and should be placed in the hands of a county mine inspector who represents no one but the miners and the community which elects him.

"I could elaborate further on safety practices or, rather, the lack of same as witnessed by the undersigned when he was head foreman and assistant superintendent of a large quarry operation in a midwestern state and how he was maligned by the company officials for instituting safety by revising outmoded practices or equipment ignored by both the company, the unions and the miners," Mr. Westman said.

John L. O'Leary, director of the U.S. Bureau of Mines, recently appeared on a special television program with Rep. Ken Hechler, D-W. Va. During the course of the program Mr. O'Leary expressed support for the Huntington Democrat's position that strong health and safety provisions must be written into new federal legislation.

STRONG LAW ON BLACK LUNG URGED

(By Ray Martin)

FAIRMOUNT.—Cecil J. Urbaniak, president of District 31, UMWA, Saturday indicated strong support for efforts to obtain a "black lung" law in West Virginia.

Speaking at a miners' rally in the Fairmont West High School auditorium, Urbaniak said, "At present, it is not a matter of whether you have black lung or not, but how do you prove it."

The mine union official said, "There are only two ways of determining the presence of pneumoconiosis for sure. One is through a biopsy—taking a slice of a man's lung—or by autopsy after his death."

Urbaniak said the UMWA is in the process of preparing its version of black lung legislation for the state, at the request of W. A. (Tony) Boyle, UMWA national president.

When it appeared, to some members of the audience, that there might be potential conflicts and divided loyalties—between support for the UMWA measure and one sponsored by the West Virginia Black Lung Association—Urbaniak said that the UMWA would support the association's measure or any other bill if it contained stronger and better recommendations than his organization's proposal.

The District 31 president promised a demonstration in Charleston "if that's what it takes." Urbaniak made the statement after a miner suggested that UMWA provide buses to take its members to Charleston the day the hearings are held on black lung bills.

The tentative date for those hearings is Feb. 11.

Attendance at the meeting here and the one held in Moundsville earlier in the day did not measure up to expectations. Many of the miners noted that, with the exception of the Morgantown newspapers, only scant notice of the meetings was published in newspapers or broadcast on radio.

The miners said, "Black lung does exist in the northern part of the state, and we do support this effort. Give us notice and

we'll go anywhere to support this legislation."

Dr. H. A. Wells of Johnstown Pa., one of the members of the Physician Committee for Miners' Health and Safety, urged the miners to attend Sunday's meeting at the Charleston Civic Center. Miners from throughout the state are expected at the 2 p.m. session.

Dr. Wells, who teaches at West Virginia University one day a week, said much of the medical literature on black lung is "confusing" to doctors. Some of it says "miners are sick in the head—they are neurotics."

"I believe it," Dr. Wells said, "anybody who goes back in those holes probably is sick in the head."

The son-in-law of Rep. Harley O. Staggers, D-W.Va., noted the U.S. Public Health Service recommended dust standards of three milligrams of respirable dust per cubic meter.

He asserted that West Virginia mines show measurements of between 400-500 milligrams of dust per cubic meter.

"If you don't do something about it, you are sick in the head," Wells told the miners.

Dr. Donald Rasmussen of Beckley told the group that the coal operators of the state had retained a group to battle the legislation. This group, he said, offers to pay each West Virginian \$50 to answer six questions which can be compiled and shown to the Legislature as proof that doctors of the state see no great problems with or the need for black lung compensation laws.

Dr. I. E. Buff of Charleston, head of the physicians' committee, showed slides of lungs in various stages of the crippling disease.

Dr. Buff criticized Welfare Department personnel for classifying disabled coal miners as "lazy."

"How on earth can a man get a job when he can't breathe when he walks upstairs?" the doctor asked.

He said the welfare workers were practicing medicine and "we're going to have to get these people for practicing without a license."

Dr. Buff charged that a large number of bills will be introduced in the Legislature "to confuse" the miners.

"We'll let you know which is the right bill—the one that will protect you," the doctor told the miners.

Representatives of the West Virginia Black Lung Association were present and explained their mission.

A number of those in the audience made contributions and one miner offered to give the association \$1,000 to help the cause. He suffers from black lung, he said.

Monongalia County Commissioner Joseph E. Kun was in the audience. A member of one of the rescue teams at the Mannington disaster, Kun expressed disappointment that he was apparently the only miner from the county to attend the meeting. He was accompanied by a small group of Morgantown residents.

No area members of the State Legislature were present, although all were invited, Dr. Wells said.

MINERS RAP WVU FACULTY AND (TONY) BOYLE (By Ray Martin)

CHARLESTON.—Criticism of actions of some West Virginia University faculty members and a challenge to W. A. (Tony) Boyle, United Mine Workers of America national president, highlighted a meeting of about 3,000 coal miners in the Charleston Civic Center Sunday.

The challenge to Boyle came in the unanimous adoption of a resolution which was proposed after a message from Ralph Nader was read asserting the UMWA president "has neglected his responsibility to protect coal miners."

The resolution invites Boyle to come to

West Virginia and testify before the Legislature in support of proposed laws which would enable disabled coal miners to get compensation for black lung.

Dr. I. E. Buff, Charleston heart specialist and member of the State Air Pollution Control Commission, voiced criticism of the tactics employed by a member of the WVU faculty.

"A newspaper editor brought a man to my office who was introduced as a graduate student at WVU and who wanted to learn something about black lung," Dr. Buff said.

"I cooperated and worked with the student, as I would with any student," Dr. Buff said.

"The next thing I know is that this graduate student turns out to be a professor in the WVU journalism department and he prepares a 'yellow sheet' which is distributed at the Legislature. That 'yellow sheet' attacks me and the work that I have been doing in connection with black lung.

"I'm sure the university president has no knowledge of this kind of activity of his faculty members," Dr. Buff said.

Nader's message was read to the Civic Center audience by Rep. Ken Hechler, Huntington Democrat, who described the message's author as "an independent and incorruptible person" who has been speaking out for mine health and safety long before the Nov. 20 disaster at Mannington.

"Your gathering here makes it clear to the coal mine operators and those groups and individuals that do their bidding that no longer are you going to tolerate a situation that makes coal miners cheaper than coal," the Nader message began.

"You are not going to tolerate corporate profiteering at the expense of your right to breathe freely and of your right to safety in the mines. You are not going to tolerate puppet-like physicians, employed by the coal operators, disgracing their profession by saying that black lung is not all that bad and that miners can learn to live with it.

"From now on the coal miners, whose bodies are being abused and whose lungs are being destroyed, are going to be the ones who say how bad black lung is and what they have coming to them from a power structure that long ago forgot that miners are human beings whose needs come before corporate balance sheets and production quotas.

"Those in the West Virginia Legislature who will listen to your needs deserve your support against powerful lobbies. Those in the Legislature who do not listen to your needs must be taught that they were elected to represent people not coal," Nader said in his message.

"This meeting today and the crises of black lung and other mining hazards would not have occurred if the United Mine Workers leadership in Washington and their like-minded representatives in the field had been doing their job of protecting the workers' health and safety.

"Those UMW locals who are struggling for safety and compensation know how difficult it is to get the UMW leadership in Washington moving against the coal operators in this area. I doubt whether there is any union in this country whose highly paid leadership has been as insensitive and inactive toward the miners' health and safety conditions.

"Yes, the UMW Journal gives you the comforting words and the sad regrets: but when the chips are down, the UMW leadership follows the lead of the coal mine operators in Washington and in the coal mining states," the Nader message said.

"It is your right and duty to demand that your union's Washington leadership get out of their comfortable offices and start fighting for your health, safety and compensation rights—not with lip service to make you think they are doing so, but with action and dedication and some of the sweat that you deal out in the mines.

"The record is overwhelming that Mr. Tony Boyle has neglected his responsibility to protect coal miners. At the Farmington disaster in November, his first public comment was to praise the company even though he knew that the company had violated federal mine safety standards designed to prevent such explosions.

"He made it appear that all such disasters are inherent in the dangers of coal mining. Well, there is nothing accidental about these disasters—they are caused by unsafe practices. A couple of weeks later Mr. Boyle had his writers in the UMW Journal criticize, not the coal company, but those individuals who spoke up for the miners and criticized the coal company," Nader said in his message.

He said that the miners, who are members of UMWA, had the right and duty to ask Boyle to explain his failure to protect their health and safety against the operators' desires. Nader listed five questions for Boyle to answer.

Nader's points:

"He (Boyle) has failed to secure adequate compensation in the UMW contract for all death, injuries and coal dust disablement suffered by mine workers. The UMW leadership could and should have demanded that employers take out adequate insurance to assure prompt and complete payment of workers regardless of the final obligation. The contract, instead, merely requires the coal operators to satisfy state laws on the subject, and pay 40 cents per ton benefits to the welfare and retirement fund—money which is then loaned out to the coal mine operators. Remember that the coal industry is making spectacular profits, breaking all records in return on their investment, and still Mr. Boyle didn't get adequate compensation for you.

"Mr. Boyle has failed to secure adequate state laws to correct deficiencies in inspection and enforcement and in worker compensation. When has the national leadership of the UMW ever testified in any of the state capitols when the battle was being waged there? When have they ever led? Not only has the UMW leadership not testified, but it has not sent written endorsement of safety measures to statehouses, nor has the UMW sent informational material to these battlefronts.

"Mr. Boyle has failed to push for a vigorous federal safety program. His testimony before the House Education and Labor Committee (on Aug. 8, 1963) was confined to the provisions of the bill then put before the committee by the industry-dominated Bureau of Mines. He did not then push for the safety provisions known by experts and you to be needed, e.g., immediate abolition of grandfather clauses for unsafe electrical equipment, coal dust standards, penalties for law violations by the companies.

"Mr. Boyle has failed to develop any adequate safety procedures within the UMW hierarchy in order to secure and advance the rights won in contract negotiations. The size of this failure is best illustrated by the fact that while there are over 125,000 United Mine Workers, Mr. Boyle has a mine safety division consisting of one full-time professional employe. Just one! The harm to individual miners that has occurred because of failure if the UMW safety division can, unfortunately, be summed up by noting that there has not been one revision of the federal coal mine safety code in over 15 years. By all humane standards, the code is antiquated and should be revised. Mr. Boyle remains silent. Why?

"Mr. Boyle has failed to place, in your most recent contract, other needed medical, health and safety benefits. The recently negotiated three-year contract with the coal industry gives UMW workers less real benefits than any comparable contract secured by working men in the last 20 years. For example, the deficiencies of this contract include no compensation for lost time safety closing of the

mines due to the fault of management, no requirement for dust prevention procedures, no requirement for toilet facilities in the working area, etc."

The Nader message concluded with these words:

"The time has come for you to invite Mr. Boyle to West Virginia and have him exercise his right of replying to these facts. You may conclude that he is no longer worthy of being your leader, that you need new leadership that will fight for your rights and not snuggle up close to the coal operators and forget about the men who are paying the dues and paying the price."

Over the weekend, Sen. Jennings Randolph came out in defense of UMWA's leaders. He said the union "must not be accused of lacking zeal and effort on behalf of coal miners." There are no more devoted men to the causes of safety and health—and payrolls of their members than Tony Boyle and George Titler and their associates and assistants," Randolph said.

West Virginia's senior senator was critical of suggestions that some mines should be closed because of poor safety conditions.

Closure of mines to eliminate safety risks is not any more practical than closing chemical or power plants to eliminate air and water pollution, he said.

Randolph said that although he agrees with some provisions in the UMWA and Department of Interior bills which he introduced in the Senate, he wants to remain flexible until hearings are held.

Representative Hechler began his remarks to the Civic Center audience by noting that the policy committee of the state medical association was meeting in the city at the same time.

Jesting, he said he had just received word from the secret meeting of doctors and that was "black lung is good for you." The message was displayed on a large sign board. The congressman followed his by displaying a 12-pound bologna and the comment "this is what that is."

The medical group's policy committee was meeting at Charleston Memorial Hospital to consider adoption of a request from the Cabell and Kanawha County Medical Societies that the state group go on record in opposition to the drive for black lung compensation.

Dr. Donald Rasmussen, one of the three doctors who are targets of the medical societies' move, asked the policy committee not to act until he and his colleagues had had an opportunity to present their evidence and recent findings relative to the disease. The other two are Dr. I. E. Buff and Dr. Hawley A. Wells.

The committee adopted a resolution calling for creation of a medical board to study black lung.

In his remarks, Hechler said, "What you're doing today will inspire people all over West Virginia to say—let's give the government back to the people, let's remember that the individual human being counts more than wealth and power, and let's make sure that those who run the show never forget that West Virginia's state motto—Montani Semper Liberi—has been repeatedly violated by political and economic practices in this state."

After commenting on the accusations hurled against Doctors Buff, Rasmussen and Wells, Hechler said, "You know what amazes me when I start talking about coal mine health and safety legislation with my friends? Lots of them say: 'Oh, well, maybe we'll get a compromise bill. All legislation is compromise.'"

"I just don't understand that kind of talk. I say: 'What do you mean, compromise?' Compromise a coal miner's life? Compromise his safety? Compromise his lungs? There's no compromise when you're talking about human beings who are gassed, crushed, burned and trapped in the mines. Four thousand coal miners were killed or injured

in West Virginia in 1968. How can you talk about compromise when that is the stark, grim record."

The Huntington Democrat said, "Do you know what they're talking about in Washington today? Some of the slick operators behind the scenes are saying: 'Let's not panic now about this new coal mine legislation. Let's figure out a way to slow it down. The excitement after the Nov. 20 tragedy is dying down, so let's just see if we can compromise this a little.' That's what they're saying."

"So some of the top leadership of the United Mine Workers in Washington are going around quietly to their friends and saying: 'It's our viewpoint that strict federal legislation on health standards won't pass. So we the UMW leadership think you boys in Congress ought to separate out the health from the safety legislation. Then you can enact just the safety part and let the health business go by the boards.'"

Hechler asserted the top leadership of the UMW would tell the miners that they were for health as much as safety and point to the fact that they drafted and introduced a separate bill for health and will testify for it in the hearings.

"Now I charge today that this is just a plot to defeat the health proposals which are necessary for your protection," Hechler said. "So I think you here today should rise up and demand that any legislation which Congress enacts should cover both health and safety in one bill, and that it must be passed before the high-paid lawyers get busy to drive their loopholes into the legislation."

"I predict today that if you allow health and safety legislation to be separated, the steam will go out of the public support which you now have for the legislation and you'll wind up with the same kind of weak bill which is now on the statute books," the congressman said.

He renewed his contentions that individual miners as well as the companies should be fined for willful violation of safety regulations. The audience signified its concurrence.

Boyle, the UMW president, opposes penalties for miners.

The three doctors who have been appearing at smaller rallies throughout the state arranged by the West Virginia Black Lung Association made brief remarks.

Former State Sen. Paul Kaufmann, retained as lobbyist by the association, addressed the group and announced that Sen. W. T. Brotherton Jr., Charleston Democrat and Del. Robert K. Holliday, Oak Hill Democrat, would introduce the association's proposals in bill form this week.

Kaufmann described Del. Warren McCraw's bill in the House as the strongest of the six bills which have been introduced concerning miners' health. McCraw, a Wyoming County Democrat, addressed the miners briefly.

The presence of Secretary of State John D. (Jay) Rockefeller was acknowledged.

Following the Civic Center rally, several hundred miners assembled on the steps of the State Capitol for a minute of silent prayer for the 78 miners who died at Mannington and the four who lost their lives at Hominy Falls last year.

Dr. Wells concluded the brief memorial service with this prayer:

"Dear God, those of us assembled here today on the steps of our state's Capitol—whose very existence is symbolized by the motto that 'mountaineers are always free'—acknowledge with reverence that we are all members of Your kingdom. We beseech you to look with favor toward the solution of the human crisis in the kingdom of coal.

"Guide us, O Thou great Jehovah as we pilgrim through the barren land. We are weak, but Thou are mighty. Hold us with your powerful hand. Grant us the strength to wage the battles in the halls of the Legislature and in the halls of the United States Congress to preserve and protect the

lives created in and endowed by your image.

"Confer upon the elected officials, who hold the power of mortal life and death in their hands, the wisdom to answer our fervent prayers. In doing so, they will be carrying out that great commandment: do unto others as you would have done unto you, Amen."

ONE HUNDRED VIOLATIONS FOUND BY UNITED STATES AT MINE—INSPECTOR AT MINE ON JANUARY 6

(By Ray Martin)

MOUNT MORRIS, PA.—The last U.S. Bureau of Mines inspection of the Humphrey No. 7 coal mine here disclosed nearly 100 violations of the Federal Coal Mine Safety Act and the Federal Coal Mine Safety Code. The latter is enforceable through contract provisions between the United Mine Workers of America and coal company management.

That inspection was concluded Jan. 6.

All of the violations reportedly were corrected before the federal inspectors from the Morgantown district office completed their tour of the mine.

Complete details of the inspection were not available late Tuesday following the roof fall and fire which trapped 12 miners for six hours. All escaped safely and one was treated at University Hospital in Morgantown for smoke inhalation.

A Bureau of Mines spokesman said three inspections conducted between August, 1968, and January, 1969, all showed a pattern of many small and, for the most part, technical but repeated violations.

A spokesman for Consolidation Coal Co., parent firm of Christopher Coal Co., operator of the mine, said the mine has operated without a fatality for 11 years. That fatality, he said, was caused by a roof fall.

Records on file with the West Virginia State Department of Mines in Charleston, by contrast, showed that very few mine law violations had been found inside the Humphrey No. 7 mine.

The last state inspection was completed Oct. 31 and seven violations of the code were corrected on the spot. Other inspections June 1, 1968, and March 15, 1968, turned up five and eight inspections, respectively.

One of the state inspectors, Frank Rutledge, returned to the mine Nov. 29, 1968, for a surprise spot check and found two minor violations of the state law. He had inspected the mine for 15 days during October.

After word of the mine fire here reached the nation's capital, Rep. Ken Hechler, D-W. Va., said, "The fiery near disaster in the coal mine near the Pennsylvania-West Virginia border underscores the urgent need for early passage of coal mine health and safety legislation."

The West Virginian urged committee chairman in both the House and Senate to start hearings immediately and speed up their time table in order to put legislation on the floor this spring.

"The Congress can no longer afford to delay," Hechler said. "We cannot afford to fiddle while coal miners burn, get crushed or die. In the name of humanity this Congress must act," he declared.

The Huntington Democrat revealed that President Nixon asked about pending mine legislation during his visit to the Capitol Tuesday.

"He asked me a question or two about the bill and gave me a little advice, too," Hechler said.

He didn't disclose what the advice was.

WHEN FIRES OCCUR IN MINES—POLICY OF MINE INSPECTORS BEING REVIEWED

(By Ray Martin)

WASHINGTON.—U.S. Bureau of Mines policy concerning action of its coal mine inspectors when fires occur in mines is in the process of review.

John O'Leary, bureau director, made the announcement Wednesday when asked to clarify the agency's procedure in cases of mine fires.

O'Leary was asked about reports that his inspectors had an agreement with mine operators not to investigate fires which were extinguished in 10 minutes or less, with no injuries.

The query was prompted by reports that three fires occurred at the same location in the Humphrey No. 7 mine at Mt. Morris, Pa., between Jan. 20 and Jan. 23. The fires allegedly were not reported to the Bureau of Mines at Morgantown, W. Va., or the mine safety committee.

Twelve miners were trapped in the Mt. Morris mine for nearly six hours Tuesday when a roof fall triggered a fire. More than 100 miners escaped soon after the alarm was sounded.

O'Leary said his office had been informed of the January fire reports by members of the UMW.

He explained that the 10-minute rule had been in effect since 1966 when the law was questioned by a Monongalia County, W. Va., miner. That miner wrote to President Johnson and the White House referred the letter to the Bureau of Mines for action and reply.

The 1952 law states, in part, "All mine accidents resulting in the death of one or more persons, mine fires other than minor fires that are extinguished promptly upon discovery, and mine explosions shall be reported immediately to the nearest office of the federal coal mine inspector or other representative of the Health and Safety Division, U.S. Bureau of Mines.

"No mine shall resume operations following a mine disaster until such mine has been inspected in its entirety by a federal coal mine inspector and found by him to be in safe condition to operate."

The Bureau of Mines chief said the word "promptly" posed a problem and his predecessors formulated the 10-minute rule.

Members of the mine safety committee at the Mt. Morris mine compiled records showing 190 recommendations concerning safety act violations and unsafe practices at the mine since Nov. 27, 1968.

Federal inspectors reported 100 violations of law and code at the mine Jan. 6, 1969. All were said to have been corrected before inspectors left the mine.

Safety committee records note that except for the last three fires at Humphrey No. 7 no notations were found in the fireboss' reports at the mine. They cite 13 ignitions in a 26-month period prior to the Tuesday fire.

Committee records indicated twice weekly inspections prior to the disaster at Mannington, W. Va. Nov. 20, which claimed 78 lives. Since that time the union elected committee has been conducting weekly inspections.

On Dec. 12 the safety committee asked that "boards" be placed in escapeways when miners had to make turns in order to exit from the mine in an emergency. It was not done.

Members of the committee expressed the belief that installation of the "boards" would have facilitated the escape of the miners Tuesday.

Committee records indicated that requests were previously made for installation of telephone lines between the ground level and the base of shafts used for emergency exits. Such lines were not installed and the committee members assert there was a 20-minute delay in establishing communications between the ground and the miners who waited to be lifted to the surface.

The mine committee also questioned the amount of time required to bring the men to the surface. Faster means must be developed, the members said.

Committee members favor the installation of blast-and-fire-proof rescue chambers in mines. It was recommended that such shelters be placed 1,000 feet apart in mines.

A spokesman for the committee said, "The company hires more men for production but not for safety maintenance. We ask them to make the mines safe. The answer we get is that they don't have enough men."

It was learned that plans are being made to hold a mass meeting of Monongalia County miners. That meeting would have as its theme "common safety problems" faced by miners in the West Virginia county.

In his inspection of the Humphrey No. 7 mine at Mt. Morris, the federal mine inspector allowed the company three days to correct a rock dusting deficiency. Eight samples of coal dust which were analyzed showed the incombustible content ranging from 39 to 60.5 per cent. Law requires that it be not less than 65 per cent.

The inspector's notice gave the coal company from Jan. 3 to 8 a.m. Jan. 6 to correct the violation. The report noted that is was abated.

It was also noted there was inadequately supported roof at three locations along 7 south haulageway, and at one location near A1, 3 north loading point. This, too, was corrected, according to the inspector.

There was about 250 tons of coal stored in the No. 4 entry 3 north near the A9 section loading point; excessive accumulations of float dust were overlying 2 to 6 inches of rock dust for a distance of 500 feet in by the dumping point along No. 6 entry 2 west, and for a distance of 300 feet in the Nos. 1 and 2 entries north out by No. 1 entry A1 section; and there were excessive accumulations of spilled oil and grease in a portable compressor car and excessive oil spillages in the decker of the continuous miner in 10 right off 5 south.

The violations were abated, the inspector said in his report.

Other violations listed included the failure of three personnel carriers to have fire extinguishers; insufficient rock dust applications and various deficiencies in electrical equipment.

The inspector said one roof-bolting machine in the B5 section was not tightening bolts to required torque, and the intersection at the 4 north supply track switch was not completely bolted.

He said 24 shuttle cars and six loading machines were not effectively frame-grounded inasmuch as the diodes were not maintained in operating condition. He also cited a trailing cable for the car hoist in 3 south. It was equipped with short-circuit protection of too high ampere value.

In his report, which is on file at the Bureau of Mines headquarters here, the inspector also noted that seven trailing cables had exposed conductor wires at 16 locations.

BOYLE, UMW PRESIDENT, MAY BACK MINERS' BILL

(By Ray Martin)

Top officials from the United Mine Workers of America headquarters in Washington will appear before a state legislative committee Feb. 11.

On that date a joint meeting of the Senate and House Judiciary Committee will hear testimony on proposals which would make pneumoconiosis, or black lung, a compensable disease under West Virginia's Workmen's Compensation Law.

Rex Lauck, editor of the United Mine Workers Journal, said yesterday that he and UMW Vice President George Titler would be in Charleston for the hearings. They will be joined by other union officials.

Mr. Lauck said that it was not known whether W. A. (Tony) Boyle, UMW president, would attend the Charleston hearing.

The Journal editor said Mr. Boyle was out of town and had not had an opportunity to respond to the resolution adopted at a miners' rally in Charleston last Sunday. He did not rule out the possibility that the UMW president would join other union officials in West Virginia's capital city next month.

Referring to the purpose of the Charleston hearings, Mr. Lauck said that the union had been "silent" in the past, but a forthcoming issue of the UMW Journal "will speak out, both editorially and newswise."

During the course of Sunday's mass meeting in the Charleston Civic Center, Dr. I. E. Buff, Charleston heart specialist and head of the Physicians' Committee for Miners' Health and Safety, voiced criticism of the tactics allegedly employed by a member of the West Virginia University faculty.

He said, "A newspaper editor brought a man to my office who was introduced as a graduate student at WVU and who wanted to learn something about black lung.

"I cooperated and worked with the student, as I would with any student," Dr. Buff told the Charleston audience.

"The next thing I know is that this graduate student turns out to be a professor in the WVU journalism department and he prepares a 'yellow sheet' which is distributed at the Legislature. That yellow sheet attacks me and the work that I have been doing in connection with black lung.

"I'm sure the university president has no knowledge of this kind of activity by his faculty members," Dr. Buff said.

Although Dr. Buff didn't identify the WVU faculty member at the public meeting, he was subsequently identified by the doctor as David A. Wiley, an assistant professor of journalism.

Asked about Dr. Buff's allegations, Mr. Wiley denied having had any role in distributing any material to members of the State Legislature. He said he hadn't been in Charleston for months.

The WVU faculty member explained that last summer he was employed as a consultant to the West Virginia Hillbilly and it was in this capacity that he visited Dr. Buff and other persons in the state to gather material for a special edition on pollution in the state.

Mr. Wiley said, "I identified myself as a consultant to Hillbilly and a WVU faculty member during the winter months.

"I never hid my identity for a single moment and this is the first I learned that my relations with Dr. Buff were less than cordial," Mr. Wiley said.

The Hillbilly issue was published Nov. 30.

The WVU faculty member said that he had checked with the publishing company and learned that it had not made reprints of articles written by him about Dr. Buff or doctors holding opposing views. The company didn't authorize any reprints, either, the WVU staff member said.

Dr. Buff said yesterday that the reprints sent to the legislature didn't indicate the identity of the sender but did note Mr. Wiley as the author. The Charleston doctor said similar material is appearing in Kentucky.

Mr. Wiley said he would undertake an investigation to determine the source of the reprints. He said he deplored the practice and the use to which they were being put.

Meanwhile Dr. Buff and Mr. Wiley theorized that one of the organized coal industry lobby groups might be behind the move to discredit Dr. Buff.

This week many newspapers in the state received anonymous material attacking Dr. Buff's position on black lung. The material came in blank envelopes bearing a Parkersburg postal cancellation.

Dr. Buff still insisted, however, that the WVU faculty member had misled him last year.

UNTOUCHABLES COALITION—"THE NEW TEAM"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. RARICK. Mr. Speaker, judging from the names of the many appointees to high positions in our Government it becomes apparent that the party in power is a coalition—not all Republicans, not all Democrats—but a conglomeration of philosophical untouchables.

Under unanimous consent I place the Herald of Freedom for February 7, 1969, published by Frank Capell of Zarephath, N.J., at this point in my remarks:

HON. WILLIAM P. ROGERS

A funny thing happened on the way to the White House. President Nixon's stated desire to "clean house" in the State Department died and the "untouchables" and security risks apparently need have no sleepless nights over the appointment of William P. Rogers as Secretary of State. Mr. Nixon was quoted as stating: "I want a secretary of state who will join me in cleaning house in the State Department. We are going to clean house up there. It has never been done. It wasn't even done during the Eisenhower administration." Since Mr. Rogers was a behind-the-scenes plotter in the torpedoing of the one man who did try to "clean house" (the much maligned Sen. Joseph McCarthy) during the Eisenhower administration, he was surely not selected for his "housecleaning" abilities.

William Pierce Rogers was born in Norfolk, N.Y. on June 23, 1913, the son of Harrison Alexander Rogers and the former Myra Beswick. His father was an insurance agent. When he was thirteen his mother died and he went to live with his maternal grandparents, Mr. & Mrs. Pierce Beswick, in Canton, N.Y. He attended Colgate University on a scholarship and graduated with an A.B. degree in 1934. He continued his education, also with the help of scholarships, in Cornell Law School, obtaining his L.L.B. in 1937. He was editor of the Cornell Law Quarterly in 1935, 1936 and 1937. While still a student, he married a fellow law student, Miss Adele Langston, of Wenonah, N.J., on June 27, 1936. The couple has one daughter, Dale, and three sons, Anthony Wood, Jeffrey Langston and Douglas Langston. Mrs. Rogers graduated from law school but never practiced law.

Upon graduation, Rogers joined the New York law firm of Cadwalader, Wickersham & Taft but left shortly, having been appointed an Assistant District Attorney on January 1, 1938, by the racket-busting New York District Attorney, Thomas A. Dewey. Rogers served in the U.S. Navy from August, 1942 (lieutenant, j.g.) to January, 1946 when he was released to inactive duty as a lieutenant commander. He returned to the New York District Attorney's office under Frank Hogan who was then the District Attorney.

In April 1947 Rogers resigned from the District Attorney's office to become counsel to the Senate's Special Committee to Investigate the National Defense Program for which former Sen. Burton K. Wheeler was special consultant. In March 1948 this committee was succeeded by the Senate investigations subcommittee of the Senate Executive Expenditures Committee. The chairman was Sen. Clyde R. Hoey, a Democrat of North Carolina, who asked Rogers to remain as chief counsel even though he was a Republican. Rogers' only known anti-Communist activity occurred during this period. He brought to light information which led to the perjury conviction of the Commerce Department's William Remington "for lying about passing

secret information to Soviet spy Elizabeth Bentley." Remington, however, had already been exposed so this was no great blow to the Communists.

Rogers' other accomplishments during his stint with the Senate committee were the jailing of Maj. Gen. Bennett E. Myers for inducing a witness to lie to the committee during a war contracts investigation and a perjury indictment against John Maragon, a White House intimate, in the investigation of the "five per centers." Rogers left the committee March 1, 1950 to join the Washington office of the New York law firm of Dwight, Royall, Harris, Koegel & Caskey, called the "world's largest law firm." In 1952 he offered his services in the campaign to secure the Republican presidential nomination for Gen. Dwight Eisenhower. He was active at the Republican convention and worked with Herbert Brownell, Jr. on the fight with the Taft faction. He helped promote the (false) charge of a Taft "steal" of delegates which won the day for the Eisenhower group. He accompanied Richard Nixon, the Vice-Presidential nominee, on his campaign tours and became a close friend. He had known Nixon previously and reportedly counselled him during the Hiss-Chambers affair.

Following the Eisenhower victory, Rogers was appointed Deputy Attorney General at Nixon's request. He was chief liaison officer of the Department of Justice with Congress and other Federal Government departments and agencies. When the Attorney General, Herbert Brownell, resigned in October 1957, Rogers was immediately appointed to succeed him. Anthony Lewis of the N.Y. Times stated prophetically: "Rogers is important not only because he is a member of the (Eisenhower) Cabinet; among the close advisers of the President, he is closest to the Vice President—officially and personally. In a Nixon Administration, Rogers would be even closer than he is at present to the center of American political power."

The N.Y. Times profile on Mr. Rogers (12/11/68) states:

"In two of his gravest moments of personal crisis, Mr. Nixon turned to Mr. Rogers as his most intimate counselor.

"During the election campaign of 1952, there were charges that Mr. Nixon was being personally financed by several wealthy backers in California who hoped to benefit from his political influence.

"Although a number of Mr. Nixon's advisers were suggesting that Mr. Nixon withdraw as the candidate for Vice President, Mr. Rogers advised him to stand fast.

"He helped to make arrangements for Mr. Nixon's famous 'Checkers' speech on television, which helped him recapture the good opinion of President Eisenhower and the public. . . .

". . . In September, 1955, when President Eisenhower suffered a heart attack, leaving Mr. Nixon uncertain what action to take, he headed for Mr. Roger's big, rambling white frame home in Bethesda, Md., to seek advice."

Rogers played a principal role during the Eisenhower administration in the drafting of the Civil Rights Act of 1957 and the establishing of the Civil Rights Division of the Department of Justice. The sending of federal troops in 1957 to Little Rock, Arkansas, was the first use of government power to force integration upon the South. Rogers wrote the brief justifying the use of the troops. Rogers is known as a strong advocate of civil rights; both he and his wife have been contributors to and sponsors of the Washington, D.C. Negro Student Fund. One of the founders of this fund was Lydia Katzenbach, wife of Nicholas Katzenbach who is being retained as a special consultant by the State Department under Rogers. Other contributors and sponsors of this fund have been Adam Yarmolinsky and the late Robert F. Kennedy.

One of Rogers' most important activities during the Eisenhower administration was the plot to put an end to the anti-Communist

crusade of the late Sen. Joseph McCarthy of Wisconsin. According to the report of the Hearing before the Special Subcommittee on Investigations of the Committee on Government Operations in the Special Senate Investigation on Charges and Counter-charges (involving Secretary of the Army Robert T. Stevens, John G. Adams, H. Struve Hensel and Senator Joe McCarthy, Roy M. Cohn, and Francis P. Carr) William P. Rogers, then Deputy Attorney General, was one of the chief plotters in the undermining of Sen. McCarthy. Also involved was another Nixon appointee, Henry Cabot Lodge, who was at the time the U.S. Ambassador to the United Nations.

Lodge, according to a press release in November, 1953, was working on leave with the White House, after the recess of the United Nations, "in connection with matters on Capitol Hill or matters relating to the Senate." This was brought out in the testimony before the Special Senate Subcommittee to explain his presence at a meeting held on January 21, 1954 in the office of the Attorney General. Also present were Attorney General Brownell, Deputy Attorney General Rogers; White House aides, Sherman Adams and Gerald Morgan; and John G. Adams, counselor, Department of the Army.

As a result of this conference, the decision was made for John Adams to start compiling notes to be used as the basis for filing charges against Senator McCarthy and members of his staff. Adams (John) testified:

"The meeting finally concluded with the decision that I should call on the Republican members of the investigating subcommittee . . . and point out to them the two problems which I had discussed with the Attorney General's office." One of these "problems" was the fact that Sen. McCarthy planned hearings on the loyalty board which had been clearing Communists, according to the Senator.

As is well known, the plotters were successful. The charges against Sen. McCarthy were given to the press even before they were presented to the Senators. McCarthy was "censured" by his colleagues and rendered ineffective in his efforts to clean out the Communists he knew were being harbored in the U.S. Government. All this was the result of a well-planned operation hatched in the highest echelons of the executive department, but with Secretary of the Army Robert Stevens taking the "responsibility" for it. Actually much of the "responsibility" should rest upon the shoulders of our present Secretary of State, William P. Rogers.

Upon his shoulders also should rest the responsibility of having Helmut Sonnenfeldt move into the sensitive position of national security assistant to Henry A. Kissinger in the White House. If Rogers as Attorney General had moved against Sonnenfeldt he would not be in government today. The January 22, 1969 edition of the Government Employees Exchange stated:

"An event which might 'precipitate' events which now are merely 'looming' . . . is the likely announcement of an appointment to the National Security Council. The person involved, who is backed principally because of 'urgings by Dr. Kissinger,' is known to have been in very serious trouble in the latter half of the Eisenhower administration because of alleged 'leaks of top secret and secret' classified information to members of a foreign embassy with whom he had frequent and close associations.

"According to the informant, this person, a State Department employee at the time, was the subject of an intense FBI inquiry which concluded that evidence suggested that the classified information had been passed. For this reason, the FBI, the Department of Justice and the Department of State held discussions about prosecution but the proposal was abandoned allegedly because the State Department would not agree to 'declassify,' that is, make available to the prose-

cutor, the 'contents of the secret telegrams.' The State Department alleged that, despite the evidence the FBI had, it was not in the interest of the U.S. government to have the telegrams become public knowledge because they contained discussions with the head of a foreign state on matters which, if revealed, would 'embarrass' the United States."

The person involved in this incident was reportedly Sonnenfeldt and the foreign power involved was allegedly Israel. The courageous newswoman, Sarah McClendon, recently wrote in one of her columns:

"Helmut Sonnenfeldt, director of the Office of Research and Analysis for the USSR and Eastern Europe, has been asked by Kissinger to accompany him to work in the White House.

"This is particularly disturbing to Naval Intelligence whose people remembered that Sonnenfeldt was the one who predicted the Soviets would never put missiles in Cuba."

Miss McClendon also commented on one of the several dubious persons asked by the new Secretary of State to remain in their present jobs. She stated:

"One of the hottest contentions centering about Nixon's head is Rogers' invitation to Idar Rimestad to stay on at State and be in charge of all personnel. Rimestad is the deputy under secretary of state for management, a key job when it comes to putting the finger on all other employees. . . .

"Several US Senators including Republican John Tower say if Rimestad has been serving in this job under the present Establishment, and he is going to handle personnel under the new, how can there be the 'house cleaning' which Nixon promised?"

Rimestad has been instrumental in keeping ousted State Department security chief, Otto Otepka, from obtaining justice. Rogers is reportedly on the horns of a dilemma as to how to make good President Nixon's pre-election promises to see that Otepka obtains justice while not giving him a position of importance. The State Department just isn't big enough for an Otepka and a Rimestad who reportedly secretly learned Russian, has conferred privately with Soviet nationals and whose views are allegedly pro-Soviet and anti-American, going all the way back to 1946.

Another State Department employee being kept on "temporarily" by Rogers is William P. Bundy, described as one of the Johnson administration's ranking policy makers in Vietnam. Bundy is married to Mary Acheson, daughter of Dean Acheson and was in charge of raising funds for the defense of Alger Hiss. Alger's brother Donald, identified as an espionage and Soviet agent, is a partner in Dean Acheson's law firm.

Nicholas Katzenbach has been appointed special consultant to Secretary of State Rogers and has been issued a diplomatic passport. Katzenbach and his wife, Lydia, studied law under Abe Fortas at Yale University. Mrs. Katzenbach (the former Lydia Stokes) comes from a family with many leftists. Her aunt, Rose Pastor Stokes, was a notorious Communist with a police record. Her uncle, James Graham Phelps Stokes, was president of the Fabian Intercollegiate Socialist Society and Counsellor for the Bolshevik Russian Information Bureau in the U.S.

One of the last acts of Under Secretary of State Nicholas Katzenbach was to issue security clearance to John Paton Davies, a serious security risk who was involved in promoting the cause of Communist China. Davies was cleared to work as a consultant at the CIA-financed Center for International Studies at MIT which has a contract with the Arms Control and Disarmament Agency. The clearance was given with the obvious consent of the new Secretary of State Rogers since he shortly thereafter appointed Katzenbach as a special consultant. The MIT center has on its staff identified Communist Harold Isaacs who was involved in the Sorge Spy Ring.

Secretary Rogers has also appointed George W. Ball as special consultant and he, too, has been issued a diplomatic passport. George Ball had been recommended for appointment as Under Secretary of State by Adam Yarmolinsky (a serious security risk) who had worked in George Ball's law office in Washington, D.C. from 1951 to 1954. Like others in the new Nixon administration, Ball is a member of the Council on Foreign Relations and the Bilderbergers.

In his column, Washington Beat, of the Washington, D.C. Sunday Star of January 19, 1969, Leslie Carpenter wrote:

"Before the election last November, a lawyer who is one of Nixon's closest friends and will be secretary of state, William P. Rogers, wrote Nixon a letter recommending that Nixon name Justice Abe Fortas as chief justice if Nixon won." While it is not expected that Nixon will follow this recommendation since there would be no more reason to believe Fortas could be confirmed now than there was previously, it would be interesting to know the purpose of such a letter. Was it for political purposes or was Rogers sincere in wanting a person with Fortas' Communist-front background and beliefs for the Chief Justice of the Supreme Court of the United States? Neither is a pleasant thought.

Secretary Rogers has approved of the promotions recommended by the Dean Rusk State Department for Edwin M. Martin to be given the grade of career ambassador. Martin has been reported as a serious security risk with a Communist-front background. Secretary Rogers has also approved the promotion of David H. Popper to become career minister. Popper, one of the State Department un-touchables, is another security risk with a history of affiliation with subversive causes and close association with agents of Soviet Intelligence, discussed in the January 26, 1968 issue of the Herald of Freedom.

When the late Bobby Kennedy succeeded William Rogers as Attorney General in 1961, Rogers returned to his Washington law firm and at the time of his appointment by President Nixon was a senior partner with an income of about \$300,000 per year. Among his clients were 20th Century-Fox, the Associated Press and the International Herald Tribune. Rogers has been attorney for the ultra-liberal Washington Post and a member of their board of directors as well as a director of WTOP-TV which is controlled by the Washington Post. Before he became Attorney General in the Eisenhower administration, Rogers had represented and done work for columnist, Drew Pearson.

Time magazine of December 20, 1968 tells us that Secretary Rogers' "life-style is not pretentious." He has a home in Bethesda, Md. and a New York apartment overlooking the East River. In a book called, "The Rich and the Super-Rich," mention is made of a swanky apartment house, the UN Plaza Building, 48th Street and East River where, it is claimed, apartments cost from \$26,000 to \$150,000 (purchase price) and maintenance costs run from \$12,000 per year up. Among the tenants are heads of several newspapers and magazines, including the head of Time magazine, Mrs. Agnes Meyer, owner of the Washington Post, the late Robert F. Kennedy, and Secretary of State William P. Rogers.

Rogers is definitely a member of the "Eastern Establishment" as is his former boss, Thomas Dewey who used his reputation as a "racket-buster" to propel himself into the New York governorship, that oft-used springboard for the try for the top job. Overconfidence and his refusal to use copious "dirt" on the Democrats lost Dewey the presidency in 1948 and no one was more surprised than Harry Truman to find he had been reelected when Dewey thought he had it "in the bag."

Rogers is described as a kind of Republican Clark Clifford and his appointment was "welcomed in Washington by Democrats and

Republicans alike." He has taken no stand on Vietnam and has written no books for which to be held accountable. An interview in Life magazine quotes him as stating: "It's important to have people who are not abrasive and don't aggravate problems by their personal behavior."

President Nixon has called Rogers "the best negotiator in the world," while Rogers says: "The only thing a Cabinet officer should have in mind is the success of the Administration." Nixon is looking forward to an "era of negotiation" with the Communists so it is obvious that we have need of a "superb negotiator." Life magazine quotes Rogers as stating:

"I think it's important for the political leaders and the public to give the New Administration time to work out the problems we're faced with. When I discussed this with congressmen, I urged them to be very thoughtful before they made any critical comments about the negotiations in Paris, and to ask themselves whether they served any constructive purpose. There's a great desire on the part of some people to know exactly what plans are in the negotiations, but it would be a mistake to make these public. . . . We hope for six months or so of patience and calm."

The American people also have hopes, for an honest, pro-American administration which will clean out the untouchables who have been so securely entrenched for so many years.

A SALUTE TO ERNEST R. NORTON

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. HANNA. Mr. Speaker, on February 8, 1969, Orange County educators will honor Mr. Ernest Norton. Mr. Norton, currently the assistant superintendent, business services for the Orange County School District, has served our community since 1948.

Mr. Norton entered the service of the county superintendent of schools in 1948, serving as a speech therapist for schools in the county. In 1956 he transferred from the speech department to the business office as assistant business manager, and became assistant superintendent, business services in January 1963.

Mr. Norton is known to the school administrators of Orange County as an authority in the area of school finance and legislation. He is probably known equally well as one who spends many hours working with various professional groups, in addition to his normal workday in the county office. Mr. Norton has always found time to participate in the Boy Scouts of America, service groups, and is an active member in the United Presbyterian Church of Santa Ana.

His helpful assistance to the schools in Orange County has been extremely valuable. His untiring efforts on behalf of youth activities have earned him the admiration and respect of the community.

It is a privilege for me to bring to the attention of the Congress the record of this fine gentleman. The education community of Orange County is indeed fortunate to have a man of the energy, dedication, and ability Ernest Norton represents.

ALLENTOWN NEWSPAPERMAN AP-
PRAISES THE JOHNSON ADMINIS-
TRATION

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, recently, while President Lyndon B. Johnson was concluding his official duties and historians prepared for the decades of analysis and judging which ultimately will determine his stature among American Presidents, the editorial pages of most of the Nation's newspapers devoted attention to assessing the Johnson years.

These editorial reviews seemed inclined to agree that President Johnson's administration earned for itself a position of substantial prominence in the annals of history.

Among the assessments of the Johnson administration which seemed particularly outstanding appeared on the editorial page of the Sunday Call-Chronicle newspaper published in Allentown, Pa., on January 19, 1969.

Mr. Edward D. Miller of the Miller family which has long been synonymous with journalism in eastern Pennsylvania appraised the Johnson administration in "An Open Letter to Lyndon Johnson." I would like to include it in the RECORD for the information of my colleagues:

AN OPEN LETTER TO LYNDON JOHNSON

DEAR MR. JOHNSON: It's been a long five years. Tomorrow you can ride down Pennsylvania Avenue and feel the weight of the world being lifted from your shoulders. I'm not sure it's happening the way you would have wished.

Watching you in action during these years has been our job, but it's been great sport too. You've done a great deal, and whether we agreed with your aims or not, we couldn't ignore your impact upon America.

Personally, I think your high point was your voting-rights speech to Congress during the Selma, Ala., crisis in 1965. Let's face it, your Southern background and uneven Senate record on civil rights made many of us concerned with this problem skeptical of your commitment. That speech and the legislation which followed, cast out all those doubts. Historians, I'm sure, will also rank that as a major achievement, for you stood up to be counted when you were needed.

There is a great deal more you can be proud of. Medicare was only an idea until you found the means to make it possible. It won't be long before it's taken for granted, like Social Security, so I hope people may remember who made it a way of life.

Looking back, those years you were trying to bring justice and opportunity to your people were good years. You realized education was the cornerstone of progress in America, so you jumped in with both feet—college scholarships, Head Start, building funds, research grants and a host of other commitments to education.

Housing. People don't realize what you started here because only the foundations have been put down. Hopefully, in years to come when our cities are rebuilt and people do have a chance to buy a decent house in a neighborhood of their choice, somebody will look back and say, "You know, Lyndon Johnson had a lot to do with this."

"A lot to do . . ." is an understatement.

The Model Cities program gives us the opportunity to experiment with means to rebuild a nation. When you think of it, no civilization in history has ever tried that, but that didn't seem to stop you. Rent supplements to families unable to afford decent housing was also your creation. A lot of folks looked upon it as another federal giveaway, but you said no—it was only a chance to give someone else a chance.

Many of these ideas haven't yet had an opportunity to develop completely, but you gave us the tools to rebuild. All we need now is the will to use them.

We could go on and on here. Immigration laws were updated because you felt them to be unfair. Efforts were begun to make America beautiful again by cleaning up the streams and rivers, by doing something about the fouling of the air, by preserving vast tracts of irreplaceable wilderness. You started efforts to end the nuclear arms race, first with a test-ban treaty, then with a non-proliferation treaty. We have a long way to go in all these efforts, but you started us on the way.

It's too bad we can't end the letter here. If we could, we would have cause to rank you immediately among the great presidents. Historians may still do that, but first you will have to stand before the bar of history and be judged for all your efforts. The first item on the agenda will probably be Vietnam.

Vietnam has been around for thousands of years, but we didn't give it much thought before the Gulf of Tonkin. The few years since then have seemed like a thousand. History may yet overrule public dissent and frustration and declare you were right, but it will have to override a lot of misgivings. What seems to be the greatest tragedy is the nagging question, was it worth it? It took thousands of American lives, and we believe you when you say no one realizes that more than you do. But was it really worth it?

It has taken a vast amount of our treasures, resources which could have been used to push forward your plans for our cities, our poor, our disadvantaged. But was it really worth it?

Most of the bitterness of the past few years seems to be dying down in the glow of an upcoming administration. That may not last long, but at least you won't be the target any more. But as a thinking man you'll have to wonder, as I'm sure you have in the past, was it really worth it? Was the price paid for still undetermined gains or losses in Vietnam too high? In the past we have been quick to pass judgment on that question. Since it is now out of your hands, we'll let the historians wrestle with it. You've had enough.

For the first time in 38 years, you are about to sit on the sidelines. Your State of the Union address, challenging the Congress and the Nixon Administration, will make it difficult to undo your efforts of the past and will put the LBJ brand on much of what is done in the future. Richard Nixon probably isn't too happy about that, but he should have expected it. Your administration will be a tough act to follow in more ways than one. It's been a long five years.

UKRAINE'S INDEPENDENCE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. ZWACH. Mr. Speaker, just about 51 years ago, the people of Ukraine became a united and free nation. While this independence lasted only a short time, still the strong seeds of love of

independence and the willingness to accept the responsibility of retaining their freedom, sprouted and have grown.

The great octopus in bear's clothing from the north invaded them and crushed their new freedom. Russia's much more recent action of sending troops and heavy military equipment into Czechoslovakia to again suppress the fires of freedom, indicate the great fear in Communist Russia of the snow-balling reactions of people in the search of freedom.

The crusade to regain freedom for people is indeed a noble and just one, and a cause that our United States should continue to uphold.

I am pleased to help in commemorating this cherished hope. I pray that the Communist fear will be replaced by an understanding of the great benefits a nation can harvest from having a citizenry of freedom-loving people. Thus, any recognition given to Ukrainians today by me, is only the smallest of recognition for the years that they have suffered with the loss of their freedom. May the flame kindle forever.

A TRIBUTE TO THE LATE HONOR-
ABLE PAUL FORESHELL SCHENCK

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. HALPERN. Mr. Speaker, I would like to join my colleagues in the House in eulogizing a great man who was both a fine legislator and a dear friend. The news of his death on November 3 was sorrowful indeed for those of us who remember his unfailing good humor, his deep warmth and sincerity, his profound respect and love for his fellow man.

No Member of this House could have been more dedicated in attending to his legislative duties than Paul was, or more tireless in offering his help when it was needed by constituents or colleagues. His was the genuine humility and courtesy of the true gentleman.

In his work on the Committee on Interstate and Foreign Commerce, Paul made a fine and lasting contribution. His early entrance into the fight for air pollution controls and better automobile safety standards was typical of his lifelong concern for the health and welfare of all Americans. He lived by a "good neighbor" philosophy that was the guide and measure of all his actions during a long career of dedicated public service.

Paul loved and believed in young people. As a teacher, Boy Scout leader and executive, and director of recreation for many years in his home city of Dayton, he contributed unstintingly not only his time, leadership, and advice, but also his understanding and compassion.

I would like to join with all my colleagues in paying tribute to the memory of this fine man, and in expressing my great sorrow at his passing. His widow, family, and friends have my deepest sympathy in their tragic loss.

REDUCE THE VOTING AGE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. PODELL. Mr. Speaker, today I re-introduce my resolution, proposing an amendment to the U.S. Constitution reducing the voting age from 21 to 18 years. I suggest, Mr. Speaker, that such an amendment is a matter of gravest urgency since it goes to the very heart of the democratic process.

The history of our Nation and that of every other democratic country shows a steady progression toward extension of the voting franchise. There was a time during our early years that we maintained a property qualification; that we denied the franchise to women; that we did not have direct election of U.S. Senators. It is only in recent years that we have rid ourselves of poll tax payments as a qualification for voting. With civil rights legislation we have just begun to secure this right to our Negro population. Demands are now rising in every part of our country for the direct election of the President and the Vice President.

Given the right to vote to that part of our population within the 18-to-21-year age group is a significant part of that forward thrust toward more democracy and increased responsibility for larger groups of people. There is no reason why our Nation should be saddled with notions of maturity which find their roots in the Middle Ages.

The notion that youngsters do not reach an age of maturity and responsibility until their 21st birthday had its roots in antiquity and in a social order whose circumstances are no longer relevant to contemporary times. Just a half century ago, less than 30 percent of the high-school-age population attended high school and only 17 percent of that group graduated. Today, more than 85 percent of Americans of that age group attend high school and more than three-quarters of them receive diplomas.

Again, 50 years ago less than 600,000 attended college, less than 8 percent of the 18-to-21 population. College enrollment today exceeds 5 million, pointing to the fact that almost half in that age group are attending college.

There is nothing sacrosanct about setting the voting age at 21. Both Kentucky and Georgia set the voting age at 18. Alaska and Hawaii set the age at 20. Obviously, no basic reason exists for denying the right to vote to those who have reached their 18th birthday.

In essence, this proposed amendment asserts that in our time—the last third of the 20th century—the age of 18 is an appropriate dividing line between children and adults in terms of their ability to participate in our Nation's democratic process. In general, we deny the franchise to aliens, felons, lunatics, and children. There is no warrant for retaining the odious assumption that the 18-to-21-year-old age group falls within any of those categories.

The process for amending the Consti-

tution is a difficult one. First, it requires approval by a two-thirds vote of each House of Congress. Then it must be ratified by three-quarters of the State legislatures. If the experience in New York State has any validity, it will be extremely difficult to get the ratification of three-quarters of the State legislatures, even on the assumption that two-thirds of the House and Senate membership is prepared to initiate the amending process. Yet the arguments in its favor are so persuasive that I am convinced that the reduction in the voting age is a realistically attainable political objective.

OPENING BUSINESS OPPORTUNITIES FOR ALL

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 27, 1969

Mr. McCARTHY. Mr. Speaker, the Anti-Defamation League of western New York State in cooperation with the Small Business Administration, the Buffalo Chamber of Commerce and other local associations has undertaken a program to help black Americans open businesses of their own. These groups assist individuals in obtaining financing to open small businesses. One man, for example, was able to borrow money through the assistance of the Anti-Defamation League to expand his clothing business. Another was able to take over a bakery that had recently come on the market.

The unusual aspect of this program is that a large number of those assisted are black Americans, those who are very often unable to get financing from traditional sources. The help of the Anti-Defamation League and the Small Business Administration eliminates this barrier to entrepreneurship. They are to be commended for this effort. I also believe that the following article describing the work being done should be included in the RECORD:

ANOTHER STEREOTYPE SHATTERED

It was the end of the usual kind of hectic day in the Anti-Defamation League offices in Buffalo when a number of Negro men and women, including a husband and wife, were in the hall asking building attendants the location of the ADL offices. Suddenly the ADL offices were filled with more people than they could hold.

The reason for this onrush was the latest meeting in a project urged by Lester Gross, President of Buffalo's Chic Maid Knitting Mills and ADL National Commissioner from Buffalo, for the purpose of ADL joining in the program being urged by Howard Samuels, National Director of the Small Business Administration and others for the purpose of assisting individuals in the black community to get started in ownership of business in the black areas of the city.

This particular meeting, one of a number held in connection with the program, was attended by a committee comprising ADL board members, representatives of the Small Business Administration Buffalo Office, a representative of the Chamber of Commerce, and representatives of the East Side Business Associates, headed by Ernie Warlick. Mr. Warlick, one of Buffalo's top sports-

casters, and former star of the Buffalo Bills, is a member of Buffalo's black community, as are the East Side Business Associates.

For the many in the white community who have heard the stereotype, "There is no point in trying to do anything with 'them' because they don't want to work", (the "them" meaning black people, of course) this meeting would have been a revelation. Not only did all of the applicants for assistance want to work, but, without exception, they were all presently working at steady jobs with solid backgrounds of work behind them, and in their "off time" were working on ways in which to get into business for themselves.

Typical of the applicants was Ralph Bennett, (I am not using his correct name in so far as at this writing he might not yet have terminated his employment.) 34 years old, married with five children who has worked at one of the country's major chemical firms for 17 years. Mr. Bennett goes into New York City approximately once a month and buys clothing from a manufacturer which he peddles house to house in the Buffalo area in his spare time. Having heard of the business ownership project, he contacted the ADL office with the hope that he might be able to secure a loan for the purpose of establishing a clothing business. One of the ADL Board members serving on the Committee who operates a chain of clothing concerns in Western New York immediately offered assistance to Mr. Bennett, while Mr. Frank Izzo, Buffalo Director of the Small Business Administration also present at the meeting assured Mr. Bennett that he would have no difficulty in securing financing. To individuals in the Jewish community in particular, the story of Mr. Bennett could be nothing less than heartwarming, remembering how many of our Jewish forebearers arriving in this country with a few cents, if that, in their pockets started on the road to financial security and well-being in similar manner.

A second case, typical of others, involved Henry Blackwell, (here again I am not using his correct name) 24 years old, married with one child. Mr. Blackwell is presently a bus driver for one of the public transportation systems in the Western New York area. Mr. Blackwell said that he wanted to go into the bakery business indicating that both he and his wife had some experience in baking. At this, Frank Izzo, the Small Business Administration Director jumped up exclaiming "I have been looking for someone like you." It turned out that in nearby Niagara Falls the Small Business Administration had made a loan to a woman for the operation of a donut bakery complete with equipment and a vehicle for making deliveries. Unfortunately the woman had just had a heart attack, as a result of which someone was needed to take over the business. As of this writing it appears that within an hour's time at the offices of the ADL, the future of Mr. Blackwell, 24 year old citizen, might have been dramatically altered.

Prior to the meeting at which Mr. Bennett and Mr. Blackwell received their assistance, various exploratory meetings had been going on. During the process of these exploratory meetings, the Syracuse Executive Committee of the ADL under the chairmanship of Sidney Grossman, Assistant Attorney General for the State of New York in charge of the Syracuse Attorney General's Office, initiated a similar program. Mr. Grossman appointed Alex Holstein, Jr. of Syracuse to head a committee which started holding meeting with a business group from the black community called the Central City Business Association headed by Mr. Winston Gaskins, owner of a pharmacy in Syracuse. Mr. Gaskins happens to be one of the first black pharmacy owners in the Central New York area. The ADL Committee and the Central City Business Association decided to call the project the Central City Business Project.

Sidney Grossman and Alex Holstein together with Norman Edell, Director of the Syracuse Jewish Welfare Federation, then enlisted the aid of the Syracuse Jewish Welfare Federation which enthusiastically agreed to become a co-sponsor of the project. Mr. Gaskins at the same time secured the assistance of the Small Business Administration. It should be indicated here that Mr. Gaskins' Central City Business Association had been doing this work all along; however, having a group of white business men with experience in many types of business to assist and counsel the new entrepreneurs was of course most readily welcomed by Mr. Gaskins and his group. In addition, ADL Executive Committee member Alex Holstein being a member of the Board of the Syracuse Chamber of Commerce was able to enlist the assistance of the Syracuse Chamber of Commerce in the project just as Jack Bunis, ADL Buffalo Executive Committee member who is President of the Buffalo Chamber of Commerce had enlisted the assistance of the Buffalo Chamber in this project.

A number of important strands weave themselves throughout both the Buffalo and Syracuse projects. For example, the many businessmen involved in both projects in addition to others in the white community have seen that the stereotype of black people "not wanting to work" is not only a stereotype but a falsehood. They have seen that black people are like any other people whether they be white, green, yellow or purple—for every person who doesn't want to work there are countless numbers who do.

Another lesson we learned is that the stories we hear about black people not wanting white help are a myth. The numbers of black people that have appeared before our committees in both Buffalo and Syracuse were not only anxious for help from wherever it came but without being "Uncle Toms", were demonstrative in their appreciation of the assistance, thus making us realize that for every black partisan of violence as a means of Negroes attaining a place in society, there are countless others who have the initiative and drive to realize that one way to beat the obvious discriminations which do exist, is for them to get into a position where through either education, acquiring a skill, or acquiring economic independence, prejudice against blacks might still exist, but just as was done by so many in the Jewish community discrimination itself will at least not be able to "keep them down".

A third lesson brought home to us is the unique role that B'nai B'rith and ADL members can play in this aspect of the urban crisis. In view of the many types of business and profession which our constituents are in, every large Jewish community in the United States has among its members virtually every conceivable type of business or professional experience which can be made available on a volunteer basis to members of the black community. In addition, contact of our Board members with other community leadership such as is found in Chambers of Commerce, the Small Business Administration, Bank institutions and other business related organizations is of course invaluable.

Lester Gross in commenting on how his suggestion had expanded into two of New York State's major cities (with a third program under way, by way of assistance to the Business Opportunities Corporation in Rochester, New York) remarked—"let's face it. The black community understandably, and it is important, is asking for black ownership. We as Jews have seen the values and independence that can come from self-employment, as difficult as the struggle is to attain self-employment. ADL has spent years in assisting black people, as well as others, to get into the mainstream of American life. Certainly one of the avenues lead-

ing into the mainstream is through business ownership."

The error of the myth that people in depressed groups aren't working "because they don't want to work" was brought home to us in another respect.

In 1964 a committee of the Buffalo ADL Executive Committee through the good offices of ADL board member Philip Kaye, President of Watson Can Company in Buffalo invited Charles Light, Executive Director of the Buffalo Chamber of Commerce to a luncheon meeting at Buffalo's Montefiore Club. Our ADL Committee discussed with Mr. Light the tremendous role which, in our opinion, the Chamber of Commerce could conceivably play in employment opportunities for the black community, since, after all, the Chamber of Commerce "is the place where the jobs are". Mr. Light was most receptive to the idea and suggested that we ought to discuss this with some of our board members active in the Chamber of Commerce so as to give impetus to the program. As a result, we did discuss this with ADL Executive Committee member Jack Bunis, mentioned previously. Jack Bunis happens also to be president of The Sample, a Buffalo department store chain; he since that time has been elected and is now serving as president of the Chamber of Commerce. He was enthusiastic about the possibilities. As a result, he got together with other leadership in the Chamber of Commerce. At the same time, members of our ADL Executive Committee held a meeting with representatives of the Buffalo Council of Churches to get the Council of Churches' backing for our proposal. As a result of the first two meetings, a third meeting was held at what was then the Hotel Buffalo. One of the community leadership at the Hotel Buffalo meeting was George Goodyear, a Buffalo financier acquainted with Chamber of Commerce leadership. Mr. Goodyear, a friend of the ADL office, agreed to get together with Jack Bunis to see what might be done to get a program actually formalized by the Chamber.

The result was that a Job Opportunities Council was organized by the Chamber of Commerce.

The Chamber and its Job Opportunities Council then seized the ball and did what can only be called as slightly less than a miraculous job and what the Urban Action Clearing House of the United States Chamber of Commerce has since described as having "enabled hundreds of unemployed men to move into meaningful jobs". The Clearing House report goes on to say "Buffalo leaders have proved something even more important in the long term. They have dispelled cliché antagonisms, broken historic barriers to change, and have firmly established a teamwork philosophy among many elements of the area".

Among the many major and, at that time unprecedented steps taken by the Buffalo Chamber were a complete involvement of organizations and grass roots representatives in the black community in the establishment of a non-profit corporation called the Opportunities Development Corporation, with a full time Executive Director.

The Opportunity Development Corporation (ODC) had three objectives: finding jobs, training jobless, and gathering information.

The ODC in turn set up project JET (jobs, education, training) and with \$40,000 (grown to \$100,000 over a three year period) which was provided by the Chamber of Commerce for the first year of operation, the program was on its way.

Since that time in 1964, due again to the initiative and aggressiveness of Chamber of Commerce and ODC officers, committee, and staff—the program has been funded by a number of federal grants, including among others a \$514,000 grant from the United States Department of Transportation and a \$114,000 grant from the United States Department of Labor.

Among the many involved and complex aspects of this program, other phases of the program were developed such as, to mention only a few, a special training program for the ODC training staff, as a result of which in one summer along 200 prospective tutors were trained at the State University College at Buffalo.

Meanwhile the Job Development staff of the JET project began a canvass of employers which during the first year of operation alone resulted in over 10,000 personal contacts with over 2,000 employers.

At the same time, a "Reach-Out" program started to make contacts with potential trainees, using such methods as house to house visits, businesses in the CORE area of the city, church, social, recreation groups, etc.

What have the results been?

Through Project JET more than 1200 heads of households have been placed in jobs. Of this number, 390 were previously on welfare. The Buffalo Chamber of Commerce can be extremely proud that JET was the first program of its type in the United States.

As a result of JET, JOTT (Job Opportunities Through Transportation) was formed and funded by the Department of Transportation to give access to jobs for hundreds of residents in Buffalo's black community who couldn't reach available jobs due to lack of transportation.

Another project of ODC has been project JUSTICE (Journeymen Under Specific Training In Construction Employment) the purpose of which has been to train minority group men to become journeymen mechanics in construction trades. We are informed by the Chamber of Commerce that this is also the first program of its type in the United States.

What is the sum total of all this? For one thing, we in the Western New York ADL feel tremendous pride in the Buffalo Chamber of Commerce not only for its foresightedness in responding to our original suggestion, but we also can have nothing but admiration for the thousands of hours put in by Chamber members to say nothing of the dollars themselves expended by the Chamber, in addition to the organizing skills, the endless contacts that had to be made with all manner of governmental agencies, the countless frustrations that have to enter into such an undertaking, and the travail of the hundreds of meetings represented by all manner of differing views and attitudes.

In addition, however, we learned a fourth lesson which can be added to the three mentioned earlier. That is, that ADL can play one of its most meaningful roles towards dynamic community change by way of being a catalyst in bringing the right idea together with the right people at the right time.

THE ONLY SUBMARINE SCHOOL IN THE UNITED STATES

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. ST. ONGE. Mr. Speaker, New London, Conn., located in my congressional district, is known as the submarine capital of the world. This title has been earned by the fact that New London is the home of our largest submarine base, the site of important training and research facilities, and a center for the construction of submarines.

An essential part of the training at the base is performed by the submarine

school for basic enlisted men, located across the Thames River in Groton, Conn. The activities of this school were described recently in the New London Day by staff writer Carol Miller. The article points out that this is the only school of its kind in the country.

I am sure my colleagues will find this item of particular interest because of the description it provides of the fine training given the men who operate our nuclear submarine fleet. The article reads as follows:

**SUBMARINE SCHOOL IS ONLY ONE OF ITS
KIND IN UNITED STATES**
(By Carol Miller)

GROTON.—Sixty-three hundred young men a year are entering the only school of its kind in the country.

About three-fourths of them will make it through the eight-week curriculum that comprises the Submarine School for basic enlisted men at the Submarine Base.

This course is just one of about 200 offered at the Base. But it is by far the largest, involving about one fourth of the persons assigned to the Base. Only by completing the course can an enlisted man become a submariner and go on to qualify and win his silver dolphins.

CELEBRITY GRADUATES

Through the school have passed the men of the ill-fated Thresher and Scorpion, as well as celebrities such as Glenn Ford and Tony Curtis.

A great deal is crammed into eight weeks. With no time for repetition, information is a "one-time shot," says the school's director, Lt. John P. McGovern.

The rate of failure is high, particularly among direct imports from the civilian community, he says, because the school takes a different approach to teaching. Theory is stressed. In addition to nonrepetition, the learning material is so highly classified that none can be removed from the classroom.

FAILURE RATE UP

Basic acceptable intelligence is about equal to that of the civilian college level, McGovern says. Courses are being "tightened." The failure rate last year was only 11.8 per cent as compared to this year's 25.6.

"We want the cream," says McGovern. "We're not carrying students on our back."

It has been found, he says, that if poor students are graduated they fail at their duties on the subs. So, they might as well be flunked by the school.

Enrollment is running just about at maximum. Years ago most of the men were prepared for diesel subs. Later it was fast attack. Now the demand is for fleet ballistic missile nuclear. The FBMS require twice as many men in their crews as older types. The school's output has had to double to keep up, says McGovern, and the courses have become more sophisticated with the subs.

HERE'S TYPICAL STUDENT

A typical student is Seaman Apprentice Martin Kozerefski of Norwich. Nineteen-years-old, he's been in the Navy since June and at the Submarine School for five weeks.

"I was always most interested in the Sub Base down here," he says, "but I hadn't really given it much thought."

But during basic training when he was asked to note preferences, he indicated submarine work.

If he successfully completes the school, he hopes to go to a higher school as about 15 per cent of the graduates do. Otherwise if passed, he'll be stationed aboard a sub.

Home is so close that Kozerefski can find social life there, but he doesn't have much spare time. "You can slack off," he says, "but that will reflect on your marks."

NIGHT SCHOOL WISE

With tests and quizzes every week, going to night school is wise. It is open for individual study. Persons falling behind are especially urged to attend.

Grading is on the 4.0 system, with a 2.5 required to pass. Average, says Kozerefski, is about 3.0, or a B in civilian schooling.

Besides school, Kozerefski, like all students, stands duty once every four days. That means acting as security guard, standing watch in barracks or being on a work detail.

Other days he's at liberty to go anywhere within a 50-mile radius, which usually means home. Sometimes he takes advantage of the base's recreation facilities: the enlisted men's club, theater or bowling alley. "It's rather nice," he says.

Kozerefski's goal in the Navy is to get his silver dolphins, which he refers to as "the status symbol."

They make for an easier life, a little more respect. "Once you qualify, people sort of look up to you."

LOOKS FORWARD TO DUTY

Kozerefski is looking forward to submarine duty, although he's never been out on one.

In fact, if he had not taken a tour through one on his own time, he would never have been on a real sub.

The entire eight weeks of training is land-based. The course calls for two one-day cruises, says McGovern, but none ever go out any more because of "commitments." There just aren't enough submarines, he says.

Classroom teaching is supplemented by trainers, which simulate conditions aboard a sub.

On some, students can learn to dive and resurface. The diesel sub trainer is composed of wheels, dials and gauges within a large suspended three-sided box. The box takes on a see-saw motion as two students at a time operate it from within.

An instructor handles other mechanisms outside and shouts commands such as "One degree down bubble," which is answered by "One degree down bubble, aye, aye sir." A mistake in the trainer is only embarrassing; in a submarine it could be fatal.

The men learn how to fight fires and are tested to withstand atmospheric pressure. The USS Firefish is a smoke tank on the base. Through it climb students learning to breathe through oxygen masks connected to tanks strapped on their backs.

In wet trainers, submarine pipes are simulated—with leaks. The instructor can control ruptures. The tank is quiet, then suddenly water bursts from a hole in a pipe or sometimes from several holes and the students rush to use tools or their own clothing to stop the leaks. It's a frenzied, wet, dirty procedure; but it's demanded training in case of a real casualty at sea.

A new class starts every two weeks, so four classes are always in residence. Each class averages 225 students.

(Officers go through a similar school. Besides the one in Groton, there is another at Pearl Harbor. Their course lasts six months during which they go to sea twice. A new officers' class starts every three months. Officers eventually try to qualify for gold dolphins.)

McGovern's assistant, Warrant Officer William Anderson, calls the enlisted men's school, the "naval university for submariners." All volunteers from the regular Navy, students first pass additional medical tests and investigation into their community backgrounds. All have graduated from boot camp so there are no marching classes or obstacle courses. No person is indiscriminately flunked. Each in danger of failing goes before an academic review board, where a slacker doesn't get a second chance.

"I consider it a challenge," says Kozerefski. "Everything in the Navy so far has been a challenge."

**ASSISTANCE TO DAY CARE
CENTERS**

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. GILBERT. Mr. Speaker, I have re-introduced my bill to provide educational assistance to children in public and private, nonprofit day care centers.

I am compelled, Mr. Speaker, by the utter reasonableness of this proposal. One of the great problems in the administration of our social welfare programs is assembling the people who might potentially benefit from them. In the nonprofit day care centers we have, so to speak, a captive audience. The children are there, being cared for, usually in a fashion designed to achieve nothing more than the passage of time until a mother returns from work. This bill will provide the means for making this time worthwhile for these youngsters. It is a Headstart program, built into the lives of the children who can most benefit from it. I see this bill not as a social experiment but, on the contrary, as a sure means of helping children who are ready and waiting to be helped.

My bill, entitled "Preschool Centers Supplementary Education Act," would authorize for fiscal 1970 and for each succeeding fiscal year a sum of \$300,000,000 for grants to be administered by the States. The bill provides that the States, to receive these funds, must meet certain standards. I regard this as an excellent, high-return program to meet the problems of our times.

**CONDEMNATION OF MASS EXECUTIONS
BY UNITED STATES ESSENTIAL
IF MIDDLE EAST WAR IS TO
BE AVERTED**

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. CRAMER, Mr. Speaker, I rise in support of Secretary of State Rogers' condemnation of the mass executions of Jews by the Iraqi Government.

I think it is incumbent upon all of us who abhor this odious event to publicly and vigorously condemn it. History has taught us that silence can too easily be interpreted as indifference and this is true unfortunately, too often, even relating to the most inhumane and barbaric acts.

Secret trials followed by mass executions have no place in a civilized society. Indeed, their continuation can possibly lead to another Middle East confrontation with dire consequences for the entire world.

I call upon the Iraqi Government to halt these unconscionable murders and I commend our Secretary of State for his forthright condemnation when he, on January 27, 1969, said:

The spectacle of mass executions is repugnant to the conscience of the world.

JUNIOR ACHIEVEMENT OF UNION COUNTY, N.J., GROWS IN SERVICE AND ACHIEVEMENT

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mrs. DWYER. Mr. Speaker, for several years now, it has been my happy opportunity to inform our colleagues about the activities and accomplishments of Junior Achievement of Union County, N.J., one of the country's most outstanding examples of successful JA operations. As many of our colleagues know, Junior Achievement consists in the practical introduction of younger people to the actual operation of business organizations through the establishment of junior companies which, aided by adult advisers from individual cooperating industries, produce and market their own products under realistic business conditions.

During the present academic year, Junior Achievement of Union County has grown to record size, with at least 31 JA companies established and in operation and the energies and interest of more than 900 boys and girls from 23 public and parochial high schools actively involved.

The climax of this year's program, entitled "Operation Aruba," will be an award trip to that interesting young country for about 30 of the most successful Junior Achievers accompanied by approximately 12 adult representatives of business, education, and government—a trip designed to reward the Achievers and introduce them to the economy and society of Aruba.

It is important to note, Mr. Speaker, that the growth of Junior Achievement of Union County is occurring at a time when responsible business leaders are recognizing and accepting the challenge to participate actively in efforts to solve our most pressing urban problems. By introducing high school students to the operations of business and industry, those responsible are not only strengthening our free enterprise system but are encouraging young people to stay in school, to obtain the training and education they need, to recognize the great opportunities which the business community is generating, and to become productive and responsible citizens.

Under leave to extend my remarks, therefore, it is a special pleasure once again to bring to the attention of our colleagues this remarkable work by including herewith a detailed presentation of "Operation Aruba" prepared by the very effective executive vice president of Junior Achievement of Union County, J. Kenneth Roden, together with a covering letter from Harry P. Frank, publisher of the Daily Journal of Elizabeth, N.J., and a member of JA's board of directors.

THE DAILY JOURNAL,
Elizabeth, N.J.

HON. FLORENCE P. DWYER,
Congress of the United States,
House of Representatives,
Washington, D.C.

MY DEAR MRS. DWYER: Knowing of your continued interest in Junior Achievement of Union County and the fine work being done

by our young people, their adult advisers from industry, and those industries which sponsor our junior companies, I am sure you will find the attached material on Junior Achievement's 1968-1969 youth incentive project "Operation Aruba" of interest.

Once again, Junior Achievement of Union County has planned a dynamic and positive youth incentive and economic education project titled "Operation Aruba" to expand the Junior Achievement learn-by-doing program and demonstrate to our young people the workings, values and rewards of our Free Enterprise System. You will note that the climax of "Operation Aruba" will be an award trip for about 30 of our Junior Achievers with about 12 adult representatives from business, education and government to Aruba. Lt. Governor of Aruba, O. S. Henriquez; Ben Nixon, Lago Oil & Transport Co., Ltd., Gustave Nouel, President of the Aruba Trade & Industry Association, Arturo M. Arends, President, Chamber of Commerce of Aruba and Jan M. Verdaasdonk, President, Aruba Rotary Club, other civic organizations and educational leaders have wholeheartedly endorsed the project.

This year we have 31 Junior Achievement companies, the largest number we have ever had, already in operation and have assigned over 900 boys and girls to the various companies. These students represent the 23 public and parochial high schools as per the attached list.

If you could have a report on "Operation Aruba" entered into the Congressional Record, I am sure it would inspire the Junior Achievers and their families, as well as everyone else connected with Junior Achievement in this area, to an even greater effort in support of our American Free Enterprise System.

Our mutual friend, J. Kenneth Roden, Executive Vice President of Junior Achievement of Union County, is in charge of the project. Please feel free to contact him at (201) 355-1002 if you require any further information. In any event, I have asked Mr. Roden to keep you informed from time to time on the results of the project.

With best wishes and kindest regards.

Sincerely yours,

HARRY P. FRANK,
Publisher.

AWARD WINNING JUNIOR ACHIEVERS TO VISIT
ARUBA—PROSPEROUS CARIBBEAN ISLE

JUNIOR ACHIEVEMENT OF
UNION COUNTY, INC.,
Elizabeth, N.J., November 11, 1968.

TO: Junior Achievement sponsors, advisers, company presidents, and high school principals.

From: J. Kenneth Roden, executive vice president.

Subject: Operation Aruba.

Junior Achievement is a dynamic, positive program which develops a better understanding of how business operates, its problems, its rewards, and its invaluable contributions to a better life for all people.

There is a definite and continuing need for all who are associated with Junior Achievement to inspire our young people to rededicate themselves to the principles of Free Enterprise. We must effectively teach and demonstrate that our Free Enterprise System is not just a system for carrying on business but much more: The best system for promoting human progress while preserving individual freedom—the system which leads the world in industrial growth and high standards of living.

AN INCENTIVE FOR JUNIOR ACHIEVERS

Operation Aruba will be a three-pronged youth incentive, economic education, and public relations project. It will continue throughout the Junior Achievement program year. It will be climaxed with a week-long visit to Aruba, beginning May 5, 1969,

by about 30 to 35 Junior Achievers accompanied by adult advisers from industry.

In Aruba the Junior Achievers will have an opportunity to develop personal knowledge of the industrial, educational, scientific and cultural activities of the Island, which is an autonomous part of the Kingdom of the Netherlands. They will return better prepared to assume their future responsibilities as voters, community leaders, employees and managers in a world where international relationships are becoming increasingly more important.

The group will meet Aruba's Lieutenant Governor and other government leaders, businessmen and industrialists and educators, and their families. Arrangements are being worked out in cooperation with the Lieutenant Governor, officials of Lago Oil & Transport Company, members of the Aruba Trade and Industry Association, the Chamber of Commerce of Aruba, the Aruba Tourist Bureau and the Rotary and other civic organizations.

Extensive press, radio and television coverage, locally and in Aruba, will be planned throughout the 1968-1969 Junior Achievement program year, as well as during the visit to Aruba.

WHY ARUBA?

Because Aruba, most western of the Netherlands Antilles, 15 miles off the coast of Venezuela, is one of the most prosperous Caribbean islands, site of the world's largest oil refinery, the world's largest salt water evaporating plant, and an important shipping and trading center. Responding to government stimulation, the hotel and tourism industries are fast developing into important economic factors. We believe Aruba offers a unique case study of private enterprise in action.

In Aruba there will be visits to industrial installations, schools and cultural sites. Arrangements will be made for the Junior Achievers to meet with students and to be guests in homes of executives and officials of the host organizations.

The most important phase of the visit will be a day spent with industrialists at their places of business and participation in discussions of production techniques, management responsibilities and employment opportunities.

OBJECTIVES OF OPERATION ARUBA

Operation Aruba has been planned and developed by the Board of Directors of Junior Achievement of Union County to meet our present-day challenges. Its objectives are:

(1) To provide Junior Achievers and Advisers with a positive educational and incentive program designed to stimulate full understanding of the principles, motivations and rewards of Free Enterprise

Operation Aruba will demonstrate that every individual, employee, manager, or community leader, must be ever aware that the vigor of our private enterprise system depends upon a heritage that attaches prime importance to opportunity for the individual, personal initiative, responsibility and competence. It will demonstrate that people are the priceless asset of any business organization and that each human being is a unique talent which, given an opportunity for expression, can add value to a company.

(2) To give Junior Achievers actively engaged in owning and operating their own junior companies an opportunity to feel the pulsebeat of industry and international trade, and to learn first-hand the economic facts of life in business at home and abroad

Emphasis will be on the need for profits and a high level of individual competence and productivity, without errors. The effect of business profits upon the everyday lives of young people, their families, and the community and the economy as a whole will be stressed.

Operation Aruba will demonstrate that each individual's contribution, if properly utilized, will result in a profit to himself,

to his employer, to the community and nation. It will further assure continued growth, prosperity and stability of the economy and will show how corporate profits become job producers.

The experience of international travel by jet aircraft will demonstrate to the Junior Achievers how, under the Free Enterprise system, research and development in the transportation industry and aggressive promotion, have advanced international trade, travel and communications and narrowed the world's horizons, thus improving human relationships.

(3) *To have successful businessmen, experienced in the various stages of education and business advancement, convince the Junior Achievers of the dollars and cents value of a high school diploma and to demonstrate clearly the increased income and opportunities available to those who obtain higher education or seek technical or specialized training*

The project will demonstrate how profitable and essential continued education can be and how short-range thinking with emphasis on short-term income opportunities and job security, without personal initiative and productivity and responsible leadership, fail to develop the full potential of the individual.

(4) *To maintain the high standards of performance, productivity, and prestige of the Junior Achievement program*

Special emphasis will be placed on stimulating superior performance at all levels of Junior Achievement activity, development of personal initiative, creative thinking, responsible leadership, good attendance, punctuality and accuracy. Improved production techniques to reduce operating costs will be encouraged. Aggressive safety and quality control programs will be required. Sales incentive programs will be emphasized.

(5) *To demonstrate to Junior Achievers, parents, educators and the community at large the degree of interest which local businessmen have in young people, and to give recognition to business and industrial sponsors and supporters of Junior Achievement for their unselfish efforts on behalf of young people*

This program will demonstrate to the community that local business and industrial organizations are good neighbors, willing to help prepare young people to accept responsibilities of business management and professional and community leadership.

There will be widespread publicity about Operation Aruba and opportunities for good employee and community relations will be initiated by Junior Achievement on behalf of its sponsors and other participants.

(6) *To give Junior Achievers an opportunity to become goodwill ambassadors and to feel first-hand the pulsebeat of international relations*

The Junior Achievers will develop a keener understanding of the importance of sincere cooperation in international relations in all areas: human relations, government, and particularly business and industry. They will be introduced to the many aspects of life outside the United States through their visits and association with businessmen and professional people, government officials and educational groups.

COMMUNITY PARTICIPATION

There will be extensive community participation in Operation Aruba. Every effort will be made to stimulate the entire community to rededicate themselves to the principles of Free Enterprise.

NOMINATION AND SELECTION OF ACHIEVERS FOR THE AWARD TRIP

In April outstanding Junior Achievers will be selected for the award trip, scheduled to begin May 5, 1969.

Provided that the Junior Achievement company and its individual Junior Achiever

members have met the standards set forth in the Performance Standards Bulletin, the company will have the privilege of nominating members for participation in the Operation Aruba award trip. Consideration should be given only to outstanding Junior Achievers based on performance in the following areas:

Leadership; personal initiative and creative thinking; appearance, grooming, poise; ability to get along with young people and adults; originality of product; production and sales techniques and their successful application; attendance and punctuality; adherence to and proper execution of safety regulations; good quality control; accuracy of company records; knowledge of Junior Achievement company operations; knowledge of sponsoring company's activities; knowledge and understanding of the values, workings and benefits to the individual of the Free Enterprise System; knowledge of the history, culture and economic development of Aruba; and future educational and employment plans of the Junior Achiever and degree to which they are being implemented.

The degree of personal participation in bringing the Junior Achievement company into full participation in Operation Aruba should be an important factor in the selection of nominees. Bear in mind that the Junior Achievers who visit Aruba will be representatives of our industrial and educational community and will be guests of important citizens there.

A nomination form will be provided by Junior Achievement with instructions for completion and the due date.

All nominees will be interviewed by a special Junior Achievement Awards Panel, at a time and place to be specified by Junior Achievement.

Selection of Junior Achievers who will participate in the award trip will be announced about three weeks in advance, when instructions will be issued for obtaining written permission from parents or guardians. Travel requirements and other pre-trip details will be discussed.

INCENTIVE PROGRAM COMMITTEE

The Board of Directors of Junior Achievement of Union County has delegated responsibility for the planning and execution of Operation Aruba to Mr. J. Kenneth Roden, Executive Vice President. He will be responsible for liaison with American and Aruba government officials and agencies, and other participating organizations.

The Board of Directors has named a Committee to advise and assist Mr. Roden. Members of the Incentive Program Committee are: James D. Abeles, President, Purolator, Inc.; Joseph Ayres, President, New Jersey Chapter, Public Relations Society of America; William M. Bristol, III, Group Vice President, Bristol-Myers Company; John J. Conlon, Vice President, Phelps Dodge Copper Products Corporation; Harry P. Frank, Publisher, The Daily Journal; John Mossey, President, Wayne Steel Company; Honorable Richard R. O'Connor, O'Connor, Morss & O'Connor, General Counsel for Junior Achievement of Union County, Inc.; J. Kenneth Roden, Executive Vice President, Junior Achievement of Union County, Inc.; Barbara A. Walker, Administrative Assistant to the Chairman, Indian Head Inc.; and F. A. Westphal, Manager, Bayway Refinery, Humble Oil & Refining Company.

PRIORITIES TO REALIZE FULL POTENTIAL OF OPERATION ARUBA

Our Junior Achievement companies must get off to a very good start with practical, top quality products which will sell well. Attendance must continue at a very good rate. Operation Aruba is designed to help Advisers maintain this momentum of production and sales, and the enthusiastic participation of every Junior Achiever and Adviser. It will

help your Junior Achievement company meet and maintain our Performance Standards.

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General Electric Company; Humble Oil & Refining Company; Industrial Management Club of Elizabeth; International Business Machines Corporation; Lago Oil & Transport Company; Linden Industrial Association; Merck & Co., Inc.; New Departure-Hyatt Bearing Division, General Motors Corporation; New Jersey Bell Telephone Company; New Jersey Manufacturers Association; New Jersey State Chamber of Commerce; North Jersey Purchasing Agents Association; Phelps Dodge Copper Products Corporation; Public Relations Society of America, New Jersey Chapter; Public Service Electric & Gas Company; Purolator, Inc.; Quinn & Boden Company, Inc.; Radio Corporation of America; Schering Laboratories Division, Schering Corporation; Peter J. Schweitzer Division, Kimberly-Clark Corporation; Simmons Company; The Singer Company; Union County Chapter, New Jersey Society of Certified Public Accountants; Weston Instruments, Inc.; White-Pharmaco; and Young Presidents Organization, New Jersey Chapter.

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REORGANIZATION ACT

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. FEIGHAN. Mr. Speaker, I fully support the President's request to extend the Reorganization Act. Extension of this act will give President Nixon the necessary latitude to efficiently organize the executive branch. The following editorial

reflecting my point of view appeared in the Plain Dealer on February 1, 1969.

REORGANIZATION ACT

Congress should waste no time in acting upon President Nixon's request to extend the Reorganization Act of 1949.

The act permits a president to reorganize the executive branch of government on his own authority through abolition, transfer or consolidation of agency functions. Without the act a president would have to submit carefully drawn legislation to Congress each time he wished to make a change.

The act usually has been routinely extended by congressional consent every two years, but it was permitted to lapse on Dec. 31. Its passage is necessary if the new President is to be able to shape the executive branch to his liking.

ANTI-DEFAMATION LEAGUE REPORT ON THE JAPANESE BOYCOTT OF ISRAEL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. EILBERG. Mr. Speaker, while acts of Arab terrorism are occurring in the Middle East, we should not overlook attitudes of governments elsewhere toward the struggle of Israel to survive.

Recently the Anti-Defamation League of B'nai B'rith studied the Japanese boycott of Israel. I think many of my colleagues will agree that the report which follows is discouraging, and also that officials of our Government should communicate with the Japanese Government our concern and displeasure over any kind of boycott of Israel.

The following is the Anti-Defamation League progress report on the Japanese boycott of Israel, dated January 1969:

INTRODUCTION

Despite a professed concern with the boycott of Israel by significant Japanese business interests—reports of which have been widely published—the Government of Japan has yet to adopt a policy which would assist its business community in resisting pressures from the Arab bloc. As a result, a number of large Japanese businesses have stuck to their refusal, in some cases, to trade with Israel, or their unwillingness, in others, to consider Israeli requests for expansion of existing agreements or entry into new ones.

On the basis of data now available, the Anti-Defamation League finds signs of worry within the Japanese business world itself, and on high governmental levels—but little, if any, meaningful activity from either segment.

In early May, 1968, during its National Commission meeting, ADL released its findings on the Japanese boycott of Israel; named specific Japanese companies which had yielded to Arab pressure and curtailed trade with Israel; traced the two-year history of meetings with representatives in this country of the Japanese government, business interests, and Trade Center; and called upon the Government of Japan to establish a government policy that would oppose restriction of trade with nations friendly to Japan, and afford government assistance to Japanese companies defying pressures from those who advocate such restriction, i.e., the Arab states.

ADL documented in economic terms the irrationality of the trade boycott of Israel by Japan—e.g., Israel's per capita income being higher than that of any Arab country save Kuwait—and, in moral terms, the hypocrisy of Japanese business interests' lobbying for

freedom from trade restrictions with the United States while supporting such restrictions vis-a-vis Israel.

The ADL findings were published in a major story in the *New York Times*, as well as in the *Wall Street Journal* and other influential papers and business newsletters throughout the U.S., Europe and the Far East. A wave of indignation swept American businessmen—non-Jewish as well as Jewish—who have dealings with Japanese companies, and many informed ADL of their intention to make known such indignation to their Japanese counterparts. Subsequent reports in the daily and Anglo-Jewish press confirmed that letters and cables had indeed been sent by Americans to Japanese firms both here and in Japan.

RESULTS

On the positive side, two effects can be documented: (1) some Japanese companies have declared their intention to change their restrictive policies in relation to Israel; (2) the Government of Japan—officially silent on the whole matter before the dissemination of ADL's study—issued a series of statements professing a preference for nonrestrictive practices—and thereby acknowledged the boycott of Israel, which it had not done before.

Negatively, however, two parallel—and more significant—effects are demonstrable: (1) denials by a variety of large Japanese firms accompanied the continued silence of still others; (2) while it acknowledged that Japanese business interests had been boycotting Israel and expressed concern about such practices, the Government of Japan said, in effect, that it was powerless to correct the situation because it traditionally maintained a policy of noninterference in Japanese companies' trade relations with other countries.

This report will describe below in detail the effects of publication of the ADL's earlier study; it will indicate those Japanese firms which have changed, or express a willingness to change, their restrictive trade policies toward Israel, as well as those who remain recalcitrant; and it will offer evidence to support the conclusion that until the Japanese government establishes a firm policy—clearly enunciated to its business community—opposing boycotts of countries friendly to Japan (similar to policies legislated by many countries of the world, including the United States), the Japanese business boycott of Israel will remain a harmful ingredient in the relationship between the two countries.

CHANGE IN POLICY

As noted in earlier ADL reports, several Japanese firms, after meetings with the League, abandoned the Arab boycott of Israel. The *Fuji Photo Film Company* informed its American distributors that its policy had been changed and it has since appointed a distributor in Israel and exhibited in the 1968 Tel Aviv International Trade Fair.

The *Nissei Sangyco Company, Ltd.*, a subsidiary of *Hitachi, Ltd.*, manufacturers of radios, television and electrical appliances, agreed to open trade relations with Israel, also after conferences with ADL.

Similarly, the *Kawasaki Dockyards*, part of the multimillion-dollar *Kawasaki Corporation*, revised its previous boycott decision and agreed to resume trade relations with Israeli maritime interests.

Several Japanese firms that have been cited in the boycott situation have denied they support boycott policies in relation to Israel and several denials have been evidenced to be valid.

1. *Hayakawa Electric Company* of Osaka, Japan, manufacturers of television sets and calculators under the name of "Sharp," have demonstrated that they are exporting to Israel through the *Shriro Trading Co., Ltd.*, and that their products are being imported into Israel by *Inporex*, an Israeli import firm.
2. *Yamaha* was one of two manufacturers

of motorcycles cited in the boycott situation who had refused to deal with Israel. The *Yamaha International Corporation* of California took issue with the allegation, saying that "Yamaha motorcycles are sold in 67 countries of the freeworld, including Israel." However, as late as November 1967, *Yamaha Motors Co. Ltd.* was on record stating, "... our company's policy (is) our products are not exported to your country." Confronted with these contradictory statements, the California source admitted no Yamaha cycles were exported to Israel, "because the motorcycle market in that country is small; however," the letter continued, "sales of Yamaha Outboard Motors are growing at a most satisfactory rate, and the Yamaha piano now commands 20% of the Israeli piano market ..."

Yamaha Motors Company, Ltd., and *Yamaha Shokai*, manufacturers, exporters and importers of musical instruments. *Yamaha International Corporation* probably represents both firms in international trade; the study referred only to *Yamaha Motors Company*.

The facts indicate that *Yamaha Shokai* is selling musical instruments to Israel and even contemplating the establishment of a plant in Israel, but no motorcycles have to date been sold to Israel in spite of Israeli offers to buy them.

STILL BOYCOTTING

No change in policy toward Israel has been forthcoming from such giants as *Sumitomo*, *Mitsubishi*, and *Mitsui*, who have maintained silence during the stir created by the ADL study.

Similar silence and apparent unwillingness to reverse existing boycott policies have been the response of the *Suzuki Motor Co., Ltd.*, *Nippon Electric* and *Shiba Electric*.

In the case of *Marubeni-Iida*, one of the several huge and diversified manufacturing firms that ADL named as participating in the boycott, the firm, in talks here with the League, had indicated the company's agreement to reverse its former policies, and had stated that *Marubeni-Iida* was now prepared to use Israeli flagships. When several specific shipments were to be transported on Israeli shipping lines, however, instructions were issued by *Marubeni-Iida* forbidding use of "Israeli flagships."

The *Toyota Motor Co.* reacting to the ADL study through its public relations representative in the United States, called the ADL to say that *Toyota* was not engaged in a boycott of Israel. This was early in May, and since then, despite several calls from ADL to the public relations office, no documentation has been offered to substantiate any trade between *Toyota* and Israel.

THE POSITION OF THE JAPANESE GOVERNMENT

For several years during which Japanese business appears increasingly to have acquiesced in the Arab boycott restrictions against Israel, the Government of Japan maintained an official silence on the matter. After a story released in Tokyo appeared in the *New York Times* of April 21, a series of statements began to emerge from Japanese government officials, and the public indignation aroused upon the release in May of ADL's study appears to have intensified this.

Typical of the inherent contradictions in the Japanese official position is the response to an ADL-prompted query from Russell S. Codman, Jr., honorary Consul General of Japan in Boston, by Yasuhiko Nara, Consul General of Japan in New York City. Mr. Nara wrote the following:

The position of the Japanese Government has been, from the very beginning of the establishment of the Arab Boycott office, completely neutral. The Japanese Government has, in the past, never encouraged or discouraged any of the Japanese companies from trading with either Israel or the Arab countries. Whether a company has more leaning towards Israel or the Arab countries

is entirely up to each company concerned. This has been the position taken by the government and has been acknowledged both by Israel and the Arab countries. The company that is trading is, thus, assuming its own risks in trading with any of the parties (italics ADL). To reiterate our position, the Japanese Government has never intervened in any of its companies in the choice of trading partners. The Government thinks that there should be amicable relations with both of the parties concerned. In other words, the Government is completely neutral and wishes to promote friendly relations with both parties.

The contradiction in the foregoing is that while the Government of Japan seems to advocate free trade principles and seems to want to encourage trade with Israel, it steadfastly maintains the position that it can do nothing about the boycott situation. It equates neutrality with passivity.

It is the contention of the League that the failure thus far of the Japanese government to implement what it says is a policy of economic "neutrality" in the Arab-Israeli conflict amounts to acquiescence by omission in the Arab boycott. (Abraham H. Foxman, director, Middle East Department.)

A NEW ROLE FOR PRIVATE INDUSTRY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. FRASER. Mr. Speaker, during the last few years I have been encouraged by the new efforts of private industry to meet the job needs of special groups in our society. Job opportunities in the business section—JOBS—and other new manpower programs have shown that the resources of the private industry can be used effectively for social as well as economic purposes.

In a speech to the National Rehabilitation Association, Dr. Paul M. Ellwood, Jr., director of the American Rehabilitation Foundation, has presented a useful analysis of the new role that private enterprise can play in the vocational rehabilitation process. I want to take this opportunity to insert Dr. Ellwood's speech in the RECORD:

THE REHABILITATION-INDUSTRIAL COMPLEX

(Donald K. Dabelstein Memorial Lecture presented by Paul M. Ellwood, Jr., M.D., executive director American Rehabilitation Foundation, before the annual meeting of the National Rehabilitation Association, New Orleans, La., October 22, 1968)

The choice of a title for this address may seem an unfortunate one. Much has been made of the alarming specter of a military-industrial complex—generals and armament industries joined in a coalition for amassing power and profits. The term "rehabilitation-industrial complex" may evoke unfavorable connotations. Yet, government is turning with increasing frequency to the private sector to undertake peaceful and socially desirable public enterprises—low-cost housing, education, and even management of the Post Office. If the profit-seeking free enterprise system is capable of delivering the mail, perhaps it may also be capable of delivering vocational rehabilitation. If the rulers of the "new industrial state" can be put to work performing high-level rehabilitation for more people, then, by all means,

let's form a coalition. If they can do the job, then what this country needs is a mighty rehabilitation-industrial complex!

These remarks will outline a plan which calls for the creation of a new market for rehabilitation candidates. It involves evaluation of individual vocational rehabilitation candidates by the public agency—establishing financial incentives for potential employers at a sufficiently high level to induce many of them to seek to hire the candidate, plus additional incentives to employers for providing training and prolonged employment.

This concept regards jobs in private industry not only as an end, that is, the culmination of the vocational rehabilitation process, but as a means of more efficiently performing this process. Carrying on vocational rehabilitation in the real-work setting could be expected to result in more realistic measures to adapt the man to the job and the job to the man and to provide training of direct relevance to job requirements.

Two points should be emphasized in defining the scope of these remarks:

First, they deal with the full range of causes of unemployment where government intervention is required for remediation. References to "clients" and "vocational rehabilitation candidates" should be understood to mean all who are classified as unemployed and dependent, from whatever cause, not just the physically disabled. Included in this definition are the socially deprived, school drop-outs, and the technologically unemployed.

Second, what I have to say is predicated on the assumption that medical and psychotherapeutic services will be purchased and financed separately; the program outlined here is directed exclusively toward providing employment.

It is possible to identify certain special attributes of private industry that may well be utilized—exploited, if you will—to advance the goals of vocational rehabilitation.

These special attributes have been described by Walter Heller, a leading architect of the New Economics. He credits private enterprise with three major strengths—first, its cybernetics—the "incredible capacity to receive and generate information and to respond to it"; second, its hardheadedness and technical efficiency, and third, its contribution to political democracy by keeping economic decisions free and decentralized.

Taking these three specialized capabilities, how might each be placed in the service of vocational rehabilitation? It is not enough to say that private enterprise has the potential to advance the goals of vocational rehabilitation. A strategy must be devised which will release this potential and channel it along lines that directly parallel the objectives of rehabilitation.

The critical question is how to activate, for vocational rehabilitation, the unique drives and skills of the business machine. What really turns industry on?

The answer, of course, is profit. This is the motive power behind private industry's hardheadedness and efficiency, its drive for high productivity and quality at the lowest possible cost.

It is essential to construct a "vocational rehabilitation market" which reproduces, insofar as possible, the conditions which normally "turn on" the profit-seeking, private enterprise system. The uneven results of many of the business-sponsored social programs of recent months are perhaps traceable in large part to the tendency to place too much reliance on the social conscience of the private sector.

A recent discussion of private enterprise and public programs in the *Harvard Business Review* made the point eloquently:

"If we all understood the basic ground rules of private enterprise a little better, we would realize that the large corporation is not a rain god, and that no amount of prayer

and incantation will unleash its power. The spectacle of otherwise sophisticated people going on bended knee to companies and pleading with them to have the kind of conscience and moral sensibilities only rarely found in individuals is nothing less than laughable. . . . Fundamentally, a corporation is like a computer in that it is programmed in the language of dollars and cents."

In a "rehabilitation-industrial" market, profits must provide incentives to accomplish the true objectives of vocational rehabilitation. In other words, profits must induce industry to perform functions directly aligned to the public interest. In vocational rehabilitation, the public interest may be defined as the goal of securing stable, remunerative employment in private industry for the greatest possible number of clients.

Economists speak of "efficient incentives". In order to align the interests of employers with the objectives of vocational rehabilitation, it is necessary to provide efficient incentives which will induce the employer to:

1. Hire the client in the first place.
2. Continue to employ him over a significant period of time.
3. Develop and upgrade his job skills.
4. Increase his earning power.

This calls for a plan which offers the employer an opportunity to realize a profit for advancing each of these objectives.

A fairly simple system might be constructed along the following lines:

1. Offer an initial subsidy for hiring and training the client. The level of the subsidy would be based on the relative ease or difficulty of bringing the employee's performance up to a normal level of productivity. This subsidy would cover a relatively short period of time.

2. An additional bonus payment would be offered as an incentive to prolong the period of employment. A period of eighteen months is suggested, based on evidence that a relatively extended period of employment is an indicator of continued job stability.

3. Finally, a formula of incentives based on the employee's progress measured in terms of increased job skills, responsibility and earning power would be necessary. The employer would receive incentive payments scaled in proportion to the employee's earnings. This schedule of incentives should be sustained over a prolonged period, perhaps as long as five years. The original employer should be eligible for these payments even if the employee moves to another job. This could have two possible effects. It would lessen the possibility of restricting the employee's freedom to move to another job. In addition, it could encourage employers to establish large-scale vocational rehabilitation programs for the purpose of earning revenues by placing large numbers of employees in companies other than their own.

The profit potential lies in the employer's ability to bring employees to performance levels which pay off in productivity at less cost than the subsidies and bonuses he receives.

Under this plan, the public agencies' vocational counselor would, in effect, act as the agent for the job candidate. He would perform the key role in the screening, evaluation and placement process. It would be his responsibility to establish the schedule of incentives necessary to secure an adequate number of job opportunities.

But while the rehabilitation agency and the employer are negotiating their agreements, what happens to the client? Does he become a mere chattel to be bargained for? Naturally, any plan of this type must safeguard the individual, according full recognition to his rights of freedom of choice, self-determination, and equality of opportunity. Rehabilitation has traditionally placed paramount emphasis on the individual. As a result of this orientation to the individual, the

methods of vocational rehabilitation have not been technically or philosophically compatible with some of the mass-scale group-oriented job programs that have been mobilized recently. The plan proposed here offers the possibility of providing jobs on a broader scale without abrogating individual rights or disregarding human values. If anything, it is designed to enhance individual rights.

First, it would have the effect of widening the client's freedom of choice by bringing a uniform and consistent set of incentives to bear on the total industrial complex, not limiting its appeal to a select group of enlightened, well-intentioned employers. It speaks in the universal commercial language of profit. By expanding the number of possible employers, the client enjoys greater latitude in choosing among a number of possible job opportunities.

Furthermore, the provision for scaling subsidies and payments in accordance with employability rating would have the effect of weighting the incentives to make opportunities for low-rated employees approximately equal to those for the high-rated employee. The practice of placing "the best man in the best job" excludes many clients.

In review, it will be seen that the basic features of this proposed program are designed to take advantage of the special capabilities of the private enterprise sector.

The hardheadedness and technical efficiency of private industry is brought into play by the introduction of the profit motive to the process of vocational rehabilitation. Under the incentive structure outlined above, the employer, in effect, would be pitting his technical efficiency against the problems of rehabilitation, engaging in risk taking by wagering that he can bring an employee to normal productivity at less cost than incentive payments. The decentralization of industry, offering a means of inducing a wide diversity of entrepreneurs to engage in rehabilitation, is one of the conditions which safeguards the client's freedom of choice. The vital role of industry's capacity to receive and generate information will become apparent as we now take up the question of government's role as a "buyer" of rehabilitation services.

To paraphrase a well-known dictum of former defense secretary Robert S. McNamara, the goal of rehabilitation is to assure the greatest possible opportunity for employment to the largest possible number of clients at the lowest sound cost. This is another way of saying that the rehabilitation agency is faced with the necessity of applying the principles of cost-effectiveness, which are, of course, identified with the exacting, coldly analytical decision-making processes of the defense department. Is this style of decision-making compatible with the intensely personal and subjective realm of rehabilitation?

The original exponent of cost-effective analysis, Charles J. Hitch, may have anticipated some of the apprehensions of rehabilitators when he wrote:

"... the suspicion still persists that cost-effectiveness studies put 'dollars before national security' or will result in our going to war with 'cut-rate, cut-quality, cheapest-to-buy' weapons. Virtually every attempt we make to explain the inexorable logic of relating cost to... effectiveness seems to shatter itself on the argument—'Nothing but the best will do for our boys.'"

The same objections could be voiced by rehabilitators:

"Cost-effectiveness places dollars before human values."

"It results in dehumanizing rehabilitation."

"Nothing but the best will do for our clients."

Rehabilitation, like all other fields, must assume a limited supply of resources as a

constant factor to be reckoned with as a basic condition of programming and planning. Cost-effectiveness is, of course, a method of determining whether a dollar spent here will go farther than a dollar spent elsewhere. Theoretically, our limited rehabilitation dollars could be expected to produce greater benefits for more people if they were allocated in this way. If government is to become a sophisticated buyer of vocational rehabilitation and bargain successfully for client benefits with private industry, a prediction and control system is needed which must fulfill four requirements:

First, it must be capable of accurately forecasting each client's employability and needs for special rehabilitation services not available through industry.

Second, it must set incentives at a level which produces a reasonable number of good job opportunities for the client.

Third, it must follow the progress of clients on the job and make appropriate incentive payments.

Fourth, it must be a dynamic and flexible system capable of adjusting incentive levels based on the success of clients in finding and holding jobs under varying labor market conditions.

The case for a "rehabilitation-industrial complex" stands or falls on the prediction and control issue. It is workable only if those representing the public interest and acting on behalf of the client are equipped with these essential management tools. In fact, the methods of the rehabilitation agency must be, in their own way, no less hard-headed and efficient than the methods of the industries with which they are negotiating. The attempt to take advantage of the efficiency of the private sector does not relieve the public sector of the obligation to be efficient. If anything, it increases the obligation to exercise especially stringent management, since the public sector is delegating a portion of its responsibility to the private sector. The tough-minded and demanding procurement policies of the Department of Defense, which are based upon rigorous product definition and contract control techniques, have produced fundamental improvements in the performance and overall efficiency of the industrial organizations with which it deals.

Is it possible to devise precise prediction and control techniques for rehabilitation? Can the infinitely complex array of facts, observations, personal traits, and complications that present themselves to the rehabilitator be reduced to an objective, measurable and predictable formula? Faced with the overwhelming number of variables that affect outcome, rehabilitators have tended to regard forecasts of rehabilitation results as impossible of attainment.

Nowhere are the awesome dimensions of prediction and control more evident than in the medical problem presented by stroke. We are dealing with a problem in which: the brain and virtually every major physiological subsystem is involved, the treatment responsibility is divided, improvement is slow and multifaceted, and subsequent strokes are a constant threat.

Yet, it appears that in the midst of all of these complexities and uncertainties, certain indicators can be identified which predict with a surprising degree of accuracy the outcome of stroke. Stroke outcome predictors have been investigated at the American Rehabilitation Foundation for more than six years in a series of studies sponsored by the Rehabilitation Services Administration. At first, the complexity and elusiveness of the pursuit was frankly staggering. The investigators began with the several thousand diagnostic observations that can be recorded in an exhaustive work-up of a single stroke patient. Eventually, these were narrowed down to slightly more than 1,000 observations which could be classified under a group of 250 characteristics. As the studies pro-

ceed, the data suggest that the number of decisive predictors that permit accurate forecasts of stroke outcome may be narrowed to as few as 20. Further, forecasts based on these predictors are proving more reliable than those based on the clinical judgments of an experienced rehabilitation team.

Moreover, the predictors project a broader spectrum of outcomes than the conventional medical prognosis, provided they are designed to forecast psychological behavior, communication ability, and social outcomes, as well as physical function.

In a problem directly related to vocational rehabilitation, research results have also moved from complexity to simplicity. In studies dealing with the measurement of eligibility for Disability Insurance Benefits, the research began with a bewildering array of items. Approximately 2,000 items were examined to provide comprehensive medical, social, vocational, psychological and occupational evaluations of 685 D.I.B. applicants. A basic purpose was to assess the relationships between these diagnostic observations and the likelihood of returning to work. A series of numerical rating scales form the basis of a decision simulating process. Using multiple regression analysis, it was found that only five variables were needed to make an appropriate referral for vocational rehabilitation. In a "competition" with a multi-professional team, the numerical simulator performed as well in referring for vocational rehabilitation persons who were subsequently employed. However, the simulator performed far better than the rehabilitation team in avoiding the error of referring for rehabilitation those persons who in actuality proved to be unemployable.

All this convinces me that manageable, precise and reliable prediction and control techniques for vocational rehabilitation are feasible. These methods can provide the basis for the government's negotiations with industry. They would establish uniform guidelines for cost-effective decisions on expenditures for pre-employment services. They would provide for forecasting of employability and evaluation of employment outcomes. They would also provide the "market information" required for a rational system of "relative pricing" in negotiating with industry for job opportunities.

It is important to conceive the control function under discussion as an ongoing process, subject to continuous adjustment and capable of sensitive response to feedback. In developing the control function, we can simultaneously employ the principles of cybernetics and behavior modifications. In cybernetics the viability of information system is based on its linkage to a response mechanism. Too many of our attempts at continuously gathering data falter or fail because they are not linked to action. The behavior modifiers add another condition—responding to positive as well as unfavorable information. A schedule of positive reinforcers (rewards) is deemed preferable to negative reinforcers (punishments). As presently organized, rehabilitation receives feedback confined chiefly to negative reinforcers. Its responses are set to react to failure—the client's loss of his job, the development of a medical complication. The response is set in motion only after the breakdown occurs. The plan for a rehabilitation-industrial complex is based on a system that would respond to positive feedback—the awarding of incentives for success... success in prolonging employment... success in increasing the client's earning power. Naturally, the system would be set to cope with failure—to retrain the client who loses his job or experiences some other form of breakdown. The constant flow of information about success and failure, if it precisely describes rehabilitation clients on real jobs, gives us the feedback we need to readjust incentives to changing client and labor market conditions, thus providing gov-

ernment with the same cybernetic capabilities as the industrial side of the complex.

The foregoing emphasizes the essential function of prediction and control techniques in the efficient operation of a rehabilitation-industrial complex. The same prediction and control capability has important implications for national manpower policy. While I hesitate to venture into this lofty realm, the possibilities that present themselves are too exciting to resist.

These remarks are prompted by the calls for social indicators and in response to recommendations found in the Annual Report of Economic Advisers for 1968. The report states:

"To carry out their tasks, policy makers must have the benefit of accurate diagnoses of the current state of demand and the best possible forecasts of prospective demand.

"Indeed, forecasting of some kind is indispensable . . . Because policy cannot be devised and implemented instantly, and because its effects on the economy operate with a lag, decisions are inevitably tied to predictions."

The report then recommends improvements in economic statistics as a principal means of enhancing the quality of the predictions made by policy makers:

"The Federal statistics recording current economic developments are the compass by which policymakers must chart their course. The United States has the most accurate, comprehensive and detailed economic statistics in the world, based on information that has consistently improved in accuracy, speed and coverage. Yet the need for accurate and timely statistical data keeps outrunning the available information."

Although we are collecting increasingly elaborate statistics on unemployment, we are very far from having information which even approximates the accuracy of that available on other aspects of the economy. This lack of information severely limits national manpower policy making.

The enviable accomplishment of the New Economics is the apparent ability to identify the strategic points at which a minimum of intervention will "make things happen" throughout the entire economy. An adjustment in interest rates by the Federal Reserve System produces a chain of predicted reactions in the total industrial complex and among millions of consumers.

The success of national policy decisions depends on the ability of the total constellation of subsystems—regional, state and local—to react promptly and predictably?

Precise prediction and control mechanisms are needed if local programs are to be "set" to respond at their level to adjustments in national policy. Flexible, effective national policies, in turn, depend on accurate information generated by local agencies.

Any effort to rationalize manpower programs through the development of social indicators and the establishment of social policies and goals must be based upon the ability to produce and measure local responses.

The New Rehabilitation market can be expected to produce information which will enhance this ability. It will produce "on-line" information that continuously reflects the prevailing demand for labor, the characteristics of the unemployment population and the cost of employment. Thus it will become possible to forecast the effects of national program changes throughout a broadly decentralized and diversified democratic society.

The characteristics of the unemployed population are constantly changing. Shifts in the labor market—the demand for workers—occur periodically. These changes affect not only the number of workers needed, but the kinds of jobs that are available, and hence the skills and training required to fill them.

These are elementary principles, of course. But the ability of policy makers to mount timely and accurate responses to these cyclic phenomena is too limited. Under the plan we are discussing, it would be possible to determine with a high degree of accuracy the policies required to respond to the cyclic changes in the job market and the unemployment population. Knowing the cost of securing work for given classifications of unemployed persons under given labor market conditions, it would be possible to predict the impact of a given level of expenditure. In periods of high employment, a policy of tight money for employment programs would be appropriate; in periods of low employment, restraints would be relaxed. Under some conditions, the creation of jobs through public works might be indicated. The nature of unemployment would also call for varied response; a high rate of white collar unemployment would, for example, call for a different response than a high rate of blue collar unemployment.

The practical implementation of these proposals naturally represents an ambitious undertaking. Are these realistic expectations?

The answer may depend on the rank we give to the problem of unemployment and social displacement. Let me put it this way: The richness and precision required of an information system seems to bear a direct relationship to the fatefulness of the decisions prompted by that information.

For example, the decisions and responses governing our nuclear defenses or space programs are guided by an unceasing flow of information which must be exhaustive in its richness and precise to the minutest calibration. Similarly, the fatefulness of economic decisions are guided by abundant and accurate information and, as we have seen, the shapers of economic policy call for constant improvement in the quantity and quality of economic statistics.

The conclusion seems clear: Unemployment is a root cause of social disruption which, we are continually being warned, can reach cataclysmic proportions. There is a decided discrepancy between the fatefulness of the decisions facing us in this area and the social indicators presently available for guiding decision makers.

The task of developing methods whose dimensions match the dimensions of the problem, however monumental, therefore seems necessary. The basic methodology for vocational rehabilitation is available, as the experience I have related indicates. It is now necessary to expand and accelerate the application of this methodology.

Dramatic improvements in the technology of measuring, monitoring, and predicting the behavior of the labor market could lead to fundamental changes in the structure for execution of manpower policies. It is conceivable, for example, that an "Employment Reserve System", comparable to the Federal Reserve System might be employed to stabilize and regulate employment. A pool of funds might be held in reserve, not for the purpose of providing financial assistance to the unemployed, but, when necessary, to accelerate employment programs. For example, in a period of low employment, funds would be released to increase and upgrade incentives for employing vocational rehabilitation clients. The flow of funds would be regulated in accordance with the market indicators reflecting costs of employment, characteristics of the unemployed population, and the nature of prevailing labor demands.

Revenues for the creation of this financial reserve could be drawn from government and from employers, based on the size of their work force. The rationale for government's contribution is obvious: Funds for the alleviation of unemployment could be expected

to reduce public assistance costs. The incentive for employers would be just as real, if not as obvious. Employers incur substantial costs resulting from unemployment, not only indirectly in the form of increased tax revenues for public assistance, but directly in the form of unemployment insurance payments to workers who have been laid off. The annual cost of such payments totals nearly two billion dollars.

The tenor of these remarks may suggest a blind and unquestioning faith in the private enterprise system, a captivation with the catch-phrases concerning miracles of efficiency performed by American industry. The professional is as likely to be taken in by the mystique of business as the businessman is likely to venerate the professional mystique. Hopefully, this impression has been dispelled. The plan proposed here simply regards private enterprise as a functioning apparatus which represents an available medium for advancing the objectives of vocational rehabilitation. The attempt has been made to identify the special strengths of the private sector and suggest how they might be put to work for vocational rehabilitation. Prediction and control techniques have been suggested which are designed to provide effective regulation of the New Rehabilitation Market in the public interest.

But even if the concept of a rehabilitation-industrial complex is rejected out of hand, the very act of exploring such a prospect may have yielded some instructive insights. In contemplating the possibility of delegating a broad area of responsibility to the private sector, the need for the public sector to set exacting management conditions became evident. We saw that efficient methods of information gathering, prediction and control are essential to the regulation of a New Rehabilitation Market.

Should we regard these methods as any the less essential to the public management of vocational rehabilitation, wholly apart from any concept of a rehabilitation-industrial complex? Vocational rehabilitation has been entrusted with an expanded mission. The problems it must deal with are more pressing and fateful than ever before. It must do more things for more people than ever before. Its clientele embraces a wider spectrum of disabilities—social, emotional, as well as physical. These new demands call for increased effectiveness of performance and increased productivity from both rehabilitation dollars and rehabilitation manpower.

The trend toward greater state and local responsibility for allocation of health and welfare funds emphasizes the need for decision-making mechanisms which are independent of tight Federal controls, yet which respond to national policies.

In short, the need for precision in rehabilitation management is equally as urgent whether the responsibility remains in the public sector or is shared with the private sector. Whatever the direction, the refinement of the technology of prediction and control is the essential prerequisite. Research and development in this area is a logical first step. If successful, vocational rehabilitation would be equipped to apply these new techniques in established public programs or in a rehabilitation-industrial complex.

MITCHELL HAS WHAT IT TAKES

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. MYERS. Mr. Speaker, under leave to extend my remarks in the RECORD, I

include the following article which appeared in the St. Louis, Mo., Globe-Democrat of January 18-19, 1969:

MITCHELL HAS WHAT IT TAKES

Some critics of incoming Attorney General John Mitchell have suggested he may be of questionable effectiveness because he lacks experience in such areas as civil rights, anti-trust cases, dealing with organized crime and other issues which might come before the Justice Department.

What they overlook is that Mitchell gives every indication that he is a man who will do what his predecessor did all too reluctantly in certain instances—enforce the law and prosecute offenders vigorously.

Crime has reached the point in this country that a hard-line law enforcement man such as Mitchell is urgently needed in this post, which has been occupied in recent years by men more concerned with espousing their sociological views on crime than in enforcing the law.

In the case of Gov. Walter Hickel of Alaska, a chorus of critics are trying to paint him as a despoiler of land and resources because he indicated he disagreed with a policy of withdrawing a large area of land for conservation and "lock it up for no reason."

To date no one has shown that Alaska Gov. Hickel has anything more than a balanced view on conservation. He has indicated he will continue to pursue a policy of intelligently conserving the nation's land and resources. But he also will recognize the need for developing resources such as oil deposits in Alaska when this is the wisest course.

CONSUMER CREDIT PROTECTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. FASCELL. Mr. Speaker, credit is one of the foundation stones of our modern economy. Without the availability of credit, economic development would be severely curtailed. Access to credit is indispensable to the businessman, and to the individual as well. For this reason, complex credit systems have been developed in this Nation over many years to fill the vast need for operating capital and personal financing. It is hardly surprising that within this elaborate system, from time to time, minor flaws may occur. Such, I believe, is the case in the present practice of withholding information on credit ratings from individuals whose economic and personal well-being may be unfairly jeopardized by the ratings.

I am happy to cosponsor today, with my colleague, Mr. ZABLOCKI, of Wisconsin, legislation to correct this evil by making available to any individual the basis of an adverse credit report on himself so that he may have the opportunity of refuting any incorrect evidence used against him.

This legislation, to be known as the Fair Credit Reporting Act, is proposed as an amendment to the Truth-in-Lending Act. It would establish "due practice" in credit rating and reporting businesses on much the same basis as is now commonly found in our basic legal system.

Not only would this bill allow an individual to see a report prepared on him-

self by a credit reporting agency, it would also require credit reporting agencies to keep their reports confidential. This would help insure the individual's right to privacy in the collection and reporting of information which is increasingly more detailed and vital to his affairs.

As I have said, the credit reporting business is necessary and, indeed, required in our modern economy. The great majority of agencies, no doubt, develop accurate information and protect privacy. This legislation would not interfere with the continued successful operation of credit reporting agencies, but instead would help maintain public confidence in and respect for their activities by guaranteeing individuals a means of redress for any unfair injury that may occur.

As my good friend and respected colleague, Congressman ZABLOCKI, has pointed out, the fact that the vast majority of cases are handled without abuse to the individual does not justify the many cases of error and mistaken identity in credit reports now being discovered. He said:

In fact, such erroneous reports can practically destroy a person and yet the agencies, as part of their established mode of operation, will not give the person the chance to correct a mistake in his report. It is therefore obvious that regulation of the industry is needed to protect the individual.

Mr. Speaker, I agree with the need for greater protection for our citizens, and therefore I am delighted to cosponsor this legislation designed to protect the consumer against malicious, arbitrary, and erroneous credit reports.

LEGISLATION TO STRENGTHEN THE FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. REID of New York. Mr. Speaker, today I am joining with my colleague, Mr. HAWKINS, of California, and 28 other Members in introducing legislation to strengthen the Federal Equal Employment Opportunity Act.

Legislation similar to this was first drafted by James Roosevelt and myself and was passed by the House in 1966, but failed in the Senate. Federal officials feel that these powers are essential if the objective of equal employment opportunity is to be brought within reach. Thirty State commissions, including that in New York, now have the powers which would be granted to the Federal Commission under this act.

Briefly, this bill would amend title VII of the Civil Rights Act of 1964 to confer upon the EEOC authority to issue judicially enforceable cease-and-desist orders directing the discontinuance of discriminatory employment practices. The Commission's power under existing law is limited to conciliation. In addition, our bill would extend coverage of the law to employers and labor organizations with eight or more employees or mem-

bers. The present law exempts units of less than 25.

I urge my colleagues to join in giving the EEOC effective enforcement power in our effort to grant equal employment opportunity to all Americans.

ELECTION REFORM IS URGENT NEED

HON. ROBERT H. (BOB) MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. MOLLOHAN. Mr. Speaker, last week I joined some 37 other Members of the House in the introduction of House Joint Resolution 317, proposing an amendment to the Constitution to provide for direct popular election of the President and Vice President of the United States.

This amendment would insure that the man with the most votes will win the election. It abolishes all the trappings of electoral votes and says that the popular vote—the vote of the people—will determine who shall be President.

Mr. Speaker, a very fine editorial was published by the Wheeling News Register on the subject on January 10, 1969, and I am including it in my remarks:

ELECTION REFORM IS URGENT NEED

The need for reform of the Electoral College method of electing a president of the United States was demonstrated clearly again earlier this week when Congress formally certified the electoral victory of Richard M. Nixon.

After an afternoon of debate over the right of a maverick elector from North Carolina to ignore the majority of his state's voters and cast his ballot for George C. Wallace, the election of Mr. Nixon as president and Spiro Agnew as vice president was formally proclaimed. It was just one more instance pointing up the dire need for change of this system which was introduced in 1804 and which is both archaic and dangerous.

We will not soon forget that on election night last Nov. 5, there was genuine fear in the country that the next forty days and forty nights would find America swept by the severest political storm of the century. The concern was based on the strong possibility that neither candidate for president would win the 270 votes needed to carry the Electoral College and that the President would not be selected until January.

There was ample reason for this anxiety since if, for instance, California had not gone to Mr. Nixon by a margin of 200,000 votes but instead had gone for Vice President Hubert Humphrey, the Electoral College would have been stalemated. The way would have been open for weeks of wheeling and dealing over the votes of the elector, with Mr. George Wallace attempting to play the role of the kingmaker with his 45 votes.

The Founding Fathers introduced the Electoral College from a complete mistrust of the people. Their system has been modified in practice, since the electors are pledged to vote for specific candidates, but not by law, since the electors do not legally have to carry out their pledges. This was demonstrated again this week when Congress upheld the maverick elector from North Carolina.

It seems to us that the best method for reform is to abolish the Electoral College and permit Americans to elect their President by a direct popular vote. The one-man, one-vote proposal is opposed by many who

believe that while change is needed, the states should retain a role in a revamped Electoral College. But the point missed is that states do not vote, people do vote. The President, who represents all of the people, should be elected by them directly.

Some of the discussion about reforming the system has centered on legally committing the Electors to vote as instructed by the people, or by abolishing the Electoral College but assigning the same Electoral votes to the states. There would still be a chance of distorting the popular will since there is no exact correlation between Electoral votes and the popular vote. Mr. Nixon in the recent election won 43 per cent of the popular vote but 56 per cent of the Electoral votes. It would be possible for a candidate to win a popular majority and lose the election, as has happened.

The election of a President, it seems to us, is a place for a popular decision. We favor a system allowing Americans the right to vote directly for their President.

It was Thomas Jefferson in his first inaugural address on March 4, 1801, who said, "sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him?"

RESOLUTION IN SUPPORT OF ISRAEL

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. COLLIER. Mr. Speaker, on January 10, the Maine Township—Illinois—Regular Republican Organization adopted a resolution declaring its support of Israel in that nation's struggle against imperialistic communism. Inasmuch as this resolution eloquently demonstrates that the people of my district are aware of the fact that the Arabs and the Soviet Union are endangering the peace of the Middle East, I am inserting it in the RECORD:

RESOLUTION IN SUPPORT OF ISRAEL

Whereas, The Republican Party in general and, specifically, the Republican Party of Maine Township, Illinois, is dedicated to the preservation of peace and freedom in the world and is unalterably opposed to the encroachment of communism on freedom as a threat to global peace, and

Whereas, the failure of American foreign policy in the Middle East has led not only to undue communist influence in that area but also to direct arming of Arab states by the Soviet Union, and

Whereas, communist influence and arms in the Middle East menace the freedom of Israel, and

Whereas, the recent Israeli action in Lebanon against property, but not against human life, has been condemned in the main by nations not friendly to the United States, and

Whereas, the United Nations resolution that criticized this Israeli action is symptomatic of a hypocritical double-standard by which Arab raids and atrocities are ignored while whatever Israel does in defense is condemned

Now, therefore, be it resolved that the Maine Township Regular Republican Organization:

1. Declare its support of Israel in this latest of many crises, and

2. Go on record as urging a policy of permanent peace in the Middle East and for public acknowledgement by all nations of the world of the sovereignty, territorial integrity and political independence of every State in the area and its right to live, in freedom and in peace, within secure and recognized boundaries.

Be it further resolved that the Secretary of this organization be empowered to distribute copies of this Resolution to appropriate bodies and to make copies available to any organization, be it local, state or national, that may be interested in a similar expression of support.

Adopted this 10th day of January, 1969.

Attested to by:

JOHN F. CALEF,
President.

JOAN HALL,
Secretary.

FLOYD T. FULLE,
Committeeman.

TRAFFIC IN NARCOTICS AND DANGEROUS DRUGS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. ROONEY of New York. Mr. Speaker, within recent weeks one of our most eminent American business leaders was prevailed upon to speak on the timely subject of "Traffic in Narcotics and Dangerous Drugs." Hardly a day passes without our attention being called to crime and violence directly associated with narcotic usage or traffic in drugs. It is for these reasons that I think the message of my good friend Samuel F. Pryor is of particular interest to the public as well as to the Members of this body.

Sam Pryor, who as senior vice president helped to build a world organization of Pan American Airways, is a man dedicated to public service and the betterment of mankind. He has devoted many years to the Boys' Clubs of America and Little League Foundation giving them his wise counsel and unstinting help in the same manner he has served his Government as a consultant and as an official representative to international meetings and conferences. In his capacity as a consultant to the Department of State he is a foremost leader of that fine group of American businessmen and professional leaders who are giving so generously of their time and experience in helping to achieve some degree of perfection in our foreign affairs. For these efforts he is deserving of our commendation and our gratitude.

Sam Pryor can speak with authority on the subject of narcotics and drugs because he studied it for many years and also attended and was graduated from our U.S. Treasury Narcotic Agents' School in Washington. He represented the U.S. Government at the last six annual meetings of Interpol—the International Criminal Police Organization—in various parts of the world. He served as an agent and acts as an adviser for the Bureau of Narcotics and Dangerous Drugs in the U.S. Department of Justice.

Yes, Mr. Speaker, as a result of his wide travels and his expertise gained by careful study of every aspect of the drug traffic, Sam Pryor speaks with the voice of authority. For these reasons I include the text of an address given by him at the Don Bosco-Holy Name Breakfast on December 8, 1968:

TRAFFIC IN NARCOTICS AND DANGEROUS DRUGS

I wish it was my privilege to talk to you this morning on many other interesting subjects that I have seen around our world where my business has taken me for thirty years and before that visiting most of the countries of the world at a very early age, but this morning I have been asked to talk about—"Traffic in Narcotics and Dangerous Drugs".

If some of you young people go on to run a business or even an airline—you will quickly discover that difficult problems can be put aside but can never be dismissed. We can try and try again to solve them without facing the unpleasant facts and we will fail every time. We can try to sweep facts under the table or bed out of sight, but they will still be there. Facts must be faced and, so often, the unpleasant facts lie close to home.

Travel abroad sharpens those facts. Travel abroad often opens our eyes to dangers which lie at our very feet.

So this morning I am going to talk to you about the most unpleasant facts and the most dangerous facts that we all young and old are facing in this community—this beautiful community and country and even the World where we are living. This traffic in narcotics and dangerous drugs is truly a world problem. Two months ago I attended the meeting of Interpol—the International Criminal Police organization and there at Tehran in Iran seventy-five countries of this world were in agreement as to the dangers we all were facing in dangerous drug abuse.

I became interested many years ago because as a Director of the Boy's Club of America—I saw what was happening to so many good boys because of lacking something interesting to do and lack of guidance turned them to experimenting with narcotics, leading them to ruin—even death.

Then because of the great privilege of being able to travel abroad, I saw many of the ruins of ancient cities which are now either in ruins or buried underneath desert sands. Roman ruins in Europe, Italy—all over the Middle East—the ancient pre-Christian Kingdoms of Quataban, Petra, Timna, the Hadruramut, Saba—the home of the Queen of Sheba, the great lost city of Shabwa—ancient frankincense City of Sumhuran, and our own continent the ancient city—Chichen-Itza in the Yucatan.

Some of these civilizations have been buried now for over 2,000 years. Each of these cities, in its proper time, stood at the peak of achievement and accomplishments. Each exerted its influence throughout the then known world. Each was the leader of its time.

Pondering over these ruins caused me to wonder about ourselves. Now how much time do we have? And how wisely are we using it? To these questions we old and young must provide the answers.

As Arnold Toynbee, the great historian has documented, in case of civilization after civilization, complete destruction comes from within. Egypt, Babylon, Crete, Greece, Assyria and in our own hemisphere the Mayas, and the Incas were not destroyed from without. When the final test came, these great cultural, once healthy systems found themselves spiritually sick and helpless. They could not defend themselves, because they had already lost faith in themselves.

Now at what time in the history of these lost civilizations did the parents begin to ne-

glect the guidance of their children through not educating them to facts and the dangers in life, at what time did their school teachers fail to alert the pupils to the facts of dangerous narcotics? At what time did their spiritual leaders fail to guide them?

These thoughts caused me to look for facts. Could this happen to our Country? Are we going the way these other civilizations have gone?

I attended and graduated from the United States Treasury Narcotic Agents' School in Washington—then was sent as an observer to the Interpol meetings in many parts of the world these last six years—then became adviser and agent for the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice.

Now I am not going to tell you about the dangers of heroin and LSD. The most stupid individual young or old knows these drugs are dangerous—that they lead to a living death or sudden death, look what happened in Norwalk last week. The boy they left to die in the hospital was better off than the two other boys that had left him, for if they don't stop their addiction now they will die a slow living death.

One comment on LSD by Dr. Loria, Chairman of the Committee on Public Health and Sub-Committee on Narcotics addiction—

The increasing, often irresponsible publicity given to LSD use, the inaccuracy of many of the articles and reports by the news media, and the frequent glorification of hallucinogens without adequate details regarding their dangers, have resulted in increasing experimentation by young, misguided, often unstable individuals. A market is being created which did not exist previously. As a consequence the admission rate for LSD induced psychoses at Bellevue Hospital has doubled in the last two months. If this trend continues, if flamboyant reporting overshadows effective education concerning the dangers of LSD and other potent hallucinogens, then we can expect a sharp increase in adverse reactions which may indeed create a public health crisis among young persons in our society, including those in high school and college.

Now, let's talk about the drug we hear so much about also damned with the inaccuracy of many of the articles and reports by the news media—What is it. Let's read what the United Nations says about marijuana—

CANNABIS

The products of the plant *Cannabis Sativa* L. have been used by millions of people as an intoxicant over the last four or five thousand years. The hemp plant or the crude drug derived from it and folk preparations of the hemp drug are known under almost two hundred different names. The best known are Indian hemp, hashish, marijuana and bhang.

There are few inhabited areas of the globe where cannabis cannot be grown successfully. Depending on the soil and the degree of cultivation, this weed-like plant may reach a height of from one to twenty feet. It is also used in industry as a source of fiber and as a seed. The narcotic resin is found in the flowering tops, particularly of the female plant.

The use of cannabis as a narcotic drug occurs in many countries and is widely spread in Africa, the Middle East and South America. It is used in various forms. People sometimes smoke it, combined with tobacco, and mix its resin with drinks or in sweetmeats. Such use is still tolerated in certain countries. It has recently been forbidden in Morocco and Tunisia, where cannabis was sold under the name of *kif* or *takroui*. In many countries, however, the abuse of cannabis gives rise to a problem not only because it is in itself dangerous but also because it only too frequently leads to very much more serious drug addiction, particularly to heroin

addiction (as in the United States). Although aggregate statistics on the number of cannabis addicts are not available, seizures by the police and information in official reports show that there are certainly millions of them. Illicit traffickers can obtain cannabis fairly easily because it grows wild in many regions and is cultivated illicitly in out-of-the-way areas.

Cannabis has become, from the medical point of view, an obsolete remedy. It has therefore been recommended that its use be discontinued in medical practice. Certain properties of the products of the cannabis plant and, in particular, the possible antibiotic properties of the resinous parts of the plant have recently been studied in some countries, but the World Health Organization has concluded that the case has not been proved for extracting useful drugs from cannabis, particularly of the antibiotic type. Cannabis is still used for the treatment of certain ailments by local medical practitioners in India and Pakistan.

Let's see what Dr. Boomquist says that makes "Teens Try Dope."

Curiosity? Fear? Boredom? Bravado?—The more you know about the problem, the more you can help.

Could my youngster or yours meet up with a drug addict—even become one himself? It's possible. The U.S. today is the biggest market for illicit narcotic traffic in the Western world. Each year thousands of teenagers—good boys and girls, not just those already "in trouble" with the law—are threatened by innocent association with narcotics users and "pushers."

In Gardena, California, for example, 42 children—most not from underprivileged or minority-group families but from middle class homes—were arrested for using narcotics in the city schools. In San Diego, parents of 22 boys and girls, ages 14 to 17, were as shocked as Gardena parents when their youngsters were picked up at a narcotics party.

What does Dr. Haislip, Attorney Advisor, U.S. Bureau of Narcotics say about marijuana and its relationship to crime and insanity—

CRIME AND INSANITY

The effects of marijuana on the activity of the brain are undoubtedly the most profound and constitute the greatest source of danger to the user and the persons around him. Recent experiments on human subjects utilizing natural marijuana extracts of tetrahydrocannabinol have led to the conclusion that sufficient doses of marijuana "can cause psychotic reactions in almost any individual." It is in this manner that marijuana has earned its reputation for inducing criminal behavior. Those who have studied users of marijuana have found that:

"Excessive indulgence in cannabis is apt to produce in healthy individuals and more so in susceptible individuals, mental confusion which may lead to delusions with restlessness and disordered movements. Intellectual impairment as well as disorientation may show itself in various ways, such as weakening of moral sense, habit of telling lies, prostitution, theft, pilfering, sex perversions and other disgraceful practices. Sometimes indulgence may release subconscious impulses and lead to violent crimes."

The files of the Bureau of Narcotics are punctuated with murders and atrocities committed under the influence of marijuana. Earlier studies conducted in New Orleans disclosed that the number of marijuana users among major criminals was very high. Even the LaGuardia report of 1944, which is so often cited as support for the harmlessness of marijuana, found that in a number of tests subjects:

"... there were alterations in behavior giving rise to antisocial expression. This was shown by unconventional acts not permitted in public, anxiety reactions, opposition and antagonism, and eroticism. Effects such as

these would be considered conducive to acts of violence."

In regard to the connection of crime with marijuana a well known newspaper publisher said:

"When I read the testimony of the kitchen employee of the Ambassador Hotel describing the look on the face of the young Arab holding the pistol after Robert Kennedy was shot as a 'sickly smile', I recalled the origin of the word 'Assassin.' It's an Arabic word meaning 'eater of or user of hashish.' You will find this definition in your dictionary."

What Jules Saltman, a well known writer on medical and health subjects and consultant in educational materials for leading health foundations says we can do about drug abuse:

"A dying man, riddled with cancer, has his unbearable pain eased by morphine, so that his end may come with peace and dignity."

A businesswoman, safely through a heart attack, but with full recovery threatened by insomnia, finds sleep by taking a pill—a barbiturate.

A weary doctor maintains his all-night vigil at the bedside of a sick child with the help of an amphetamine . . . a mental patient is reassured and calmed by a tranquilizer . . . a person with epilepsy controls his seizures and lives a normal life, thanks to another drug.

These are examples of drug use—medically sound examples of man's victories over pain and disease.

ON THE OTHER HAND

His sense of honesty and decency wiped out by his need for narcotics, a man steals for money to support his addiction . . . a teen-age girl takes to prostitution for the same reason . . . a young boy, after suffering the agonies of narcotic withdrawal, in his haste to find relief takes an overdose—and dies.

A beautiful and successful young woman, reputedly dependent for years on daily rations of alcohol and pills, one day takes a massive overdose—by design or by accident. She too dies.

A truckdriver of the fog-shrouded New Jersey Turnpike driving at almost twice the 35-mile limit strikes another truck and starts a chain of collisions. Twelve trucks and three cars are involved and six people killed: The first driver—and several others—had taken amphetamines to keep "alert."

These are examples of drug abuse.

It would be impossible to relate all the ways man uses the potent drugs he has discovered. When taken under stringent medical controls, very many are beneficial. Yet, so much drug abuse exists that the harmful effects seem to outnumber helpful ones.

Now you young people don't be afraid of being called chicken—hit over the head anybody who tries to persuade you to buy or try it.

If you don't like the word "Informer"—be an Adviser to the Police Department—advise them who are selling it and who is buying it. Let's all join together in stopping what is not only hurting people of all ages in our Country and world but what may destroy our great civilization.

May God bless you and help in this task.

NATIONAL LUNG INSTITUTE

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1969

Mr. COHELAN. Mr. Speaker, I have today introduced a bill to establish a

National Lung Institute, whose purpose is to combat emphysema, chronic bronchitis, and other respiratory diseases.

A National Lung Institute will combine in one place the several Federal efforts now being waged against these diseases and to increase the research, personnel training, and treatment for their cure. Establishment of the Institute is strongly endorsed by the National Tuberculosis and Respiratory Disease Association and by its medical section, the National Thoracic Society. It also has the endorsement of two distinguished physicians from my congressional district whose counsel I value highly in medical matters. They are Dr. John R. Goldsmith, who has made significant contributions to the epidemiologic work on chronic respiratory diseases, and Dr. John Gompertz, former president of the National Tuberculosis and Respiratory Disease Association.

The U.S. Public Health Service reports that 5 million Americans have emphysema or chronic bronchitis and that another 6 million now suffer from asthma. The complexity of our industrial and environmental pollution problems has contributed to the marked increase in the number of victims of these diseases. They now rank among the 10 leading causes of death, primarily due to the dramatic increase in deaths from emphysema in recent years. Except for heart disease, emphysema causes disability of more workers than any other disease, forcing approximately 16,000 workers to retire prematurely each year and costing more than \$90 million in social security benefits annually. There is no way to measure the incalculable costs in suffering and deaths suffered annually from these dread diseases.

Mr. Speaker, I insert the text of my bill at this point and respectfully request its careful consideration and support by my colleagues:

A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"PART G—NATIONAL LUNG INSTITUTE
"ESTABLISHMENT

"Sec. 461. The Secretary of Health, Education, and Welfare (hereafter in this part referred to as the 'Secretary') is authorized and directed to establish in the Public Health Service an Institute for the conduct and support of research and training relating to emphysema and other chronic respiratory diseases, including but not limited to such conditions as chronic bronchitis, asthma, and tuberculosis, as well as research and training in the special health problems and requirements of persons afflicted with such diseases, and conditions of the lung.

"ESTABLISHMENT OF ADVISORY COUNCIL

"Sec. 462. (a) The Secretary is authorized and directed to establish an advisory council to advise, consult with, and make recommendations to him on matters relating to the activities of the National Lung Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory coun-

cils under section 432(a) shall be applicable to the council established under this section.

"(c) Upon appointment of such council, it shall assume all or such part as the Secretary may specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

"FUNCTIONS

"Sec. 463. The Secretary shall, through the National Lung Institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research on the lung and its conditions with special emphasis on emphysema and other chronic respiratory diseases, including the special health problems and requirements of persons afflicted with such diseases, except that the Secretary shall determine the areas in which and the extent to which he will carry out such purposes of section 301 through such institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Secretary is also authorized to provide training and instruction and establish and maintain traineeships and fellowships, in the National Lung Institute and elsewhere in matters relating to diagnosis, prevention, and treatment of emphysema and related respiratory diseases and conditions of the lung with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions."

GASOLINE GIVEAWAYS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. CONTE. Mr. Speaker, the use of promotional games and contests by gasoline companies is a subject of great concern to me. Evidence presented at hearings before the House Select Committee on Small Business, of which I am now privileged to serve as ranking minority member, has indicated that both gasoline dealers and consumers have legitimate complaints about the conduct of giveaway games. And it seems hard to justify the enormous expense of promoting these games at a time when gasoline and heating oil continue to increase, especially in hard-pressed New England. Apparently, the oil companies are passing on promotional costs to the overburdened consumer.

I was pleased to note that the editors of the New York Times, on Thursday, January 2, expressed their concern about the hidden cost to the consumer of gasoline games. The editorial, entitled, "Hidden Game Costs," cites a recent Federal Trade Commission study which reached essentially the same conclusions as our committee. And the Times makes a point that surely needs to be made: The consumer ought to know how much he is paying for gasoline giveaways.

The editorial follows:

HIDDEN GAME COSTS

On gasoline pumps and next to supermarket cash registers, Federal, state and city taxes are often prominently printed. The implication is that the car owner or shopper is paying those extra pennies because of the Government. There is one charge, however, that does not appear, prominently or otherwise. It is the extra cost to the consumer for so-called free giveaways and contests.

The Federal Trade Commission is finally catching up with this popular method of retailing, which disputes the adage that you can get something for nothing. It is not telling businessmen how to sell their goods or to stop using tokens, stamps, game pieces, etc. What it is discovering is that the dice are heavily loaded against the consumer forced to pay for these gimmicks.

An F.T.C. staff study shows that the advertised chances of winning merchandise or money are "patently false." Instead, the fix is in to achieve promotional ends and that the game odds are about the same as trying to outfox a Las Vegas croupier. The main point disclosed is that the costs of the promotional games are partially passed along to the consumers.

The commission must move in on these operations which gamble with the consumer's pennies and dollars. Regulation is called for; indeed, the leading producers of these retail games claim that abuses have been eliminated and they are willing to cooperate with the commission in formulating guidelines.

In the meantime, the car owner and the supermarket shopper must be told how much he is paying extra for the dubious privilege of gambling. Let that be posted prominently, too.

NIGERIAN-BIAFRAN WAR

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. McDONALD of Michigan. Mr. Speaker, free men everywhere have rarely been so united as they are today in what much be considered universal compassion for the people of Biafra.

I do not intend to discuss the politics of the strife that has left hundreds of thousands dead in the past 18 months, many thousands as the result of brutal warfare, many more thousands as the result of starvation.

The distinguished gentleman from Ohio, who has observed at first hand the horror of the Nigerian-Biafran war, has offered a resolution seeking a cease-fire that would permit the shipment of relief supplies to the Biafran people.

I concur most emphatically in his position and am happy to have this opportunity to join as a cosponsor.

It is common knowledge that Biafra and sections of Nigeria are in the death-grip of starvation.

Women and children are dying daily by the thousands.

The people of Biafra are prepared to fight to the end. This civil war, therefore, amounts to a war of genocide.

Such a situation is beyond the tolerance of mankind.

I therefore urge the adoption of this resolution, so that Congress will be firmly on record in support of the President in whatever diplomatic moves he is able to make to bring about a cease-fire.

AFRICAN REBEL LEADER KILLED

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. REID of New York. Mr. Speaker, as my colleagues by now know, Eduardo Mondlane, president of the Mozambique Liberation Front—frelimo—was assassinated in Dar es Salaam, Tanzania, on February 3. His death constitutes a severe loss to Africa, and President Nyerere of Tanzania has ordered that Dr. Mondlane be buried "with all the honors deserving for a hero who died for his country's freedom. Those who have committed this evil deed are enemies of Africa's freedom."

Dr. Mondlane was one of those leaders in Africa who was genuinely committed to the notions of freedom, human liberty, and the rights of man as we Americans know them. He was not motivated by racial hatred, but was committed to his people and the need to gain for them the freedom and opportunity which we as Americans value so highly. His tragic assassination again brings to the forefront our concern over the loss of many leaders of the world who were concerned for the rights of all mankind—Martin Luther King, John F. Kennedy, Robert Kennedy. It is to be hoped that those who follow Dr. Mondlane will continue his struggle for political rights for his people.

I include in the RECORD the Washington Post's account of Dr. Mondlane's assassination, which appeared on February 4.

AFRICAN REBEL LEADER KILLED

(By Anthony Astrachan)

Washington Post Foreign Service

NAIROBI, KENYA, February 3.—Eduardo Mondlane, president of the Mozambique Liberation Front (Frelimo) and the African nationalist leader best known in the West, was assassinated by a bomb explosion today in Dar es Salaam, Tanzania.

Tanzanian police were reported to believe that a time bomb was planted in the chair he was working in at the beachhouse of Betty King, an American.

They took several Mozambicans into custody for questioning.

Last May, Mozambique rivals of Dr. Mondlane stormed the main office of Frelimo, located in Dar es Salaam, and slashed three members of the staff. One later died.

Dr. Mondlane survived a fractional fight within Frelimo and was re-elected president at a Congress inside Mozambique in July, but it is possible one of his opponents came back for revenge.

President Julius Nyerere of Tanzania ordered that Dr. Mondlane should be buried "with all the honors deserving for a hero who died for his country's freedom . . . Those who have committed this evil deed are enemies of Africa's freedom."

"I may be killed any day, but there will be victory," Dr. Mondlane used to say. It sounded like revolutionary rhetoric from a mild-mannered man whose belly laugh and stentorian tones when angry were African, but whose conversation style was American. Now he has been killed.

Under Dr. Mondlane, Frelimo tactics were to fight a small war with a minimum of terrorism, but to imitate the Vietcong in guerrilla training and in seeking control of rural areas and populations while leaving the Portuguese rulers isolated in the towns.

Observers will be watching to see if these tactics are changed under his lieutenants, Uria Simango and Marcellino Dos Santos, whom the Portuguese describe as more leftist than Dr. Mondlane.

Frelimo's war against the Portuguese occupies 40,000 colonial troops in Mozambique's northern districts. The rebel force is estimated at more than 3000, but a good deal less than the 15,000 Mondlane used to claim.

The success of the rebel campaign is hard to measure. Both sides have made apparently exaggerated claims, and independent foreign visitors to Mozambique cannot move about freely. Frelimo forces can roam freely in about 8 per cent of the country, though they claim much more territory. Whatever the figures, Frelimo's is the most successful guerrilla movement in white-controlled southern Africa.

The rebels' biggest problem is finding adequate supplies and funds. Like Southeast Asian Communists, they must get food, shelter and often protection from the natives to succeed. The Organization of African Unity gives Frelimo official support, but neither OAU or its members have the resources needed for a successful war against Portugal.

Dr. Mondlane himself took arms and aid gladly from the East, but kept Frelimo lines open to the United States and Britain as few other African nationalists could. His school for Mozambique refugees was once aided by the Ford Foundation, and Frelimo's educational efforts still draw assistance from other Western sources.

Dr. Mondlane was emphatic in his insistence that non-Africans who chose to stay in liberated Mozambique would be welcome.

Born the son of a chief in 1920, Dr. Mondlane was educated by Protestant missionaries in Mozambique, then in South Africa and Portugal, and finally graduated from Oberlin College and Northwestern University in the U.S. He met his American wife, Janet, at Northwestern. He later studied at Harvard and taught anthropology at Syracuse.

It was not unusual to see Dr. Mondlane taking his son, one of three children, to the movie of the American football game of the week in Dar es Salaam last November.

He insisted on his Africanness, however, in reply to dissenting Mozambicans and others who charged him with living to well and being to close to the West.

Dr. Mondlane was no military commander. Ten days before he died, he was in Khartoum for a meeting of African nationalists. He spoke there of Frelimo's intention to sabotage the Cabora Bassa Dam, Africa's largest, on which construction will soon start in the hope it will transform the Mozambique economy.

The damsite is rocky, precipitous, almost bare of cover—about the most difficult type of terrain for guerrilla operations.

It will be interesting to see if Frelimo tries to make destruction of the dam Dr. Mondlane's first memorial. Many of his Western friends would prefer to think of the Mozambique Institute near Dar es Salaam, set up to give secondary education to Mozambicans, and the Frelimo primary schools inside Mozambique, as more fitting ones.

TEST THE SUPERSONIC BOOM

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. McCARTHY. Mr. Speaker, I have learned today that the National Aeronautics and Space Administration and the Air Force are retiring the XB-70, the largest supersonic aircraft ever built in

the United States. I do not think that this action should be taken because in doing so, we are losing an opportunity to make a realistic test of the effects of the supersonic boom on the population of the United States. The XB-70 is the closest approximation of the proposed supersonic transport that will exist until the SST is actually built. The XB-70 has flown more than 106 hours at supersonic speeds, some at speeds in excess of mach 3. The XB-70 has flown with a weight of 538,000 pounds, very close to the estimated 500,000-pound weight of the SST.

The Secretary of Transportation has said that we will not fly the supersonic transport over the land areas of the United States unless the sonic boom is generally acceptable to the public. What better opportunity do we have to determine whether the boom is acceptable than with a careful test program conducted with the XB-70?

I strongly urge the Secretary of Transportation to arrange with the Air Force and NASA to use the XB-70 to test the public acceptability of the sonic boom. In doing so, he would be acting in keeping with H.R. 3400, the aircraft noise abatement bill, passed during the last session of Congress.

A CALM BEGINNING

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. ADAIR. Mr. Speaker, an editorial in the Chicago Sun-Times of January 21, 1969, pays deserved tribute to President Nixon. I include the complete editorial at this point of my remarks for the benefit of my colleagues:

A CALM BEGINNING

President Nixon took over the nation's leadership with a calm and candid appraisal of what ails America and the world.

He offered no immediate and grand solutions, no great crusade, no sweeping changes. Nevertheless the very tone of the new President's first address was auspicious evidence of the change that Mr. Nixon will bring to the federal government.

Mr. Nixon held out hope for peace in the world because, he wisely noted, the people of the world want peace and the leaders of the world are afraid of war. And he held out hope for solutions to America's own problems, also noting wisely that they are caused by a crisis of the spirit and not from lack of material things in this affluent society.

Mr. Nixon spoke of America's "ragged" spirit, of the empty lives of so many Americans, awaiting fulfillment, of America's youth, more passionately driven by conscience than any generation in American history. And he offered not new government programs to solve these problems of the spirit but told of the need for Americans to stop shouting at each other and to listen to what is being said.

This is simple but sound advice, for if Americans are to work together at all, as they must, they must listen to each other and learn from one another, the old from the young as well as the reverse, whites from blacks as well as the reverse and the affluent from those who are alienated from the affluent society.

The White House, Mr. Nixon promised, would set an example in listening—to the

voices of quiet anguish, to those who have despaired of being heard, to those who have been left out.

President Johnson had asked that Americans come reason together but Mr. Nixon was promising to listen first and to set the stage for reasoning. He offered a surcease from inflated rhetoric that promises more than it can deliver. He warned against the angry rhetoric that fans discontents into hatreds, a reference no doubt to the demonstrators who also were on the scene in Washington.

For those who have feared that a Republican administration would forsake the nation's responsibilities in the social and economic fields, Mr. Nixon pledged that the government will "and must" continue to pursue the goals of full employment, better housing, excellence in education, in rebuilding the cities and protecting the environment. But these, he said, require fuller participation by all Americans in the process of government.

Inauguration speeches inevitably reflect the state of the Union. Franklin Roosevelt in the 1933 depression said all Americans had to fear was fear itself. Harry Truman in postwar 1949 announced the "Point Four" foreign aid program. Dwight Eisenhower in 1953 warned against denial of human equality, foreshadowing civil rights legislation. John Kennedy in 1961 said citizens must place the cause of country before personal comfort and convenience. And now Mr. Nixon in these prosperous but strident times speaks of the simple need for Americans to lower their voices and get on with the job that can and must be done by government and the people working together.

Mr. Nixon himself set an example for America in his earnest, dispassionate but deeply concerned approach to the problems of America's spirit and the discord in the world. The style of the man in the White House is an influential factor in the course of the nation. Mr. Nixon has made a sound and impressive start. The hopes and happiness of millions here and abroad are for the next four years greatly dependent on him.

ELBERT "CAP" PIERSON
COMMENDED

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. PATTEN. Mr. Speaker, at times during the past year there has been some talk as to whether our federal system was on trial as never before in our Nation's history, with the exception of the Civil War.

I was glad to read that the National Advisory Commission on Intergovernmental Relations has given us a more optimistic report indicating that things are looking up. Last year people were in despair. Assassinations, racial turmoil, crime, war, third parties, doubts about the future, questioning of the Nation's basic philosophy kept piling up. Now we feel that the American people are getting together.

Everyone knows that our local government still has the greatest power when it comes to law enforcement, education of our children, and the conduct of our social fabric.

I have always felt we had a good system in South Brunswick. On Saturday, February 8, a local official will be honored

after serving 42 years as township clerk of South Brunswick, N.J. It is the service and dedication of men like Elbert "Cap" Pierson who encourage me. All these years he has been head of elections at the local level, and I cannot recall any criticism of his integrity as to how the elections were conducted.

Throughout the tremendous growth of this beautiful area, Mr. Pierson has been clerk and chief advisor to the mayor and council, bringing a wealth of sound advice to help them carry out their duties.

There are thousands of good Americans like "Cap" who serve on committees, as heads of councils, as mayors of communities, with little or no financial reward, to help our democratic process click. I do not know of any better system.

I want to pay tribute to "Cap" and men like him who have served us long, efficiently, and honestly.

MR. NIXON'S GOOD BEGINNING

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. McCLURE. Mr. Speaker, the reaction across our country to the first few days of the new administration has been almost invariably favorable. Setting the tone was the very impressive inaugural address by President Nixon. I was impressed by the editorial statement of the St. Louis Post-Dispatch on January 21, 1969. I insert it in the RECORD at this point:

MR. NIXON'S GOOD BEGINNING

A nation weary of violent rhetoric will respond eagerly to President Nixon's inaugural plea for such a "simple thing" as lowering our voices. His own low-keyed address, eloquent at times, set a good example. It was, above all, notably lacking in cold-war rhetoric. His emphasis on the honorable role of peacemaker to which he said the nation is called, his invitation of co-operation in reducing the burden of armaments, his aspiration for an open world in which "no people, great or small, will live in angry isolation," his "sacred commitment" to "consecrate my office, my energies and all the wisdom I can summon to peace among nations"—all this inspires hope that he will move swiftly to end the Vietnam war, and go on to moderate the cold war through an "era of negotiation" which seeks peaceful competition "not in extending dominion but in enriching the life of man."

Mr. Nixon is wise enough to know that the world and national problems which confront him are not to be solved by tone of voice alone. The great office on which he enters cannot be a passive one. His is not a merely ceremonial function of stating noble goals. There must be leadership, there must be movement, there must be action; and the disorders which marked the inaugural parade were a remainder that Mr. Nixon may not have too much time in which to match his hopeful words with effective leadership for the great cause of peace in the world and unity at home.

The new President regards his historic role as comparable to Franklin D. Roosevelt's 36 years ago, with the difference that the nation's troubles today do not concern material well-being so much as a "crisis of the spirit."

He indicated several times a belief that it is not new laws and new expenditures that are needed, but rather "to reach beyond government, to enlist the legions of the concerned and the committed."

He may be right in anticipating a period of consolidation, dedicated less to legislative innovation than to realization of the goals already adopted. But he would be tragically wrong to confuse such a period with one of standing still. "We will press urgently forward," he said, toward full employment, better housing, excellence in education, urban reconstruction in "protecting our environment and enhancing the quality of life," in realizing full equality for all Americans, "black and white together." How he carries out that pledge of forward movement will determine the character of his presidency.

Mr. Nixon clearly hopes to serve two terms; he would like to be president in 1976, when the nation celebrates its 200th anniversary, and to feel that America during his tenure had surmounted its "crisis of the spirit." The magnitude of his task is suggested by the fact that his election did not express the clear mandate of a united people, but rather by the narrowness of his margin emphasized the divisions among us. As the first President in 120 years to be inaugurated without a congressional majority of his own party, he faces an exceptionally urgent need to win the confidence of that half of the country which did not vote for him.

It can be done. John F. Kennedy went into office by an equally narrow majority, and yet in three short years won a place in the nation's heart which would have assured him of a triumph in 1964 had he lived. Franklin D. Roosevelt won the doubters and the skeptics so overwhelmingly to his side that his second election was indeed a national mandate. If Mr. Nixon would emulate them he must be a strong president, a positive president, not content to preside over a divided nation marking time in uneasy truce, but determined to realize, tangibly and demonstrably, the ideals he stated so well.

Because it is the Vietnam war and the burden of armaments that have retarded social advance at home, nothing is more important to the Nixon Administration than the peace to which the new President dedicated himself. In the past, Mr. Nixon was a leading exponent of the cold war, of the arms race it spawned, of those policies which led us into the morass of Vietnam. Yet as national policies can change with wisdom and experience so it can be hoped that Mr. Nixon, in the maturity which has brought him to national leadership at last, can become the instrument of a historic new direction for America. If he does, a grateful nation would be happy, we think, to see him as its bicentennial president in 1976.

A BILL TO MODIFY OUR ELECTORAL
SYSTEM

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. POLLOCK. Mr. Speaker, today I have introduced a bill which calls for a change in our Constitution. This bill will modify our electoral system for choosing the President of the United States. My bill retains the concept of the electoral vote and thus protects one of the guarantees given to the less populous States when they were admitted to the Union; but my bill does away with the electoral college as it now exists.

Under the provisions of the bill each State will have a total number of electoral votes equal to the total number of Senators and Representatives to which the State is entitled in the Congress. It will be the duty of each State legislature to divide the State into a number of electoral districts equal to the number of Representatives in Congress. Two of the electoral votes of each State will go to the candidacy receiving the greatest number of popular votes in the State. The remaining electoral votes will go by district to the candidacy winning the greatest number of popular votes in such electoral district.

The presidential candidacy which receives the greatest number of electoral votes nationwide will become President and Vice President provided this candidacy receives at least 45 percent of the popular vote. If a candidacy does not receive 45 percent of the popular vote, a runoff election will be held between the two candidacies receiving the greatest number of electoral votes. Thus, my bill will protect that fundamental concept which our Founding Fathers drafted into the Constitution which makes our Union a nation of individual States.

When the Union was formed, the smaller States were guaranteed certain protections, such as equal representation in the U.S. Senate versus the population representation in the House of Representatives. This was carried one step further when the small States were given a number of electoral votes for President of the United States equal to the number of their Senators and Representatives.

My proposal will perpetuate this fundamental concept of political integrity which has historically been safeguarded to the several States of this great Nation.

AN IMPRESSIVE PLEA

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. RHODES. Mr. Speaker, I call the attention of my colleagues to the editorial of the Bangor, Maine, Daily News of Tuesday, January 21, 1969, and include it in my remarks at this point:

AN IMPRESSIVE PLEA

We think the majority of American citizens were favorably impressed by the low-key inaugural address delivered by Richard M. Nixon as he became President yesterday. In pleading for national unity, he expressed some simple truths.

He noted that the nation has been suffering from "a fever of words."

It has come about, he said, "from inflated rhetoric that promises more than it could possibly deliver; from angry rhetoric that fans discontents into hatred, from bombastic rhetoric that postures instead of persuades."

This has been all too true. Politicians have been promising pie-in-the-sky. Angry agitators have done more to divide than harmonize racial relations. They have employed bullhorn belligerence to denounce the established American way of life.

Nixon called upon Americans to lower their voices "so that the words can be heard . . . We cannot learn from one another until we

stop shouting at one another." Shouting and blustering settle nothing. Constructive achievements cannot be brought about amid destruction, distraction and disruption.

Nor, observed the new President, can the government solve problems by going it alone.

In the last score of years, Nixon said, the "government has passed more laws, spent more money, initiated more programs, than in all our previous history" and now "we are approaching the limits of what government alone can do. What has to be done, has to be done by the government and people together or it will not be done at all."

More plain truth. The nation's people and their governments at all levels must be participants. Simply passing more laws in Washington or adopting costly federal programs with attractive labels hasn't and never will solve the country's ills either at home or abroad.

The President spoke hopefully and with determination of progressing toward a peaceful world and an improved society at home. Of the first, he said:

"Because the people of the world want peace and the leaders are afraid of war, the times are on the side of peace."

As to domestic ills, Nixon said:

"We can build a great cathedral of the spirit—each of us raising it one stone at a time as he reaches out to his neighbor, helping, caring, doing."

Nixon recognizes the grave problems that confront the nation. And he knows what is essential to solving them—a spirit of unity and dedication. He has set the right course for the new administration.

NO TRAPPINGS OF BOMBAST

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. NELSEN. Mr. Speaker, my attention has been called to an editorial that appeared in the St. Louis Globe Democrat. I feel this editorial gives a keen appraisal of the inaugural speech and I ask consent to place it in the RECORD:

[From the St. Louis (Mo.) Globe-Democrat, Jan. 21, 1969]

NO TRAPPINGS OF BOMBAST

President Richard M. Nixon's inaugural speech was delivered in welcome low key, void of political braggadocio or apostrophe to flamboyant goals, it was a carefully prepared inspirational talk, designed to set the tempo for an Administration he dedicated to seeking peace at home and abroad.

Nothing is more sorely needed, deeply desired and possibly more difficult to achieve. We are, over the nation and the world, he said, "rich in goods, but ragged in spirit, reaching with magnificent precision for the moon, but falling into raucous discord here on earth."

Mr. Nixon did not specify how this discord can be dispelled. He left that till later, with a clear implication he will offer implementation through concrete policy and acts.

The new President declared we are approaching the limits of what government alone can do. He did not observe that Washington in recent years has poured tax money like water into every problem that arose, as though dollars were the miracle medicine for every ill. Perhaps that would have been superfluous.

He urgently petitioned enrollment of the "legions or the concerned and committed" in the struggle for amity. The lesson of the past agony is that "without the people we

can do nothing; with the people we can do everything."

He pleaded for building a "cathedral of the spirit," which seeks a cause larger than an individual's self. He asked a sense of compassion, help and understanding, domestic and abroad—a rejection of "shouting," a return to rational confidence and determination for tranquility among ourselves.

"In these difficult years," the President said, "America has suffered from a fever of words, from inflated rhetoric that promises more than it can possibly deliver; from angry rhetoric that fans discontent into hatreds; from bombastic rhetoric that postures instead of persuading."

Who will doubt this analysis? If this was a criticism of the Johnson years, apparently it was not intended to be.

It is, however, a distillate of truth. That truth indeed is largely responsible for the so-called credibility gap, the racial unrest and the disenchantment with failure of government social nostrums to solve a widespread malaise among the disadvantaged.

Inherent in Mr. Nixon's message yesterday after he was sworn in as the thirty-seventh President of the United States, are three significant portents of the new Administration's purposes:

1) "Decent order" so that crime, rioting in streets and on campuses shall be halted and security among us be restored. Law enforcement with justice—and effectiveness;

2) A consolidation of present federal programs—and in some cases a weeding-out; and a respite from vast, new programs instigated out of federal government;

3) And peace in the world—first in Vietnam, then everywhere truculence and nationalism harass the freedom and concord of nations.

The President is under no misapprehension that a peaceful world will come easily, and certainly not by merely "wishing" for it. Yet he feels the times are on the side of peace, because "the people of the world want peace, and the leaders are afraid of war." The world's peoples certainly yearn for peace; let's hope Mr. Nixon is right about the leaders.

This is becoming an era of negotiation for peace, considers Mr. Nixon. He added to his oath of office a pledge to consecrate his office and energies to peace among nations.

But he made clear that no nation should be misled into feeling such an attitude suggests weakness. "Let us leave no doubt," he said, "that we will be as strong as we need to be for as long as we need to be."

Mr. Nixon's first speech as President was reassuring, temperate, confidence building, eloquent with no trappings of bombast.

HANGING OF JEWS IS BARBARIC

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. KUYKENDALL. Mr. Speaker, every decent human being on earth is appalled at the barbaric crime perpetrated against nine Jewish citizens of Iraq. It was thought that all nations had learned a bitter lesson of what attempted genocide and persecution against a people because of their race and religion led to at the hands of Hitler and the Nazis. With this horror still fresh in our memories it is unthinkable that any civilized nation would so soon resort to pogroms intended to exterminate Jews because they are Jews.

The United States should take the lead in serving notice that the slaughter of people because of race or religion must be stopped immediately.

I join with those who today mourn the fate of the victims of Iraq's barbarism in this instance, and pray that there will be no further such uncivilized acts.

LETTERS TO WASHINGTON

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. STUCKEY. Mr. Speaker, generally, the letters which are received in our congressional office in Washington are from the adults of our district. However, occasionally, I hear from some of our young generation. And, each time that I have heard from one of our younger citizens, it has been a rewarding experience. I believe that if each adult in the Eighth District could read some of these letters they would more fully realize what a responsible group of young people we have.

One young citizen can burn his draft card and it is headlines across the country. A handful of young people can disrupt a college campus, and it becomes national news. The immediate reaction of adults is that all young people are irrational—and incapable of assuming their role in the adult world.

However, I have repeatedly defended our young people and their dependability as responsible adults. And, I have done so, because I am convinced that these people making headlines represent only a mere fraction of our youth.

Several months ago, I received a letter from a young lady who I would consider to be typical of the young people not only in our district, but also our State and our Nation—those young people who do not make headlines because they have not committed some sensational act of violence or disobedience of the law.

The letter which I received was attached to a letter to the editor of one of our newspapers and had been written by a classmate of the young lady writing to me.

The letter to the editor read:

I am 18 years old and for the first time in my life, I shall be able to vote for the President of the United States. I should be happy and thrilled that I will be able to exercise my right to vote in the American political system.

I am scared, along with millions of other Americans, the writer continued—

It was said a long time ago "United we stand, divided we fall."

The writer asked:

Doesn't that statement apply to us?

She also said that we hear about all the bad things in the United States, but what about the good things. She asked:

Are we too split to stand up for what's right instead of what's wrong?

She closed her letter by saying:

Whether a person is young or old, rich or poor, black or white, Republican or Democrat—he is still an American. We are all

Americans. I think we should start acting like it.

The young lady who sent a copy of this letter to the editor to me, added her comments with which I heartily agree.

She said:

Many adults condemn all teenagers because of what just a minority of them do.

She said that the young people "do not have the much-needed leadership of the adults and that they do not have the trust of the older citizens."

Her question of me was:

Why don't more people take an interest in the teenagers of today and give us a chance to prove ourselves?

One particular phrase of the letter particularly impressed me:

Speaking for myself and many other teenagers, would you please help us to be recognized—not as rioters or marchers, but as the teenagers who would like to see peace and tranquillity among the people of this nation?

I want to take this opportunity to respond to this young lady who I think is truly typical of our younger generation and who I think bears the frustration which is typical of our younger generation. Yes, I will help you to be recognized. Yes, I will continue to work with you.

And, I would like to call on the other adults of our district to recognize the potential of these young people. Bring them into community life, give them a voice in community affairs, listen to their thoughts and ideas on the important problems of today. Maybe, and just probably, what they have to say will lead to workable solutions for some of our mounting problems of community living.

RETENTION OF CHAIRMAN SEABORG OF ATOMIC ENERGY COMMISSION MAINTAINS VALUABLE CONTINUITY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the Honorable Glenn T. Seaborg, Chairman of the Atomic Energy Commission, has been retained for continued service by the new administration, and certainly he is richly deserving of this vote of confidence.

In this connection, I place herewith in the RECORD an editorial from the Oak Ridger, the excellent daily newspaper of Oak Ridge, Tenn.—the Atomic City—because of the interest of my colleagues and the American people in the important affairs of the Atomic Energy Commission.

The editorial follows:

SEABORG'S RETENTION MAINTAINS A MOST VALUABLE CONTINUITY

The view has been expressed that President Nixon should have retained Wilbur Cohen as Secretary of Health, Education and Welfare. Cohen was above politics, Judith Randal wrote in "Washington Closeup" last week. He was the workhorse who made a succession of partisan secretarial appointments look good. And he loved the work—was ut-

terly dedicated to making the department's programs meaningful.

President Nixon replaced Cohen, who only moved up to the secretaryship in the last months of the Johnson administration. Robert Finch, his longtime California political intimate, was named to the post.

Happily, however, President Nixon has chosen not to replace another with California ties; Glenn T. Seaborg, chairman of the U.S. Atomic Energy Commission. No single act of the administration adds to our confidence as does this development this week.

Chairman Seaborg has a long way to go to become comparable with J. Edgar Hoover. The head of the Federal Bureau of Investigation has been through several transitions of party in the White House. Still, the continuity that Seaborg has now established within the AEC is a most valuable thing for the whole nuclear program and it is heartening that President Nixon has recognized this.

It is even more heartening that Seaborg has agreed to stay at the job when he could undoubtedly command many times more the salary in private employment. Indeed, considering that the chairman has a large family of children to educate, his continuing in office represents a major personal sacrifice.

Chairman Seaborg's predecessors were all men of great ability. None, however, had the pure science—and particularly pure nuclear science background that he has.

Oak Ridge has benefitted especially from his intense personal interest in the transuranium elements research here—his very own field. Oak Ridge National Laboratory has, during his term of office, developed into the world's primary center for production and research with these fascinating, exciting elements.

But not only this pet project, but many other significant local efforts have had the benefit of a much more sympathetic ear at the highest echelons of the AEC. Of very current local meaning is the Molten Salt Reactor project that local scientists feel has so much promise. Chairman Seaborg has indicated recently that he has also become convinced.

Chairman Seaborg was recently honored for his splendid ability, and willingness, to convey the nuclear message—the whole inspirational science and technology message—to the general public. He has made scores of speeches telling of the dazzling possibilities of the next ten and 20 years.

Yet another important reason for his remaining in the government is the possibility that, during the Nixon administration, there could be substantial steps toward the organization of a federal Department of Science—a new department combining the many scientific efforts now primarily federal in nature—space, medicine, atomic energy. Indeed, if this is ever done, and there are many good arguments for it, the man undoubtedly most qualified to be the first Secretary of Science—one with both tremendous scientific and government know-how—would be Seaborg himself.

PROTECTIVE JOURNALISM WRONG

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. SCHADEBERG. Mr. Speaker, a recent speech by the managing editor of one of the fine daily newspapers in my district made a lot of sense. Today, when the American people are hounded by exponents of what is called "interpretive

journalism," it is refreshing to look at another side of the coin, as managing editor Robert E. Rhodes of the Janesville Daily Gazette has done. Bob Rhodes speaks about "protective journalism" in his usually able manner, and as I understand the thrust of his pertinent remarks, he is plugging for a universal return among our newspapers and other news dispensers in the Nation of that good, old-fashioned virtue, "the truth and nothing but the truth," for the American people. His comments as carried in the Janesville Daily Gazette on January 28, 1969, follow:

"PROTECTIVE JOURNALISM" IS WRONG, EDITOR SAYS

"Protective journalism" has no place in the newspapers of today, Robert E. Rhodes, managing editor of the Janesville Gazette, told Rotary members yesterday.

Rhodes said "protective journalism" is what would result if editors or publishers succumbed to pressures to withhold or play down news which might prove embarrassing to a member of the community or an advertiser of the newspaper. To bow to such pressures is wrong, Rhodes declared.

If the story or picture is news by itself, he said, it remains news despite objections which might be made to it by an advertiser or an individual or group.

Rhodes said there are many instances where persons involved in crimes of one degree or another seek to have that information withheld from the newspaper. "That simply cannot be done," he said. "Because if you did it for one person you would have to do it for the next and then where would you draw the line?"

He said any newspaper would prefer not to have to print any bad news, but this is not possible. "Once a newspaper has to print the bad news it cannot be selective about whose bad news will be published."

Rhodes spoke also about the increasing demands for the available space in the newspaper and cited two sets of statistics to back up his claim. A check of the Gazette society page, he said, gave the following picture: In 1967 there were 599 weddings reported; in 1968 there were 898, or 299 more. In 1967 there were 528 engagements reported; in 1968 there were 732, or 204 more.

In the obituary section a comparison was made of December last year and December 10 years ago. Ten years ago there 198 obituaries reported, last year there were 242, or 44 more.

"Some people don't understand why we have to eliminate some articles of information from wedding stories, such as what the bride's mother wore, who sang and what songs, and other details such as that," Rhodes said. "And they sometimes don't understand why we no longer can list the pallbearers and other information in obituaries. It's strictly a question of space and trying to fit all the news in and keep it all in perspective."

Bill Bessire, general sales and promotion manager for Radio Station WCLO, and Gerald Fritz, manager of Total TV, were inducted as new members.

FRANK CARLSON OF KANSAS
ASSUMES NEW DUTIES

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. MIZE. Mr. Speaker, former Senator Frank Carlson of Kansas has been honored in many ways throughout his long, productive career in public service.

Senator Carlson has deserved all the tributes paid him through the years, for he has been willing to undertake the difficult assignments, and perform the arduous tasks which are the requisites of progress in a challenging world.

Senator Carlson has retired from the Senate, but he clearly has not removed himself from the arena of public affairs.

I am pleased to take this opportunity to congratulate Senator Carlson on his appointment as chairman of the Committee on the World Food Crisis. He succeeds Herschel Newsom, master of the National Grange, who resigned to join the U.S. Tariff Commission.

Senator Carlson brings to his new post a lifelong concern for the problems of food supply and population balance in this precarious world. His legislative record speaks clearly of his humanitarianism, his compassion, and his dedication to the eradication of malnutrition and hunger.

As chairman of the Committee on the World Food Crisis, Senator Carlson will lead a distinguished committee of concerned Americans, including the Honorable Clifford Hope, former chairman of the House Agriculture Committee, who now resides in Garden City, Kans.

The committee is nonprofit, supported by donation, and is dedicated to promoting U.S. programs and policies which serve to mitigate suffering throughout the world.

One of the committee's most notable achievements was the Second International Conference on War on Hunger, held in Washington, D.C., in February 1968. The conference brought together leaders from the Congress, the administration, the private sector, and the academic world. All shared a common purpose: to discuss and analyze what must be done to escalate the war on hunger. Vice President Humphrey keynoted the conference. Congressman BOB POAGE and BOB DOLE, now Senator Carlson's successor in the Senate, were present to discuss legislative approaches and solutions.

One of the primary objectives of the committee has been to promote extension and expansion of commodity distribution under Public Law 480, called Food for Peace.

Since its inception, Public Law 480 has underwritten the distribution of over \$18 billion worth of food to a hungry world. The widespread popularity of food for peace can be attributed, in part, to the unswerving support of the Committee on the World Food Crisis.

Senator Carlson, as he undertakes these new responsibilities, will remember the lessons of a lifetime of legislating, and will provide the committee with both competent and inspiring leadership.

REMARKS OF DORIS L. SASSOWER

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. REID of New York. Mr. Speaker, on January 25, Mrs. Doris L. Sassower, president of the New York Women's Bar

Association and a constituent of mine, delivered a speech before the National Conference of Bar Presidents in Chicago. This was the first time in the history of the conference that a woman bar president had been invited to speak to this all-male group.

With the question of women's rights and problems of equality so much in the news today, I think that Mrs. Sassower's speech may be of particular interest to my colleagues, and I am therefore including it in the RECORD at this point:

REMARKS OF DORIS L. SASSOWER, PRESIDENT OF THE NEW YORK WOMEN'S BAR ASSOCIATION DELIVERED AT THE MIDYEAR MEETING OF THE NATIONAL CONFERENCE OF BAR PRESIDENTS, CHICAGO, JANUARY 25, 1969.

Mr. Chairman, distinguished colleagues, ladies and gentlemen:

I appear before you, as a woman lawyer, to discuss a problem that cries for the attention of the American bar. We have managed to close our eyes to it in the past, yet it follows us wherever we go. What I am discussing is the disadvantaged position of American women in our profession—and the dimension of the problem is demonstrated here at this very gathering.

I ask you to look about you, and count the number of women here in attendance. Assume that all of them are lawyers. Is this a proportion that America's women or America's lawyers can be proud of?

Last year, in my own State of New York, the Legislature created 125 new judgeships. Here was an unprecedented chance for executive and political leaders to breathe new life into the phrase "equality of opportunity."

What happened? Of the 50 new Supreme Court judgeships for the state, not one went to a woman—though certainly there were women of proven ability sitting on the lower court bench. Of the 25 new Civil Court judgeships for New York City, only one went to a woman. Eleven new appointive Criminal Court judgeships were filled by the City of New York last month, and two new Family Court judgeships—not one by a woman.

I'm not talking about a small country town or one of our backward states, but about New York City and New York State . . . the leaders in this country's march toward social justice.

How is it possible for a state like New York to have 125 new judicial vacancies and come up with a list that includes only one woman in all of New York City, only one in the rest of the State—and both filling lower court positions?

Shouldn't we be honest with ourselves, and admit that, despite the undoubted progress that has been made, the American ideal of equal treatment and equal opportunity is still only an ideal for our women lawyers?

The number of women lawyers has grown from one in 1869 to over 8,000. Women are now admitted to the bar throughout the nation and elevated to judicial offices. It is possible to say that theoretically there is no position in the legal profession that cannot be filled by a woman.

Yet, women lawyers now approximate only one out of every 40 lawyers. Considering that women constitute 51% of the nation's population and that a law school education is now relatively easy for women to obtain, this is a minor accomplishment. It looks even worse when you compare it to the ratio of one woman to every 28 lawyers practicing in 1950.

So then, what's wrong with today's women lawyers? Fifty years ago, the first woman ascended the bench. Yet among the 9700 judges in the United States today, her successors constitute not a multitude, but a mere handful. The last published Directory of American Judges listed less than 200!

Taking New York as an example, there is no woman in the Appellate Division of any of

the Judicial Departments, no woman on the State Court of Appeals, no woman on the U.S. Court of Appeals for the Second Circuit, only one woman on the federal district court.

Even more discouraging—every woman judge who left the bench in New York through death or retirement in recent years has been replaced by a man!

At the very top, the Supreme Court of the United States has yet to see its first woman judge, although barriers of religion and race have been broken.

If the number of women judges shows a dismal failure to fulfill the early promise of the trail-blazing women in the law, the same is true of the number of women on law school faculties, in prosecuting and government agencies, large law firms and private practice.

In the year 1966, of about 2,500 teaching positions in law schools throughout the United States, only 51 were held by full-time women faculty members.

In government, top-level legal jobs, are still usually held by men.

And in 3,000 firms rated as "leading" in the profession by the 1957 Bar Register, only 32 reported a woman law partner.

Is there something wrong with today's women lawyers? Are they responsible for this singularly uninspiring situation? A serious study would show the answer is no.

There are many brilliant, competent, dedicated women lawyers carrying on the tradition of Florence Allen, who served as Chief Judge of a U.S. Circuit Court of Appeals.

The failure of women to occupy high legal positions in significant numbers reflects the current situation of American women generally. Only a negligible percentage of executive jobs are held by women. And although women are a majority of the population and of the electorate, the political status of women in our society has been recently described as "one of the great disappointments of the 20th Century." No woman sits in the cabinet as she did in F.D.R.'s day; there is only one woman Senator, and the number of women in the House of Representatives today is less than it was 10 years ago.

What has held back women lawyers has been in large part, of course, the basic difficulty of being a woman.

More than half of all working women are married. Today's women lawyers, too, see no reason to sacrifice the possibility of marriage and child-rearing as women of an earlier generation felt compelled to do.

But, those who do combine full-time professional and family responsibilities often find the load too heavy. There is a deplorably high number of women "drop-outs" in the profession. An income survey conducted not long ago by the U.S. Department of Commerce showed that only about 25 percent of women lawyers remained in practice long enough to reach their peak earning power.

The solution to this problem of women lawyers is the same as the solution to the problem of all working women: Revision of the tax laws to permit deduction of home and child care—and development of government aided child-care facilities.

It is time for the American Bar Association, and other organized bar groups to give their support to such legislation. These proposals are in the national interest. And the legal profession would gain new strength from the ranks of talented women who will thereby be enabled to practice.

An even stronger obstacle to women's entering and advancing in the law is a lingering bias—whether due to prejudice or inertia—within the profession itself.

Now that our nation is concerned with the problem of inequality of opportunity, the question may well be raised whether the fact that so few women are employed in responsible legal positions is not prima facie evidence of violation of rights secured by the

Civil Rights Act of 1964 or state statutes like New York's Human Rights Act.

The time has come for the leaders of the organized bar to recognize their responsibility to open the profession to everyone able to make a contribution to it. The affirmative approach that is being taken today to encourage Negroes and other minorities to self-fulfillment and societal involvement is just as applicable to women.

Concerted efforts should be made by nominating and appointing authorities, from the White House down, to seek out qualified women for judicial and public offices. Every large law firm should examine its hiring and promotion policies with a view to putting to use the abilities of female attorneys.

Each government agency, U.S. Attorney and District Attorney's Office should put its own house in order and set the standard for private industry by not only hiring, but actively recruiting capable women.

Despite the problems of marriage and family responsibilities, there are hundreds, if not thousands, of women who could perform such jobs admirably on a full-time basis. If government and private law offices wish to end the de facto discrimination that still demeans the profession, they could also establish part-time opportunities to enable additional thousands of present and would-be women lawyers to participate productively in the law.

A pilot project of 22 highly trained women to work as a part-time talent pool in the Department of Health, Education and Welfare was last year created in response to President Johnson's comment that "the underutilization of American women continues to be the most tragic and senseless waste of the century." Similar arrangements are desirable and feasible for women lawyers.

In all this, the double burden of discrimination that falls on women who are also members of minority groups must not be overlooked. In working to increase the number of Negro lawyers in this country, let us make sure that some of those Negroes aided are women!

If there is something wrong with today's woman lawyer, it is that she relies too much on individual effort instead of participating in the organized activities of the Bar.

As Presidents of bar associations, you must realize the added strength which women lawyers could give by participation in your programs. The time has come for you to show women lawyers that their participation is welcome and needed. This can be done by enlisting them as members, by giving them committee appointments and chairmanships, by encouraging them to be visible and vocal as officers and members of your boards of directors, by giving attention to their special needs, by insisting upon equal opportunities for women among the prospective employers who seek to use your legal placement services.

On a nation-wide basis, there is need for a broad cooperative effort to encourage more women to choose a career in law.

The entrance of women students into our law schools is our best hope for the future—and that number is increasing. At New York University Law School, for example, the entering class of '68 had a 20 percent female enrollment.

In spite of all the obstacles, it is obvious more and more American women do want to become lawyers. In this regard, they are no different from women in other countries. However, in other countries they fare more favorably.

I reported some of these achievements in an article in the October-November 1968 issue of Trial Magazine which I hope you will read for further information on this entire subject.

Let us note that the last figures show that in Denmark women comprised 50 percent of

the law students, that women account for 36 percent of the lawyers in the Soviet Union, and that women judges in Germany are 30 percent of the total number.

It may be a long time before American women have equal status with their colleagues in these countries, but isn't it time we got started?

It is my understanding that I am the first woman to address the National Conference of Bar Presidents. I believe I will not be the last. For this promising beginning, I wish to thank the forward-looking Chairman of this Conference, Mr. Chesterfield Smith. With the help of the enlightened leaders of the Bar, I hope to see more women lawyers participate in coming conferences, and in all ways fulfill their proper obligations to themselves and to the profession.

Thank you.

LICENSE THE TV NETWORKS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. GONZALEZ. Mr. Speaker, the very heart of a free and democratic society rests in free speech and a free and responsible press. A free people absolutely must have liberty to think and speak for themselves, and they must also have reliable, responsible sources of information on matters of public interest and concern. The people of this country have come to rely heavily on television for a source of news. Television is capable of reaching millions of people instantly. A television news story has an impact that is difficult to imagine. This electronic medium thus has vast powers to inform people, to contribute to the discussion and formation of opinion that is central to the democratic process. Yet where there is power to inform there is also power to misinform; I believe that the television networks have made great achievements in broadcast journalism but they have also demonstrated at times an alarming lack of responsibility. The public today has no means of assuring itself that television news is accurate and objective and no way of obtaining redress if it should be irresponsible. In the newspaper field there is at least an element of competition that helps keep news reliable. But the only entry to a television network is through that network; and a network can choke off any news that it does not want to broadcast, or refuse to broadcast any correction of an inaccurate record. Because of this, and because of the immense impact that television can have on information and opinion I believe that there must be some device to help assure that the public interest is protected by something more than the conscience of the networks—a conscience that, judging by the general content of broadcasting today, is very flexible indeed.

If a network broadcasts false or misleading news and insists on abusing the airways, the only way to correct the situation now is for the Federal Communications Commission to refuse renewal of licenses to network owned broadcast facilities. The Commission is incapable

of using this tool, and in any event punishing the outlet is no way to approach correcting the real defendant, which is the originator of the program, and that is the network. The network controls what is to be broadcast and when, by and large, the station is helpless if the network gives it an inaccurate or poor presentation. It seems to me that the quality of programming would improve perceptibly if the networks could be held accountable for their broadcasts. Therefore the networks should be licensed, and should be held accountable for their programming through a license renewal procedure. Only in this way can there be any public accounting for a network's actions.

I do not seek censorship, nor do I seek any curb on creativity or free expression. What I do ask for is some method to protect the public from false news broadcasts or irresponsible broadcasters. The television journalist must, by the nature of his profession and the nature of pay arrangements, find news that sells. The circumstances are tempting for a journalist to find a story that sells, without too much regard to whether it is reliable or not. Last year, CBS broadcast a program called "Hunger in America" which opened with a picture that purported to show a baby dying of hunger. But the fact is that this horrible, shocking picture happened not to be true at all. The network, far from correcting the record on this and other untrue or misleading elements in the program, rebroadcast it and promoted it. To this day copies of the film are available for showing to anyone who is interested, and the film has never been corrected in any respect. The network need not be concerned that anyone can penalize it for its curious actions, for it has to answer only to its own conscience. A conscience as flexible as that demonstrated in this instance is not one that the public interest can be trusted to.

I am happy to note that the Citizens Committee for Broadcasting is concerned about the general quality of broadcasting today. The committee is undertaking a concerted effort to improve broadcast quality, and among other things, will consider the feasibility of a licensing system for networks. I believe that public accountability is the only way to assure public responsibility, and that a licensing system is the most practical way to achieve this. I am therefore offering for the consideration of the House a bill to create a licensing system for broadcast networks.

NIXON SPEECH AN IMPRESSIVE
WAY TO BEGIN

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. ARENDS. Mr. Speaker, under leave to extend my remarks I include an editorial by that outstanding columnist David Lawrence, praising President Nixon's extraordinarily fine inaugural address:

NIXON SPEECH AN IMPRESSIVE WAY TO BEGIN
(By David Lawrence)

WASHINGTON.—President Nixon's address to the nation immediately after he took the oath of office Monday was impressive.

There were no innuendos of political partisanship, no criticisms of the preceding administration, no words of boastfulness or extravagant promise. It was just the message of a man who emphasized his own confidence that the American people could unite and go "forward together."

Naturally no specific courses of action relating to pending problems were outlined. The speech was rather an attempt to achieve a unity of thought behind the fundamental principles which must guide the new administration and the country.

The address did not ignore the realities of the age: the factional differences, the bitterness between groups and the uprisings of dissent. He said:

"In these difficult years, America has suffered from a fever of words; from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading.

"We cannot learn from one another until we stop shouting at one another, until we speak quietly enough so that our words can be heard as well as our voices.

"For its part, government will listen. We will strive to listen in new ways—to the voices of quiet anguish, the voices that speak without words, the voices of the heart, to the injured voices, the anxious voices, the voices that have despaired of being heard."

This is an appeal to reason as against movements of protest by violence and disorder. Mr. Nixon broadened his theme to cover world affairs, too.

He declared that "the peace we seek to win is not victory over any other people, but the peace that comes with healing in its wings; with compassion for those who have suffered; with understanding for those who have opposed us; with the opportunity for all the peoples of this earth to choose their own destiny."

Mr. Nixon's address will be appraised in history as a timely presentation of thoughts which lie deep in the hearts of the American people.

On the whole, the inaugural of 1969 was a significant example of how well the spirit and will toward unity can be emphasized even in an event that marked the defeat of one party and the victory of another.

GATHERING THE LIGHT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, I commend to my colleagues an excellent editorial which appeared in the Boston Herald Traveler on President Nixon's inaugural address and what it should mean to the American people.

GATHERING THE LIGHT

Richard M. Nixon summoned the American people yesterday to meet the future by heeding the injunction: "Let us gather the light."

By gathering the light instead of cursing the darkness, by caring and doing, the nation can build, in President Nixon's words, "a great cathedral of the spirit." After becoming the 37th President of the United States in a simple but solemn ceremony that symbolized

not only the transfer of the awesome authority of the Presidency but also the continuity of the nation's institutions, President Nixon addressed himself to the need for a richness of spirit as the sources of peace at home and abroad.

The pursuit of peace was the paramount theme of President's Nixon's inaugural address, peace among nations, among races, among contending groups in our own society. Americans must go forward together and Americans must go forward with all of mankind.

"Where peace is unknown," President Nixon urged, "make it welcome; where peace is fragile, make it strong; where peace is temporary, make it permanent." Peace at home will not come until the war of rhetoric is de-escalated, until the ideological fevers and the passions of group interests are cooled. The surfeit of harangues must give way to honest dialogue.

"We cannot learn from one another," President Nixon warned, "until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices."

If Richard Nixon can secure peace in the world and bring tranquility to the sometimes tumultuous dissension in the United States, he will exceed the highest expectations of his administration. But President Nixon has been careful to distinguish between goals and promises, for he realizes that promises without product have dashed the faith of many alienated Americans.

And he knows, about all, that despite the far-reaching powers of the Presidency, he will need, in a thousand direct and indirect ways, the support of the American people. "Without the people we can do nothing; with the people we can do everything."

The people, however, too often expect the President alone to do everything. He is invested with enormous responsibilities; he is the Chief Executive, with all the administrative burdens that implies; he is also the chief initiator of legislation, the commander-in-chief of the Armed Services, the ultimate maker of foreign policy, the head of his political party, the living symbol of the United States, and the leader of the free world.

But the President's power is not unlimited, and even his constitutional powers are curbed by formal and informal checks and balances. One of these informal reins on the Presidency and the national government is the power of the people, expressed in manifold ways and exercised through both governmental and non-governmental channels.

After a hectic, dissentious and violent year, the quiet order and congeniality of the transition that reached its climax yesterday are reassuring to Americans. But dark problems remain. With the power of the people behind him, President Richard M. Nixon should be able to give the United States responsible and responsive leadership in an era eager for gatherers of light.

ASTRONAUTS ADDRESS BEFORE
CONGRESS IS UNFORGETTABLE
EVENT

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. BOGGS. Mr. Speaker, last month's visit to this Chamber by Astronauts Borman, Anders, and Lovell was a moving experience for all Americans. It was par-

ticularly dramatic for those of us who were privileged to be present, both on the floor and in the galleries. The following article is by Mr. Gene Yoes, Jr., publisher of the St. Charles Parish Herald, St. Charles Parish, La. I found it a particularly moving account of the astronauts' visit, and I call it to the attention of my colleagues:

ASTRONAUTS ADDRESS BEFORE CONGRESS IS UNFORGETTABLE EVENT
(By Gene Yoes, Jr.)

WASHINGTON, D.C.—This is a personal story. It is about a very moving, emotional experience we had in Washington, D.C., last week.

Cong. Hale Boggs reached into his pocket and handed this writer one ticket to the gallery of the U.S. House of Representatives. He said it was the only ticket he had.

We knew that James Lovell, Frank Borman and William Anders were in Washington. After giving the ticket, Cong. Boggs excused himself because he was wanted at the White House.

With a busy business schedule behind us and more business meetings ahead, we slipped out of the Congressman's office in the Capitol trying to weigh the advisability of using the ticket.

A friend of ours, wise in the ways of Washington, said "you had better go. That's probably the only ticket he has to give away and people all over Washington would like to get it."

So, we returned to the Capitol. It was almost too late. Policemen surrounded the building. They were determined to keep us out and insisted our ticket was no good.

We were determined to get in. Black limousines a mile long were debarking passengers at a ground floor entrance. We slipped in the line.

The passengers were foreigners. Later we discovered they were ambassadors from over the world. Inside the building, we were directed to the House gallery where a folding chair had been hid in the corner for us.

Television cameras from the three major networks were already set for us. The House Chamber was almost empty. We looked for familiar faces. There were none.

Then Con. Eddie Hébert from Louisiana came in followed by Cong. John Rarick of Baton Rouge and Otto Passman of North Louisiana. Cong. Boggs entered with Carl Albert, the democratic majority leader.

One by one, recognizable faces appeared. Then the venerable John McCormack, ageless speaker of the House, rapped his gavel. For no reason, we recalled a newspaper story years ago that the Speaker always dines alone with Mrs. McCormack every night when he is in Washington, the city of endless cocktail parties and political dinners.

We had forgotten that democrats sat on one side of the aisle and republicans sat on the other side.

Mr. McCormack rapped the gavel. The chamber was almost empty. A voice from an unseen man boomed from the back of the chamber. From the depths of memory came the name "Fishbait Miller." It may not be the correct name. The voice announced the arrival of the members of the Senate.

There was Everett Dirksen, to us the most magnificent member of the Senate. And Sen. Russell of Georgia. And Sen. Russell Long of Louisiana. And Teddy Kennedy of Massachusetts. He needed a haircut.

Seeing Teddy, you thought of Bobby and you thought of Jack. They once sat here. Now they rest on a hill across the Potomac. Vice President Hubert Humphrey went to stand by Mr. McCormack.

The voice from the back of chamber, the sergeant at arms whose name may be "Fishbait Miller," boomed again and again.

The ambassadors from over the world, the ones who helped me get back into the Capitol, entered. Secretary of State Dean Rusk led the president's cabinet into the room.

The long-suffering but proud Chief Justice of the Supreme Court, Earl Warren, led his fellow justices to a front row seat. Justice Hugo Black was there. Justice Thurgood Marshall looked proud, his skin only a degree darker than the other justices.

Those of us who were spectators stood with each introduction by the Sergeant at arms. It became a physical fitness exercise as the leadership of our nation moved into the House chamber.

Then Mr. McCormack named Cong. Boggs and other members of the house to escort the astronauts into the Chamber. Vice President Humphrey named Sen. Dirksen and other senators to escort the astronauts.

When James Lovell, Frank Borman and William Anders walked into the chamber, this writer's eyes sort of got puddled.

In the puddle, we saw Lovell, Borman and Anders as specks as they emerged from the back side of the moon for the first time.

Intermittently, our eyes would clear and see the astronauts in the House chamber, being introduced one by one, watching as their families were introduced, making short speeches.

During the puddles, we saw them leaving earth orbit at almost 25,000 miles per hour.

Or plotting their course as they left the earth, moving rapidly in its orbit around the sun, for the moon, moving rapidly in its orbit around the earth.

Or settling down as their 25,000 mile per hour speed was reduced to about 3,500 miles per hour as the earth turned into a speck behind them.

Or gathering speed as the moon's gravitational pull drew them into greater velocity.

Or firing jets that would reduce their speed so that they could circle the moon.

Or peering out the windows of the Apollo spacecraft to get closer looks at the moon.

Or firing their onboard jets to escape the orbit of the moon at the precise moment in time needed to allow them to intercept the rapidly moving earth.

Or debating their course back into the earth's atmosphere where even a minor miscalculation would have meant death.

We really didn't hear much of the astronaut speech. But we did live through a moment in time that we will always remember. In some little way, we lived through their magnificent journey into the universe, the first of its kind ever.

We were proud.

NOTED EDUCATOR, DR. FRANK CORDASCO, SEES CATHOLIC SCHOOLS "FIGHTING FOR THEIR LIFE"

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, on January 19, 1969, the Newark Star-Ledger published a most interesting article concerning the role of the Catholic school in the core city.

The article in question, which is written by Robert J. Braun, gives the views of a very distinguished constituent of mine, Dr. Frank Cordasco, a resident of West New York, N.J., who has been nationally acclaimed for his studies of urban educational problems and particu-

larly those dealing with Spanish-speaking students.

Dr. Cordasco is to my knowledge the first lay member of the board of education of the Archdiocese of Newark and his appointment by Archbishop Boland is, I am sure, a harbinger of good news for the archdiocesan school system. Dr. Cordasco is a man of great dedication and enthusiasm as well as formidable intellect. In brief, he is the kind of man who gets a job done.

Mr. Speaker, his views on the role of the religiously oriented school and its relationships with the residents of our ghettos and barrios is worthy of the attention of all Members of this House. Having received permission, I insert it at this point in the RECORD.

The article follows:

CATHOLIC SCHOOLS FIGHTING FOR THEIR SURVIVAL

(By Robert J. Braun)

At this point, stock in Catholic education in the Newark archdiocese is not high.

At this point, as in the last several years, parish schools in the archdiocese, particularly in the urban areas, have been losing money to increasing costs and students to the public schools.

Add to this the recent condemnation of the archdiocese as "racist" by a group of 20 priests, and the picture looks gloomy indeed for a school system which provides education for 151,139 elementary and secondary school children.

SOME OPTIMISM

But, at this point, there is reason for some qualified optimism within the archdiocesan school system, an optimism which has replaced a "God will provide," fatalistic attitude that had prevailed in recent months.

The new optimism is based on the recent creation of positions for laymen on the archdiocesan board of education. The board, in the past, has been entirely composed of clerics—all of them monsignori, considered profoundly a part of the "Establishment."

Of course, the assignment of laymen to a board won't prevent the chronic closing of schools—five were closed last year—or a drop in the enrollment—more than 5,000 students less this year than last—but a spokesman for the archdiocese did say the board would take direct action to improve matters:

"This formation of a new board," he said, "is part of the updating of the Catholic Church even in its educational aspects. The updating was given impetus by the Second Vatican Council."

A LOOK AT MERITS

To determine whether the archdiocese is sincere about reform, one would have to look at the laymen appointed. And one of the first appointed was Dr. Frank Cordasco, an educational sociologist from Montclair State College.

Dr. Cordasco's credits are impressive. He is an author of considerable merit and some of his books are used as texts on the problems of disadvantaged students.

He has been given much of the credit for the formulation of Title VII of the federal Elementary and Secondary Education Act of 1965 which will provide programs for bilingual education—an important step in providing opportunity for Hispanic minority children.

A CONSULTANT

An educational consultant to the Migration Division of the Commonwealth of Puerto Rico, he has worked as an educational consultant to such cities as Baltimore, Philadelphia, Chicago and St. Louis.

In recognition of his work with minority groups, Dr. Cordasco last year was awarded a Brotherhood Award by the National Conference of Christians and Jews.

Still a board of prominent citizens with impressive credits doesn't really mean much unless the board acts. Two characteristics of member Cordasco could indicate the board will act—he is fiercely dedicated to the continuance of a Catholic education "presence" in ghetto areas and he is an advocate of greater community involvement and control of schools in urban areas.

BETTER OFF

"I would say that, because of the compassionate response of many in the religious community, where the poor child finds himself in Catholic schools, he is immeasurably better off than if he were in a public school."

The Catholic schools, Dr. Cordasco points out, offer the "priceless ingredient" of dedication by the teachers.

"The nuns in those schools teach for \$1,000 a year. Would anyone else?"

These schools, he points out, can provide the self-esteem and identity that children in minority groups search, often so fruitlessly in the public schools.

MORE FREEDOM

"These Catholic schools are not restricted by an oppressive bureaucracy," he said and he pointed out that this aspect allows the private schools much more freedom, and more opportunity, to cope with the ills of urban education.

"They can act to bring people into their schools without reference to licensing procedures—which, after all, act to license out people in the public schools rather than to bring in qualified people."

In this way, he said, "the Cuban with a doctorate in pedagogy (education) who would not be qualified to teach in the public schools. Or, they can go into the community and find a liberal arts graduate who has talent but who cannot teach because he doesn't have the necessary number of professional education credits."

LESS VULNERABLE

Dr. Cordasco also pointed out that the Catholic schools would have a better chance to involve people in the black or Puerto Rican community than would the public schools which are vulnerable to outside attack by people who are against so-called "decentralization."

(When someone accidentally used the word "decentralization" to describe a reorganization of Newark's school administration, a reorganization which, if anything, strengthened the central power of the board, a great controversy arose which still has not been clarified.)

The educator—urbanologist admits these elements are the positive side of the archdiocesan educational system. He also admits to a negative side which he said was brought out by the 20 dissident priests.

"HORROR OF LIFE"

"These young priests spoke from the anguish and the desperation of their fellow human beings in the center-city community. They correctly delineated the absolute horror of life there," he said.

But, Cordasco, was quick to point out, they erred in attacking the archdiocese and Archbishop Thomas A. Boland as having "racist tendencies."

"This is absurd," he said. "But they felt they had to strike out and whom else did they have to hurt but their leadership?"

He pointed out that just the decision to include lay people on the new archdiocesan school board "was prima facie evidence" of the archbishop's commitment to the cities.

DEFENDS ARCHBISHOP

"It is one thing for these young priests to react out of despair. However, I would categorically reject as being without evidence of

any kind any charge of racism against the archbishop or the archdiocese," he said.

But these young priests, he said, should know that the problems of the cities are "insurmountable without the kind of gigantic resources which the people of New Jersey should be willing to provide."

To the state and federal governments, he said, is where these priests should have directed their reactions. And there, he added, is where he expects the new archdiocesan board to direct its fire in coming weeks and months.

AID FROM STATE

Dr. Cordasco charged that the state must assume more responsibility for the underwriting of private education. "It must do this," he said, "under the theory that the money will benefit the child—rather than go to the Catholic church."

"And there is the corollary to this that the state must know it would have to provide education for present Catholic school children if the archdiocesan system closed down," Dr. Cordasco said.

The educator also charged that the state had not given to the Catholic schools the money to which it was entitled under federal education legislation.

CATHOLICS' ROLE

"Greater resources can be made available to private schools through Title I and other federal funds." He called "injudicious" the manner in which U.S. monies were distributed in New Jersey.

He also called on Education Commissioner Carl Marburger to revive the now defunct idea of the "Statewide Conference on Urban Education" and to include in it discussion of the role of the Catholic Church in the area of urban education.

Referring to some authorities who charge that the Catholic Church is financially bankrupt in the cities and should abandon the schools there, Dr. Cordasco said:

"You can clearly see the inability of the entire state to underwrite the resources of the public schools in the city. Why should anyone question why the Catholic schools, with their limited resources, have trouble?"

But, he said, the Church must remain in the city as a mark of its "sincere and continuing commitment."

FAMED CONCORDIA CHOIR WILL SING AT CONSTITUTION HALL

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. KLEPPE, Mr. Speaker, it is with great pride and pleasure that I call attention to the scheduled appearance of one of America's finest choral groups, the Concordia Choir, at Constitution Hall in Washington, Sunday, February 16, 1969, at 8 p.m.

As a member of the board of regents of Concordia College, Moorhead, Minn., I am especially proud of the director, Dr. Paul J. Christiansen, head of the department of music, and the 65 fine young men and women of the choir. Dr. Christiansen is the son of F. Melius Christiansen, who directed the world famous St. Olaf Choir for many years.

The Concordia Choir won wide acclaim on a recent tour of Norway, Holland, Germany, and Austria, with special concerts at the Brussels World's Fair and the Vienna Music Festival. They have toured the Nation in recent years and

will be appearing in a number of mid-western cities and eastern cities this season. The tour for 1969 takes the group through Minnesota, South Dakota, Wisconsin, Michigan, Illinois, Indiana, Pennsylvania, Washington, D.C., Massachusetts, Ohio, New York, and Maryland.

Singing a capella, the choir will present a program ranging from 16th century classics down through the Badn era to the contemporary masters. Several favorite works by the director's father will also be heard.

In its years of public appearances, the Concordia Choir has been lauded from coast to coast as one of the foremost American choral groups. Critics have applauded the "subtle perfection," the "sheer beauty" and the "incredibly fine tone quality" of the choir. The European tour was no less triumphal. The critics and press of all countries were unanimous in their praise of these musicians. This enthusiasm has been substantiated by critics from New York to San Francisco in the years since.

BETTS WANTS ACTION AGAINST PORNOGRAPHY

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. BETTS, Mr. Speaker, the modest attack Congress has launched thus far to curb the torrent of obscene and pornographic materials circulating in this country barely scratches the surface of what needs to be done to combat this problem. The 91st Congress and Nixon administration, acting in a concentrated effort, have a responsibility to write effective legislation and establish necessary administrative machinery to stop purveyors of pornography. While it is true the Supreme Court has restricted the full scope of restraint over distribution of smut, there is much that can and must be done, notwithstanding some of the wishes of the Court.

My constituents have sent samples of objectionable material and in meetings throughout the Eighth District, people express concern that Congress must act, especially where the postal system is used to spread this filth. I believe the Nixon administration must take new initiatives through the Justice Department and Post Office Department. In addition, the recently created Commission on Obscenity and Pornography, and expertise of Members of the House and Senate, can join through congressional hearings in a broad-scale attack on this growing menace. Let me submit three specific recommendations for action.

Last summer Congress funded the Commission on Obscenity and Pornography, which has the responsibility under Public Law 90-100:

To study the nature and volume of traffic in obscene and pornographic materials. To study effects of obscenity and pornography on minors. To recommend legislative, administrative, and other appropriate action that the Commission may feel necessary to regulate the flow of such traffic without interfer-

ing with constitutional rights. To evaluate existing laws pertaining to obscenity and pornography and to evaluate and recommend definitions therefor.

I understand the Commission now plans to issue only a progress report this year with legislative proposals and other recommendations delayed until July 1970. This is too long to wait because even if the report receives wide acceptance, it could take another 2 years to secure final congressional action and administrative enforcement. Thus, I have written the following letter to Dr. William Lockhart, Chairman of the Commission:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 5, 1969.

Dr. WILLIAM LOCKHART,
Chairman, Commission on Obscenity and
Pornography, Washington, D.C.

DEAR DOCTOR LOCKHART: The need for concrete proposals to curb the torrent of pornographic material circulating in this country is well recognized, I know, by you and the members of this Commission. Your concern is keenly shared by my constituents, many of whom have spoken to me in recent weeks about legislative action to stop the flow of this filth by restricting the use of the mails to smut peddlers and imposing criminal penalties on such activities.

I understand you are initiating extensive studies in each of the areas of responsibility charged to the Commission by Congress. Although new knowledge on the impact of noxious material on young people would be useful, I believe a consolidation and analysis of state and local experience in this field, review of the work of the Post Office Department and Department of Justice, and related privately conducted research, can lead to fruitful legislative recommendations. It would be regrettable if measures to make it a criminal offense to mail obscene material to children under 16 did not receive your support. A number of other new laws will be needed, I feel, and certainly the Commission should be in the forefront of this campaign with specific proposals advanced in the near future.

This letter is to express my continuing concern about the problem of obscenity and pornography and to urge your submission as soon as possible of a number of recommendations to Congress.

Sincerely,

JACKSON E. BETTS.

Second, I am pleased to join my able colleague, WILLIAM T. CAHILL, of New Jersey, in sponsoring a bill designed to combat the sale of pornography to children. This legislation, drafted to conform to recent Supreme Court decisions, would provide Federal authorities with decisive powers to crack down on obscenity racketeers by:

First. Prohibiting mail-order sales of smut to school-age children;

Second. Make the unsolicited mailing of hard-core pornography, or offers to sell hard-core pornography, to any family with children under 16 a Federal crime.

Unlike previous legislation regulating the distribution of objectionable sexual materials, this bill is specifically directed to the protection of children. It therefore does not attempt to employ the usual and constitutionally difficult criteria of pornography, but rather sets forth with particularity the materials proscribed for the mailing to children or families with children.

While this legislation treats only part of the smut problem, the most vociferous objections are raised to having such materials mailed to young people.

I am convinced that there are many thousands of such parents in our country—parents who do not want their kids to be subjected to vivid descriptions of sodomy, bestiality, lesbianism, sadism, and masochism—who do not want their children's sexual education and experiences to be guided by the fantastic distortions of smut merchants.

However, in the absence of legislation regulating sale of obscene materials to minors, juveniles have become the natural prey of pornographers. Supplied with filth through channels of interstate commerce, newsstands in almost every community in the Nation offer lurid and explicit descriptions of sexual acts and abuses to anyone, regardless of age, who will pay the pornographer's price.

Further, it appears that unscrupulous publishers and dealers are increasingly using the U.S. mails as a pipeline for the unconscionable flow of smut and obscenity to minors. I am informed by the Post Office Department that in 1968 alone it received over 165,000 formal complaints from recipients of unsolicited offensive mailings. Investigation of this staggering volume of complaints reveals that most of them were from parents of school-age children.

Public Law 90-206 which was enacted by the last Congress has provided parents with some degree of protection. Under this "antipandering" statute, any post office patron receiving material which he considers objectionable can request the post office to order his name expunged from the sender's mailing list. While I find this regulation encouraging, I am convinced that the protection thus afforded families with schoolchildren is inadequate—

First, because this legislation places the considerable burden of enforcement on the innocent recipient and post office authorities. Parents receiving unsolicited and objectionable mailings must first ascertain and follow post office procedures before invoking the act's protections. Subsequently, postal authorities must process and handle the recipient's application generally at substantial administrative cost and expense. However, the sole penalty placed on the smut merchant is that he has lost a name from his mailing list.

Second, the protections of this act are available only after the objectionable mailing has been received in the recipient's household. Apart from the substantial possibility that the mailing will have found its way into children's hands, the act provides no deterrent to unsolicited mailings by smut merchants.

I would emphasize that my bill does not seek to limit freedom of speech or expression in the adult world. It does, however, place responsibility for unsolicited offensive mailings to children and families on obscenity racketeers who are little concerned by artistic values. The bill would make clear that pornographers would be required to determine whether their mailing lists include the

names of families with school-age children.

The third recommendation for action lies with the officials of the Nixon administration who have the investigatory personnel and legal expertise to insure full, aggressive enforcement of all existing statutes in this field. I am not at all convinced that Post Office Department findings nor the reports by the Federal Bureau of Investigation were pressed to the limits of the law by Attorney General Clark. The new team in the Justice Department must give obscenity and pornography their proper priority in their realm of responsibilities.

Mr. Speaker, scores of my colleagues have urged Congress to lead the way for the American people on this issue. I join the call for swift and firm action.

IT IS TIME TO CONSOLIDATE OUR
NATIONAL CEMETERY SYSTEM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. HORTON. Mr. Speaker, this Nation has maintained a sacred tradition to provide members and veterans of the armed services with a burial place in a national cemetery since the Civil War.

However, 100 years of mismanagement, fractured jurisdiction, lack of planning and a nonexpansion policy since 1950 have taken their toll. We are running out of burial space for veterans.

Five different agencies now administer our cemetery system. The closing down of more is imminent as the increasing demand for space continues to move on a collision course with the rigid nonexpansion policy of the last three administrations.

Mr. Speaker, the 91st Congress must remedy this glaring weakness in our national cemetery program.

It is time to consolidate. We must eliminate the fractured jurisdictions and varying regulations that hamper a regulated and planned growth of our national cemetery system.

I can think of no better way to do this than by transferring the jurisdiction of the five administering agencies to the Veterans' Administration, as the legislation I am introducing today does.

This bill places the direction of our national cemeteries system under the jurisdiction of the Veterans' Administration because the VA can provide the management and leadership necessary to strengthen and expand the program.

Besides consolidating the administration of this system into one agency, this bill establishes an 11-member Battle Monument Commission to advise the President, the Administrator of Veterans' Affairs, and the Congress on the administration of the national cemetery system, the selection of cemetery sites, and the erection of appropriate memorials and monuments.

The provisions of this legislation also direct the Administrator of Veterans' Affairs to study and submit recommendations to the Congress concerning: First, criteria to govern development and operation of the national cemetery system; second, relationship of the national cemetery system to other burial benefits provided to servicemen and veterans; and, third, steps to be taken to conform the existing system to the recommended criteria of the study.

The Administrator's study will include specific recommendations as to the future utilization and development of the Arlington National Cemetery as well. Studies are vital if we are to manage our resources effectively and provide for future growth.

The lack of available space and fractured jurisdictions become readily apparent when the present system is surveyed.

Presently the Battle Monuments Commission, the Veterans' Administration, the National Park Service, the Army, and the Department of the Interior administer national cemeteries.

The Battle Monument Commission controls 23 oversea cemeteries, which are closed to burial except for bodies found on battlefields.

The Veterans' Administration has 24 cemeteries, six of which are closed.

The National Park Service controls, as national monuments, 13 cemeteries, which encompass 175 acres. Six of these cemeteries are still open, but availability for future burials is limited.

Of the four cemetery systems managed by Federal agencies, the cemetery system operated by the Army is the largest. It has 85 cemeteries under its jurisdiction. However, the policy of the Defense Department has been to fill up existing cemeteries and then go out of business.

The Department of the Interior manages, as part of the National Park Service, cemeteries transferred from Army jurisdiction in 1933. Their use and desirability has been described as marginal.

Mr. Speaker, since 1950 no new cemeteries have been added. The Army has estimated that another 21 national cemeteries will become inactive in the next 10 years. Available space is one of the most pressing problems in the management of our national cemeteries system.

Another glaring weakness is that no national cemeteries exist near major population centers such as Boston, Buffalo-Rochester, Chicago, Cleveland, Dallas, Detroit, Miami, and others. Most are found around old Civil War sites.

It is my hope that the study recommended in my bill will correct this situation by proposing future sites be located around urban population centers.

Mr. Speaker, supposedly eligibility for burial in federally operated cemeteries extends to approximately 26 million living ex-servicemen. However in practice eligibility has been limited by the restricted availability of space and by geographical distribution.

Naturally not all eligible veterans will want to utilize this privilege. However, our Government should be prepared to provide for the present and future needs

of veterans who need and deserve this privilege.

Moreover, this Government should be prepared to maintain a system that is geographically balanced so that veterans can be buried near their homes.

The plan I have just outlined for you, Mr. Speaker, is a sensible solution to our national cemetery space and jurisdiction crisis. Passage of this measure would mean that Congress is prepared to uphold a sacred obligation to its veterans and soldiers, and I earnestly hope that all my colleagues will join with me in support of the national cemeteries bill.

PER DIEM PAYMENTS FOR THE
CREW OF THE "PUEBLO" AND
VIETNAM PRISONERS OF WAR

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. TUNNEY. Mr. Speaker, the Vietnam war and the capture of the *Pueblo* have brought to light the need for the allocation of per diem payments for prisoners of war.

According to the Department of Defense, there is no permanent statute which authorizes payments over and above normal pay and allowances to a member of the armed services who are in a "missing or POW status."

However, additional payments were authorized prisoners of war for World War II personnel and the Korean war. I am inserting in the RECORD a copy of a letter which I have received from the Department of Defense giving the background information on this matter. I feel that per diem payments should be made to prisoners of war today and I am introducing legislation to make this possible.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., January 14, 1969.

HON. JOHN V. TUNNEY,
House of Representatives,
Washington, D.C.

DEAR MR. TUNNEY: Reference is made to your recent letter concerning payments received by members of the services while they are prisoners of war.

The authority for continuation of pay and allowances to a member who is in a missing status is Chapter 10, Title 37, United States Code. This superseded 50 U.S.C. App. 1001-1015. The statute provides that such member would be entitled to receive or have credited to his account the same pay and allowances to which he was entitled at the beginning of the missing status or may thereafter become entitled to. Pay and allowances is defined to include basic pay, special pay, incentive pay, basic allowance for quarters, basic allowance for subsistence, and station per diem allowances for not more than 90 days.

Because there are some allowances payable to members that are not included in the definition the Comptroller General of the United States was asked for a ruling regarding enlisted uniform maintenance allowance and family separation allowance. In 44 Comp. Gen. 657 he held that payment of permanent items of pay and allowances may continue to be credited to a member's account provided no change occurs in conditions of entitlement. As an example of changed conditions the Comptroller General

cited a case of a member who was receiving basic allowance for quarters for a dependent wife and then after going into a missing status the member loses his dependent. Basic allowance for quarters must be stopped. In the decision he held that cash clothing allowance provided for enlisted personnel could not be continued as it was not an item enumerated in the law. However, he permitted continued payment of the family separation allowance, even though it is not specifically included in the law, because of its relation to basic allowance for quarters.

There is no permanent statute which authorizes payments over and above those indicated above. However, additional payments were authorized prisoners of war for World War II personnel and the Korea hostilities. These payments were authorized by Public Law 896, 80th Congress (62 Stat. 1240) for World War II personnel and Public Law 615, 83rd Congress (68 Stat. 759) for personnel captured in Korea. Section 2 of Public Law 615 provides in part as follows:

"* * * (2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of \$1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food. * * *"

I hope the foregoing satisfactorily explains the matter to you.

Sincerely,

ROBERT C. MOOT,
Assistant Secretary of Defense.

CONCERN EXPRESSED OVER
INFLATION

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. FUQUA. Mr. Speaker, the following is a resolution which was sent to me by the Gainesville Florida Campus Federal Credit Union at the University of Florida, Gainesville, Fla.

I think it is well worth reading, for it expresses the deep concern over the erosion of real income by inflation. It is my feeling that this is the most serious problem facing our Nation today and I urge you to read these very thoughtful comments as an expression of the concern which this problem is causing all Americans today:

RESOLUTION

To the Honorable DAVID M. KENNEDY,
Secretary of the Treasury:

Whereas, the Gainesville Florida Campus Federal Credit Union was the first campus credit union and 171st credit union in the nation to be chartered under Federal law; and

Whereas, the purpose of the Gainesville Florida Campus Federal Credit Union, as well as the Federal Credit Union Act, is to promote thrift of its members; and

Whereas, the Gainesville Florida Campus Federal Credit Union has 6,372 members with total shares valued at \$3,942,028.60, many of the members, 4,952 or 78 percent, have less than \$500.00 in shares and in some cases, their

shareholdings represent their entire savings; and

Whereas, the dividend of our Union for 1968 fiscal year was 5 1/4 percent which would have represented some benefits for our members had it not been for inflation which was at the rate of 4.7 percent before income and other taxes; and

Whereas, the Administration, The Federal Reserve Board, Congress and the Council of Economic Advisers are quite aware of how to control inflation; and

Whereas, over the past many years a policy of inflation has been pursued. This policy has had the effect of transferring the incomes of the small savers to the large resource owners and other beneficiaries. This inflationary policy has been by design and with complete disregard for those who attempt to follow a course of thrift as a protection against want today and in the future; and

Whereas, it is the responsibility of those who handle our fiscal and monetary affairs to insure a stable dollar in order that justice and equal treatment may prevail: Now, therefore, be it

Resolved, by the members of the Gainesville Florida Campus Federal Credit Union, That Secretary of the Treasury, The Federal Reserve Board, the Council of Economic Advisers and the Congress of the United States take the proper steps, which are well known, to curb inflation so that the 6,372 members of the Gainesville Florida Campus Federal Credit Union and the 12,210 (1967) other Federal Credit Unions with their combined membership of 9,873,777 (1967) and the 10,858 (1967) state chartered credit unions with a combined membership of 9,188,998 (1967) members may invest their savings in these credit unions with the assurance that their savings will not in the future be dissipated by inflation. Furthermore, our members, together with all people, should be assured that they can invest a part of their income in U.S. Savings Bonds, retirement programs and insurance policies and be assured that when these savings are needed, they will have a dollar purchasing power equivalent to the dollar they invested; and be it further

Resolved, That a copy of this resolution be sent to the Honorable McChesney Martin, Chairman of the Federal Reserve Board; Honorable Paul W. McCracken, Chairman of the Council of Economic Advisers; Honorable Spessard S. Holland, U.S. Senator from Florida; Honorable Ed Gurney, U.S. Senator from Florida; Honorable Don Fuqua, Representative of the Second Congressional District of Florida; Honorable Robert H. Finch, Secretary of Health, Education and Welfare.

JANUARY 29, 1969.

ARTHUR MCNEELY,
President.
DONALD C. BUNTING,
Vice President.
LOUISE HINTON,
Secretary-Treasurer.

JANUARY 29, 1969.

LEGISLATION DESIGNED TO KEEP PORNOGRAPHIC MATERIAL OUT OF THE HANDS OF MINORS

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DELANEY. Mr. Speaker, today I am introducing legislation designed to keep pornographic material out of the hands of minors.

I have received numerous letters from concerned parents who are deeply disturbed about the ready availability of

blatant pornography and obscenity in our Nation today. I am convinced that there are many thousands of such parents in our country today who do not want their children subjected to vivid descriptions of sex and sexual perversion. They do not want their children's sexual education to be guided by the fantastic distortions of the smut merchants.

The peddlers of this filth represent a billion dollar industry whose traffic in pornographic materials has reached a figure in excess of 20 million pieces annually. As many know, there is hardly a magazine stand in the Nation where you cannot find smut and perversion of every type and description. This foul material, both on newsstands and sent boldly through the mails, preys upon our impressionable youth and has a corrosive effect on our entire society.

Testimony before congressional committees by police officials and medical doctors has brought out that there is a direct relationship between the prevalence of pornographic material and the rapidly increasing incidence of sex crimes.

Last year the Post Office Department received over 168,000 complaints with reference to pandering advertising. The overwhelming majority of these were from parents complaining about receipt of this material through the mail addressed to their children. Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, has stated that:

A peddler who assaults our children's minds is as clearly a sexual offender as a man who molests a child's body.

I share Mr. Hoover's view and believe we should do everything possible, within constitutional limits, to assure that our youth are protected from this degenerate matter. This is a national problem which requires national action fully coordinated with the States and local communities.

In April of last year the Supreme Court held in *Ginsberg v. New York* (390 U.S. 629), that a New York statute which prohibited the sale to persons under 17 years of age of materials defined to be obscene to them was constitutional. At the same time the Court recognized that the same material might not be obscene to adults.

My bill does not seek to limit freedom of speech or expression in the adult world. Rather, it is designed to support the constitutionally accepted principle, basic to our society, of allowing parents to control the education of their children. I believe this measure will effectively enable parents to protect their children from offensive sexual material, and urge that early committee hearings be scheduled on this legislation.

FEDERAL PAY SQUEEZE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. PUCINSKI. Mr. Speaker, recently the Chicago Daily News carried an excellent editorial on the question of increasing the salary for Members of Congress and members of the Cabinet.

I believe the Daily News has stated the case most succinctly and I place in the RECORD today the editorial in its entirety. The editorial follows:

FEDERAL PAY SQUEEZE

To become deputy secretary of defense, David Packard, the West Coast Industrialist, will take a pay cut of about \$970,000 a year. Sec. of State William Rogers will take a reduction of some \$250,000, while the two bankers designated as Treasury and Commerce secretaries respectively—David Kennedy and Maurice Stans—will each lose in the neighborhood of \$200,000 a year. That adds up to a whopping lot of public spirit.

Nobody is suggesting that the federal government ought to match wage levels of private industry for its top executives; the less tangible rewards of public service can be expected to make up part of the difference.

But public service should not involve such hardships as unaffordable monetary sacrifice or reduction of living standards, and it ought to be rewarded well enough that the incumbents needn't all be millionaires in their own right or be forced to "moonlight" to make ends meet.

The 12 Cabinet officers now receive \$35,000 a year—a modest executive salary for anyone in Washington who is expected to live and entertain well. Congressmen receive \$30,000; the vice president, \$43,000; the President, \$100,000.

A congressional committee has proposed raising these and other high level federal salaries from 30 to 100 per cent. It would pay the President \$200,000, the vice president \$67,500; Cabinet members \$60,000; congressmen \$50,000, and sub-Cabinet officials between \$40,000 and \$50,000.

These strike us as fair pay scales for some of the world's most important and demanding jobs.

THE CASE FOR A LOWER VOTING AGE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. PEPPER. Mr. Speaker, once more I introduce legislation to lower the voting age, as I did in the 89th and 90th Congresses. It is said that each idea has its time, its moment in history. We are, in my estimation, rapidly approaching that time for voting by those 18 to 21 years of age.

More than 65 percent of the American public, according to a 1968 Gallup poll, are favorably disposed to a lower voting age. In the 90th Congress many resolutions were introduced in this Chamber to lower the voting age, and in the other Chamber hearings on voting age proposals were held by the Subcommittee on Constitutional Amendments. Not since 1954 has the situation been so amenable to this proposition.

Even 15 years ago, when the Senate came within an eyelash of passing a joint resolution to lower the voting age, it was clear that those between 18 and 21 were adequately prepared to exercise the franchise. Now this is abundantly evident. Moreover, it is evident that our failure to engage young adults in the political processes of America, and in particular to accord them a vote in representative government has been a serious oversight.

Why do I say that?

Simply this, Mr. Speaker. Every day decisions are made at all levels of government which affect these young people. Yet, their voices are not heard and their votes are not cast in the elections which determine who shall make policy in this Republic of ours. It is sufficiently clear that not only is this unjust but also that many of those between 18 and 21 are no longer willing to abide this situation. When decisions are made to go to war, young men between 18 and 21 are personally affected by them. In itself this is no ironclad reason for extending the franchise to young people, but, given their self-interest in such decisions, it is a telling argument favoring their inclusion in the electorate.

There are other and even better reasons why the vote should be accorded them. The distinguished chairman of the House Committee on the Judiciary once pointed out that the prerequisites for voting—intelligent voting—include "the abilities to choose, to separate promise from performance, to evaluate on the basis of fact."

Given the knowledge most young adults possess, given their ever increasing levels of education, given their access to more and more information through the various media of communication, given—as this past presidential campaign demonstrated—their willingness and eagerness to work hard, long hours for political candidates, given their insight into major political issues of the day, it is not unreasonable to conclude that they do indeed possess an adequate "ability to choose, to separate promise from performance, to evaluate on the basis of fact." This can never be verified to the satisfaction of every doubter, nor can it be verified to the satisfaction of every believer. But, the preponderance of evidence—and I mean here studies by educators and doctors—suggest that young adults today do possess a sophistication and intelligence superior to that possessed by their parents and grandparents at the same age.

Those who favor a lower voting age realize full well that the tradition of 21 is difficult to overcome. Yet, that tradition is in no way the result of ratiocination. There is nothing logical in it. It is merely the product of medieval and legal custom. That is why 21 has been considered the age of maturity. But we are a long way from the days of knighthood, and custom must give way to reason—as President Johnson said in his voting age message of last year—when reality favors reason.

Today, physical and mental maturity is achieved by age 18. If this were not so, then many privileges and obligations accorded persons 18 to 21 would be denied them. The privilege of marriage, for example; or the obligation to pay taxes; or the obligation to be tried in adult criminal court. In many States persons over 18 are permitted to own and carry firearms. In many ways we treat them as adults and expect them to act as adults, but when it comes to voting we treat them as children.

Mr. Speaker, let us uniformly begin treating them as adults and, I daresay,

they will acquit themselves as well or better than older adults in the voting booth. They will bring pep and energy to our electoral politics and they will provide a needed balance in the electorate. In introducing this proposal I am hopeful that action will be taken by the 91st Congress to lower the voting age.

PROGRESS REPORT

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DENNEY. Mr. Speaker, during my first term as Congressman from the First Congressional District of Nebraska, I periodically communicate with my constituents by a newsletter. I found this particularly helpful in explaining the reasons for various actions on Capitol Hill, as well as providing an opportunity for comment on district affairs.

For the benefit of any new Congressmen who are considering the use of a newsletter, and for the information of my colleagues, I insert a copy of my first progress report of the 91st Congress in the RECORD:

PROGRESS REPORT FROM WASHINGTON TO NEBRASKA'S FIRST DISTRICT

(From Congressman ROBERT V. DENNEY)

DEAR FRIEND: Washington has again become a center of activity. Congress was adjourned before the election in November last year, and since that election, the reins of leadership have been transferring to the Nixon Administration.

Now we have a new President and many newcomers in the Congress. Fresh ideas and novel approaches promise to make this Congress interesting and, I hope, a contributing force to a re-united nation.

Indicative of the new leadership in Washington is President Nixon's Cabinet where Nebraska and the farmer is ably represented. President Nixon appointed as the 17th Secretary of Agriculture a prominent educator and administrator from the First Congressional District, Clifford Hardin, formerly Chancellor of the University of Nebraska.

Secretary Hardin is the fourth Nebraskan to hold a cabinet post. Preceding him as Agriculture Secretary was J. Sterling Morton. William Jennings Bryan was Secretary of State and, more recently, Fred Seaton of Hastings was Secretary of Interior.

President Richard Nixon has visited Capitol Hill several times since his election as the 37th President to meet with leaders of the Legislative Branch. Problems facing our nation and world and the approach to be taken by the 91st Congress and the Nixon Administration in solving them were discussed.

Priority topics demanding revision and review are:

1. Law Enforcement and Criminal Justice.
2. Agriculture Programs and Policies.
3. Welfare Programs.
4. Foreign Aid Commitments.
5. Block Grants and Revenue Sharing.
6. Military Draft System.

VETERANS

Honored

December 7, 1941, will always remind Americans of the Japanese surprise attack on Pearl Harbor. Nebraska members of the Pearl Harbor Survivors Association met on Decem-

ber 7, 1968, to memorialize the occasion in Grand Island, Nebraska.

Speaking before that group, I stressed the importance of a cooperative defense system in Asia utilizing the "free nations" in that area with cooperation from the United States.

President Richard Nixon advocated "buffer pacts" for that disturbed area during the 1968 campaign. The diplomacy of the next few years must provide for a flexible response to communist activity, no matter what name is put to the plan. We must put the burdens of old suspicions and animosities behind us to provide a changing leadership in the Far East.

Better care

The State Soldiers and Sailors Home located at Grand Island has recently expanded its facilities. The new 100-bed structure is the result of an active federal-state partnership in providing better facilities and care for veterans.

The new Nursing Care Building cost \$1.8 million, with \$745,000 comprised of federal funds. Nebraska's application for funds under the new program was one of the first four to be approved.

As the dedication speaker, I pointed out that the future is a bit brighter for a veteran when he can depend on the security that adequate care and facilities provide. Many World War II veterans are now approaching the age where extended medical care is commonly needed, and this must be furnished.

NEW COMMITTEE ASSIGNMENT

The new Congress brought a new responsibility, and privilege, to my job as Congressman. A position on the House Veterans Affairs Committee was given to me in addition to reassignment on the Public Works Committee.

Because of my interest in Veterans legislation and facilities, such as the Lincoln Veterans Hospital, I am enthusiastic about serving in this new capacity.

As this new session begins, I encourage you to communicate with me whenever the need arises.

A representative democracy is only strong when citizens know that they are being represented. I am sincerely trying to reflect your views as your Congressman, and letters and telephone calls from you make my job more meaningful.

WRITE, PHONE, WIRE

Washington, D.C. office: 1531 Longworth H.O.B., Phone 202-225-4806.

Lincoln, Nebraska office: 120 North 12th Street, Phone 402-432-8541.

Norfolk, Nebraska office: Post Office Building:

WASHINGTON NEWSLETTER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents:

WASHINGTON NEWSLETTER

(By WILLIAM A. STEIGER, Member of Congress)

JANUARY 21, 1969.

A NEW PRESIDENT AND A NEW CONGRESS

DEAR FRIEND: 1969 begins with the advent of the Nixon Administration and the start of the 91st Congress.

It is an honor for me to have the opportunity again to represent the Sixth District in the House of Representatives. The trust

placed in me carries with it a very great responsibility to work on your behalf and to do the best I can in working toward solutions to the problems we face as a people.

While the new Administration assumed office only yesterday, work has been going on for some time to select Executive agency personnel and to prepare President Nixon's programs. The selection of Wisconsin's Melvin Laird as Secretary of Defense ranks as a highlight of the appointments thus far; we can be proud of this designation of world-wide responsibilities to our uniquely able neighbor from the Seventh District.

The events yesterday—the inaugural ceremony and address—the parade which featured the Lowell P. Goodrich Sr. High School Band of Fond du Lac—the inaugural ball in the evening—were each of them impressive. They set the necessary stage and theme for the enormous work to be done by all of us, the work that can be accomplished if we make a commitment to go "Forward Together."

COMMISSION NAMES 17 FOR ACADEMY APPOINTMENTS

The Sixth District Commission on Congressional Appointments this month announced their selections for the U.S. Service Academies for the classes entering June 1969.

The Commission selected nine district students as principal nominees to fill the district's vacancies at the academies. Three of the students were appointed to the U.S. Naval Academy, two to the U.S. Military Academy, one to the Air Force Academy, and three to the Merchant Marine Academy.

The 12 member Commission which I appointed in 1967 and which has been reappointed this year, selected nine nominees and eight alternates from more than 35 applicants who competed on the basis of grades, activities, leadership potential and fitness. The Commission members spent a good deal of voluntary time and effort on these selections, and I am grateful for their hard work.

Members of the Commission are:

Dr. Bernard S. Adams, Ripon; Mrs. Terence De Block, Mequon; Frank M. Kennedy, Cedarburg; Harry H. Kind, Menasha; John C. Miller, Berlin; Mrs. Carlton O. Rogge, Fond du Lac; George M. Schickert, Jr., West Bend; Donald J. Steinfort, Oshkosh; Wilfrid Turba, Elkhart Lake; Gaylord Unbehauen, Brillion; Tim Werner, Oostburg; and Bernard C. Ziegler, West Bend.

Their nominees are as follows.

Air Force Academy

Colorado Springs (one vacancy).

Principal Nominee: Karl A. Spiegelberg, Neenah High School (son of Mr. & Mrs. Arlin C. Spiegelberg, 216 Elm St., Neenah).

First Alternate: Steven C. Soerens, Oostburg High School (son of Mr. and Mrs. Wilton D. Soerens, Hingham).

Second Alternate: Richard P. Galloway, Jr., St. Mary High School, Menasha (son of Mr. and Mrs. Richard Galloway, 650 Lake Crest Drive, Menasha).

U.S. Naval Academy

Annapolis (three vacancies).

Principal Nominee: Patrick E. Linton, Oshkosh High School (son of Dr. & Mrs. Stanley Linton, 1035 Oak St., Oshkosh).

Principal Nominee: Bruce M. Wentzel, Omro High School (son of Mr. and Mrs. Bruce E. Wentzel, Route 2, Omro).

Principal Nominee: Rolan C. Rohde, Ripon Senior High Sch. (son of Mr. and Mrs. Hubert L. Rohde, Route 2, Ripon).

Alternates: Kevin M. Fallon, West Bend High School (son of Mr. and Mrs. Joseph A. Fallon, 5803 Highway Z, West Bend); Michael Allen Dimick, Cedarburg High School (son of Mr. & Mrs. Russell A. Dimick, 706 Western Ave., Cedarburg); and Patrick R. Lederer, Grafton High School (son of Mr. & Mrs. Edward Lederer, 1618 2nd Ave., Grafton).

U.S. Military Academy

West Point (two vacancies).

Principal Nominee: James F. De Broux, Port Washington High School (son of Mr. and Mrs. Norbert De Broux, 424 N. Franklin Street, Port Washington).

Principal Nominee: Stephen J. Flood, Campion Jesuit High School (son of Dr. and Mrs. James E. Flood, 395 Maple Avenue, Fond du Lac).

Alternates: Roy A. Duxstad, Oshkosh High School (son of Mr. and Mrs. Robert Duxstad, 1221 Eastman St., Oshkosh); James A. Brust, Marquette University High Sch. (son of Mr. and Mrs. John Brust, Route 1, Slinger); and Jeffrey W. Towner, freshman at Ripon College (son of Mr. & Mrs. William A. Towner, 145 Daleview Dr., Plymouth).

Merchant Marine Academy

Kings Point, N.Y. (three nominations).

Berry E. Joas, Omro High School (son of Mr. Richard Joas, Route 1, Winneconne).

Peter F. Lee, Oshkosh High School (son of Mrs. June F. Lee, 937 Evans St., Oshkosh).

James M. Birschbach, Fond du Lac Branch Campus of WSU-O (son of Mr. and Mrs. Melvin A. Birschbach, 189 Amory Street, Fond du Lac).

All principals and alternates are to be congratulated for their selection through stiff competition, and I know those finally chosen will represent our Sixth District well at the academies.

"IT'S YOUR WORLD," CONSERVATION YEARBOOK AVAILABLE

The latest Conservation Yearbook, "It's Your World," published by the U.S. Department of the Interior, has been made available for \$2.00 per copy. Persons interested in purchasing the book should send a check or money order to the Superintendent of Documents, Washington, D.C. 20402. This volume is one of a series of yearbooks which the Interior Department has published.

THREE FROM WISCONSIN LISTED AMONG 10 OUTSTANDING BY U.S. JAYCEES

I was overwhelmed to receive an award last week as one of the ten outstanding young men in America. This award belongs not to me alone but to the people of the Sixth District and to the many who have helped me during my first term in Congress and in my three terms in the Wisconsin legislature. While my thanks go to the U.S. Jaycees, appreciation for this award must also go to my wife, Janie, and to my parents, and the teachers and adults in Wisconsin who have long been working with youth activities, particularly at Oshkosh High School.

Also named to the national list of ten were Bart Starr, 35-year-old quarterback of the Green Bay Packers, and Wesley D. Pavalon, 35-year-old founder of the nationwide Career Academy training schools, and the head of the group which brought the Bucks basketball team to Milwaukee.

The seven other winners of this year's TOYM award are: Robert J. Acosta, 29, Chatsworth, California, blind teacher and founder of organizations for blind teachers and students; James F. Hoge, Jr., 33, of Chicago, Illinois, editor of the Chicago Sun Times; Navy Chaplain Raymond W. Johnson, 34, Pensacola, Florida, a Silver Star Medal winner; James R. Jones, 29, Muskogee, Oklahoma, a lawyer and advisor to President Johnson; tennis star Lt. Arthur R. Ashe, Jr., 25, Richmond, Virginia; four minute miler James R. Ryun, 21, Wichita, Kansas; and Sam Wylie, 34, Dallas, Texas, president of the University Computing Company.

WHERE YOU CAN REACH ME

This month my Washington staff and I moved to a new and larger office in the Longworth House Office Building. Please note the change below.

In Washington: Room 1025, Longworth

House Office Building, Washington, D.C. 20515 (phone 202-225-2476).

In Oshkosh: Room 201, Post Office Building, Oshkosh 54901 (phone 231-6333).

In Fond du Lac: Room 205, Post Office Building, Fond du Lac 54935 (phone 922-1180).

In Sheboygan: Room 205, Post Office Building, Sheboygan 53081 (phone 452-3313).

STEPS TAKEN TO REMOVE POLITICS FROM POST OFFICE JOBS

Since the start of this new Congress, I have moved to implement my proposal to remove political influence over the appointment of postmasters and rural carriers.

You may recall the first bill I introduced in 1967 was to take politics out of the Post Office, I have re-introduced this legislation (H.R. 1369) in the 91st Congress, and will push for action by the House.

Traditionally postmaster and rural carrier appointments are made at the recommendation of a Member of Congress whose party controls the White House.

With the new President being a Republican, I am now called upon to make recommendations in the Sixth District when a postal vacancy occurs. However, since I am making every effort to remove from party politics all appointments of postmasters and rural carriers in the Sixth Congressional District, I will make no recommendations.

To gain agreement from those most immediately affected, this matter has been discussed with the Republican executive board in the Sixth District. They have endorsed my plan to assure nonpartisan appointments to the postal service in our district. Appointments will be based on merit determined through a U.S. Civil Service examination rather than on political party influence.

In all cases where my recommendation may be sought during the Nixon Administration, I will request that vacancies in these positions be filled by the top-ranking applicant on a list of those qualified and eligible after an open, competitive examination.

Best regards,

WILLIAM A. STEIGER,
Member of Congress.

PROGRESS OF GRAPHICS INDUSTRY

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. BRASCO. Mr. Speaker, the graphics industry is today playing an increasingly important role in our economy. It has become an indispensable tool to both heavy and light industry, to large and small businesses, to manufacturers as well as service companies. Almost every facet of business today utilizes, in some form, graphic design services.

I would, therefore, like to call to your attention the outstanding achievements of BJB Graphics, Inc., of New York, one of the leading graphic design studios in the country. This firm has established itself both as a leader and a strong voice for its industry. It has concerned itself not only with its own corporate growth, but the healthy growth and stability of the graphics field in general. It continues to strive for the highest ethical practices, new job opportunities for those who wish to enter the field, and new and modern

ideas and innovations that can benefit industry.

BJB Graphics, Inc., is a product of the American free enterprise system. It is a credit to this system and, hopefully, will serve as an example for other firms to follow. Founded in 1951 by Irving Binder, Robert Bollin, and Harold Just, its only assets were the talents of its three principals and their confidence in themselves and their industry.

Today, BJB Graphics creates and executes sales promotion literature, catalogs, direct mail campaigns, audio-visual slide presentations, brochures, packaging designs, exhibits, displays, and other sales and promotional materials for many of the world's most prominent companies. It recently became one of the first publicly held graphic studios in the country, setting still another example for companies in its field to follow.

It is hoped that the graphics field continues to grow and prosper in the years ahead. For, surely, it has become one of the most accurate barometers of our economy. Its growth can only insure the continued growth of all industries, both large and small, in this country.

ELECTORAL REFORM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, on January 28, I joined in introducing for consideration by the House, House Joint Resolution 317—a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

The events of this past year have underscored the need for electoral reform and made it clear to the American people that the time for election reform is here. As the Nation watched presidential returns pour in on the night of November 5, 1968, the possibilities of what could happen and the realities of some things that did happen were staggering. As the minutes ticked by, and the vote tally boards clicked on, the Nation watched in amazement as news commentators listed all the bizarre possibilities. A President could have been elected who received fewer popular votes than his major opponent. The outcome of the entire election could have been thrown into the House of Representatives. In that case each State would have had only one vote and a majority of 26 votes would have been necessary to elect a President—thus opening up a Pandora's box of possible deadlocked State delegations and third-party bargaining power. The vote in the House could not have taken place until at least January 6 which would have left the Nation and the world in an extended period of uncertainty. If the election went to the House, it would have been possible for the Senate to have chosen a Vice President from a different party than that of the President

chosen by the House. Although none of these possibilities became realities, they were imminent enough to make the need for reform clear.

All over the Nation votes cast were discounted because only those cast for the candidate receiving a plurality of the votes in a State are effective under our present "winner take all" system of casting electoral votes of the several States in the electoral college.

All over the Nation people thought they were voting for the candidate of one of the national parties. They were not. They were voting for a slate of electors whose names were usually not even on the ballot. Under the present system there is no constitutional requirement that these electors vote for the same candidate that the voters did. The "faithless elector" from North Carolina who cast his vote for George Wallace this year, despite the fact that a majority of the votes cast in his State were for Richard Nixon, provided a vivid example of how individual voters, and in fact, the majority of voters might be disenfranchised under our present system.

While there are difficulties inherent in any of the electoral reform proposals, it is clear that reform is necessary. Direct popular election offers the possibility of bringing together presidential electoral practice and the expectations and good judgment of the American voter. In order that the electoral reform of a direct presidential election may be fully effective, I think that amendments should be offered at the proper time to provide for the contingency of State requests for a recount of the votes cast. A national commission on the certification of presidential and vice presidential votes should be established. This commission's functions should include the conduct and supervision of such recounts. There might be included a provision that, in the event of a recount of a State's votes where the total number of presidential votes cast in that State would not change the outcome of a Presidential election as determined by the popular vote not contested by a recount, the candidate clearly receiving a majority vote would be declared to be the winner without delay to await the outcome of such recount.

These items have troubled many persons who, like me, have long sought a workable alternative to the present electoral college as a way to permit maximum participation by individual citizens in the election of their President and Vice President.

FOR EXPULSION WITHOUT AMNESTY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DERWINSKI. Mr. Speaker, we are aware that the latest victim of radical student behavior is the University of Chicago. The pattern at Chicago follows the classic blueprint used by subversive

and anarchist groups to create campus turmoil.

The Chicago Tribune has provided a very objective insight into the Chicago situation in editorial carried February 3 which commented very vigorously on the policy that the university would do well to adopt. It follows:

FOR EXPULSION WITHOUT AMNESTY

The University of Chicago has a well deserved reputation both for high academic standards and for placing a minimum of limitations on its faculties and students. These days the character of the university administration is being tested by a few hundred student members of the academic community.

Only university administrators can determine how well the University of Chicago will withstand the current test. But nearly every adult in greater Chicago and scores of millions beyond our city will have ideas about what the university should do and judgments on what it does do.

From the viewpoint of everyone except the handful of anarchists who constitute the hard-core disrupters and who identify with them, success in coping with the current troubles means ending quickly the seizure of administrative offices—and on terms discouraging to resort to disruptive tactics at other times and places. Speed is necessary to minimize the interference with the vast majority in the university who want to get on with their proper work now. Terms discouraging to disruption are needed to deter repetitions of outrages.

Early in the current seizure, an unnamed university official said, "If this continues, we will close the school or seek court help." The choice should be an easy one: Seek court help. Closing the school even momentarily represents defeat for the institution and victory for the anarchists determined to impair it.

Many will inquire, "Why not call upon either university security men or [if they are too few to do the job] city police to remove the squatters bodily?" Why not? University spokesmen are not at the moment answering such questions. If they did, they might express anxiety lest they topple ever larger blocs in the academic community into defiance of the administration. Even more likely, they might express reluctance to invoke muscle in a community which characteristically settles disagreements by appeals to reason and evidence.

The muscular disrupters count on this reluctance to use muscle. But it is high time, on the Midway and elsewhere, to be resolute.

Resolution might mean telephoning the chief of police. But a university is not without power over its own. We suspect that a no-nonsense proclamation that disruption of university processes means prompt expulsion, without any expectation of amnesty, would spell success for President Edward Levi and his administration. Chicago has a selective admissions office. Its students have brains and have shown the capacity and intention of using them. If the university gives them the message, they will get the message.

If any should not get it, follow thru. Expel them, cease sheltering them from arrest, and let other high-ranking schools reassert the well established practice of not admitting people ineligible to reenter the school they last attended.

The lark of a sit-in or even a serious effort to subvert one's alma mater will not appeal if the price is lasting damage to one's own career. That price is too high for any but dangerous fanatics to pay. It is not too high for the University of Chicago and other schools beleaguered by anarchists to exact.

THE NEED FOR A NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, I think it is most encouraging to note that President Nixon's first message to Congress is one which asks for an extension of his authority to propose Government reorganization plans. We are all aware of the urgency of this request in light of the long overdue need for reform in the executive branch. I would hope that we could grant this authority immediately so that the President could get on with his plans for reorganization. If I may quote from President Nixon's message:

New times call for new ideas and fresh approaches. To meet the needs of today and tomorrow, and to achieve a new level of efficiency, the executive branch requires flexibility in its organization.

The President reminded us that since 1932 Congress has recognized the need of the President to modernize the Federal machinery. Given the complexities of the times, that need is more pressing now than ever before in our Nation's history.

Today I would like to address myself to one such reform proposal which is directed at our "new times" and which is the embodiment of "new ideas and new approaches." I am speaking of the need for a National Oceanic and Atmospheric Agency and I would hope that this will receive high priority on the President's list of reform proposals.

The proposal to which I am referring is one of many made by the President's Commission on Marine Science, Engineering and Resources in a report released on January 11 of this year. As you will recall, the Commission was established under the authority of Public Law 89-454 known as the Marine Resources and Engineering Development Act of 1966. The recommendations of the 15-member Commission under the chairmanship of Mr. Julius A. Stratton are the product of an exhaustive 2-year study. The findings and recommendations of the Commission are detailed in their 534-page report entitled, "Our Nation and the Sea." We are all greatly indebted to the Stratton Commission for this scholarly and most illuminating report.

As I have mentioned before, the proposal for a National Oceanic and Atmospheric Agency, or NOAA, is but one of many made by the Commission, and yet it is the one item which the Commission urges for immediate adoption. In the words of the report:

We believe that it will mobilize the resources of our government in the most effective manner to lend strength and power to the Nation's marine commitment. The incremental cost in taking prompt action for consolidation will in itself be relatively small. The added effectiveness for the fulfillment of the national program should be enormous.

It is for this reason that I am calling attention to the proposal at this time. The Commission has ably demonstrated

the need and urgency for such a reform. At a time when Executive reorganization is receiving such widespread attention, it is incumbent upon us in the executive and legislative branches to give careful and immediate consideration to proposals such as those made by the Stratton Commission.

Why do we need a new independent agency such as the National Oceanic and Atmospheric Agency? To borrow from the words of the Commission report:

Marine missions have proliferated throughout the Federal Government, but most programs are too small to achieve real effectiveness. There are voids and overlaps. . . . The Commission finds that the present Federal organization cannot meet the changing, broadening aspects of marine affairs. . . . A new, strong Federal focus for marine activity is essential to a national ocean effort.

The Commission report carefully documents the argument that present attempts to coordinate marine activities are woefully inadequate. And the report makes clear that without proper coordination we may well lose out in one of the greatest opportunities available to man to improve his condition here on earth. To quote again from the report:

The Ocean does not yield its food and mineral treasures easily; damaged environments are not restored by scattered attacks or the good intentions of a few; the planet's dominant element cannot be understood, utilized, enjoyed or controlled by diffuse and uncoordinated efforts. The Nation's stake can only be realized by a determined national effort great enough for the vast and rewarding task ahead.

Mr. Speaker, there is little doubt that our last great frontier here on earth, the sea, does offer the key to the very survival of mankind. Its potential for new food, drugs and minerals is inestimable and we have only begun to tap this vital resource.

The proper exploitation of this new frontier can make a great contribution in terms of expanding the economy, creating new jobs and products and meeting the challenges of the population explosion. In the words of the Stratton Commission:

The Nation's stake in the oceans is therefore an important part of its stake in the very future of man's world.

With the prospect of the world's population doubling by the turn of the century and the population of our own country approaching the 350-million mark, we can no longer afford to stumble along on half-programs and fragmented efforts to develop our vast marine resources. We must pay close heed to the findings and recommendations of the Stratton Commission and take appropriate action. I think we should turn our immediate attention to the Commission's proposal to establish the National Oceanic and Atmospheric Agency to coordinate our efforts in this area.

Under unanimous consent I submit an article appearing in the February 1, 1969, issue of the Saturday Review entitled, "The Pulse of Earth: Exploring the Air-Water Sea" for inclusion in the CONGRESSIONAL RECORD. In this perceptive article by John Lear, the exciting potential of the sea is discussed along with

the need for the National Oceanic and Atmospheric Agency.

The article follows:

THE PULSE OF EARTH: EXPLORING THE AIR-WATER SEA

(By John Lear)

The pulsebeat of planet Earth has not yet been counted. But a pulse is there. Several manifestations of it are regularly observed. A rhythmic throbbing in the magnetic shell enclosing the planet arises from the solar wind and has been detected by spaceships sent from Earth. Within the magnetic sheath, Earth's atmosphere expands and contracts with cyclic heating and cooling of the sun as day passes into night and into day again. Below the atmosphere, Earth's oceans rise and fall in amplitudes that must be approximated rather than measured exactly because the terrestrial crust on which the observers ride is also undulating in answer to the tidal pull of the moon.

Popular awareness of the exciting potential of a grand pattern is so narrowly confined that a political document reflecting some practical sense of the scientific reality is startling to come upon. And just that kind of rare public paper reached print during January 1969 through the initiative of former President Lyndon B. Johnson's Commission on Marine Science, Engineering, and Resources.

The commission's proposals did not explicitly extend into the magnetosphere. But they did treat Earth's oceans and atmosphere as one continuous, constantly interacting sea. The report further strained the bounds of political conventionality by advocating the creation of a new federal agency authorized to coordinate and direct peaceful exploration of the air and water from seven miles below to somewhere beyond 30 miles above the visible horizon.

The name suggested for the proposed exploration center was National Oceanic and Atmospheric Agency, or NOAA.

Was there any premeditation about this acronym?

Was there any intent to recall another, quite similar name?

If so, the report of the Commission on Marine Science, Engineering, and Resources made no mention of it. Nevertheless, a certain parallel could hardly be escaped. Noah was the name given in the book of Genesis to the character in ancient literature (he had another name in the older Sumerian account of the same event) who was called upon to transplant selected species of earthly life after men so fouled their habitat as to make it no longer livable by the old standards of decency. And one of the responsibilities assigned to modern NOAA is to rescue modern man from his own excrement. The assignment was couched in echoes of biblical phraseology: "Today, man's damage to the environment too often is ignored because of immediate economic advantage. To maximize the present economy at the expense of the future is to perpetuate the pattern of previous generations, whose sins against the planet we have inherited."

The call for NOAA has an historical significance on that score alone. But the idea of NOAA towers even higher than that. It is the closest approach yet made to a Department of Science in the Cabinet of the President of the United States. It could be the beginning of a method to set priorities on government spending for science, a means of mating scientific discovery and its technological offspring to the seen and felt needs of society.

Consider the immediately crucial social problems NOAA would be fitted to attack:

World-wide hunger. Because of the population explosion, peoples scattered around the planet—especially in lands that only now are developing as economic entities—are living at or near starvation levels. Their numbers

will increase with time. The seas are a major source of the most inexpensive foods known.

Disease. Always a plague to man, it generates endless demand for medicines. The pharmacology of the sea is known only faintly, but that little packet of knowledge includes the fact that sea-going creatures have chemical means of fighting cancer and regulating behavior of the heart.

Natural disaster. Much of nature's havoc is wreaked in the air and on the surface of the oceans. Together, the atmosphere and the sea hold the heat of the sun and bandy the clouds about. Surveillance of the two in a continuous spectrum will certainly lead to more accurate weather forecasts and possibly to weather modifications.

Man's inhumanity to man. Whether measured in terms of power to pollute the environment or of failure to take the frailty of the human nervous system into account, this is a snakepit of problems that can be approached from the sea in a number of different directions. The waters of the Earth can work a soothing influence on overwrought nerves. Not the least promising prospects are eye-pleasing waterfront developments in coastal and lakeside cities.

Wastes. Esthetic disposal of these is an Augean job that must be done soon to accommodate the rising demand for potable water and for recreation.

Government reform. The American federal system is near breakdown. New mechanisms are urgently required to bring local, state, and national laws and regulations into harmony. Nowhere are the possibilities greater than in the nation's water and airways.

The hope of peace. Cooperation among the nations in exploring Earth's oceans and atmosphere can enlarge the area of non-belligerent status that was established by the international agreements governing Antarctica. A global weather-watch, for example, would hold benefits for all commensurate with the best efforts of all.

Another hoped-for consequence of NOAA ought to be noted. This would be a stimulating effect on the expanding economy that all of us have come to rely on for personal prosperity. As population expands (by the year 2000 the inhabitants of this country alone are expected to number 350 million) the need for jobs will multiply. Already, thoughtful people are worrying about a possible slump in employment and a slippage in technological capability after the Aeronautics and Space Administration lands a man on the moon. Most, if not all, of the big privately owned manufacturing complexes now profiting from rich contracts with NASA have started to interest themselves in ocean floor exploration. Essentially the same skills are required to build vehicles capable of navigating extraterrestrial space and the deep sea. Extreme pressures and temperatures must be dealt with in both environments. Working parts must be rugged, dependable, and long-lasting. Remotely controlled robots must be devised to gather information inaccessible to humans, store it for release on command, and deliver it in easily readable form. Space technology cannot simply be transferred to seafaring purposes, however; the shift opens an immense new research frontier. For it turns out to be harder to transmit reliable messages from the bottom of the Pacific Ocean to La Jolla on the coast of California than from Houston, Texas, to the moon.

After one of the early company of astronauts, U.S. Navy Commander F. Scott Carpenter, joined the aqualung crew that worked in Sealab II on a shallow sea floor several years ago, he commented biting on the backward state of oceanic technology in contrast to the advanced technological state represented by spaceships. The report of the Commission on Marine Science, Engineering, and Resources was, if anything, more caustic.

It called oceanic research instrumentation "inefficient, unreliable, inadequate"—thus further diminishing the validity of NASA's reiterated claims of terrestrial "spin-offs" from extraterrestrial space research.

The specifications for NOAA explicitly disavow any grandiose visions. "NOAA would not be the instrument of a 'crash' program but . . . would work for orderly and revolutionary progress into the sea," the report of the Commission on Marine Science, Engineering, and Resources stated. NOAA's primary mission would be to "ensure the sure and wise use of the marine environment in the best interests of the United States"; the new agency would function as "the principal instrumentation within the federal government for administration of the civil marine, and atmospheric programs."

The possibility that NOAA might ultimately grow into a Department of Science can be inferred from the report's observation that NOAA should be looked upon as "a step in a building process." An earlier step in the process had been the creation of ESSA (Environmental Science Services Administration) through combination of the old Weather Bureau, the Coast and Geodetic Survey, and the Central Radio Propagation Laboratory of the Bureau of Standards. NOAA would absorb ESSA (now part of the Commerce Department) along with the Coast Guard (thus removing it from the new United States Department of Transportation), the Bureau of Commercial Fisheries and marine and anadromous fisheries functions of the Bureau of Sport Fisheries and Wildlife (from the Department of Interior), the National Sea Grant Program (copied after the land-grant scheme through which American colleges did so much to advance agriculture) recently inaugurated by the National Science Foundation, the [Great] Lake Survey (from U.S. Army Engineers), and the National Oceanographic Data Center.

Through acquisition of the Coast Guard and ESSA, NOAA would immediately assume global proportions, with the Coast Guard Academy as a top-flight training school and with established connections to the United Nations that would also relate to the State Department. NOAA would command 320 sea-going ships, a fleet of research and observational aircraft, a set of high-speed data-recording systems, thirty eight scientific laboratories, and a staff of 55,000 people—20 per cent of them highly trained professionals, 40 per cent specially trained technicians. The activities of this sizable force would have to be meshed with the traditional activities of the Navy, the Army Engineers, the Atomic Energy Commission, NASA, and the Department of Interior—all of which now carry responsibility for one or another aspect of atmospheric and oceanic behavior. The National Science Foundation would relinquish to NOAA the funding authority NSF now holds over weather modification research, and over the National Center for Atmospheric Research at Boulder, Colorado; otherwise, NOAA would respect the present domain of NSF.

No ordinary scientist is likely to complete this intricate welding process successfully, the Commission on Marine Science, Engineering, and Resources recognized. "Only . . . a superb manager who knows the myriad problems and interrelationships of sea programs and who appreciates NOAA's potential to advance man's mastery of the seas" can do the job, the commission report said. And even a systems-management genius would fail without quick access to the White House. The report therefore recommended that NOAA be an independent agency and that its chief report directly to the President.

As quickly as this "superb manager" can be located, he should be put into office with strong legislation to protect his back. Regular reports from him to the Congress and the President would be guaranteed by a National

Advisory Committee for the Oceans appointed by the President with the advice and consent of the Senate. That is the one point labeled "for immediate adoption" in the entire report on NOAA. There is no time to lose, the fifteen commission members, headed by Ford Foundation Board Chairman Julius Stratton, declared unanimously. Some of their sense of urgency came from simple observation of how much had happened during the two years of their deliberations. Off-shore oil well drills were going down 640 feet below the sea floor when President Johnson appointed the commission on January 9, 1967, under the authority Congress gave him in the Marine Resources and Engineering Development Act of the previous June. When the report was issued on January 9, 1969, the oil well drills were 1,300 feet under the sea floor. Man-in-the-sea experiments were lasting for several days in 1967; now they last for several weeks. And deep sea submersibles today are able to cruise at a depth of a nautical mile.

Another source of the sense of urgency was the commission report's divergence from other recent reports predicting quick riches from the sea. The commission found no reason for rosy optimism. Man has a very long way to go before he plumbs the oceans, much less understands what he sees there—if, indeed, he can see very much. Even at depths of 1,000 feet, divers discover that mental concentration can be a major effort and that when their brains do reach decisions their muscles are slow to respond. One diver thought he was turning his body through a quarter circle; his torso did turn, but his feet stayed where they had been and his leg bones separated at the knee joints. Vocal cords are also affected by the pressures of the sea; instead of normal, clearly enunciated words, they produce squawking sounds like those Walt Disney invented for the speech of Donald Duck; communication is consequently difficult, often impossible. The cold of the dark and dirty water is so penetrating that Commander Carpenter saw fellow divers enduring body tremors with amplitudes of four inches.

Given NOAA, the Commission for Marine Science, Engineering, and Resources was ready to go slowly. It plainly wanted to avoid duplicating the offensive flamboyance of NASA. It wanted even more to prevent clashes between NOAA and the Navy. It wanted most of all to escape disturbance of the international liaison of ESSA with the U.N., and to promote universal popularity of the International Decade of Exploration that Washington has been pushing for the 1970's.

The international motivations were dominant for excellent reasons. It was a U.N. law-of-the-sea conference in 1958 that wakened Washington to the paucity of oceanic knowledge. One of the conventions adopted at that meeting fixed the limit of sovereignty over the sea bottom at whatever line is drawn by a 600-foot depth of water. Sovereignty implies not only ownership but right to exploit. The land area of the United States was extended by one-third of its former total extent by this convention, which acquired legal force in 1964.

EXTENDING THE RIGHT TO VOTE TO CITIZENS 18 YEARS OF AGE OR OLDER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. ZWACH. Mr. Speaker, I am today introducing a House joint resolution

which proposes an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older. This bill was introduced in the past Congress but did not receive action. There is a great deal of organized activity in some of the States of an educational nature leading up to individual State action.

It is my sincere belief that while the minorities at our colleges get 95 percent of the press and television coverage and exist largely in order to get this national coverage. It is also my opinion that the vast majority of our collegians and 18-, 19-, and 20-year-olds do not agree with the destructive shenanigans of the minority, but in order to suppress it, they would also have to become engaged in acts of violence.

The editorial page of the December issue of the Minnesota Journal of Education states:

This could answer in small measure the complaint from that dissident minority who find demonstration and protest the only outlet for their expression of disapproval with the manner in which the nation's affairs are conducted. We will not repeat the many truisms regarding the obligation to serve in the military service at 18 without the right to decide on the country's course of action in its international involvement. The fact remains that the 18-year-old of today is prepared, by education, by experience, and by exposure to public affairs both in America and throughout the world to exercise the privilege of voting. To continue to deny this right in itself limits the precepts of democracy. It diminishes our modern concept of democracy.

The median age of all Americans at the time of the 1960 census was 29.5 years. Approximately 10 million Americans are in the age group of 18-21 years of age. A larger number of young men and women graduate from college than ever before, and more are going on to college. Many, if not most, young men and women have seen more of their own country—and indeed the other countries of the world—than their parents had at a similar age. They know and understand our social and political customs, and more important in many respects, they know and understand the social and political customs of peoples throughout the world. No nation is investing a greater share of its material resources in preparing its young people for constructive citizenship, but few countries have been more lax in considering and reacting to the views of its young people than our country.

I commend this bill to your consideration and hope that this Congress may act upon its adoption.

NIGERIA-BIAFRA RELIEF

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. COHELAN. Mr. Speaker, in Africa, at this moment, a fratricidal war is threatening the lives of millions of people. The threat is not from armies, or even nuclear weapons, but from starvation.

In both Nigeria and Biafra reliable reports indicate that millions of people may die if food is not soon in coming.

The United States has been as neutral in this civil war as it is possible to be. We have imposed a complete arms embargo on shipments of military supplies to both sides. We have contributed money, food and transportation in the humanitarian effort to relieve mass starvation.

However, our efforts have not been enough. Starvation continues.

The United States can and must do more.

As a Member of the House of Representatives, and more particularly as a member of the Appropriations Subcommittee immediately concerned with foreign aid, I urge the new administration to intensify our efforts to alleviate the suffering by enlarging our contributions of money, food and transportation.

I am, today, joining the other concerned Members of this body who have introduced concurrent resolutions to formally urge the President to take this increased relief action.

The text of the resolution appears below:

RESOLUTION

Whereas reliable reports indicate that there is a tragic loss of life in the Nigerian Civil War caused by starvation and disease in areas controlled by the Federal Government and under the control of the "Biafran" authorities;

Whereas present relief operations are inhibited by poor roads, bad weather, inadequate transport, and the inaccessibility of certain areas to overland supplies; and

Whereas increased shipments of food and medical supplies are needed to reduce the tragic rate of starvation; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress (1) that the President should act to increase significantly the amount of surplus food stocks, relief monies, noncombat aircraft, and such other vehicles of transportation as may be necessary for relief purposes; and this relief assistance should be made available to and at the request of the Organization of African Unity, UNICEF, the International Committee of the Red Cross, and such other suitable religious and charitable relief agencies now or hereafter operating in the area with the consent of the responsible authorities; and (2) the Government of the United States should solicit the cooperation of other nations in this humanitarian effort.

THE AMMUNITION FARCE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. ULLMAN. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial regarding the ammunition recordkeeping provisions of the Firearms Control Act of 1968. This editorial appears in the February issue of the American Rifleman and points up the need to repeal these burdensome and objectionable ammunition provisions of the Gun Control Act. I include the article in the RECORD at this point:

THE AMMUNITION FARCE

If a Federal law required every motorist who bought gas to give his name, address,

age, and driver's license identification because a few hoodlums use gasoline for Molotov cocktails, the public protest would rock the Nation.

Something similar has been imposed on firearms owners under the 1968 Gun Control Law, and an outcry against it as being outrageous and ridiculous is shaping up. Without guessing at the decibel count, it can be predicted that it will be highly audible.

An estimated 40 to 50 million Americans buy ammunition at some time or another for some legal purpose. They have as much right to do so, unharassed by red tape and legalistic nonsense, as the purchasers of gasoline, liquor, cigarettes, television sets, or anything else.

The Gun Control Law passed by Congress last October virtually says as much. Its preamble asserts that it is intended to control crime and is *not* intended "to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms. . . ."

Obviously, firearms cannot be used without ammunition. So the Congress apparently intended that law-abiding citizens should have unhampered access to ammunition.

Yet, somewhat in contradiction to this ringing resolve, the law as passed required under Sec. 922b(5) that dealers keep in their records "the name, age and place of residence" of individuals and the identity of corporations buying ammunition.

While the Federal administrators of the law have sought to apply this requirement as reasonably as possible, it affects an estimated 100,000 firearms dealers and perhaps 2 to 5 times that many assorted businesses which sell ammunition but not guns. In rural and isolated areas, groceries, drugstores, filling stations and the like stock small arms cartridges and shells. Thus hundreds of thousands of dealers are being obligated, if they choose to stay in business, to keep detailed records of every sale and every buyer. The mass of paperwork threatens to be as monumental as it is useless.

Very little if any of all this can serve the least purpose in reducing crime, the avowed aim of the Gun Control Law. Ammunition carries no serial numbers, many cartridge cases are reloaded and lose some of their already limited identity, and, as leading U.S. experts pointed out in this magazine (Oct., 1968, pages 37-47), it can be exceedingly difficult to trace ammunition that has been used illegally even when there are apparent connections between specific rounds and a definite crime.

Actually, ammunition is as numerous and anonymous as the sands of the sea—or matches in the hands of millions of smokers. (Arson is a major crime. Who proposes curbing arson by registering match buyers?)

The requirement that every honest person who buys so much as a 75¢ box of .22 rimfire cartridges give personal data and identification and be registered on a dealer record goes counter to the declared purpose of the Gun Control Law and constitutes an unwarranted and unnecessary burden on both buyer and seller.

From time to time, lawmakers with the best of intentions have banned liquor, contraceptives, and supposedly naughty books. Without entering into the pros and cons, it can be said that the usual result of such bans is to boost the black market sales of the prohibited items.

Without question, the ammunition restrictions can readily be changed and there is reason to hope that they will be.

Soon after Congress convened, Rep. Al Ullman (2d Dist., Oreg.) introduced a bill, H.R. 913, to exempt smallarms ammunition from provisions of the 1968 Gun Control Act. It was referred to the House Judiciary Committee. Other such measures may be expected in both Senate and House.

The Congress could render a distinct service to many millions of good Americans by amending the Gun Control Law to confine it to its expressed purpose of repressing crime without harassing law-abiding citizens with silly, pointless regulations.

HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. EDWARDS of California. Mr. Speaker, yesterday I appeared before the House Rules Committee and presented a statement in which I was joined by my colleague on the Judiciary Committee, Mr. ABNER J. MIKVA, in opposition to House Resolution 89, which would change the name and the mandate of the Committee on Un-American Activities. In view of the fact that we may be debating this matter on the floor of the House in the near future, I request that our statement be inserted in the CONGRESSIONAL RECORD so that other Members of the House may be considering this matter in advance of our vote. Mr. Speaker, I am particularly distressed that the Committee on Rules did not hold hearings on the 32 resolutions already introduced by other Members of the House which have a direct bearing on the same question, namely the action the House should take regarding the Committee on Un-American Activities.

The statement follows:

STATEMENT BY DON EDWARDS, DEMOCRAT, OF CALIFORNIA, AND ABNER J. MIKVA, DEMOCRAT, OF ILLINOIS, BEFORE THE COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, ON HOUSE RESOLUTION 89, TO CHANGE THE NAME AND MANDATE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES, FEBRUARY 4, 1969

Mr. Chairman, I appear before you today in opposition to H. Res. 89, which would rename the Committee on Un-American Activities as the Committee on Internal Security and would also re-word its mandate. The jurisdiction of the Committee would be over "Communist and other subversive activities affecting the internal security of the United States." It would be authorized to make investigations of:

(1) "The extent, character, objectives and activities . . . of organizations or groups . . . their members, agents and affiliates, which seek to establish, or assist in the establishment of, totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any state thereof, by force, violence, treachery, espionage, sabotage, insurrection or any unlawful means.

(2) "The extent, character, objectives and activities within the United States of organizations or groups, their members, agents and affiliates which incite or employ acts of force, violence, terrorism or any unlawful means, to obstruct or oppose the lawful authority of the government of the United States and the execution of any law or policy affecting the internal security in the United States . . ."

Although the words would be different, nothing would be changed. Indeed, we have the commendably candid statement of this resolution's principal author, Chairman Richard Ichord of the Committee on Un-

American Activities, when he introduced a similar resolution in the 90th Congress (CONGRESSIONAL RECORD, vol. 113, pt. 1, p. 725):

"The point I would like to stress above all else is that my purpose in introducing this resolution is to preserve, for the Committee, the full jurisdiction and all the powers it has possessed during the almost 29 years of its operation under its present mandate.

"I have introduced this resolution, not because I am opposed to the Committee or to the areas in which it has made investigations in the past, but because it is my desire to strengthen the Committee in every possible way, clarify its mandate and eliminate any possible misunderstanding and confusion about the specific powers and jurisdiction of the Committee."

Nothing that the Committee has done in the past is disavowed. None of the investigations which have prompted more criticism of the House of Representatives than the action of any other committee in its history are to be repudiated. What has happened in the past can and will happen in the future—even with this re-working of name and mandate.

To be absolutely sure, even the resolution itself says, "Nothing in this resolution shall affect the validity of any action or proceeding of the Committee on Un-American Activities or of the House of Representatives before the date of adoption of this resolution . . ."

All of the objections to the Committee that have existed in the past, to its operations, to its staff, to the circus type atmosphere which has permeated many of its hearings, would still be feasible under the new name and mandate.

It is true that in the few hearings chaired by the present chairman, he has attempted to maintain a dignity and decorum that has been lacking on too many occasions in the past. Nevertheless, he has not been successful, as he cannot be, because it is the Committee, the very existence of the Committee that is wrong. No amount of stern control of the gavel will change the fact that this Committee should not have come into existence at all and should long since have departed from the scene.

You may remember that even a prior chairman of the Committee, Congressman Francis Walter, stated that he was one of the forty-two men who voted against creating the committee as a standing committee, along with present Speaker of the House, John W. McCormack.

No matter how the mandate is changed, no matter how it is limited (and it is not) what is sought to be maintained is a permanent standing investigating committee to investigate not how government agencies enforce the law or how the appropriations made by Congress are spent—a proper legislative oversight function—but to investigate members of the public to determine if they have said the wrong thing, joined the wrong group or violated the laws. Even if the free speech issue were totally eliminated from the mandate—and it is not—the committee would still be at variance with the constitutional traditions of our country, because it asserts the right to call individuals before it whom it accuses of committing crimes. Those individuals are given none of the procedural rights which our Anglo-Saxon Law has historically insisted are necessary in a free society: The right of a grand jury of one's peers to determine whether probable cause dictates an indictment; the right to know the specific charges against the individual; the right to the effective assistance of counsel; the right not to be tried by a kangaroo court, but before an impartial jury and a neutral judge.

None of these rights are accorded by this committee, it has not accorded them in the

past, and there is no indication that it will accord them in the future. It has, in the past, candidly said that its purpose is to expose individuals to the "pitiless glare of publicity". Is that a proper legislative function? It is not and can not be. Even the committee in more recent years has acknowledged that fact by backing away from that contention.

We have investigative agencies of the executive branch of the government, including the FBI and police departments throughout the country. They have investigative resources and training which makes the staff of the Committee seem like Keystone Cops by comparison. It is with those investigative agencies that we must place our reliance in protecting the security of the country. If they are not doing their job, then it is up to the Congress to provide the funds or the manpower so that they can do their job. However, I have heard little criticism of the Federal Bureau of Investigation in protecting this country against spies and saboteurs.

The proposed change of mandate does not eliminate the First Amendment problem in the present mandate of the Committee or eliminate the problems of vagueness and indefiniteness that Congressman Ichord conceded do now exist. The proposed new mandate is not spelled out in "clear, unambiguous language." The Committee would be authorized "to investigate groups which seek to establish a totalitarian dictatorship within the United States" with no limitation that the establishment be made by force or violence. There are those who fear that many of the statements made by Independent American Party presidential candidate, George C. Wallace, were those which would have many of the attributes of a totalitarian dictatorship. He spoke loosely of eliminating constitutional rights for a portion of the population. Many of his statements seemed to be aimed directly at undercutting the independence of the judiciary.

I am not suggesting that the proponents of H. Res. 89 would investigate Mr. Wallace and the Independent American Party, but, I am saying, that under this mandate, the Committee at some time in the future, could contend that it had the authority and jurisdiction to make such an investigation.

The mandate would authorize an investigation of a group which seeks to alter the form of government of the United States by "treachery". What does that mean? Could it include a group which is willing to make a political deal in order to enlarge its political strength? The words have no accepted legal definition.

Section (b) (2) authorizes the investigation of groups which would "seek to obstruct or oppose the lawful authority of the government of the United States and the execution of any law or policy affecting the internal security of the United States". Would this include investigating governors of states which engage in massive resistance to school desegregation? If the Committee conceives that "organized rioting, burning, looting and other tragic acts of violence" are encompassed within its mandate in the past, then nothing would be outside of the purview of internal security in the United States. Would not the massive defiance of law by school boards, state boards of education and governors, be considered insurrection or obstruction or opposition "to the lawful authority of the government of the United States"?

For those who take comfort in the thought that there is little likelihood that the present committee would engage in investigations of that kind, do not forget that committee membership changes. For those who have applauded the committee in the past, don't be so sure that you will always want to applaud it in the future, depending on whether you agree with its targets or not.

Although, the proponents of this resolution disclaim any intention of changing the mandate or jurisdiction of the Committee, it is

clear that it would intrude on areas of criminal law, previously within the jurisdiction of the Committee on the Judiciary of which we happen to be members. No one has seriously challenged the competency of that Committee to provide the necessary legislative tools to protect the internal security of this country. It has, in the past, reported many criminal laws aimed at espionage, sabotage and other acts which seriously affect national security. Those laws, in contrast to the ones which have emanated from this Committee have not been tied up with constitutional challenges and have been operating effectively. The legislative product of the House Committee on Un-American Activities still have not been responsible for putting a single person in jail. Indeed, they have been responsible for tying up the resources of the executive branch defending those laws against constitutional challenges. The Internal Security Act of 1950, although finally upheld by the Court, is and always has been unworkable. The Communist Control Act of 1954 never has been utilized, since no one is quite able to figure out what it means. The other Acts of the Committee have never been utilized, in spite of the cries of woe which accompanied their passage, that the country was doomed if they were not enacted into law.

There are, presently pending, before this Committee some thirty-two resolutions which would result in ending the existence of the Committee on Un-American Activities and making more definite the jurisdiction of the Judiciary Committee in the internal security field over which it now has plenary jurisdiction. Similar proposals have been introduced in past Congresses. None of them have ever had a hearing by this Committee in which their proponents would have an opportunity to urge their adoption. Those resolutions deserve their day in court.

H. Res. 89, in conclusion, should not be reported. It would merely put new trappings on a thoroughly bad institution. Now is not the time to sanitize a committee which in the past, has undercut the dignity of the House and infringed on the rights of American citizens. Dressing it up in new clothes will not change it. It will continue to have the "full jurisdiction and all the powers it has possessed during the almost twenty-nine years of its operation." It is about time that we put it out of existence, thereby, putting our own house in order.

THE NATION'S FARM AND URBAN PROBLEMS

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mrs. MAY. Mr. Speaker, as a member of the House Committee on Agriculture, I am especially aware of the relationship between the Nation's farm and urban problems. Recently, Mr. Robert C. Liebenow, president of the Corn Refiners Association, made an eloquent and thoughtful address on this subject before the Airport Rotary Club of Los Angeles. Inasmuch as Mr. Liebenow's address sheds fresh insight on this vitally important subject, I have unanimous consent to place it in the CONGRESSIONAL RECORD:

REMARKS OF ROBERT C. LIEBENOW, PRESIDENT, CORN REFINERS ASSOCIATION, INC., BEFORE THE ROTARY CLUB, LOS ANGELES, CALIF., JANUARY 9, 1969

To begin with, let me offer a note of reassurance.

I did not come here armed with the facts and figures to forecast next year's corn crop, nor did I come to discuss the present situation in livestock. I prescribe those subjects as the quick cure for post-luncheon insomnia.

Still, agriculture is my field—agri-business if you will—and I'm a bit fearful of straying too far from it. So, instead of crops and livestock, I've decided to stick to a short report on the weather—the weather as it affects people, not crops, and the effect that the change it brings is having on urban America, as well as rural America.

At the moment, the forecast does not seem very optimistic. A quick glance at the horizon tells us that clouds are brewing, and they may be stormy.

Perhaps there is no way to ward them off, but certainly we can prepare by recognizing that many of the problems of the space-starved city and the opportunity-starved countryside share a common thread.

In a generation we have seen new technology wipe out millions of jobs in farming, mining, and lumbering. Between 1950 and 1960, while U.S. population grew by one-fifth, the population of our rural communities dropped by 15 percent. We have seen the dust of disuse collect in one rural community after another.

Flourishing manufacturing towns and railroad centers deteriorated into mere aggregations of grocery stores, filling stations, taverns, cafes and small garages. Each of you has seen the hollow shells, scarred by boarded-up stores and big, half-empty houses—shrinking to a point that they could neither attract nor hold young doctors, dentists and lawyers . . . to a point that it became harder to build and maintain good schools and churches and hospitals and playgrounds.

But these communities did not pay the price of decay alone.

Gradually, it began to take longer in our cities to cross downtown in a car than it used to take in a cart. Too many people in too little space bred increasing congestion, noise, tension, polluted water and poisoned air. These are the results in part of a rural-urban imbalance that has put America out of joint.

Why and how did this happen? In part, I think the answer is this: we didn't understand what was going on in our country. Too much was changing—and at a too rapid rate.

Lacking understanding, we lacked the motivation to respond quickly to these problems. A rising concern about crime, congestion, poverty, and relief costs, yes. A growing annoyance at the abrasions of suburban living, yes. A vague disquiet over polluted water, poisoned air, and proliferated ugliness, yes.

But no general and widespread awareness of unbalanced growth. No true realization of our rapid descent into a condition in which—without effective action—mass concentration of people in virtually unlivable conditions would become fixed reality, hard to alter and nearly impossible to readjust.

I don't want to paint a picture that is overly grim, but I'm afraid that America still does not have a sense of the total crisis. Many people still see no need for a unified, clear-cut national growth policy, nor do they see the clear and close relationship between urban and rural problems.

And if we're going to achieve anything closely resembling balance in this country, we need not piecemeal, but comprehensive planning.

This country just can't afford over the next few decades to concentrate another 50 million or more people in very large metropolitan centers. Already for too many people the city has become a prison.

The historian Arnold Toynbee puts the danger in historical perspective. He points out that, "The imprisoned town dwellers of

the past have been apt to develop an ugly temper. . . . An inescapable city cannot be a seedbed for vegetables or cereals, but it has often been a seedbed for riots and revolutions."

Nationally, the problem of country to city migration persists. The Department of Agriculture's Economic Research Service estimates that almost a quarter of a million persons leave rural America for the cities each year.

Certainly the impact here in Los Angeles has been crushing. The latest Census Bureau figures show that Los Angeles and Orange Counties alone netted well above 600,000 people through migration in the first six years of this decade alone.

Today, the Department of Agriculture projects that 44 percent of those entering the agricultural work force during the next decade must look elsewhere to find employment.

This means—especially when you couple the fact with the high rural birth rate that persists among the young who migrate to cities—that each year the Negro ghettos of this country grow by a net of half a million persons.

Obviously, the risks involved in sardining more and more people into less and less space are cause for grave concern and serious attention.

THE ALTERNATIVES

Certainly, I don't intend to pose here as an expert on the problem of rural-urban imbalance. After negotiating the traffic-snarled highways around Washington and Chicago for years, I'm beginning to think I might qualify on that score.

There must be an alternative.

From my observation, in one way or another it will involve rural America as a pressure valve for the cities.

Already, other nations are embarked on such a course. In England, more than 20 flourishing new cities have been built—and more are being planned.

It seems certain that sooner or later we must decentralize some of our commercial and industrial activity—that we must build new towns outside of metropolitan America—that we must encourage families to relocate—that we must invest considerable sums in the development of rural areas.

To do it, we must remold opinion, and we must reshape the Department of Agriculture.

On the first front, urban Americans need to attain a greater awareness of rural problems.

They should know and understand that farm programs aren't a billion dollar boondoggle for a bunch of fat cat farmers who don't need help anyway.

The must know and understand that assistance under the commodity programs, for example, can't be equated with welfare handouts.

They must know and understand that too little attention to the special problems of the small farmer has had a part in too much congestion in our cities.

They will have to care.

Today, with less than 50 congressmen from districts with 20 percent or more farm population, out of 435 Representatives, it has become impossible to pass farm programs or to get appropriations to handle farm programs without the help of urban congressmen.

You, as leaders of this great metropolitan community, can help reshape opinion on this score. And I urge you to do so.

As I said earlier, the Department of Agriculture itself must undergo some change.

I think some of our urban congressmen have had this in mind for quite some time. One of the first bills introduced at the beginning of each session of Congress is a resolution that usually reads—quote—"At no time shall the number of employees of the Department of Agriculture exceed the number

of farmers in the United States." Well, the gaff in that is almost gone.

Obviously, the Department could use a good overhauling. For a start, it should be renamed the Department of Rural Affairs. Its present responsibilities now extend far beyond the needs of farmers, although these remain—and justly so—its principal responsibilities.

Today, the Department is charged with supplying adequate lunches for school children and adequate diets for hungry people; with dealing with growing nations that represent new markets; and with providing adequate food at reasonable prices to consumers. The Secretary of Agriculture himself, under the existing system, ends up wearing more hats than anyone in the Cabinet.

Unquestionably, the job of Secretary of Agriculture has become the most thankless in our government. The man who holds this office has a large and highly visible constituency. And certainly even his critics would concede that Secretary Freeman has the qualities of imagination and diligence. Yet these found him no great favor with his constituents because too often he was hamstrung by an antiquated organizational structure.

For this reason, too often the Secretary of Agriculture finds himself in the same position as Pat O'Mally when Father O'Sullivan came to give him the last rites.

"Now, Patrick," says the Father, "are you ready to accept the Lord and renounce the devil?"

"Sure, Father," Pat says weakly, "I accept the Lord, but I don't believe I'm in a position right now to antagonize anyone."

It is a problem. It can be changed.

Moreover, the present framework is grossly unfair to farmers. For one thing, the public tends to view the Department's entire budget as aid for farmers, when actually only about half of it goes into programs that assist farmers directly.

Beyond that we need badly to eliminate the present fragmented approach to problems such as help for the rural poor and in programs that provide technical assistance to farmers.

SUMMARY

As I said at the outset, there are clouds in the forecast. Unless we can revitalize the rural areas of this country, the rebuilding job for our cities may never really begin. I believe there is a growing awareness that these problems represent two sides of the same coin. This, coupled with bold planning and action, can help us solve the people-space equation.

The trend has now taken us to a point that seven out of ten Americans now occupy less than two percent of the land. That trend need not continue.

It won't if we believe, as Ernest Hemingway once wrote, that "The world is a fine place and worth fighting for."

NASA DESERVES HIGH PRIORITY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 5, 1969

Mr. MILLER of California. Mr. Speaker, the Plain Dealer of Cleveland, Ohio, published an editorial on December 30, entitled "NASA Deserves High Priority." The editor of the paper forcefully points up the reasons why NASA's space program should be supported.

I commend its reading to my colleagues:

NASA DESERVES HIGH PRIORITY

The remarkable achievements of the Apollo 8 moonshot should remind Congress and the nation that the continued success of the U.S. space program depends on an adequate budget.

Sufficient funds will be made available for the National Aeronautics and Space Administration (NASA) to carry the Apollo project to its conclusion next year with a manned landing on the moon. What remains in question is how far Congress is willing to go beyond that point.

NASA's original budget request of \$5.1 billion for the current fiscal year was quickly pared by the President to \$4.37 billion. Another cut, this time by a congressional committee, lowered the figure to \$4 billion and now it appears that the final amount may be slightly under \$4 billion.

There has been talk about further reductions in coming years.

Some programs not directly related to Apollo have been delayed or canceled by NASA. The agency's work force has fallen from a peak two years ago of 420,000 employees to about 200,000.

In a speech here in September, James E. Webb, who has since retired as NASA's administrator—bemoaned the cutbacks and said the Soviet Union's space program was ahead of the United States. He said:

"The true cost of these actions (cutbacks) will be measured in future years, not only by the opportunities we have lost and the high cost of re-establishing large booster production lines. (The costs will also be measured) by the time, anxiety and doubts of our ability which will attend a position of being forced in the 1970's to try and catch up as we had to 10 years ago."

Those who argue that the country should be spending more money on important domestic programs are correct. But these increases should not have to come at the expense of American space exploration and newly-born world prestige.

NASA's needs deserve high priority. There should be no lost opportunities. When the first American sets foot on the moon next year, his accomplishment should symbolize a beginning, not an ending.

MY PHILOSOPHY OF LIFE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 5, 1969

Mr. SIKES. Mr. Speaker, sometimes inspiration is borne of sorrow and this was never more aptly shown than in the story of Jan Newberry Cooley.

Jan was a lovely young woman with devoted and loving parents, husband, and sister. Almost on the threshold of adult life, she was taken from us after a long and painful illness. Her courage and steadfast faith in God, family, and country was most touching.

Jan's philosophy of life was written as a Bay High School senior in 1958 and it is in this beautifully worded testimonial that we can all find inspiration; the same inspiration which carried Jan through 7 years of suffering and which helped her and her family to endure through the long and hopeless battle for life and health which was to be denied her.

I recommend her story for careful and thoughtful reading. It is indeed an inspirational message:

MY PHILOSOPHY OF LIFE

(As written by Jan Newberry, Bay High School senior, 1958)

An outlook on life. Yes, that is what my philosophy of life really is. The way that I judge people and things, the way I react to certain things and the way that I live every day, are based on certain principles and ideals, which I call my philosophy of life.

To begin with, I have tried to base my life on one certain thing to guide all of my actions, thoughts and ideals, throughout my lifetime. To me, this one thing is more important than anything else. I know that my love and belief in God has influenced my life and has caused me to live the way I have. It is because of this, that I have chosen the following as my beliefs and have tried to make them a pattern for my life.

Religion comes first, as it should. What is life without the love for a Higher Being than yourself? By having a Supreme Being for a leader, I feel that I am doing what is right and what is expected of me. I have a strong faith, which I do not believe can be destroyed, and I will pattern my life, my decisions, and my actions, on this belief.

Character. Everyone must have character of some kind. My character is not a great one by any means, but I feel that through the years each disappointment, each victory and each experience, has added a little more strength to my character.

There is one big topic that comes under the title of character, this being, one's morals. How I feel about certain things like smoking, drinking and other bad habits, is a strong belief—to leave them alone. By basing my life on the teachings of the Bible, I find no place in my life for drinking, smoking and other things of this nature. I have always tried to keep my morals high! Sometimes, I find it very tempting to go against the ideals, which I have set as a guide for my life, but in the end I always find my reward; the reward of pleasant satisfaction!

A very strong belief of mine is that every person must have Love, although some have it much more than others. This is one word that should always be in capital letters, for this world of ours could not survive if it were not for Love!

I have a great love for people. This love developed as a child and is one thing I am proud to possess. I cannot understand how people can live without a great love for their fellow man, every single one of them, no matter what his race, creed or color. I have always believed that we were all created equal, and that everyone needs a chance, whether it be his first, second or his hundredth. If everyone loved and cared, what a wonderful world we would live in!

I love my country! I am so fortunate to live in a free country, that I can't help but love it to the fullest. I love what it stands for and I love it for what it has given to me as a citizen of the United States of America!

This brings up the subject of citizenship. How I do admire this word and what it stands for! I have always tried to be a good citizen and have worked hard to improve myself, in order to better myself, as a citizen. I have found that to be a citizen and a good one, you must work and work hard! You must love the work that you are doing and think only of how it is going to help society and the cause for which you are doing it. It is in times such as these, that you have to forget about yourself for a while and think of others.

My relationship with people already has been covered for the most part, and yet, I have not mentioned my relationship with those I love the most, which is my family and close friends. My relationship with my family is a close one, which I pray will remain that way forever! My parents have been my guide and through this close relationship with them, have I gained my beliefs, my strength, character and my love!

I try to keep my relationship between myself and my friends one of happiness and one that is ideal! My friends mean a great deal to me, and I always want my relationship with them, and my new friends, to be only the best!

Marriage is one thing that I am looking forward to with great joy, for I know it won't be too long before I will be establishing a new home in this country of mine. I want to marry the kind of boy who has set up his philosophy of life in about the same manner as I. He must have a love of God that proves stronger than any temptation. I want my marriage based on strong grounds of Love, Security and Faith. My desire is to rear my children in a home environment which they will be proud of; one that offers the kind of training that they must have to face the problems of life.

What about my feeling about death? I know that this wonderful life I am living must come to an end, sooner or later, and I want to be prepared to meet it with faith, and with an outlook of joy and not fear. I believe that there is a life more wonderful than even the greatest poets can imagine or put into their lines of rhyme, and that someday I will meet my Maker in this land of paradise!

With all these things that I have based my life on, I must have a goal I want to reach. I do have a goal in life! This goal is to do the best I can and to live right in every way. A little saying I learned once can better explain it: "I am only one, but I am one; I can't do everything, but I can do something; What I can do, I ought to do; and by the Grace of God, I Will Do."

There are other things my life is based on, as is the case of everyone, but I think I covered the main ones. I have my parents to thank, always, for giving me the life that they have, and for the teachings they have taught me.

Yes, I have a philosophy of life and one that I want to improve and uphold all the days of my life!

TAX CREDIT FOR HIGHER EDUCATION EXPENSES

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. SHRIVER. Mr. Speaker, I am today reintroducing legislation to allow a tax credit for certain higher education expenses. This bill will provide for any taxpayer a credit against his annual Federal tax liability of up to \$325 on the first \$1,500 paid by him for higher education expenses for himself or any other individual. These expenses include tuition, fees, books, supplies and equipment required at any institution of higher education.

I have introduced similar legislation in the past and am well aware that had it not been for budgetary pressures brought on by priorities established by the previous administration, such legislation would certainly have been adopted by Congress. Therefore, it is imperative at this time when the House Ways and Means Committee is beginning hearings on reforms and changes in our tax code that special consideration be given to this measure as an investment in our Nation's future.

Educated citizens are truly our greatest national resource. Without a strong system no nation can hope for more than

temporary greatness. We have enjoyed outstanding success in educating our people and have more nearly achieved educational excellence in this country than in virtually all other nations in the world. We cannot afford to turn our backs on the source of our strength.

We all know how much the expenses of providing a college education have been rising in recent years and that they will probably continue this rise in the future. Our major problem is to find the best solution to ease the financial burden on the parents of college students and, in turn, also benefit our institutions of higher education.

As Members of Congress, it is our responsibility to devise a solution to this cost problem which will benefit both moderate- and low-income families and students. We must preserve the healthy diversity in our higher education system by assisting all of our institutions, be they large or small, private or public. And most important, we must accomplish these goals with the least amount of governmental interference in our educational community.

While admittedly not a cure-all, the income tax credit outlined in this bill will provide relief for strained family budgets, and it will allow for the continued independence and diversity of our institutions of higher education.

Studies indicate that under this bill 62 percent of the dollar benefit of the tax credit would go to families with incomes between \$3,000 and \$10,000 per year. These families comprise 62 percent of our population. Ninety-one percent of the benefit would go to families with incomes below \$20,000.

It would be my hope that the provision in the bill which allows the tax credit to anyone who pays the expenses of a college student regardless of the relationship between the two individuals would lead to increased private scholarship assistance to low-income students. This would be in line with President Nixon's efforts to involve voluntary citizen participation in meeting the needs of our Nation.

Mr. Speaker, the tax credit for higher education expenses is a workable solution to a growing national problem. We must assure that the future of our fine educational system will be maintained and that the thousands of qualified present and future students will be able to enjoy the benefits of the highest quality higher education possible. I urge my colleagues of both political parties to join with me in supporting this bill in the interests of our future growth as a strong Nation.

THE MAYO CLINIC

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. QUIE. Mr. Speaker, the Mayo Clinic in Rochester, Minn., is known the world over as the greatest medical institution. This is located in Minnesota's First District which I am honored to represent.

Established by Dr. William Mayo and Dr. Charles Mayo at the turn of the century, the clinic has developed a reputation for diagnosing and treating illnesses when all other doctors and medical institutions have failed. Countless patients tell of Mayo doctors determining the cause of their illness when previous attempts have been fruitless.

The clinic is a unique institution. It has grown as its reputation has spread around the world, but the quality of its care has not suffered with this growth. Patients still encounter the doctor-patient relationship which has disappeared in other large institutions. I have yet to meet a patient who was not satisfied with the treatment he received and came away knowing that he had access to the most competent medical care in the world.

Mr. Speaker, to enhance the understanding of and appreciation for the Mayo Clinic, I include the informative article appearing in the January 31, 1969, Wall Street Journal, in the RECORD:

THE MAYO CLINIC: THOUGH MEDICAL CENTER CLAIMS NO MIRACLES, PATIENTS FLOCK TO IT—FOUR HOURS IN WAITING ROOM ARE SOMETIMES MADDENING, BUT DOCTORS ARE THOROUGH—TALES OF DR. WILL AND DR. CHARLIE

(By George Grimsrud)

ROCHESTER, MINN.—What is there about the Mayo Clinic that makes so many people—the famous and the obscure alike—think it's the best place to go for medical care?

It can't be the convenience. First of all, there's the problem of getting an appointment: Except for emergency cases, patients must wait as long as four months just to get on the schedule. Then there's the matter of driving, flying or taking a bus to this small city in the southeastern corner of Minnesota where the clinic is situated. Once here most patients can plan to spend a dreary four hours or more in the clinic's waiting room—which doesn't even provide magazines—before seeing a doctor.

Moreover, the clinic's doctors make no claims that a patient will receive any better care here than he might obtain closer to home. "We don't work miracles here," says one Mayo doctor. "Our facilities are no better or no worse than any of several large medical centers in the country."

FARMERS AND ROYALTY

But none of this seems to deter potential patients. More than 150,000 persons, ranging from affluent hypochondriacs to the incurably ill, were treated at the clinic in 1968, and at least that many are expected to use its services this year. Patients come from all 50 states and most of the countries of the world; they include farmers from nearby Iowa and royalty from Europe. Dr. Burtin E. Montgomery, chairman of the board of trustees of the American Medical Association, was here recently for a checkup, Johnny Carson, Danny Kaye, Billy Graham, Joe DiMaggio and King Feisal of Saudi Arabia all have been Mayo patients.

The clinic's chief attraction appears to be its reputation for combining solidly competent diagnosis and treatment with extraordinary concern for the comfort and psychological well-being of the patient—despite the waiting-room ordeal.

For celebrities, there is yet another attraction: The clinic's long-standing reputation for protecting the privacy of its guests. Press interviews with patients are forbidden, and cameras aren't permitted inside the clinic. Clinic officials say they won't knowingly lie about whether a patient is registered, but some reporters claim the clinic is sometimes less than candid when responding to queries about celebrities.

JACK BENNY ON VIOLIN

Of course, not all of the clinic's famous patients care about privacy. Jack Benny played his violin at a concert of the Rochester Symphony Orchestra when he was here for a checkup in 1965, and Ed Sullivan hosted a local talent show on a trip here in 1966. Years ago the late Adm. Richard E. Byrd notified the clinic that he was coming, demanded complete secrecy—and then showed up in a full-dress uniform that made his presence hard to conceal.

Much of the clinic's medical reputation dates back to the work of the now-legendary Mayo brothers, William and Charles. They founded the clinic at the turn of the century. The brothers, affectionately known to their patients and colleagues as Dr. Will and Dr. Charlie, won world-wide fame for their advanced surgical techniques (Dr. Will specialized in abdominal surgery, while Dr. Charlie concentrated on the head and neck) and for their ability to treat vast numbers of patients without sacrificing the personal touch.

"Dr. Charlie would walk into some little old lady's hospital room and say, 'Hi, I'm Charlie Mayo,' and the next day she would be cured," claims one long-time resident of Rochester.

Nowadays there are no Mayos at the Mayo Clinic; the last member of the family to practice there was the late Dr. Charles W. Mayo, a son of Dr. Charlie who retired in 1963 and was killed in an auto accident last summer. But the clinic does have 1,200 other doctors, a full range of laboratory facilities and the world's largest graduate school of medicine. The school trains one of every 50 specialists in the U.S.

THREE DAYS, EIGHT DOCTORS

The average patient who visits the Mayo Clinic for a routine checkup or for a diagnostic examination spends three days here, is examined by eight doctors and undergoes 15 laboratory tests. His bill averages \$200 to \$300, plus hotel, restaurant and transportation expenses. If the patient has an ailment that requires hospitalization or long-term treatment by the clinic staff, the bill, of course, is larger.

A visit normally begins on a Monday morning in the massive walnut and marble lobby of the 19-story Mayo Building in downtown Rochester. Most examinations take several days, so they start early in the week. On a typical Monday, patients start arriving at 5:30 a.m. They are assigned numbers, and they sit down to talk, knit, write letters, stare at the walls or read their own books or magazines until their numbers are called. The clinic doesn't provide reading material, a spokesman says, because there are just too many patients. At any given time, more than 1,000 patients are likely to be gathered in the main waiting room. One Chicago woman says that during her four hours in the waiting room she met "some very nice people"—but altogether she found the wait to be "maddening and disgusting."

Once the long wait is over, however, the clinic's emphasis on close personal attention becomes more evident. The patient goes into an examination room where a resident doctor—actually a fellow of the graduate school of medicine—takes the patient's personal medical history and gives him a general physical examination. This takes about an hour and a half.

Then the patient is examined by a staff doctor, usually a specialist in internal medicine. This doctor becomes the patient's personal physician for as long as the patient remains under care of the clinic. The internist's examination takes about 45 minutes. Afterward, he consults with the resident in private to discuss the case and exchange tentative diagnoses.

After the two examinations, the patient undergoes a series of blood tests, X-rays, urinalyses and other routine tests. Additional specialized tests may also be administered and several medical specialists may also be called in, depending on the patient's specific complaints. Someone complaining of indigestion, for example, may wind up taking several additional tests and seeing doctors who specialize in the alimentary system, heart, lungs, kidneys and nervous system.

For many patients, the time and care taken by the clinic's doctors more than make up for the inconveniences. "I knew this place was big and I expected to wait," says a Madison, Wis., woman who visited the clinic for treatment of a hip ailment. "I didn't really mind it. Once I got in to see the doctors, I was amazed at how much time they spent with me. They didn't try to rush me through."

When a patient has completed all his tests, he sits down for a long, leisurely talk with his personal physician, who carefully explains the results of his examination. Mayo doctors don't pull any punches in laying out the full results; clinic officials say that even if a person has a terminal illness, he will be told. "We believe in telling the patient the truth," says Dr. Daniel Connolly, a Mayo cardiologist. "We don't like relatives who insist that we spare the patient the truth about how serious his illness is."

A CURE FOR DIZZINESS

Often, of course, the news isn't so bad. Howard West, a veterans employment representative for the Department of Labor in Chicago, says he went to Rochester to learn the cause of his chronic dizziness. "I'd been to a half a dozen doctors at home, and each one had a different theory," he says. "I was taking about eight pills a day. I was a zombie when I got to Rochester." But at the clinic Mr. West was told the pills weren't necessary. "My doctor said I had too much tension," says Mr. West. "He recommended that I slow down and get hold of myself."

If a patient requires hospitalization, the clinic arranges for admission to one of two local hospitals, the 950-bed St. Mary's Hospital or to the 573-bed Rochester Methodist Hospital. Though the clinic doesn't maintain a hospital of its own, its doctors staff the two Rochester hospitals.

In many ways, the entire city of Rochester is an extension of the clinic. At the municipal airport, owned by a clinic affiliate, Mayo personnel meet incoming flights with wheelchairs. Downtown at the Kahler Hotel, Rochester's largest, the doors in a new wing are extra wide to accommodate wheelchairs. The Kahler's bathtubs have sides two inches lower than normal to make getting in and out easier for less agile guests. The hotel's restaurants offer dietetic meals, and nurses are almost always on duty at the hotel.

DRUG STORES AND FUNERAL HOMES

Of Rochester's 50,000 residents, more than 7,000 are employed either at the clinic or the hospitals. The city also has 15 drugstores, three hospital supply houses, four opticians and a store specializing in artificial limbs. There are also a dozen funeral homes discreetly tucked away on side streets.

Aside from the clinic and hospitals, Rochester's only other major employer is an International Business Machines Corp. research and manufacturing facility that employs 4,000. The only other industry is agriculture-oriented—a vegetable canning plant, a turkey hatchery and a fertilizer factory.

Rochester, with its tree-shaded streets and attractive old houses, has a small-town air that, for many big-city patients, makes a visit to the clinic a welcome escape from urban pressures. "The people are so friendly, especially the waitresses and the clerks," says

one woman from Wilmette, Ill., a prosperous Chicago suburb.

The small-town casualness is sometimes deceptive, however. Actually, the clinic and its supporting facilities are a highly complex operation. Record-keeping alone is a major undertaking. Patients' records are shuffled about by a pneumatic tube system that can transport papers at 60 miles an hour between the clinic and St. Mary's Hospital, more than a mile away. The Harwick Building, an eight-story record center completed in 1962, contains more than six million X-rays and the case histories of the 2.7 million patients treated at the clinic since the present record-keeping system was set up in 1907. It also contains most of the human tissue and organs removed by Mayo surgeons over the years. The tissue and organs are used mainly in research and as exhibits for the instruction of graduate students.

Altogether, the clinic has six buildings, all connected by a pedestrian subway network so that a patient who comes during the harsh Minnesota winter need never go outdoors. The subway, lined with gift shops and other small businesses, also links the clinic buildings with the Methodist Hospital, two hotels and a motel.

The Mayo medical complex was organized in its present form in 1915. The basic operating unit is the Mayo Clinic, a "voluntary association of physicians" whose revenues come chiefly from patients' fees; last year, they amounted to \$43 million. About \$1 million of the clinic's revenues are paid each year to the Mayo Foundation, a nonprofit corporation that owns the clinic properties and sponsors research and medical education activities.

The clinic is administered by a board of governors, consisting of nine doctors and two professional administrators. Unlike the days when the Mayo brothers ran the clinic, management operations now are handled by a seemingly infinite number of committees appointed by the board of governors. The board chairman is Dr. L. Emmerson Ward, a 49-year-old rheumatologist who still sees patients on a part-time basis.

SOAKING THE RICH

In its early days, the clinic had a sliding scale of fees. The business office would simply ask the patient how much he could pay. One result was that the clinic gained a reputation for soaking the rich and subsidizing the poor. Occasionally, old-timers recall, the Mayos even gave a destitute patient money for a train ticket home.

Today the clinic insists that fixed fees have replaced the sliding scales. About \$1 million in bills are still written off each year, however.

Though salaries of Mayo physicians are among the clinic's most closely guarded secrets, sources close to the clinic say the average doctor earns about \$35,000 a year, not particularly high by the standards of the medical profession. "Most of us feel we could make more money in other types of institutions," says one doctor, "but we're not paupers either."

Mayo doctors receive no bonuses or other compensation besides salary. Sources say salaries are determined by the doctors' specialties and their length of service. Thus, a beginning internist might make \$20,000 a year, while a veteran surgeon might earn more than \$40,000.

Luring doctors to a remote community in Minnesota might appear difficult, but doctors find some advantages in living here. "Doctors here have more prestige than in any other city in the country," says one Rochester native. "Every club wants doctors in it." A study by a sociology class at Rochester Junior College showed that the city's churches claim as members three times as many doctors as live in the entire city.

ELECTORAL REFORM

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. PHILBIN. Mr. Speaker, with unanimous consent to revise and extend my remarks in the RECORD, I include therein a very thoughtful article by the able commentator, Mr. John S. Knight, entitled "Electoral System Needs Reform."

If anything, the caption of this very timely article would seem to be an understatement.

Experience clearly shows that the electoral system does not measure up to the needs of the country for efficient, accurate, fair election results for the Presidency. At best, it is a very cumbersome, intricate, inadequate mechanism for electing Presidents in any age—let alone in the jet-space age in which we live.

Obviously, the Congress must move, as rapidly as it can, to institute a penetrating, comprehensive study of this whole question, and devise a way that will insure the election of President on a popular basis that will work efficiently, accurately and democratically and eliminate the obvious defects and injustices of the present electoral system.

To be sure, we must seek to protect the rights of minority groups. In this instance, it would seem that our first job is to protect adequately the rights of both the majority and the minority.

In fact, we should and certainly must work to eliminate minority control in our elective system and in the undemocratic way it works in some very important areas to impose minority control and rule upon the country. Minority rights under majority rule must prevail, but they must not decimate the principle of majority rule.

The Supreme Court has ruled that the one-man, one-vote principle must be recognized in all American elections. Already, this principle has been applied to congressional districts, and to State and local elections, not always wisely and well.

It has not as yet been applied to the U.S. Senate, where there are shocking disparities between the number of votes required to elect its different Members from various States. This is the one remaining area where the one-man, one-vote principle seems to be flagrantly and most unjustly flouted.

The exemption is based on the theory that U.S. Senators are in effect ambassadors to the Federal Government from the several, sovereign States. In these advanced days, however, such an outmoded theory is hardly constitutionally justified nor does it accord with ordinary commonsense and justice.

If we are going to have a democratic society, based upon equal representation for all, there can be no arid areas where this principle does not apply, and we certainly must come to grips with this question.

It is not enough to say that we will study electoral college reform and the extension of the principle—one-man, one-vote—to our American political

society; we must commence most careful scrutiny and study of these questions by the Congress without delay.

As Americans, we are proud of institutions that have served us well, but when they become outmoded, outworn, inadequate, or incapable of performing the job that has to be done to keep our rapidly growing country democratically sound, well balanced and fair as regards constitutionally valid representational needs, they must be changed.

This Government is not only a free Republic, it is based on a written Constitution that constitutes one of the greatest documents of freedom ever conceived in the minds of men.

This great charter of human freedom must be kept up to date. It must be adapted to the forward march of the country in the jet-space age.

Its principles must be verified for every generation, and it must be fashioned, when necessary, to meet every need of the people in terms of free government, democratic principles, and justice for all free citizens and residents of this country. There can be no legalistic areas or ghettos where citizens are arbitrarily deprived of their primary constitutional rights.

I urge, Mr. Speaker, that the Congress immediately start the task of reforming the electoral college and totally implementing the one-man, one-vote principle to end the evils of disproportionate representation.

The fact that this action has not been taken before does not mean that it should not be taken now. It should be pressed with a true sense of urgency to do justice to all American citizens as well as the privileged and the specially favored living in fantastically unjust and artificially fabricated legalistic and judicially ordained sanctuaries of exemption and favoritism.

We cannot further dally or delay.

To the contrary, the need demands that action should be pressed with all possible, practicable speed, consistent with thorough study and mature deliberation of the kind required in matters that are of such great importance to the preservation and enrichment of democracy and freedom.

The above-mentioned article follows:

ELECTORAL SYSTEM NEEDS REFORM

(By John S. Knight)

In the anxious early hours of Wednesday, Nov. 6, no one could say with certainty whether the next president of the United States would be Richard M. Nixon or Hubert Horatio Humphrey.

The prospect of having the choice made by the House of Representatives—with all of the delays and attendant infighting that would ensue—brought dismay and concern to the American people.

Fortunately for all of us, one of the candidates—Nixon—did receive a majority in the electoral college and a slight lead over Vice President Humphrey in the popular vote.

So the nagging question was resolved, at least in this year's presidential election. But the fears of what might have happened have not been allayed. Thus we see a rising demand either for abolition of the electoral college or the adoption of badly needed reforms.

Unless we get on with this job immediately, all proposed reforms will founder as have

hundreds of suggestions in the past. The Wall Street Journal reminds us, "It's tough to work up enthusiasm for roof-patching when it's not raining. Campaigns for change tend to peter out as disputed elections recede into the history books."

ABOLISH THE COLLEGE

I am not convinced that abolition of the electoral college and substituting for it a direct popular vote is the total answer.

This year, for instance, the popular vote was so close that had that system been in effect, we might yet not know whether Nixon or Humphrey emerged the winner.

Demands for recounts, contested ballots, court suits and absentee ballots could have delayed the official result for days or even weeks. The same situation might have prevailed in 1960 when John F. Kennedy defeated Nixon by a popular vote margin even smaller than Nixon's victory over Hubert Humphrey.

Suppose, for instance, that Nixon had cried foul in Chicago and Cook County where the counting of non-existent votes from graveyards, unoccupied buildings and phony addresses is not an uncommon practice. As it was, Jack Kennedy carried Illinois over Dick Nixon by a mere 8,858.

An honest count in Cook County might well have reversed the outcome.

Or looking at it another way, the popular vote could have elected Hubert Humphrey this year while Nixon was carrying 32 states to only 13 for Hubert and five for George Wallace.

PROTECT SMALL STATES

Malcolm B. Johnson, editor of the Tallahassee Democrat, says, "The Constitution retains two clauses which protect the Smalls from being starved by the Bigs—the presidential electoral vote and the equal representation of all states in the senate."

Since 34 percent of the senators represent 17 states with 12 percent of the electoral vote and only six percent popular vote, Editor Johnson doubts that the "Smalls" would ever yield this power to the "Bigs" by ratifying a constitutional amendment scrapping the electoral college.

One proposal which is meeting with some favor is to divide each state's popular vote in proportion to the votes received by the candidates. In Florida, for instance, Nixon would this year have received six electoral votes and Humphrey and Wallace four each rather than winner take all.

If electoral votes were allotted in proportion to the popular result and a tie resulted, a national runoff between the two leading candidates could resolve that question.

Another plan calls for the selection of electors in each congressional district with another two going to the winning candidate in each state.

THE PRIMARIES

Admittedly, none of these approaches is without flaw. But a general reform of election procedures must not be delayed.

This conviction applies with equal force to our archaic and unrepresentative way of selecting major candidates for the presidency. The present primary system denies the franchise to all but a handful of states.

In Ohio this year, where Gov. James A. Rhodes was the "favorite son," Republican voters had no choice other than to vote for Rhodes. Presidential hopefuls such as Nixon and Rockefeller didn't enter the state for fear of offending Ohio's politically potent governor.

A national primary in which the voters of both parties would express their respective choice is one suggested solution. By this method the successful candidates would truly be the choices of the people.

Many people who see the necessity of reform in the election machinery seem to believe that everything will be solved if only we abolish the electoral college.

This is the easy conclusion but not a perceptive one as I have attempted to indicate. The first step is to inaugurate studies by either a presidential or a congressional commission to determine what reforms are both possible and politically feasible.

Since the months and years go by with frightening rapidity, the time to start this work is the day after Richard M. Nixon becomes the 37th president of the United States.

POVERTY AIDE TAKES A LONG VIEW

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. PERKINS. Mr. Speaker, Joe Loftus of the New York Times has written an excellent article about some of the low-visibility, yet dramatic, changes that have taken place during the past 5 years as a result of the Office of Employment Opportunity's efforts in focusing national attention on the problems of the poor. It is a quiet story of success which I hope my colleagues will find time to read. The article follows:

[From the New York Times, Feb. 1, 1969]

POVERTY AIDE TAKES A LONG VIEW

(By Joseph A. Loftus)

WASHINGTON, January 31.—Alviso, Calif., is a little mud town about an hour out of San Francisco, inhabited by a few thousand Mexican-American migrant workers.

Their poverty level made them eligible to apply for a community health center, financed by the Office of Economic Opportunity. They had no doctors and little hope of getting any.

Then somebody read in a newspaper that two San Francisco doctors were in tax trouble and were about to be jailed. A few of the migrants went to San Francisco and suggested to the authorities that there was a place worse than jail—Alviso.

The authorities agreed, and Alviso got its doctors, and an attractive health center that cost the taxpayers less than \$20,000. The men of Alviso built it themselves. It is still operating and has its own medical staff.

COOPERATION BY DOCTORS

The experience in Alviso is significant because it tells something important about the poverty program that does not readily meet the eye—the program has gradually led to changes in some of the more conservative institutions in the nation.

The decision to assign the two doctors to Alviso, rather than to jail, required the cooperation of two of those institutions—the tax and judicial fraternities. It also required the support of organized medicine, which, contrary to early expectations, has helped to establish 40 other comprehensive family medical centers set up by O.E.O. in poor neighborhoods.

At the moment, the antipoverty agency is in the spotlight because of the disappearance of \$2.7-million in antipoverty funds in New York City, criticism that too much policy discretion has been given to the poor, and the apparent determination of the Nixon Administration to reduce the agency's operational area.

Bertrand M. Harding, a career civil servant who is now director of the agency, says that he sees the agency in a longer, broader perspective but concedes that the staff's daily diet of incoming news has not been good for morale.

FUNCTION OF AGENCY

When the story of the agency is told in that longer, broader perspective, Mr. Harding believes, its impact may be measured less in the number of dollars spent (or stolen), or in the number of individuals raised above the poverty line, and more in the institutional changes effected.

"America has probably seen more institutional change in the last few years than in any similar period of our history," the director says.

For that he gives the antipoverty agency a large part of the credit, or blame. Its function never was to distribute dollars to the poor but to change the circumstances that made and helped keep some people poor.

To the comfortable, "change" can be a threatening word, Mr. Harding says. It has brought criticism and resistance. But, even so, he says, many significant changes have been accepted in the institutions of law, medicine, education, and even religion. The changes, in his view, literally run into the hundreds, but they have low visibility—often low, local visibility.

CHANGE AMONG LAWYERS

For example, the American legal fraternity used to be virtually a closed institution. About 1 percent of the lawyers came from minority groups, Mr. Harding estimated.

The antipoverty agency has now been joined by the American and National Bar Associations and the American Association of Law Schools in actively recruiting members of minority groups into law schools and the legal profession. Last year the agency provided the Council on Legal Education Opportunity \$500,000 to facilitate the entry into law schools of at least 300 minority group students.

Law school curriculums have changed, too. More than 90 law schools are offering courses in poverty law and some have set up neighborhood law offices and clinics, financed in some cases by the agency's research and demonstration grants.

The impact has been so great that 15 states have passed laws to permit second- and third-year law students to engage in limited practice.

RIGHTS FOR TENANTS

Poverty law deals with such problems as tenant rights and fraudulent consumer contracts and other special problems of the poor.

A project of the antipoverty agency at the University of Detroit Law School led the Michigan Legislature to enact laws that gave tenants a new bill of rights. The new laws made building code enforcement a civil matter and gave tenants the right to go directly to court instead of contending with the municipal bureaucracy and political wire-pulling.

These laws also require that all leases include a pledge by the landlord to keep the premises in "livable" condition. They hold that tenants may not be evicted for exercising lawful rights, such as reporting code violations.

Another institution undergoing change because of the antipoverty agency is education. Project Head Start was established for disadvantaged preschool children four years ago over the opposition of many experts and school boards. Now that two million children have been served in more than 13,000 Head Start centers, few experts seriously deny the value of the program.

NEW VIEW IN CLERGY

Higher education has also been affected. About 300 colleges are operating an Upward Bound program to stimulate the under-achieving, C-average high school student to continue his education. Typically, the 7,500 young people who have been served by college students in the program came from poverty backgrounds and were candidates for perpetuating that poverty.

Churches typically used to preach a religion of success. The churches more and more have been preaching a religion of compassion.

A lot of ministers, priests and rabbis came to believe that the slum was where they should be because that was where men were suffering most. The National Council of Churches operate migrant labor programs. Ministers and priests are on Community Action boards, and hundreds of nuns teach in Head Start programs.

On the local level, Community Action agencies have stimulated institutional change in many different ways.

In Camden, N.J., for example, the local poverty agency persuaded physicians and 45 pharmacists to help poor, elderly citizens by providing many drugs under their generic names instead of the higher-priced trade-name versions of the same drugs.

SANITARY DISTRICT FORMED

In southern Alameda County, Calif., the Community Action agency developed a policy of organizing programs and spinning them off to established agencies. For example, it organized volunteer teachers for an adult language and literacy class that was taken over and expanded by the school system.

It organized a child care center with non-professional aides that is to be taken over by the school system and linked with a job training program.

It researched the need for sewage facilities, leading to the formation of a sanitary district by three cities—Fremont, Newark, and Union City.

The antipoverty program, with O.E.O. at its center, has given high visibility nationally to the one-seventh of Americans who were poor. Community Action agencies achieved that on the local level, each in its own way with its own programs under local initiative.

A VOICE FOR THE POOR

Through many of these agencies the poor have found a voice and a platform, and in some cases they literally marched on city hall. Many politicians felt threatened, and they in turn threatened the antipoverty program.

A 1967 amendment to the Economic Opportunity Act gave local elected officials authority to take over Community Action agencies. Few did. Community Action's militant advocacy in the early days has simmered down without stilling the voices of the poor.

Robert A. Levine, who recently resigned as the antipoverty agency's assistant director for research, plans, programs and evaluation, summed it up this way:

"In the early days, Community Action did have a tendency to mount its horse and charge in all directions, piercing many windmills with many lances. To some extent this is still true, and there are still some people in O.E.O. who wish it were even more true. But they are not directing Community Action. And community action is not going to go away."

DRAMATIC AND CONSTRUCTIVE FIRST STEPS TOWARD SOLUTIONS TO SOME MAJOR PROBLEMS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call to the attention of the U.S. Congress and the American people the following article by Mary McGrory from the Evening Star

which describes our new President's dramatic and constructive first steps toward solutions to some of the major problems of our Nation's Capital:

POINT OF VIEW: NIXON A HIT IN GHETTO DRIVE
(By Mary McGrory)

Mayor Walter Washington, belatedly reconciled to sharing his chair with the President, called Friday "an extremely bright day for the District of Columbia." It was the same for Richard Nixon, who braved a ghetto and was, for the first time in his life, greeted as a "soul brother."

The residents of the grimy, burnt-out Shaw neighborhood were as much surprised to see their new President as if they had been told he had led the Cabinet in singing "We Shall Overcome."

Nothing in his campaign, save vague references to "black capitalism" and a glossy brochure entitled "Bridges to Human Dignity," suggested a preoccupation with the plight of the Negro poor.

His unexpected visit to an urban renewal ceremony in a riot-blighted slum was, by nightfall, being greeted as a master political stroke. In 15 minutes, he affirmatively shook up the black community of Washington, which had voted overwhelmingly against him and had dreaded his presidency as an era of repression and neglect.

ACTIVISTS PRESS

The rehabilitation of the Shaw area was set in motion at breakneck speed by White House activists, who wanted to show the country how quickly the federal elephant can move when the President says "go."

Having shown the have-nots that he cared, Nixon hurried back to the White House and reassured the haves, who feel increasingly menaced by the capital's crime rate.

He called for long-range and long-advocated schemes to increase the number of policemen and judges. The most eloquent passages in his message were devoted to restoration of the battered areas of the city, which one British visitor compared to the devastation of wartime London:

"These rotting, boarded-up structures are a rebuke to us all and an oppressive, demoralizing environment for those who live in their shadow."

EXAMPLE HOPED

The Shaw project will employ local black architects and artisans, hopefully setting an example for other cities.

The President's decision to become mayor of Washington was effected with such dispatch that it left the official occupant of the post slightly miffed. Mayor Washington was informed of the President's imminent crime program on television, just like everybody else.

The next night he appeared at a civil rights dinner and spoke defensively about conditions in the Capital:

"This is my fourth event tonight . . . and I can safely say that not everyone is at home hiding under the bed."

The black and white coalition at the dinner to honor Hubert Humphrey laughed and applauded.

The fact is, however, that "crime in the streets" is no joke and no longer regarded as a racist slogan in code. Bank robbers have moved steadily closer to the White House, and some of the best parts of town have felt the results of social unrest, as hostess Gwen Cafritz, denuded of her diamonds, can attest.

The night before the crime message, the Sulgrave Club, a temple of high society, was defiled by a shooting on the front steps. A number of notable Republicans, including Herb Klein, Nixon's communications man, rushed to the victim's aid.

Crime has replaced Vietnam as Topic A in Washington, and it is, unlike the war, a unifying theme. Everyone is against it and hopes that Richard Nixon will be victorious in his efforts to stamp it out.

POPULAR ADOPTION

His adoption of the federal city, an orphan of government is a popular move.

Washington, which only recently acquired a mayor and City Council, is under the thumb of congressional committees dominated by Southerners. The general attitude was reflected by Sen. Robert C. Byrd of West Virginia, who as chairman of an appropriations subcommittee, dispatched General Accounting Office investigators to the homes of the poor, to poke behind shower curtains and into closets in search of violators of the "man-in-the-house" rule of welfare regulations.

Lyndon Johnson also had a dream of making Washington a model city, but Vietnam diverted him and the money, and Mrs. Johnson did the honors for the family in the slums.

Now Nixon has gone where most thought he feared to tread, and if his actions reinforce his gesture, he may be on his way to cracking a constituency that is just as surprised as he is at how well their first encounter came off.

WHAT YOU CAN DO TO IMPROVE TV

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article appearing in Harper's magazine by Commissioner Nicholas Johnson, of the Federal Communications Commission, entitled "The Easy Chair: What You Can Do To Improve TV."

It would appear that this kind of information for the television viewers by an outstanding public servant should achieve the broadest possible dissemination.

For this reason I am inserting the article in the CONGRESSIONAL RECORD, as follows:

THE EASY CHAIR: WHAT YOU CAN DO TO IMPROVE TV

(By Nicholas Johnson¹)

Critics of radio and television are generally agreed that the Federal Communications Commission is a far from effective guardian of the "public interest" in broadcasting. It has failed—according to one widely accepted view—because it has, in effect, been "captured" by the industry it was established to regulate. How did this come about? And what can you do about it? Many people have written me letters asking essentially that question. This article is an attempt at an answer.

So far as I know, the problem is not that sinister forces staged a coup one dark night in the FCC's headquarters at 20th and M Street in Washington. The problem is much more subtle, and common to virtually all regulatory agencies. As James Landis put it in his devastating report to President Kennedy: ". . . it is the daily machine-gun-like impact on both agency and its staff of industry representations that makes for industry orientation on the part of many honest and capable agency members as well as agency staffs."

¹ Mr. Johnson began a seven-year term on the Federal Communications Commission in 1966. He is a former practicing attorney and Berkeley law professor, and was appointed U.S. Maritime Administrator in 1964 at the age of twenty-nine.

The remedy, in my view, is not going to come from spontaneous government action. Ordinary citizens can, must—and upon occasion do—influence those administrative decisions. But effective citizen representation requires considerably more sophistication than has been generally evidenced.

One basic principle, which I will call "the law of effective reform," is this: in order to get relief from legal institutions (Congress, courts, agencies) one must assert, first, the factual basis for the grievance and the specific parties involved; second, the legal principle that indicates relief is due (Constitutional provision, statute, regulation, court or agency decision); and third, the precise remedy sought (new legislation or regulations, license revocation, fines, or an order changing practices. When this principle is not understood, which is most of the time, the most legitimate public protests from thousands of citizens fall like drops of rain upon lonely and uncharted seas. But by understanding and using the right strategy the meekest among us can roll back the ocean.

Here is an illustration of both points.

The health hazards of cigarette smoking and, especially, the impact of TV cigarette commercials on teen-agers, have been matters of wide concern for a good many years. Yet despite ominous government reports, and despite the warning notice now printed on cigarette packages, the commercials continued, cigarette consumption increased, and more and more teen-agers picked up a habit which TV told them was the road to sexual prowess and a fun-packed adult world. A Federal Trade Commission report deplored the impact of cigarette commercials. Senator Robert Kennedy had suggested legislation outlawing them. Hundreds of thousands of Americans wrote letters to everybody they could think of—Senators, Congressmen, the networks, advertisers, the FTC—and the FCC. Most got replies; some did not. But nothing happened.

This protest failed I believe, because it ignored "the law of effective reform." Vague feelings rather than facts were presented. The letter writers were not specific about who had done something wrong. They did not refer to any legal principle that had been violated. And, finally, they did not seek a precise remedy. Indeed, many such letters begin, "Can't the FCC do something about . . . ?" The answer is that it can't—or at least that it won't—until you tell it just what you want it to do.

Fortunately, however, there was one young man who understood the "law of effective reform" and attacked the problem accordingly. He was John Banzhaf, a New York lawyer in his twenties. Mr. Banzhaf, too, wrote to "Washington." But his "letter" was different. He called it a "Fairness Complaint." In it he specified an offender: the CBS-owned flagship station in New York City, WCBS. He said the station ran great quantities of cigarette commercials. He then referred to a legal principle, the "fairness doctrine," which has evolved over the years from the Communications Act, FCC regulations, and FCC and court decisions.² It provides, in summary, that a broadcaster has an obligation to treat "controversial issues of public importance" fairly, and to present all sides of such issues during the course of his programming. The remedy it provides, and which John Banzhaf sought, is that the FCC can order a station complained of to present the omitted points

² A pamphlet known as "The Fairness Primer" is available free on request from the FCC, Washington, D.C. 20554. Other free pamphlets describe the rules concerning the right of rebuttal to personal attacks and the equal-time rights of political candidates. Such rules of responsible conduct are under almost constant legal challenge by the networks and broadcasters, as they are now.

of view. (The FCC generally leaves it up to the station to decide how this is to be done.) In this case, said Mr. Banzhaf, the debate about cigarette smoking is "a controversial issue of public importance." Cigarette commercials constitute the presentation of a particular point of view. (Cigarette smoking is associated with vigor, success, and good times.) WCBS had failed, he said, to present the other point of view. (Cigarette smoking is also associated with gruesome lingering illnesses and death.) The "fairness doctrine" requires, therefore, that the FCC order WCBS (and, by implication, all other stations) to present information about the health hazards of cigarette smoking.

Mr. Banzhaf won. A potential of some fifty to one hundred million dollars' worth of free anti-smoking commercials are now being presented in the course of a year over radio and television. As a result of his rather simple act and investment in a six-cent stamp he has produced a result that federal officials and hundreds of thousands of concerned Americans has been unable to bring about: cigarette consumption has declined in our nation for the first time in its history.

The point of this story is not that "one man can make a difference" (although he can, and did), or that the "fairness doctrine" is the magic solution to all complaints about broadcasting (although it has not been used as much as it might). The point is that for each citizen grievance (about broadcasting or other matters) there is one particular course of action suggested by "the law of effective reform" that will bring the quickest and most thorough results in the most efficient and cheapest way. Any effective reformer must spend at least as much energy planning that optimum strategy as executing it. You can fight city hall, the "little man" can do effective battle with massive corporate and governmental institutions, the government can be made to be responsive to an individual citizen's desires. The individual's frustration in our institutionalized society comes only from ignorance, not impotence. Those who preach the necessity for revolution in this country might do better to study and practice the strategy of utilizing presently available techniques of reform.

It is obviously impossible to spell out in advance all potential grievances about broadcasting, let alone the optimum remedy for each, especially in a short article. But a few more examples may be useful.

Though you may not know it, you can, and should, have a voice in deciding who will operate radio and TV stations in your community. This is the citizen's ultimate control over broadcast programming. A broadcast station "owner" is using the public's property—the airwaves—and Congress has provided that he cannot "own" this property in the sense that the corner druggist owns his drugstore. A broadcaster is like an elected official, and his license entitles him to no more than a three-year term, after which he must either have his license renewed by the FCC or be turned out of office. You—his constituents—who are supposed to vote in this election often do not even know it is being held. All the licenses in each state expire at the same time. (For example, New York broadcasters' licenses are renewed June 1, 1969. Other expiration dates can be obtained from the FCC.) Any local organization with a stake in the quality of broadcasting (church, union, civil-rights groups, or civic club) can appear as a party in a license-renewal proceeding by writing the FCC that it wishes to be a party, expressing its views in writing, or requesting an oral hearing. It can not only participate in the FCC proceeding, but—often more important—it can appeal to a court for reversal if the FCC grants the renewal unjustifiably.

This right was first established five years ago, when the United Church of Christ, along

with two leaders of the Jackson, Mississippi, Negro community, the Reverend Robert L. T. Smith and Mr. Aaron Henry, filed with the FCC a petition to deny the application for license renewal of the local TV station, WLBT. Their petition, which represented the culmination of a decade of complaints by Jackson Negroes against WLBT, alleged that the station systematically excluded Negroes from access to its facilities and that it had systematically promoted segregationist views and denied presentation of opposing views supported by Negroes.

The Commission, which tended to regard these public intruders as some sort of unfamiliar pestilence to be scourged from its corridors, refused to accord the petitioners "standing" to participate in the renewal proceedings as parties. These representatives of the Jackson black community took an appeal to the District of Columbia Court of Appeals and won. The Court held that local citizens do have "standing" as parties before the FCC, remanded the proceeding to the Commission for another hearing, and retained jurisdiction to finally dispose of the case. The FCC subsequently held the hearing, admitting the Church as an active party to the proceeding. It has since granted the station a renewal—over the dissenting protests of Commissioner Kenneth A. Cox and myself—and at this writing the matter is back before the Court for ultimate resolution.

Others have argued that public participation in the license renewal process be made easier. Congressman John Moes says, "It is time to make every single broadcast license renewal application subject to a public proceeding within the city or region where the station is located." Consumers Union has urged that broadcasters be required to carry more meaningful and regular announcements about the public's rights. And Thomas B. Hoving's National Citizens Committee for Broadcasting (609 Fifth Avenue, New York, New York 10017) is showing signs of possessing the capacity and courage to play a very constructive role in this regard.

Agency legal action is not, of course, the only form of popular participation in policy formation. John Banzhaf could have organized mass picketing, protesting the immorality of stations and tobacco manufacturers profiting from the promotion of disease and death. The church could have obtained thousands of signatures on a petition and sent it to the President or to Jackson's Congressman. Either could have conducted a sit-in at the FCC or at station WLBT. (WNBT-TV in New York was seized by twenty hippies during a broadcast-in about a year ago.) The point is not that the activities they chose to pursue were somewhat more gentlemanly. It's that the appropriate legal remedy may be the most efficient and effective path to reform.

Within the past two years a number of other groups have bestirred themselves, by effective legal means, about the broadcasting situation in their communities. Four interesting cases are illustrative. One concerns the renewal application of radio station WXUR in Media, Pennsylvania. Some nineteen local organizations banded together and hired a Washington lawyer to protest WXUR's alleged policy of carrying masses of right-wing political programming unrelieved by programs promoting other viewpoints. They requested, and obtained, a public hearing in their own home town.

On different grounds a group of Los Angeles businessmen petitioned the Commission not to renew the license of TV station KHJ. They charge it has provided inadequate local service to the area. Moreover, these businessmen have asserted their rights under the Communications Act to apply for a license to operate this profitable station themselves.

In Ashtabula, Ohio, a local of the Retail Clerks Union petitioned the Commission to

deny license renewal to several nearby radio stations which refused to carry the local's paid advertisements urging consumers to boycott a department store with which it had been involved in a labor dispute. It argued that the fairness doctrine required the stations to match the department store's commercials urging people to shop at the store with the union's contrary message.

Another protest was filed from St. Louis by organizations of young blacks who believed three local Negro-oriented ("soul") radio stations were not providing adequate service to the city's Negro population. (A station in Dayton was picketed for similar reasons with signs protesting "Soul Music Is Not Enough.")

On a national level, the American Civil Liberties Union intervened in the FCC's proceeding involving the proposed takeover of ABC by International Telephone & Telegraph Corporation. (The Justice Department ultimately appealed the FCC-approved merger to the U.S. Court of Appeals, and the parties called it off before the Court resolved the matter.)

The AFL-CIO has taken a general interest in the application of the fairness doctrine, especially, of course, when unions are attacked. The Washington-based Institute for American Democracy exists solely to combat hate programming and publishes "How to Combat Air Pollution" and a newsletter (1330 Massachusetts Avenue, Washington, D.C. 20005). John Banzhaf is now supported in his follow-up activities by an organization called Action on Smoking and Health (2238 Fifth Avenue, New York, New York 10037). He has urged a license revocation proceeding against NBC-owned WNBC in New York on the grounds that it has failed to comply with the FCC's cigarette fairness ruling, and intervened in the renewals of several California stations. (In an "unrelated" action the NBC network subsequently volunteered to put on a fixed number of anti-cigarette-smoking commercials during prime-time television programming last fall.) A group of good music lovers in Chicago ("The Citizens Committee to Save WFMT-FM") has made an effort to prevent The Chicago Tribune from acquiring the station.³ A similar group in Atlanta inundated the FCC with mail protesting the possible loss of broadcast classical music in that city. A new national group, "Television Improvement Society of America" (1500 Massachusetts, Washington, D.C. 20005), has been formed to combat violence on television.

The American Civil Liberties Union has recently suggested that, instead of relying on the spontaneous activities of existing organizations or the formation of ad hoc groups, the FCC set up local committees of citizen volunteers to monitor local radio and TV, particularly with respect to the fairness doctrine. Monitoring is one of the most important aspects of effective broadcasting reform. It is an ideal group project for people of all ages, but must be done right to be

³Other organizations concern themselves with broadcasting generally. They include the American Council for Better Broadcasts (17 West Main, Madison, Wisconsin 53703) and the National Association for Better Broadcasting (373 North Western Avenue, Los Angeles, California 90004). A number of church groups are involved, such as the Office of Communications of the United Church of Christ (289 Park Avenue, New York, New York 10010), the Television, Radio and Film Commission of the Methodist Church (475 Riverside Drive, New York, New York 10027), and the Broadcasting and Film Commission of the National Council of Churches at the same address. The *Columbia Journalism Review* (Columbia University, New York, New York 10027) is a quarterly that comments on the performance of both broadcasting and the print media.

useful. The United Church of Christ has had the most experience.

Unfortunately there are few presently recognized legal rights or remedies that will affect the quality of programs, protect us from an inundation of commercials, or guarantee the opportunity to express our views or talents over the airwaves. There will be in time—when you, and others like you, finally harness your outrage and your imagination to “the law of effective reform” and pull other newly recognized legal rights into our stable of remedies.

But for now the best defense is still to turn off your set or switch stations. Since the broadcasters are in the audience-delivering business they would undoubtedly respond if enough people refused to watch or listen; but such an effort is admittedly hard, if not impossible, to organize.

On the other hand, it is easy enough to write or phone a local station manager and even to arrange a conference with him. He is not likely to be unresponsive. Similarly, letters to network presidents and to advertisers can be influential. (If one tenth of one per cent of the audience of the average network series show were to request its continuation it probably would not be canceled.) You can also send such general letters to the FCC, which, if you request, will be included in the station's “complaint file” for consideration at license renewal time. However, they will not have maximum impact unless a citizens' group subsequently appears as a party contesting the license renewal.

In fairness to the broadcasters, it should be said that citizens' groups and listeners and viewers are not generally too helpful when it comes to suggesting new program ideas. What many organizations *think* would be a good program often turns out to be a dud. When offered free air time, many organizations do not take it, or do not follow through for a sustained period. (On the other hand, some radio-station managers who have been offered locally produced programs of good quality have turned them down in favor of cheaper and easier disc-jockey or phone-in shows.)

Many communities have the blessing of community-supported noncommercial stations. The Pacifica Foundation operates radio stations WBAI in New York, KPFA in Berkeley, and KPRK in Los Angeles. Seattle has listener-supported KRAB. Public television stations (or “educational television”) now exist in about 150 communities (such as Channel 13 in New York and Channel 28 in Los Angeles). Such stations should be especially responsive to listener-viewer commendation, criticism, and contributions, since most are heavily dependent upon audience financial support. If your town doesn't have such a station you might want to investigate starting one. If cable television is to be installed as a profit-making venture in your community (instead of community-owned) you will want to be sure the licensing authority (often the city council) requires it to provide a number of “free” channels for educational programming to schools and community programming to homes.

Television and radio probably have as much effect upon our lives as any other single force. About 95 per cent of American homes have receivers, and the television set is on in the average home from five to six hours a day. This is clearly America's number one consumer product, our most powerful potential force for good—or evil.

Moreover, the whole theoretical foundation of American broadcasting is the tie of a local station to its community and its local service. The station is licensed to serve the needs of the local community. And if it is not doing so we should seriously consider substituting direct satellite-to-home (or cable) broadcasting for a system that gives away 95 per cent of the public's most valuable airwaves to the private profit of 7,350

local stations. FCC regulations require the station to survey the community's local needs, and to provide programming to those needs. Station files at the FCC are supposed to be filled with comments from local citizens. The three-year license-renewal process is designed to encourage local participation.

In fact, greater community involvement in stations' affairs ought to be welcomed by the more responsible broadcasters—better local service is usually translated into larger audiences and higher commercial rates and profits.

The philosophy and rhetoric of participatory democracy is on the rise. All that remains is to translate its abundant energy and ideals into effective action. The legal process often offers the easiest route to results. Yet legal rights and powers lie about unknown and unused. Increasing sophistication has been reflected in greater public participation at the FCC. I, for one, welcome it.

ADM. JOHN HOWARD CASSADY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. ROGERS of Florida. Mr. Speaker, our Nation has lost a distinguished citizen, whom I admired greatly, in the passing of Adm. John Howard Cassady, commanding officer of the aircraft carrier U.S.S. *Saratoga* during World War II, and a former commander of the U.S. 6th Fleet. He died in his home at 400 NE. Fifth Avenue, Boca Raton, Fla., on Saturday, January 25, 1969, at the age of 72.

A native of Spencer, Ind., Admiral Cassady graduated from the U.S. Naval Academy in 1918, class of 1919.

He commanded the *Saratoga* from August 1943 until July 1944, participating in a series of successful raids against enemy-held islands in the central and south Pacific.

In 1950 Admiral Cassady became Deputy Chief of Naval Operations for Air. He commanded the U.S. 6th Fleet from 1952 until 1954, and he then became Commander in Chief, Naval Forces, Eastern Atlantic and Mediterranean, with the rank of full admiral. He retired from the Navy on May 1, 1956.

Following his naval retirement Admiral Cassady became president of the Flight Safety Foundation in New York City. In 1958 he moved to Boca Raton, Fla., where he resided until his death. He was a member of the civil service board in Boca Raton and director of the board for the Southeastern District Hospital, Palm Beach County.

Admiral Cassady was awarded the Legion of Merit with two gold stars and combat “V.” He also had the World War I Victory Medal; destroyer clasp; the American Defense Service Medal, fleet clasp; American Campaign Medal; Asiatic-Pacific Campaign Medal with four stars; World War II Victory Medal; National Defense Service Medal. He also held the degree of honorary commander of the military division of the Most Excellent Order of the British Empire, Companion of the Order of the Bath, awarded him by the Government of Great Britain, and the Order of Phoenix—grand offi-

cer—awarded by the Government of Greece.

One of the Navy's most experienced carrier aviators, Admiral Cassady made numerous speeches on naval air operations, and participated in naval-civilian orientation courses.

Admiral Cassady is survived by two sons, William F. Cassady, of 10 East Camino Real, Boca Raton, Fla.; and John H. Cassady, Jr., of 59 Palmer Square, West Princeton, N.J.; one sister, Mrs. Henry Wample, of Heritage, Tenn., and six grandchildren. Admiral Cassady's first wife, the former Sallie Lozano Dold, of Washington, D.C., died in 1958. He later married Genevieve Tyner Straus, of New York City, who died in 1965.

Burial services with full military honors were conducted in Arlington National Cemetery at 1 p.m., Friday, January 31, 1969.

CONGRESSMAN DELANEY INTRODUCES BILL TO INCREASE OUTSIDE INCOME ALLOWANCE OF SOCIAL SECURITY BENEFICIARIES

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DELANEY. Mr. Speaker, the U.S. Department of Labor recently announced that during 1968 the American people experienced the worst period of inflation in 17 years. Surely those hardest hit by inflated prices are our senior citizens, a great many of whom are living on meager fixed incomes.

I feel it is imperative that we provide them some relief from this depressing situation, and today am introducing a bill which would permit social security recipients to earn up to \$3,000 annually without suffering deductions from their social security benefits.

Figures released by the Government show that the 1968 Consumer Price Index advanced 4.7 percent nationally, and 5.3 percent in the New York City area. The tragedy of this situation is that the necessities of life—medical care, mortgage interest rates, food, and apparel—reflected the greatest increase. Unquestionably, these advancing costs place an almost unbearable burden on the limited income of older people.

Under the poverty program, those earning less than \$3,200 a year are considered to live in poverty and are entitled to Federal benefits. Surely those who have worked hard all their lives with the expectation of spending their old age in a modicum of modest comfort should not be placed in a worse position than welfare clients because of an inflationary spiral over which they have no control.

Page after page of the daily papers are filled with ads seeking competent employees, indicating that there are more jobs than qualified people to fill them. I am sure that a great many of our senior citizens, with their wisdom, skills, and years of experience in a multitude of crafts, could be of great assistance to these prospective employers at this time.

Unfortunately, social security laws presently discourage their entry into the labor market, even on a reasonable part-time basis.

Enactment of my bill would not only provide much needed assistance to our senior citizens, but would materially help employers in locating competent and experienced employees, particularly at this time when labor is in such short supply.

ISRAEL'S SECURITY IS NOT INTERNATIONALLY NEGOTIABLE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. PODELL. Mr. Speaker, of late there have appeared in respected journals a series of items regarding a prospective settlement in the Middle East. It seems that each of these plans seeks to give to the Arabs at the conference table what they were denied on the battlefield. Each of these plans envisage the negotiability of the rights Israel has won and protected at such high cost.

It seems that this Nation is eagerly seeking to subscribe to the French plan that calls for American concurrence in a Soviet drive to eviscerate Israel's defenses.

France is Israel's enemy as much as she is America's. France serves Soviet ends in working for this conference on the Middle East. She is the running dog of the Kremlin, seeking to curry the favor of Arab despots and bask in the reflected glow of the Communist superstate. At the United Nations, the anti-Israel forces whine unceasingly for American acquiescence in this hoped-for repetition of 1938 and Munich. The Arabs have shown nothing but intransigence and brutality. There is no reason in the world for Israel to allow her military security to be comprised through such a four-power conference.

I condemn in the strongest terms any American agreement with the Soviet plan for Israel's destruction. I condemn vehemently any American concurrence in De Gaulle's attempt to destroy Israel. I condemn the attempt to strip Israel of her military gains which are her strongest bargaining card.

International guarantees are fine for editorial pages and the floor of the United Nations. They are worthless to the Israelis who would face Arab terror and death should these guarantees prove worthless. How worthy were the guarantees given to Czechoslovakia in 1938? How strongly did the great powers of 1938 enforce the rights of the Czechs? Ask the Czechs today, as they groan under the Soviet boot.

Think of the merciless advantage the Arabs would take of any Israel compromise and agreement to false guarantees. Think of the fedayeen and the newly rearmed Arab armies, licking their chops at the thought of another chance at Israel, with the odds on their side for a change. Shall America dare to take the

triumphant sword from the hand of Israel so she will stand vulnerable and naked before her enemies? Shall the United States betray the Israelis for the worthless words and guarantees of the United Nations, the Arab States and the Soviet Union?

I thought better of Mr. Nixon. I thought better of some of the people around him. I thought better of the American foreign policy establishment. It is obvious that Scranton-type thinking permeates the new advisers on the Middle East. This could result in the extinction of Israel. Mr. Speaker, I place no faith in these overtures. I place no faith in these promised guarantees. I place no faith in the honeyed words and glib promises of the Soviet Union and her Arab clients.

And I have nothing but contempt for the Arab-Soviet lapdog, De Gaulle's France. Let the gentlemen in the befogged areas of Foggy Bottom take notice that Israel's friends will not take such suggestions seriously. Their idea of a solution to the Middle East is the same as the Arab's solution—the extinguishing of the State of Israel.

I cannot believe that America would acquiesce in such a move, much less support it.

CONGRESSIONAL PAY RAISE

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. MILLER of Ohio. Mr. Speaker, today the Rules Committee blocked legislation from coming to the floor of the House of Representatives that would lead to a vote by the House Members on a pay increase.

I believe firmly that the House Members should be allowed to debate and work their will on the resolution concerning pay increases from 28 to 71 percent.

At a time when inflation is causing those people living on fixed incomes to do without many of the necessities of life the Federal Government should not start another round of inflationary pay increases that would harm those on fixed incomes and those earning a minimum salary.

During this period when talk of holding the line against inflation is uppermost it seems almost unreasonable that we could sit by and allow this increase to come about.

Today we had a vote as to whether or not the House should recess from February 7 to 17. Since the Commission's recommendation will go into effect the 14th, I feel we should stay in session and attempt to pass legislation which would block this pay increase. Therefore, I voted "no" on the resolution to recess until February 17.

I want to go on record as opposing the pay increase and had this issue come to the floor for consideration I would have voted against the increase.

BETTER HOMES AND GARDENS TAX REFORM ARTICLE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. REUSS. Mr. Speaker, on January 29, 1969, I was joined by nine of my colleagues, Mr. MEEDS, Mr. REES, Mr. WILLIAM D. FORD, Mr. MOORHEAD, Mr. ADAMS, Mr. BINGHAM, Mr. BROWN of California, Mr. ZABLOCKI, and Mr. EDWARDS of California, in introducing H.R. 5250, the Tax Reform Act of 1969.

The Tax Reform Act is a 13-point reform package that would bring in some \$9 billion in extra revenue and make unnecessary the proposed extension of the 10-percent tax surcharge.

The November issue of Better Homes and Gardens contains an excellent article on tax reform entitled "Our Income-Tax Mess: Is There Any Way Out" by Peter Lindberg and George Bush in which many of the reforms contained in H.R. 5250 are discussed. The article deals in intelligent and readable fashion with such controversial issues as the oil depletion allowance, tax-exempt bond income, capital gains, the unlimited charitable deduction, estate and gift taxes, hobby farms, the \$100 dividend exclusion, and the proposal for a minimum-maximum tax on individuals.

I commend this article to my colleagues and ask that it be printed at this point in the RECORD:

OUR INCOME-TAX MESS: IS THERE ANY WAY OUT?

(By Peter Lindberg and George Bush)

(NOTE.—Of all the puzzling ways of government, the whys and hows of our income tax are probably the most mysterious. Rates are supposedly progressive, rising up to 70 percent in the top bracket—yet your family is taxed a greater percentage of its income than are many millionaires. Indeed, according to the latest figures, 18 individuals with personal incomes of more than one million dollars paid no income tax at all in 1966.

(If you're over 65 and blind, you get two extra exemptions; if you're over 65 and paralyzed, you get only one. Make money on stocks instead of by the hour, and your tax obligation is almost automatically cut in half. Single people get hit so hard that it actually pays them to get married. Sell your home for more than it cost you, and you must account for the profit; sell it for less, and you ordinarily cannot deduct your loss.

(The list of inequities and inconsistencies is so complex that only an expert can take full advantage of tax-saving devices. And here the average breadwinner is strictly out of luck. Most legal "loopholes" pay off only where big money is involved.

(To make matters even more frustrating, nobody seems quite sure what income taxation is all about these days. Is it to finance the operations of government? Is it to redistribute the income, to channel funds from the richer to the poorer? Is it to fight inflation by absorbing some of your extra money, rather than letting inflation run its damaging course?

(Considering all this, it's no wonder the tax system is both confusing and open to boondoggling by politicians. It's also no wonder that the system is making cynics out of so many.

(Obviously something must be done, and it isn't surprising that "tax reform" has become a magic phrase in this election year. But none of the proposed changes is a panacea. Each has its pros and cons. For this reason, and because the Treasury some months ago was considering a tax reform program for introduction by the present administration, *Better Homes and Gardens* decided to explore the major inequities and solutions.)

OIL AND GAS DEPLETION ALLOWANCE

Most tax reformers long have had an eye on this controversial bit of favoritism that allows oil producers to deduct 27.5 percent of the gross income from their wells before they even start figuring their taxes. True, this deduction can't exceed half of taxable income—i.e., the income after expenses (without subtracting depletion). But this deduction is allowed annually for the full life of a well without relation to the dollar amount invested. Thus, the deduction limit isn't much of a problem for most of the oil industry. What's more, to help on the deductible expense picture, oil people may claim "intangible drilling and development costs" as current outlays instead of spreading them over a number of years as other industries must do with similar expenditures.

It's no revelation, then, that there's little left to tax. And while there are a number of high-bracket individuals on this long-running gravy train, corporations generally make the most use of it.

Opponents of the allowance, like former Senator Paul Douglas of Illinois and Senator Albert Gore of Tennessee, have a point when they say that it has outlived its purpose since it was instituted in World War I to stimulate oil exploration. Today, say these critics, it's an unwarranted gift and privilege, regardless of how many people benefit.

Defenders of the allowance also have some arguments. They maintain the relatively low price you pay for gasoline is a result of the depletion allowance. Others, like Senator Jack Miller of Iowa, have said the depletion allowance helps our oil companies compete in the world's petroleum market.

Not surprisingly, while a reduction of the allowance is often recommended, few reformers suggest abolishing it entirely. Even Rep. Henry S. Reuss of Wisconsin, in his tabled tax bill of 1967, merely proposed cutting it to 15 percent, thereby increasing federal revenues by an estimated 500 million dollars a year. This compromise shows how difficult it is to be idealistic about taxes: In principle, the allowance represents an inequity, whether it's 27.5 or 15 percent.

TAX-EXEMPT BOND INCOME

If you're very rich, you can avoid paying income taxes altogether by investing your wealth in tax-exempt bonds that are issued by municipalities and other local governmental bodies to raise money for schools, roads, water purification plants, and other projects. Because such securities are tax-exempt, the issuing community can pay a lower interest rate and still compete successfully for funds in the capital market. Where an ordinary corporate bond may pay 5 percent or even more these days, tax-free school bonds, for instance, may be floated at only 3 or 4 percent. Yet they are extremely attractive to those taxpayers in the 50 percent tax bracket or above.

Why not raise the interest rate on municipal bonds and make them taxable? Simply because communities could not afford to pay the high interest rates of the open market. Even as it is, they often have a hard time meeting their financial obligations. If exemptions were abolished, local taxes most likely would rise (although for every dollar now saved in local taxes with exemptions, federal taxpayers lose \$1.25 to \$1.50, the difference going to high-bracket taxpayers).

The solutions? One is an across-the-board

minimum tax—regardless of source of income. We'll talk about this later. Another is a suggestion made by some economists that the federal government could get by cheaper by making up the difference between the interest rate the community can afford to pay and the going market rate.

CAPITAL GAINS

Make money in the stock market—or in any other capital investment or income-producing property—and you often can cut your tax bill at least by half, provided you hang on to your investment six months and a day. The most you'd ever have to pay (if you're in the 50 percent or over tax bracket) is 25 percent of your gain, not including the new surtax.

Take the assembly-line worker earning \$7,000 a year who files a standard 1040 form. He has to pay roughly \$1,100 in tax. Another taxpayer whose sole income is \$7,000 made from long-term capital gains on stock investments gets by with a \$400 tax bill. On the face of it, that's a tremendous injustice. But this law was written to stimulate risk investment. Without risk investing, a country cannot grow. There must be some incentive for you to put your money into a project where you might lose it. Indeed, some countries don't tax capital gains at all.

Thus, it's not likely that the capital gains advantage will be—or should be—abolished entirely. But many lawmakers would change the provisions. They point out that there's a big difference between a man who invests his money in a long-range project, and the speculator who buys stock and sells it at a profit right after the six months are up. Various informal proposals have been put forward, such as lengthening the required holding period for the maximum tax benefit from six months to, say, five years, with intermediate points allowing lesser benefits. Another proposal is to do away with the 25 percent maximum and simply tax capital gains at half the regular rate applicable to the taxpayer, with rates then ranging up to 35 percent.

UNLIMITED CHARITABLE DEDUCTIONS

This is a net little wrinkle, and you'll have to read carefully to follow it.

You, as the average taxpayer, cannot deduct more than 30 percent of your total income for contributions to charity no matter how much you actually give (though you can carry over unused contributions to the next five years). A little-known law, however, lets a taxpayer deduct gifts to charity without limit in a given year if—in that year and eight of ten preceding years—his charitable contributions plus federal income taxes paid exceeded 90 percent of taxable income.

Now what does this mean? One thing it does not mean is that a millionaire actually must give away or pay in taxes more than 90 percent of his income all those years. The key word here is *taxable*. By investing so he receives income from capital gains, tax-exempt interest on municipal bonds, and oil property, he can reduce his *taxable* income to a minimum. In actuality, his federal income taxes and his gifts together can be much less than 90 percent of what he earns.

Example: A man with a million-a-year income, half from municipal bonds and half from long-term capital gains, could contribute to charity and pay taxes of just over \$225,000 a year for eight years and still qualify for this tax break. Then in the ninth year, he could make a gift in excess of \$225,000 and escape paying taxes entirely for that year.

If the unlimited charitable deduction provision were abolished, the government would gain about 50 million dollars a year in taxes. But there's also an argument for allowing this privilege to continue. Remember that the millionaire *does indeed* give this money away to a worthy cause. If he didn't contribute generously, the money would have to

come from elsewhere, most likely from a government source. The question then narrows down to one of control of the charitable funds. Who should decide how much money goes to which charities? The millionaire as the individual donor, or the government?

INHERITED SECURITIES

By not taxing capital gains at death, the government last year lost out on an estimated 2½ billion dollars in revenue (or about a tenth of that year's deficit). What's involved here is this: A taxpayer buys stock worth \$5,000. By the day of his death, the stock's value has increased to, say, \$15,000. If he sold it one minute before his death, he'd owe capital gains tax—a maximum of \$2,500 on the profit. But if the stock is not sold and passes on to his heirs, *neither* he nor his heirs have to pay income tax on the increase in value. The heirs' only responsibility for taxes is on any future profit they receive.

President Kennedy tried unsuccessfully to plug this loophole in his tax reform package of 1962. Congressman Reuss tried again in his aborted tax bill of 1967. Reuss' charge was that the provision greatly favors those who have large amounts of accumulated wealth.

But many congressmen balked at the hardships that would result from requiring an additional income tax at death. Something they might accept, however, would be a requirement that an estate or heir must use the same income tax base for property as the deceased, rather than the higher appreciated value allowed under present law. This would result in the heirs' paying an income tax, not at the time of the death of decedent, but when they sold the inherited property.

FEDERAL ESTATE TAXES

According to the tax-rate schedule, federal estate taxes are steep. The gross tax rates on taxable estates run up to 37 percent on one-million-dollar estates to 77 percent on estates over ten million dollars. Yet the actual tax paid runs from 15 percent at the \$500,000-to-one-million level up to no more than 24 percent, then tapers off above the \$20-million mark.

How does this happen? Well, simply by leaving his estate to his wife, a taxpayer can exclude up to half that money from *any* tax on his estate. Available to all estates, it's obviously most useful to large ones—i.e., being able to leave half of a 20-million-dollar estate to your wife and be taxed at the 10-million rate. But even at the lower end of the income scale, it in effect lets you leave \$120,000 tax-free to your wife—\$60,000 under the estate-tax exemption clause, another \$60,000 under the marital deduction clause. Some say this doesn't offer permanent tax escape, since money is taxed when the donee dies. But it can save tax, since the estate is divided into two smaller taxable packets, each taxed at lower rates than if combined. And the donee has the use—and interest from—the money that otherwise would go to the Treasury. Result? For the Treasury, a hefty revenue loss. (When the marital deduction was adopted in 1948, it lowered estate tax revenues by one-third.)

But there's even more tax-relief mileage built into our present federal estate laws. Simply by leaving money *in trust* to his wife or children—rather than by outright bequest—a man can save surprising amounts of tax money. His wife or children get all the income from the estate—such as interest on bonds—during their lifetime. When they die, the property is not subject to estate tax—and, if it's left in trust for the children, an entire generation escapes paying estate tax. Obviously, the leverage increases with wealth. On an eight-million dollar estate, for instance, bequeathing 2.4 million in trust to the children could save roughly 1½ million dollars in taxes. (To insure that he pays even less tax, the same cautious man can make use of the gift-tax loophole described below—all perfectly legal.)

The solution? Taxing inheritances on a generation-to-generation basis, as the British now do, is one way suggested to recoup the Treasury's loss of an estimated 100 million dollars yearly.

THE GIFT-TAX GAME

According to more than one tax reformer, some 900 million dollars in tax revenue elude the Treasury annually via the gift-tax route. Of course, there is a law requiring tax to be paid whenever someone transfers property to another during his lifetime. But consider this often lucrative exception. Any taxpayer can give \$3,000 a year (\$6,000 a couple) without tax to each of as many people as he wants. Besides this, a taxpayer can give an additional \$30,000 in his lifetime (\$60,000 a couple) without tax, not counting the annual \$3,000-a-year gifts.

Take this common gift-tax scenario. Couple X, early in their marriage, start giving \$6,000 a year (tax-free, of course) to each of their four children. In addition to these \$6,000 chunks, they spread another \$60,000 among them. In 25 years, under normal circumstances, couple X could give their four children something like \$660,000—all untouched by tax.

But the gift-tax law holds some added tax-avoidance potential. First, any gift in excess of the tax-free limits is taxed at only three-fourths of the death tax rate. Next, since both gift and estate taxes rise on a graduated basis, further tax relief is given by adding up the gift tax pile separately from the estate tax pile (as if from two separate taxpayers).

Though revenue loss from the gift-tax gimmick is substantial, it isn't generally considered the gravest threat to Treasury revenue. Most people still are loathe to let go of big chunks of property without keeping some control over them. One simple proposal: Make the gift-tax rates the same as estate taxes. Other suggestions resemble the 1950 proposal by former Secretary of the Treasury John W. Snyder, which would combine estate and gift taxes into one rate schedule.

THE DEPRECIATION GAMBIT

Few tax reformers will argue that income-producing property should not be depreciated. After all, it suffers wear and tear in use. Today the law provides a number of methods by which such property may be depreciated over its useful life, with the depreciation written off as a direct expense against income.

But there are abuses, too, despite the restrictions in sections 1245 and 1250 of the 1964 IRS code. For example, a man can borrow 10 million dollars to erect an income-producing building, not put a dollar of his money into the property, and still take depreciation deductions on the full 10-million-dollar investment—such as an office building or apartments.

The rental depreciation device works well on a smaller scale, too, from duplexes to small apartments. You can borrow the purchase money and write off depreciation annually—as well as writing off the interest you pay on the borrowed cash. With other "costs" tossed in, the write-offs can come close to—or exceed—the rental income on paper. On top of this, you'll still have a net cash flow.

THE GENTLEMAN FARMER

Though not technically a "loophole," farming illustrates how a fellow lucky enough to have some extra money can operate a farm largely at the government's expense. Say he'd like to own a farm. So he buys one and becomes a gentleman farmer. If it doesn't make money, he writes off his farm losses against other income.

In effect, then, other taxpayers are financing his operation for him. Race horses, which can be income-producing if they're

fast enough, also fall into this leisure-living category of tax write-offs, with Uncle Sam paying their feed.

Unlike a racing stable, the so-called "hobby farm" has another undesirable social by-product besides the tax revenue loss. Hobby farming, ineffectual as it may be, cuts into revenues of people who make their living through farming.

However, there are some tests a gentleman farmer's operation must meet. First, there's the five-year, \$50,000 limit on operating losses which can be deducted. In addition, if the farm is adjudged a "hobby," the losses from it are not deductible. (Although, if the farm is being operated for profit, losses would be deductible.)

THE DIVIDEND TAX SHELTER

As many smaller investors know, any taxpayer may exclude the first \$100 of his income from dividends. If a man and wife jointly own stock, they can exclude up to \$100 apiece from their dividend income.

Of all the so-called tax shelters, this one probably is least open to criticism as a refuge for the wealthy. Yet in terms of lost revenue to the Treasury, it means 250 million dollars a year.

And to many, the current dividend collection process is an inefficient, makeshift device. In the flurry of paper work, corporations can't always report to IRS the name of every shareholder who's received dividends of \$10 or more. Then too, more than a few taxpayers miss recording dividends in their 1040s.

Tax experts like Washington lawyer Mortimer Caplin, head of the IRS during John Kennedy's administration, have continued to press for this fairly straightforward, red-tape-free solution: Make corporations withhold the dividend tax before sending out the payments to shareholders. It would require no more paper work than reporting the names of individuals, and would do away with the uncertainties of reporting by both the companies and the taxpayer. Though corporations still might argue that it's a double tax, it would at least be fair, simple, and reliable.

UP THE "SINGLES" CREEK WITHOUT A LOBBY

A family may groan about its tax bill, and may resent the big-ticket operators who get away with paying less than their share, but actually the American family takes advantage of the biggest loophole of all. Thanks to the built-in split-income provision, your income is treated as though you and your wife had each earned half of it—and you're taxed at a considerably lower rate. More than that, you get a personal exemption of \$600 for each member of your family, and chances are that as a homeowner you itemize your tax return and show hefty deductions for real estate tax and mortgage interest. As a result, a typical tax bill for an income of \$9,000 is about \$800.

Now consider the plight of the single person. With an income of \$9,000, he pays an average tax of \$1,500. None of these breaks are on his side. He can't take advantage of the income-splitting provision. He gets only one exemption. Chances are he rents rather than owns, and finds it useless to itemize his deductions.

You may argue that it costs a lot of money to raise children, and you are right. But even childless couples can in effect "split" their income, get two exemptions—and may well find it advantageous to itemize. In short, the system basically assumes it costs twice as much for two people to live together as it does one.

But this isn't so. According to Joseph Pechman, director of economic studies for Brookings Institution, it costs a couple just 1½ times more to live than it does one person. Evidently, this set up is unfair to the single person—especially to the single woman, who not only must earn her living

but must also secure her future. But it isn't likely that this inequality will be changed soon.

It simply would cost the Treasury too much revenue to give singles the same income-splitting privilege as marrieds—an estimated two billion dollars a year. On the other hand, eliminating the income-splitting provision entirely could bring the Treasury enormous revenue—but the proposal probably could not survive the storm of protest from married couples.

Yet from the sociological point of view, families are the foundation of our society. They produce the next generation. They provide the bulk of taxes. More exactly, it's the family unit that backs our community improvements—from improved schools to new streets and water purification plants. With few exceptions, notably New York City, single people are not involved in such civic progress—and they do pay less per capita in local taxes and assessments.

THE UNREALISTIC \$600 EXEMPTION

Today the \$600 exemption is on its way to becoming a token deduction. Even with the 1964 addition of a minimum standard deduction for a taxpayer (generally \$200 plus \$100 for each exemption up to \$1,000 total), "deductions" haven't kept pace with the cost of living. Example: Since 1948, when the \$600 exemption was approved, basic expenses—such as food, rent, clothing—have increased 50 percent, and medical expenses have climbed nearly 90 percent.

Economist Pechman points out that by 1939 living standards, for example, the limit of \$2,400 for a couple with two children is worth just \$1,057 today. And because personal exemptions become proportionately more crucial to family well-being at lower-income levels, this erosion of the \$600 exemption is even more painful.

Why, with all the hue and cry from the taxpayer, hasn't the \$600 exemption been boosted? For one thing, by Treasury terms, it's an extremely expensive change. An increase of \$600 to \$700, it's estimated, would cost the government around three billion dollars a year; a boost from \$600 to \$800 would cost somewhere near six billion dollars. Besides this, it's said, the increase would benefit many who really don't need it.

Of the solutions now proposed, one by Rep. Herbert Tenzer of New York would put the exemption at \$1,000. Tenzer argues that though it's expensive, this increase would take the economic strain off the low, fixed, and middle-income groups—and would reduce the cost of present state and local welfare programs. Less dramatic on the surface is another plan to increase the standard deduction limit, now set at \$1,000. This move, say economists like Pechman, would in effect reduce a family's tax bill, but cost the Treasury less.

COLLEGE-EXPENSE DEDUCTIONS

To the parents of an expensively tutored child, a deduction for college expenses would make ample sense. At the same time, it illustrates as much as any other tax reform plan the observation by former IRS chief Caplin. "Our taxes," he said, "reflect a continuing struggle among contending interests for the privilege of paying the least."

For childless couples and single taxpayers, the education-expense deduction is obviously unfair. To them, educational costs are a personal expense—like buying a suit or paying rent—which should be absorbed by individuals without a tax deduction. But those in favor stress the resulting improvement in educational standards, and see it as a necessary investment in the future.

Thus, college-expense deductions raise a highly controversial issue: the obvious social benefits versus the tremendous revenue loss to Treasury resulting from adoption of this reform—a loss that could lead to a general rise in all taxes.

As with any tax reform issue, though, no two solutions are alike. Yet one by Rep. Tenzer does offer a seemingly workable beginning. His plan would provide a sliding-scale deduction, rather than a set amount for all income levels. A taxpayer in the 22 percent bracket (about \$5,000 a year taxable income) would be allowed to deduct 78 percent of his education expenses for tuition, textbooks, equipment, room, and board. One in the 42 percent bracket (about \$17,000 a year) would be allowed to deduct 58 percent of college expenses.

Whether the Tenzer plan—or a similar one from Sen. Abraham Ribicoff of Connecticut—is the complete answer is immaterial. Today there is a pressing need for tax relief on education expenses. And, this judgment was strongly seconded by some 300,000 informed, money-wise consumers who answered our recent Consumer Questionnaire (see the June 1968 issue).

WHERE DO WE GO FROM HERE?

By now, tax reform experts—even the most dedicated—recognize that the day of the sweeping reform is past. As is well demonstrated by the piles of stymied tax reform plans (such as Wilbur Mills' 1960 bill), tax reform is no overnight job. It's a tedious, provision-by-provision process, aptly compared by economist Walter Heller, former chairman of President Kennedy's Economic Advisory Council, to the bunker-to-bunker fighting on Iwo Jima during World War II.

In the initial stages, tax measures must be weighed by Treasury and Congressional committees against several factors—the possible revenue gain (or loss), the economic effects, immediate and long-range, and the social or fiscal impact. Then there are the political pressures on the administration and Congress, particularly from well-funded lobbies trying to preserve tax benefits for the wealthy. At the same time, there's a reluctance to pass any tax reform that would anger the great block of lower and middle-income families. Obviously, the tax reform measures that make it through this gauntlet are rare indeed.

What hope is there then? For many—from economists like Heller to tax experts like Stanley S. Surrey, Assistant Secretary of the Treasury, and Sen. Russell Long of Louisiana—the *minimum tax* is a crucial step in tax reform.

HOW THE MINIMUM TAX WORKS

Although there are several variations, it works something like this. First, you'd figure your tax the way the present tax law reads, using all the special provisions, preferences, and exemptions now available. Then you'd compute your tax a second time, putting back all the income you excluded the first time. You wouldn't take the depletion allowance or the charitable deductions. You'd restore your capital gains and put them back in full, along with, say, municipal bond interest. Once you'd done that and figured the tax, you would take a percentage of the total—10 percent, 20 percent, or whatever the law required—and pay that amount if it added up to more than your first method.

Recently, the Treasury Department has been considering a minimum tax proposal much like this. It would require taxpayers to compute their tax, allowing all their current deductions. Then they would have to figure their tax without the benefit of some major "loopholes"—capital gains, mineral depletion, tax-exempt bonds—and compute a certain percent of whatever total they came up with. Finally, they'd owe the Treasury whichever was higher, the first or second total.

Established immediately, the minimum tax would accomplish two things: (1) it would reduce the drain on Treasury tax revenue via the upper-income loopholes; (2) it would instantly spread the tax burden more fairly among taxpayers.

Though it wouldn't account for a vast windfall in Treasury revenue, the Treasury's minimum tax plan above would bring in a respectable sum. It also would mean that lower-income families (especially those on a straight salary with no access to special tax shelters) would know that the wealthy were at least paying some tax. And for future tax reform legislation, the minimum tax would do one critical job: By making tax shelters subject to *some* tax (and therefore less desirable), it would ease the way toward neutralizing or at least adjusting these shelters one by one.

WHY CRACK DOWN?

There are several solid economic reasons against tax privileges. These shelters or "havens" draw money into the channels that get the special tax privileges, and thus too little investment money reaches those channels that the "free market" system says are the most efficient places for the money to go.

For instance, if the free market sends out signals for investment money, so much is attracted to oil exploration, so much to cattle and so on. But the moment you change the rules of the game, say by broadcasting that any dollars that go into oil get double or triple return under tax law, you suck more investment dollars into the oil business and away from other competing channels. The depletion allowance for oil now draws about a billion dollars a year more in investments into that industry than it would otherwise. Among other things, this means the economy is going to produce less efficiently, less effectively than if the market system dictated the flow of money.

Most economists agree that there *are* times when it makes sense to channel investment money in certain directions, though. The oil depletion allowance originated during World War I, when we desperately needed more oil exploration production. The seven percent investment credit of 1962 was passed to push more money into plant machinery and equipment in *all* industries, and boost a lagging economy.

Yet what about our present needs—money for housing, ghetto rehabilitation, job training, and elimination of water and air pollution? If these are compelling problems, couldn't government solve them more effectively by *direct* investment spending or subsidy? Direct spending is no more costly, since reducing a person's tax is just as expensive as paying out that money through a budget, where it can be accounted for. Unfortunately, the tax preference—or "backdoor spending"—is popular because it doesn't show up on the expenditure side of the national budget. To many tax reformers, this is one insidious thing about tax preferences: They provide Congress a way of appropriating money that never appears in the President's budget or in the Congressional budget.

In the end, though, there's more to tax reform than making everyone pay his share, bringing in revenue to the Treasury, or making our economic machinery work more efficiently. Tax-reform—careful, deliberate reform—must come about to restore faith in our tax system.

Granted, our current tax structure is administered more efficiently than tax systems in many other countries. And it is true that as taxpayers, we hand over less to our government than do taxpayers in almost any other nation. (U.S. taxes are 28 percent of Gross National Product, compared to 30 to 40 percent in many other countries of the world.)

Still, our current tax inequities are steadily undermining public confidence in the whole tax system. That's why tax reform has to come, no matter how painful the process. And the reform must be a true *restructuring* that makes sense at both ends of the economic ladder. In the process, you may feel the bite. But that is the price of a fairer, more balanced tax system. And because tax reform is open to the uncertainties of the

legislative and administrative process, it needs a loud clear commitment by you the taxpayer to see it through.

GENERATION GAP MUST BE CLOSED

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. STUCKEY. Mr. Speaker, I insert the following article concerning the position which I have taken on the generation gap in this country in the RECORD.

Congressman Stuckey has been speaking about a problem which has become one of major concern to each and every citizen in our country . . . The Communication Gap between the generations.

Stuckey says that as our young people under 25 now make up almost half of the population of the entire country that they are becoming cognizant of the strength of their number . . . and they are demanding more loudly than ever to be listened to.

The 8th District Congressman says that youth today is more concerned and more involved than ever before. And, he says that this is good, particularly since the average age in the U.S. is rapidly approaching 25.

"It is true that many of our young people today have a right to feel indignant. Because we still see them excluded from the workings of our communities and our government—their government—and they are not stupid—they can see it too."

When speaking on this subject, Stuckey reminds his listeners that although wisdom may come with age, it is the courage of the young that got our nation moving and it is that same courage that is necessary to keep it moving forward. He says it was a group of young revolutionaries who were responsible for the founding of our nation.

And, throughout the history of this great country of ours, it has been the energy of such young minds and their drive for change that has propelled our nation forward. The founding fathers of our country, Stuckey says, had an average age of 43 . . . and the reason that was so high was because Ben Franklin who no one would deny was truly a wise man was 81 years old when the Constitution was written. However, James Madison, the father of our Constitution was only 36. Rep. Stuckey says that it is becoming increasingly obvious that leadership in this country must be revitalized. And, he says that this means the youth of our country must be given a sounder and more effective opportunity to be heard.

"If they are not," Stuckey says, "then that group of radicals who would disrupt and destroy will overshadow the true voice of our young people."

"Already," says the Congressman, "one of the major contributions of the communication gap between the generations is the fact that a handful of young people have gone to extreme measures to make their voices and opinions heard by the senior citizens—and in many instances these older citizens who have been responsible for repressing the voice of youth have reacted in dismay and have branded *all* young people as irresponsible and irrational."

"It's becoming a vicious cycle, and there is a growing mistrust between the members of our younger generation and the more senior members of our society."

"We must not allow this gap to continue to widen," Stuckey says.

Although the 8th District Representative believes that the main burden of responsibility of closing the gap lies with those members of our society who are between 25 and 40, he says that it is incumbent upon every

citizen, young and old to be more understanding and to work together.

In speaking to younger audiences, Stuckey says, "I have repeatedly defended our young people and their dependability as responsible adults . . . and, I have done so, because I am convinced that the hippies who are making headlines represent only a mere fraction of our youth." "If I believed otherwise," Stuckey says, "I would probably throw up my arms in despair, pack up my wife and children and move to the remotest part of the country—fully believing that the future of our country could not possibly survive under the direction of our future leaders."

"However, I do not believe that the so-called 'Society drop-outs' we read about are truly representative of today's young people."

As a matter of fact, Stuckey says that a survey which was recently released by the National Student Association shows that of 101 colleges and universities surveyed from January 1 to June 15 of 1968, showed that less than 3 out of 100 students enrolled in those colleges participated in campus demonstrations.

"This means that two and six-tenths percent of the American college students are giving American campus life a black eye, arousing the whole country, and producing the impression that our youth has gone haywire," says Rep. Stuckey.

"These young people are giving the impression across the country that their antics are representative of our American youth. Their voices are drowning the voices of the majority of our young people in this country."

"It is necessary that we hear from the responsible youth of this country. It is necessary that their voices be raised above those of society's drop-outs."

While calling on the responsible youth of our country to step forward, Stuckey has also been calling on the older members of society to give these young people a chance to be heard above their radical counterparts.

"It is up to you," Stuckey has told educators, and business and civic leaders, "To guide these energies of our young, and to cultivate the abilities of these . . . shall we call them . . . 'Instigators for Change.'"

Stuckey has promised each of his audiences that they will be hearing more from him on the subject of the communication gap. He says that during the past year he has become deeply concerned with the problem of communication between adults and young people.

"This problem has to be solved," Stuckey says, "The day when young people had to follow the dictates of their elders, because, if for no other reason, they were outnumbered, has passed. And, if the older folks don't wake up and realize that this is no longer the case, they are going to wake up too late and find that the younger generation outnumber them, and will use the power of their numbers to enforce what could possibly be unwise decisions and policies."

"In order to maintain an orderly society and achieve the goals to which we strive . . . we must employ both . . . the energies and innovation of youth and the experience and wisdom of the older generation," Stuckey says.

ARNOLD ENGINEERING DEVELOPMENT CENTER CONTINUES VITAL ROLE IN NATION'S DEFENSE PROGRAM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the Arnold Engineering Development

Center in Tullahoma, Tenn., has made increasingly important contributions to the Nation's defense and space programs.

Arnold Engineering Development Center, located in the Fourth Congressional District which I am honored to represent in the Congress, is a facility with unique testing capabilities which, for example, brought the Apollo 8 to Arnold Engineering Development Center for testing as well as the F-111 "swingwing" plane and the C5-A Galaxy, demonstrating the versatility and capacity of this base.

In this connection, I am placing herewith in the RECORD an article from the Tullahoma News and Guardian, Tullahoma, Tenn., which outlines highlights of Arnold Engineering Development Center activities during the past year. The article follows:

AEDC'S WORK DURING PAST YEAR WAS VITAL TO NATION'S DEFENSE

Arnold Center played a vital role in testing for the Apollo 8 moon flight, the F-111 "swing-wing" plane, C5-A Galaxy, which is the world's largest transport plane, and other aircraft vital to the nation's defense, a look-back at the center's accomplishments for 1968 shows.

Though the center felt the impact of a \$2 million cut in Federal funds allocated for its operating contractor, ARO, things began to pick up again in July, when an additional \$2.8 million was added for extra work.

R. M. Williams, president of ARO, said the fund cut resulted in reductions in work shifts, personnel, materials and new equipment, but by November, the center had begun some limited hiring and recall of employees who were laid off.

"Other additions to the contract are in the discussion stage," he said, adding, "The curve is starting to climb again."

Mr. Williams also noted that ARO reported more than \$8 million in cost reduction programs and value engineering savings last year. "This really means that an additional \$8 million worth of work was accomplished beyond the changes in the contract," he said.

In addition, the company's newest division, AROdyne, has already made a proposal being considered by one aerospace industry, and is investigating other business possibilities for 1969, Mr. Williams said. The division will make available the "engineering and management experience of ARO personnel to a variety of commercial markets."

And something else has been added—ARO bought a twin-engine Beech aircraft which can carry eight passengers, and hired a professional pilot to facilitate travel by company personnel.

Brig. Gen. Gustav Lundquist, commander of the center, noted that work began in 1968 for the center's new airport, between Tullahoma and Manchester. Other additions for which work or plans were begun include a liquid propellant storage area and a new warehouse.

"We on the Arnold Center team must continue to assist the country in maintaining its present momentum in aerospace research and development and to meet any potential threat from abroad," General Lundquist said. "This indeed requires vision, imagination, technically qualified foresight and a great deal of courage on the part of all of us."

Major improvements were made in two facilities in the past year: the modification of J-1 test cell for testing large fan turbojet engines and the completion of the four-foot transonic tunnel for conventional weapons separation testing.

In addition, three systems were designed, fabricated and installed in the Mark I chamber to permit testing of the Titan III rocket's trans-stage: an aerodynamic heating system,

solar simulation system and a vehicle handling system.

Also during 1968, tests were conducted at the center on the sea-launched Poseidon and land-launched Minuteman III missiles, both of which have since passed their first flight tests.

And the center also awarded a new three-year contract with the National Aeronautics and Space Administration with options to negotiate work for each successive fiscal year.

Changes and improvements were reported in every department at the center. Among them:

The plant protection division developed a new disaster operations plan, arranging with the State Office of Civil Defense to calibrate all radiological monitoring equipment in center fallout shelters annually.

The finance section compiled the lowest payroll preparation error rate in center history.

The general services department reported the largest savings in manhours and money in the history of the company because of refinements and improvements of "our existing organization and internal operations."

Summing up the center's accomplishments in the past year, Gen. Lundquist said, "In the past, Arnold Center has met the challenge. We must strive to keep AEDC as Gen. James Ferguson, commander of the Air Force Systems Command describes it: 'The most versatile and prolific test complex in the free world.'"

INCREASE OUTSIDE INCOME LIMITATION UNDER SOCIAL SECURITY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, on January 9, 1969, I introduced H.R. 2649, a bill to increase the outside income limitation permitted social security annuitants without loss of benefit from \$1,690 annually to \$3,000.

Mr. Speaker, there are thousands of senior citizens who can make a great contribution to this Nation's economic well-being if we would modify the present restrictive limitation on outside income permitted social security recipients.

In addition, Mr. Speaker, these older Americans also can have the personal satisfaction that comes from being able to make one's own way in the world. At a time when we are short of skilled labor in this country, it is national folly to encourage persons with years and years of experience in the labor market to remain in enforced idleness when they want to work and are able to work.

In addition, Mr. Speaker, I have always supported the enactment of a cost of living feature to social security payments so that those who subsist on these payments will not be victims of inflation.

Mr. Speaker, recently I received a petition signed by senior citizens attending a food-stamp meeting in Jersey City. I include this petition in the RECORD following my remarks.

I do hope, in conclusion, in 1969 we will make the well-being of American older citizens a major priority. Simple justice demands that we do at least this.

The petition follows:

HON. DOMINICK V. DANIELS,
House of Representatives,
Washington, D.C.:

We, the undersigned, respectfully request that you and your fellow congressmen review and update the present Social Security regulations.

1. Social Security benefits adjusted to the constant spiraling cost of living; and

2. Provide an opportunity to augment ones income to a realistic social and economic level without suffering total loss of Social Security benefits.

(List of petitioners not printed.)

**PROPOSED COMMON MARKET
TARIFF ON OILSEEDS THREATEN
TRADE, FARMERS, CONSUMERS**

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. NELSEN. Mr. Speaker, on December 19, the European Economic Community announced a proposal for an internal tax on all oilseed products. The main thrust of the tax would be against soybean oil and meal, chiefly supplied by the United States, for use in the Common Market nations. Today I am offering a resolution urging the President to take all appropriate actions against the offending countries if they go through with the proposal. In the fiscal year 1967-68, the EEC nations purchased \$447,573,000 of America's oilseeds and products.

The proposed new tax is aimed at discouraging the use of oilseed products in order to create a market for Europe's huge dairy surpluses. Because of artificially high support prices, the EEC nations have acquired surpluses in amounts that make the problem of getting rid of them a major one. It seems that they have not considered the logical possibility of lowering their support prices. Instead, they have decided to work toward pricing oilseed products out of the cooking oil and feed markets, replacing the oil with cut-price butter and the meal with casein.

The proposal is the logical extension of an illogical policy. The United States can grow the oil and meal products the Common Market countries need at a far lower cost. Their dairy prices are inflated, and huge surpluses have resulted. These are the same surpluses, we should note, that EEC nations try to dump in America as inexpensive cheeses and butterfat mixtures. To the Eurocrat, the surpluses seem to offer a possible means of supplying a domestic cooking oil for consumers and protein source for feeds.

The impact of a big cut in our half-billion-dollar market would be felt in every soybean producing area of our country. It would raise the price of feed and margarine to farmers and consumers in the EEC, and it would tend to lower the price farmers received for their oilseeds in America. It would drastically raise the cost of our oilseed farm programs.

We must do everything we can to prevent the implementation of the proposed tax. Harsh retaliatory measures must be

taken if the tax is executed. It has been estimated that on a dollar-for-dollar basis, a proportionate tariff on a Volkswagen coming to the United States would be \$800. Small cars, low-price wine, cheeses, synthetics, and textiles are but a few of the items Europeans sell to America that could be hit in retaliation for the soybean tariff. One wonders what the reaction of the Germans would be if Volkswagens were to be taxed to that high level. French wine makers, Italian cheesemakers, and Dutch weavers should look critically at their leaders' proposal.

The proposed action of the EEC violates the spirit and the letter of the multilateral trade agreements concluded in Geneva in 1967, and the countermeasures the action would provide might trigger a new wave of protectionism. The free world can ill afford such a reaction in these times of financial crises and international turmoil.

I am in hopes hearings can be held on this resolution in the near future to dramatize the importance of this little-noticed development. I urge my colleagues to join me in the effort to do all that we in Congress can to strengthen the position of our bargainers and to dissuade the Common Market from their proposed course of action.

I include the text of my resolution in the RECORD at this point:

H. CON. RES. 129

Concurrent resolution urging the President of the United States to take appropriate action to protect United States exports of certain agricultural commodities

Whereas United States exports of soybeans and soybean oils, other oilseed, feed grains, and related products would be severely affected if the oilseed products consumption taxes currently being considered by the European Economic Community are imposed;

Whereas the Congress considers that the imposition of such taxes by the Community would adversely affect domestic agricultural programs;

Whereas the imposition of such taxes by the European Economic Community would, in addition, create instability in the American oilseed markets and would increase the cost of administering the sections of the Food and Agriculture Act of 1949 as amended that apply to oilseeds and oilseed products: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President is urged, in the event that the European Economic Community imposes consumption taxes on oilseed products, to take any action authorized by law considered by him to be appropriate to overcome the effect which such taxes would have on American agriculture.

**WHAT YOU CAN DO ABOUT THE
URBAN CRISIS**

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the December 30, 1968, Public Affairs bulletin, published by the Chase Manhattan Bank, cites some specific ideas on how individuals in the private sector can become active in solving urban problems:

There is something each of us can do—

The bulletin points out—

and the joint efforts of enough concerned citizens hold out the best hope for conquering the ills of our cities. "We have an ample supply of handwringers," says John Gardner, head of the Urban Coalition. "We are in very short supply of people willing to lend a hand."

I would like to include the full text of the bulletin as part of my remarks:

**WHAT YOU CAN DO ABOUT THE URBAN
CRISIS**

The plight of our cities and of the people who live in them no longer needs any documentation. Our eyes, our ears, our noses, our nerves tell us more eloquently than any statistics that our cities are in deep trouble.

There is no single solution, and certainly no simple one. "This is such a mixture of physical, financial and psychological questions as to confound the best minds we have," said President Johnson.

But there is something each of us can do, and the joint efforts of enough concerned citizens hold out the best hope for conquering the ills of our cities. "We have an ample supply of handwringers," says John Gardner, head of the Urban Coalition. "We are in very short supply of people willing to lend a hand."

VOLUNTEERS ALL

Virtually everything we know today as social services—children's shelters, home nursing, family service agencies, halfway houses, clinics, welfare agencies—were pioneered by volunteer citizens who became concerned about neglected human needs in their communities and took steps to help. Now, in this time of change and turbulence, volunteers are needed more than ever. "Volunteers bring a sense of commitment and interest," says Ruth Hagy Brod, director of the Volunteer Coordinating Council in New York. "They improve the quality of city services because they're not calous, and in a highly alienated society, when someone does something for someone else without pay, it's a sign you really care."

Across the nation an army of volunteers—thousands of your fellow citizens—are devoting time, energy, ingenuity and initiative to urban ills. Why not join the "army?" Recruits are desperately needed and the opportunity for service lies right at hand.

A MAJORITY OF ONE

You don't need an elaborate organization or large bankroll to launch your own community aid project. Your own wits, energy and dedication are enough.

For instance, you can collect and distribute clothing, books, food and other items in short supply among the urban poor.

You can use the free resources of the city's playgrounds, parks, museums or libraries to sponsor recreational or cultural projects.

You can form a committee to write letters, prepare data and consult with elected officials on pressing urban problems.

The list is endless, and thousands of your fellow citizens have shown the way. For example—

On New York's Lower East Side, Humberto Aponte, an insurance claims adjuster who was born on a poor farm in Puerto Rico, runs a one-man housing clinic in his spare time. Armed with only a battered typewriter, he battles for his neighbors who often lack the knowledge and resources to fight back against slum landlords.

First in Hartford, and then in New York, 27-year-old Ned Coll created an organization called the Revitalization Corps which functions as a kind of non-governmental domestic Peace Corps through a variety of grass-roots programs. Coll's "Operation Suburbia," for example, placed 100 city children from Hartford and New York in suburban homes for several weeks last summer. Other

projects include tutoring and campaigning for better schools—all on \$5,000 a year, privately raised.

In Harlem, Miss Cora T. Walker, who for years has been telling her neighbors: "Quit complaining about problems. Do something about them!" launched a \$5 per share supermarket last spring. Called the Harlem River Consumers Cooperative, Inc., it provides jobs for 80 Harlem men and women and lower prices for housewives on shopping day. Seventeen teenagers traveled from door to door to sell shares in the cooperative.

IN UNION THEIRS IS STRENGTH

If your inclination is to "join" rather than act on your own, there are innumerable organizations and groups that will welcome your participation. Let's look at what some of them already are accomplishing in various parts of the country on major aspects of the urban crisis.

Education

A good education is the greatest single weapon for combating the cycle of poverty, despair and disorder that festers in so many of our cities. The education problem, as we all know, is beset by conflicting pressures. Yet in scores of communities, heartening results have been achieved by groups who found that there were practical steps they could take right in their neighborhoods.

In Bridgeport, Connecticut, the School Volunteer Association, made up of some 375 black and white volunteers, tutors children with reading problems. The school superintendent calls the volunteers' work "an academic tender-loving-care that you couldn't buy."

In another typical community, women volunteers of a Stay-in-School Committee have been encouraging high school dropouts to return to school by establishing personal contact to get at the basis of each youngster's problem. With the help of church, service and community groups, they find dropouts part-time jobs and help them maintain their morale and keep their school and job performances up.

In New York City, a group of 70 young businessmen has set up an organization called SEO—Sponsors for Educational Opportunity, Inc. SEO searches for ghetto boys and girls with top potential and helps them get into the better colleges and universities. The SEO members entertain the students in their homes, build up a personal relationship, look into family problems and seek scholarships and summer jobs. Most of the 150 students SEO has selected for sponsorship are already in college. Says Harold Davis, whom SEO helped to win a scholarship to Wesleyan: "Ninety-nine per cent of the boys I grew up with are dead, in jail or on drugs—It's a miracle I'm alive."

Jobs

A job often makes the difference between becoming a useful citizen with a sense of hope and responsibility, or a public charge and possibly a criminal. James Rudd, leader of a group of 50 businessmen in Hempstead, New York, who banded together to help local youths find jobs, says: "There were plenty of Negro kids in this community who felt that they could become leaders by having the guts to stand up and throw a brick. I wanted to channel this energy into getting jobs instead."

In Indianapolis, a Voluntary Advisory Corps (VAC) has been helping unemployed persons overcome obstacles that have prevented them from finding and keeping a job. The only special skill required of a VAC volunteer is that he be a successful breadwinner—a person with a job who pays his bills and deals with his employers and fellow workers successfully month in and month out. The VAC volunteer meets with a job-seeker, usually referred by an employer who has been unable to offer him a job. In a series of sessions, the volunteer advises the job-seeker about how and where to apply

for a job within his capabilities, how to prepare for interviews and fill out the necessary forms and how to bring out his positive factors that will appeal to an employer.

Sometimes just a bit of community encouragement is all that is needed to generate effective self-help programs. In Washington, D.C., a group of teenagers, given such encouragement, banded together as "The Working Magnificents" and sent out flyers that said:

"What jobs have you found for these industrious young men in your neighborhood? They can rake leaves, paint your porch floor, clean up your yard, shellac your inside floors, clean out your basement, wash and polish your car, get rid of your rats and roaches, and do any other such jobs. . . ."

Crime

The President's Riot Commission last spring drew a collective profile of the "counter-rioters"—after interviewing many ghetto residents who worked to prevent the riots. The report stressed that "the counter-rioter's actions and attitudes reflected his substantially greater stake in the social system." In other words, the key is: a stake in the community.

A number of volunteer groups throughout the country have sought to apply that message. In Indianapolis, a group of women started modestly, seeking to curb crime, persuade dropouts to return to school and obtain a new light on one dark street.

Thousands of women in the community have joined the campaign. They have helped keep scores of children in school, gotten hundreds of new street lights and established a "court-watchers" program to keep tabs on the efficiency of the courts. They have also begun a "one-woman-one-child" program in which one woman helps to solve the problems of one disturbed child, whether he needs a new sweater, help with his schoolwork or a job for his unemployed father.

An incident in Chicago recently gave eloquent testimony to the value of such programs. A 16-year-old hefted a fist-sized rock in his hand, then suddenly thrust it toward Lucy Lewis, a city anti-poverty worker. "Here," he told her, "I've got something for you. You kept me so busy I never had a chance to throw it."

HOW DO YOU START?

Chase Volunteers for Community Action (CVCA) has been created to help Chase staff members who want to do voluntary work on community problems in their spare time. It acts as liaison with various private and public groups and agencies that are seeking volunteer help.

Through CVCA you can take youngsters for a boat ride around the city, or to a museum, to a ball game or the circus; help out in child care centers; tutor children in remedial reading or other subjects; teach them to paint, sew or make handcrafted articles in workshops; or counsel adults on job difficulties, family finances or other problems.

To get started in these and various other activities and projects, telephone CVCA on Extension 4314.

Many Chase officers are working to assist economic development in disadvantaged areas—through Bank programs, the Interracial Council for Business Opportunity, the Bedford-Stuyvesant Restoration Corporation, the New York Coalition and other groups. Volunteers provide managerial assistance to minority-group clients who want to start their own businesses and who need advice about financing, credit, marketing and other problems; or who already have their own businesses, but have run into difficulties.

"GREATER, BETTER AND MORE BEAUTIFUL . . ."

In the Golden Age of Ancient Greece, every young Athenian as he came of age took this oath of citizenship:

"Thus in all these ways, we will transmit

this City not less but greater, better and more beautiful than it was transmitted to us."

Perhaps we should all take our own version of that oath.

A PLAN TO EVACUATE THE JEWS OF IRAQ

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. HALPERN. Mr. Speaker, it is indeed proper to mourn for the 14 human souls, Jewish and non-Jewish, who were so notoriously mass murdered by hanging in the streets of Baghdad, Iraq. Civilization cries out against this return to the barbarity of the German Nazis by the Government of Iraq.

But we must do more than merely cry out. We must embark on an action plan to save the survivors. The remaining estimated 2,500 Jews in Iraq are all under virtual house arrest. They face restrictions modeled after the Nazi Nurnberg laws. They may not emigrate from the country. Scores are in jail. Many are now facing phony trials, such as the so-called trials conducted by the Gestapo judges of Nazi Germany. We fear more mass executions from day to day in this campaign of genocide.

The Government of the United States can do little because Iraq broke off diplomatic relations with Washington during the 6-day war of 1967. The fanatical generals and colonels who act as military dictators of Iraq have voiced public contempt for anything the U.S. Government might say.

Indeed, the State Department has indicated that it might even be counter-productive for Washington to intercede directly. One of the charges against those held in Baghdad jails, including even an American gentile citizen, is that they are spies for the United States.

I am proposing, therefore, to our Secretary of State, an action plan to save the surviving Jews of Iraq.

The Government of India is the government with the most influence with Iraq. Indeed, India might be Iraq's closest friend. Iraq chose India to represent Iraqi diplomatic interests in Washington after the Iraqi embassy was closed.

I propose that the United States enlist the offices of India, a country that has received as much as a billion dollars a year in various forms of loans and economic assistance from the United States, which reflects the humanitarianism of the American people. I will suggest today that India show a special measure of compassion for the Jewish victims of Iraq, just as we have shown compassion for the hungry masses of India.

India can do this through her special status as diplomatic representative of Iraq in the United States. Specifically, India can propose to Iraq, whom she represents and with which she is on such good terms, that Air India provide an emergency air lift, a flying carpet of compassion, to remove the Jews from Iraq.

The estimated 2,500 Jews of Iraq could be flown out by Air India in less than a week. Other airlines could rush to lend planes to Air India just as the airlines of the world sped to the assistance of the Arab airlines after the Israeli action at Beirut. At Beirut not a single life was taken. But at Baghdad human beings are being liquidated in naked genocide.

The Government of India would be compensated for the special expenses including air fares, by appropriate philanthropies. Special visas could be issued by the U.S. Government under the immigration provisions providing emergency sanctuary for refugees from religious or political persecution.

I believe that the Government of India should make the rescue of the Jewish community in Iraq a matter of utmost priority. Pending before the Subcommittee on International Finance of the House Committee on Banking and Currency, a subcommittee on which I happen to serve as the ranking Republican member, is a bill crucial to India.

It is a bill authorizing a 4-year commitment to the International Development Association. The largest single beneficiary of this bill is the Government of India. Indeed, some have argued that India is receiving a disproportionately large amount of aid and there is some opposition to the bill. However, I am mindful of the human plight of India's millions of underprivileged and am taking this into account as I form my own opinion.

But I would be less than frank to state to this audience that a country like India, which receives massive U.S. food-for-peace grants, U.S. Government loans, and assistance of all kinds, both directly and indirectly, should show a little compassion for the helpless Jews of Iraq. It would be in keeping with the finest traditions of Mahatma Gandhi who so eloquently denounced Adolf Hitler's persecution of the Jews.

Last Saturday President Nixon devoted the entire session of the U.S. National Security Council, his top advisers on diplomatic, military, and security matters, to the crisis in the Middle East. Indeed, this was the only subject taken up in many hours of White House discussions. The conclusions, of course, have not been publicly announced.

But I am now confident on the basis of my own information that the President will not rush headlong into any deals with France or the Soviet Union which would involve a sellout of Israel. I can also reassure you today that the President expressed concern about the situation of the Jews in Iraq at the meeting.

The President is convinced that the most important threat to world peace exists in the Middle East. But he is not pushing the panic button. He is avoiding possible missteps that might compromise Israel's right to peace and security.

I can assure you today that the President has resisted various pressures for a headlong surrender to pressures for a so-called "imposed" settlement injurious to Israel. He is acting cautiously and with a cool determination to preserve the peace and security of all the countries of the region.

While the outlines of the new Ameri-

can policy are not yet clear—indeed, the President has not yet made up his mind on basic options—one thing is certain. It is that he understands that the Russians are exaggerating the crisis in a self-serving manner in a bid to help their Arab friends and to further penetrate the region. President Nixon recognizes that the threat to Israel is also a grave threat to the national security interests of the United States.

NIXON: THE REPUTATION AND THE REALITY

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. BOW. Mr. Speaker, I wish to include in the RECORD an excellent article on our new President, Richard M. Nixon, by Jack Leacacos whom many of us know as the very able Washington correspondent of the Cleveland Plain Dealer.

As chief of the Plain Dealer's Washington Bureau, Mr. Leacacos has a background in national affairs that lends particular insight to his story of Mr. Nixon's career:

NIXON: THE REPUTATION AND THE REALITY (By John P. Leacacos)

WASHINGTON.—Finally, tomorrow at noon, 11 days after his 56th birthday—America and the world will be able to see Richard Milhous Nixon, front and center of the stage, and never to depart from it for four long years. Then and only then can the new president begin to display his character and personal style in action, by deeds as well as irretrievable words, by his posture and at what angle and direction he leans into the sky.

Yet, paradoxically, ever since Nixon's photo-finish victory last Nov. 5, there has been a growing and smoldering curiosity about the man and what kind of a president he would make, despite the fact Nixon has been a nationally known figure for 20 years. It's as if an unbelieving country never quite thought he'd make it.

But he did all right. Now everybody has to take Nixon seriously, for he is indisputably the new president, and in the great tradition of American politics, every new president deserves a fair shake and every citizen is duty-bound to give him the benefit of the doubt.

Why the confused impressions, the grudging acceptance by some, the apparent mystery of who is the true Richard Nixon?

It may be useful, therefore, to attempt to explain, as far as one can, how the strawman effigy of Nixon came about and why, by and large, Nixon has had one of the worst press reputations in American history, though unfair.

For one thing, Nixon retains his small-town, grass-roots aura, his past high positions and converse with the great of the world notwithstanding. He is not a buddy-buddy type who has been barbered and glossed over into a politician who can be all things to all men. He has a deep reserve, does not wear his heart on his sleeve for the gentlemen of the press to stroke into friendly headlines.

The fact that he has been consistently himself as a basically unreachable Nixon is reflected in press clips which go back two decades. And one of the first things reporters have to do when writing about a public figure is to resort to the filed clips. Thus, in one sense, the straw-man picture gets repeated—and repeated.

Two more basic reasons come into play. From his very entry into politics, his 1948 upset victory over popular Rep. Jerry Voorhis, a Democrat, in his home district of Whittier in California, through his role in the exposure of Alger Hiss, his bare-knuckles defeat of Helen Gahagan Douglas for the U.S. Senate and his meteoric rise to vice president in 1952, Nixon has been the No. 1 *bete noire* and savage butt of the Democrats and the vast liberal and articulate majority who supported them for almost two generations.

Sen. Robert A. Taft of Ohio and President Dwight D. Eisenhower never drew such vindictive fire. The first was of the great 19th Century mold, the second to much a "father of his country" figure. But Nixon was the new, aggressive and dangerous symbol cast as the threat to the welfare-state gains and illusions of a whole area.

More subtle but perhaps even more pervasive in engineering anti-Nixon animosity and shrouding him in misunderstanding was the disillusionment of the nation over the aftermath of World War II, fought to insure a peaceful, democratic world—only to find totalitarian Soviet Russian imperialism thrusting a chagrined United States into constant crisis.

The pro-Soviet predilections of the 1930s and Communist Utopia, before the 1939 Nazi-Soviet non-aggression pact, left many feeling like fools. Nixon was the lightning rod to draw the abuse for the awakening sensations of self-guilt. Nixon was the unwitting victim of the maelstrom of the tides of history.

The Nixon, indeed, seems at times a scroll of many personalities in search of a character: anti-Communist inquisitor, partisan zealot, press scapegoat, liberal bogeyman, protocol figurehead, Quaker quietist, relentless climber, crusading evangelist, indefatigable lawyer, world statesman, anti-hero of the Jet Set, and ideal son, father and husband.

Who, then, is Nixon? What are the components of his soul? What is his character inside the public shell? What made Richard Milhous Nixon what he is today?

Nixon himself is amused at all the attempts to psychoanalyze him.

"It's a lot of fun and I don't mind it," he told a TV interviewer. Further: "as far as that charisma and public relations tricks that are supposed to make you look like a matinee idol, forget it. If that is what the American people want in a president, I am not their man."

Yet Nixon's self-deprecation is not entirely accurate. This correspondent has seen Nixon on at least three occasions—twice at the Gridiron Club in Washington, once at the New York dinner in memory of Cardinal Spellman last fall, when . . . at his ease at a non-political and semi-social event . . . he looked handsome, most amiable, even elegant enough to qualify for the Town and Country-Vogue ambience. So went the comment at the time among the reporters.

Talking to scores of persons in New York and Washington recently and reading reams of material in trying to penetrate the multifaceted Nixon personality, this correspondent found one surprising consensus: There was a not generally known, an almost secret, side to the Nixon character. It was his deep feeling about religion.

He got it from his Quaker mother, Hannah, who set the example of the Quaker principles of the "inner light" and good works, a light that was to be made visible by simplicity, purity, truthfulness, high standards of personal integrity.

Nixon also got it from his father, Frank, who was always "on top of us all the time to abide by the Ten Commandments," as Edward Nixon, the president-elect's brother, told me.

The manifestations of religion invariably evoke deep feeling in Nixon. During the

singing of the "Battle Hymn of the Republic" by the congregation in the Mormon Tabernacle during a campaign stop in Salt Lake City, Nixon turned to a friend and said: "Look at their faces. They believe in their religion."

Nixon, however, is loath to talk about religion except to intimate friends. He has been desperately afraid to talk religion in the past for fear he would be accused of so doing for political gain. The Rev. Billy Graham, whom Nixon has known and talked to confidentially for 18 years, describes the president-elect as even "fatalistic," that Nixon truly believes that a Divine Providence controls the affairs of men and that in 1968 Nixon was fully prepared in his soul to lose, if thus it had to be.

In the 1960 election, Catholic associates of Nixon said, he laid down strict rules to avoid all references to the religion of his rival, John F. Kennedy, despite pleas from his campaign workers that the Democratic candidate was subtly benefiting from the issue. After the election was lost, on the ride back from California to Washington, Nixon's first comment to Peter M. Flanagan, a Dillon Read partner and Nixon volunteer: "at least we've laid to rest the ghost of bigotry in this country."

A peek at the private Nixon inside the public figure was provided by his brother, Ed Nixon, 38, or 17 years the new president's junior. Another brother, Donald, 53, is a marketing consultant in California. Two other brothers died as children. Richard made his first and lasting impact on the youngest when Ed was 7, he recalled. His mother, Hannah Nixon, Grandmother Almira Milhous, the matriarch of the family, and Ed drove 2,000 miles in the family Chevy to see Dick graduate from Duke University Law School in North Carolina. Ed said: "Dick was the head of the family and the leader of all the brothers. It was a big thing. It impressed me."

As almost a second father to the youngest brother, the man who becomes president tomorrow used to try to inject some of his own built-in adrenalin and competitive spirit into Ed. "He was always driving me to do my best. He tried to make me go out for track. He'd say when I had to go to the store for a pound of butter, 'Let's see how fast you can do it' and he'd time me with a stopwatch."

Ed, however, missed all of the political campaigns until last year. He'd been in school, got a master of science degree in geology, been a U.S. Navy helicopter pilot for seven years. Meeting Richard in Seattle in 1967, he had asked his brother to let him become "involved" in any campaign if Richard decided to run for the presidency in 1968. So last fall Ed supervised a staff of 75 at the Nixon headquarters in New York, arranging for "personalized" answers to 100,000 letters to Nixon before the election and 50,000 in the first two weeks after.

"He wanted us to give attention to details in human matters as well as business matters," Ed added.

After Richard established himself as a lawyer in New York, Ed visited him once or twice a year. The brothers used to take long walks down Park Avenue and talk of everything under the sun. Ed noted to himself that here was a man who had been exposed to the full fury of the crosswinds of the times, had been shaken and tested, had asked himself a lot of questions and emerged grown and deepened from the challenges.

"Often Richard would ask, 'What are we coming to? What are we coming to?' as they discussed the world. The appearance and fashions of men had little effect on Richard.

"But what's behind their eyes is important," he would exclaim.

Perhaps the best rationale Ed could find to explain what most impelled his big brother to come back from the lip of political oblivion in 1962 when he lost the governor's race in California lay in the speech the Re-

publican presidential candidate gave last Oct. 2 in Williamsburg, Va. The locale itself was a revered place for Nixon for his forebears on both sides go back to pre-Revolutionary days. In the speech, which got little public notice at the time, Nixon said, in part:

"I believe that a nation, like a person, has a spirit . . . that a national spirit comes to the fore in times of national crisis . . . that it speaks to its own time with a different message directed to the problems of that time.

"Whenever America falls short, that spirit appears—not to comfort us, but to make demands on us. Not to salve our conscience, but to spur our conscience.

"The great eras of change are clear enough for us in retrospect. But to the men living through those times, America was upset and uncertain; strong currents of opinion roiled the waters and hatreds flared. That is the kind of era we are going through right now.

"We are told of a man who was seen digging around the walls of his house; when he was asked why, he said: 'I am letting the dark out of my cellar.' That is what we must do now; as we dig for the demands of change, we must let the dark out of our cellars."

The Nixon paradox was once epitomized by a friend, the Rev. John F. Cronin of the National Catholic Welfare Conference. He described Nixon as a "complex character, a politician who could have been a poet; immersed in worldly affairs, yet with the qualities of a mystic: a hard fighter, yet sensitive and kindly."

Rose Mary Woods, Nixon's secretary for 17 years, paints her boss (to whom she will be executive secretary in the White House) as "shy basically, not a pusher, but retiring; the things he does for people one never hears about." And glimpses into his family life: "He comes home and flicks on all the lights and turns on the music." And his Spartan diet to keep trim; cottage cheese regularly, sometimes with peach juice or ketchup to keep it from becoming too banal.

Billy Graham, cheerfully confessing to bias, avers Nixon is a "warm person, but this does not come through in the press or on TV." Nixon is "thoughtful about friends, remembers birthdays and anniversaries and special gifts; there's nothing he won't do for a friend. He takes kidding and likes to kid back."

The words "compassionate" and "extremely sensitive" are frequently encountered among his acquaintances, with the immediate reminder that Nixon personally abhors making a spectacle of himself in emotion. In 1960, an associate recalled, after he had so narrowly lost to John F. Kennedy, on the plane ride back to Washington from California, the plane was full of weeping secretaries. Nixon reached out and took on the load of grief. He proceeded to sit with each one individually, put his arm around her and console her out of the heartbroken despair of defeat.

Probably the best clue to the Nixon character is found in his upbringing and the kind of a mother and father he had. The Nixons were originally stern Methodists and the Milhouses gentle Quakers. Grandmother Milhous came from Mount Pleasant, O., and father Frank Nixon from Vinton County.

Frank Nixon seems to have been an original of the Terrible-Tempered Mr. Bang and a man of hard views fiercely articulated. Hannah Nixon was a selfless, tireless woman, almost a lay saint. Ed characterized his mother as the "epitome of patience," his father as an "advocate of immediate action."

Hannah who died in 1967, admitted that "even Frank Nixon accepted in most instances Richard's judgment, and he was a man with strong opinions of his own." From his mother, Richard Nixon learned tolerance and piety, from his father strict morality and high competitiveness.

Ed called it the "most successful combination in the family of a high sense of justice and perseverance, tempered with patience

in executing decisions." The president-to-be, in fact became the arbitrator of the family arguments which taught him early the art of compromise and mediation.

Frank Nixon, who died in 1956, in fact seems to have been quite a heller, a veritable 19th Century character when everything was taken personally, no matter what the cost socially or politically.

Frank Nixon has been variously described as rambunctious, a martinet, an original do-it-yourself expert—at farming, engine repair, housebuilding and grocery merchandising, tactless, brusque, pugnacious, heavy-handed, opinionated, grim, a fighting cock, impatient, intolerant, irascible, as demanding on others as he was on himself, moody, argumentative, rigid, uncompromising, outspoken, strong-willed, stubborn, unpredictable, and not giving a damn whose feelings he lacerated.

But he was also a man of utter probity, just, of earthy humor, possessed of a knack with children, an ideal pedagogue, and dependent enough on his wife, so as to become a Quaker himself, unfit for it temperamentally though he was.

Ed Nixon said of his father. "He had the competitive spirit. He seemed to have the attitude, 'I can do anything any man can do' and he tried to, and he wanted to do it better than anyone else, though he only had a sixth grade education. It gave him tremendous drive to excel." It was a big influence on Richard.

The "dignity of labor" was literal with Frank Nixon. He quoted the Bible: "By the sweat of thy brow shalt thou eat bread." Playing was daydreaming. The highest state of work was organized thinking. Therefore, the prime duty of parents was to insure the education of their young.

Frank Nixon's explosive, volatile and emotional temper kept the family in a continuous state of tension. When he criticized others or laid down the law, he minced no words, but never entirely closed his mind to the appeal of abstract reason. Inevitably, for there was hell to pay for the sons, including Richard, when they misstepped on the strict code of Nixon behavior, they got whopped. Richard Nixon told an interviewer once:

"Dad was very strict. When you got into mischief, you had to be pretty convincing to avoid punishment. I used to tell my brothers not to argue with him because with patience and humility, we could all get along. He expected to be obeyed under all circumstances. If he wanted something, he wanted it at once. He had a hot temper and I learned early that the only way to deal with him was to abide by the rules he laid down."

The future president was thus not only fired to tempered hardness in this crucible of passionate morals, but also burnished by the arduous labor of economic necessity. There was no overindulgence of any kind. Richard Nixon told Bela Konitzer, his biographer of some 10 years ago:

"It is true we had hardships, but I should like to emphasize we didn't consider them particularly hard. Everything any of us boys were to have, whether an education or a new suit, we had to work very hard for it. We learned not only the value of a dollar and the importance of work, but developed a high competitive spirit. One of our hardest chores was picking string beans. We had to work 12 hours to earn one dollar." To this day, Nixon can't stand the sight of string beans, he added.

From his father, Richard also learned early about politics. The father read all the newspapers and made his daily colorful comments on what was going on in the world, including the scandal of Teapot Dome in the 1920s, which gave vent to one of the earliest expressions of Richard's ambitions at 12 years of age. He wanted to be a crusading lawyer, one that couldn't be bribed.

Richard learned to idolize President Theodore Roosevelt and even Robert LaFollette, who were the admired of his father. This hard school helped develop in Richard Nixon

the combination of disciplined self-control and the art of the possible, which became a hallmark in later years.

The love of politics, in a larger sense, was also instilled by his grandmother Almira Milhous. She loved Abraham Lincoln and filled young Nixon with stories of the great President and the national traditions. She had a favorite poem of Longfellow's which Nixon cherished—"The Psalm of Life," with its first two verses:

"Lives of great men oft remind us
We can make our lives sublime
And departing, leave behind us
Footprints on the sands of time.

"Footprints that perhaps another
Sailing o'er life's stormy main
A forlorn or shipwrecked brother
Seeing, may take heart again."

Mother Hannah had her own pervasive influence on her son. Hannah was friendly, sympathetic, an "eloquent listener," as one friend described her. She lived her Quaker religion. Grocery store customers whom her husband had offended, would come to pour out their grievances to Hannah. She was patient and considerate, tempering her husband's vehemence or bolstering his ego when he felt down and blue.

She never raised her voice. She said once: "I tried not to yell at my children. It does something to a child."

She related to interviewers at one time that Richard was a daydreamer as a boy and bored by small talk, that he was good at mashing potatoes (using a circular whipping motion instead of an up-and-down stomping), that he never got into fist fights, only word fights or arguments.

Richard, indeed, became a champion debater in high school, loving to argue about anything and taking any side, just for the sake of debate; a loner and no ladies' man. Asked in 1960 whether (even then) there was a "new Nixon," Hannah replied:

"No, he has always been exactly the same. I never knew a person to change so little. From the time he first understood the world around him, he has reacted the same to the same situations. Most boys go through a mischievous period, then they grow up and think they know all the answers. None of these things happened to Richard. He was very mature when he was 5 or 6 years old. He was interested in things way beyond the grasp of a boy his age. He was thoughtful and serious. He always made such a weight. That's an expression we Quakers use for a person who doesn't carry his responsibilities lightly."

The seeds of the politician-statesman were being planted and sprouting through the Nixon youth. At the Quakers' Whittier College in his hometown, he became a prize debater of the West Coast. He fought for liberalization of the strict Whittier rules: to hold a dance once a month. His political idols grew in number under the stimulus of his history professor, Paul G. Smith, later president of Whittier. Franklin Delano Roosevelt and Woodrow Wilson were added to the Nixon pantheon in the Carlyle rule of "great men make history," so was Winston Churchill later on, and also Wendell Willkie.

He read the entire 10 volumes of the Hay-Nicolay history of Lincoln. Prof. Smith remarked afterwards that Nixon had a remarkable ability to give answers in exams of "exceptional cogency and brevity" and "completely accurate in a surprisingly simple manner." His teachers early discerned one of the Nixon intellectual traits of today: a marked ability to find the core of a problem.

Nixon's early intensive reading in U.S. history has continued and expanded into a steady reading diet on history and biography about America, England, Europe, and in latter years, about China, Japan, and the Far East. In recent weeks he has read Arthur Krock's "Memoirs" and books on Britain, China, Vietnam and political morals. He even

has this writer's "Fires in the In-Basket: the ABC's of the State Department" on the library shelf just behind his desk in his Fifth Avenue apartment.

In college, Nixon also got to love dramatics and the stage. It helped break down his wall of solemn reserve. He learned to project his feelings to impersonal audiences whereas he had feared to show emotion in small groups. He ran for student offices as regularly as a clock and won all, but one time.

And continuously and unflinchingly there was the Nixon habit of unremitting work, hard work to make up for whatever he thought he lacked in brilliance. When he went to Duke's Law School he won the nickname of "Gloomy Gus" because he was so intent on his studies, and also that of "The Man With the Iron Butt" because he felt he had to work as hard as he could to stay on top and keep his scholarship. A roommate of that time said:

"Dick never expected anything good to happen to him unless it were earned. Any time anyone started blowing rosy bubbles, you could count on Dick to burst them with a pinprick of reality. He wasn't really gloomy; he simply carried an antidote to false hopes."

Nixon's tenacity and incredible industry and traits already listed came through again when this correspondent talked to his associates of recent months. He still reads speeches of great men in history and of today. He added Charles de Gaulle to his admirations. He still does not like to chew desultorily around a subject, but wants to get to the heart of it.

The words—"dedication," "inner courage," "limitless capacity for work," "soul searching," "perseverance," "stamina," are almost a refrain. His grandmother's faculty of "eloquent listening" seems to have been reborn in the grandson and honed to an art.

"For a man in his position who can do all the talking, he is a marvelous listener—as long as you keep to the subject, otherwise he will show boredom," said one friend.

Ed Nixon said the art was no recent Nixon acquisition. "Dick," his brother continued, "can read your thought by listening, by asking you a few questions, and do it so effectively that without inserting his own opinion, he seems to have influenced your views."

His closest personal friend, Robert Finch, continually is amazed, he said, at how extraordinarily sensitive Nixon remains despite acquiring layers of toughness in political combat. Nixon, Finch remarked, is continually organizing his day's business, starting late the night before, getting all he wants done concisely on one page, in short, a top list-maker.

His secretary, Rose Mary Woods, explained another facet of the Nixon flair for organization before action. Before he ever starts to dictate a speech, he stays alone and makes anywhere from five to eight or nine outlines.

Nixon's colleagues at the law firm in which he was a partner since 1963—Nixon, Mudge, Rose, Guthrie, Alexander and Mitchell—were frankly startled at his intellectual capacity as a lawyer, the ability to distill a great complex of facts into the determinative issue which would resolve a problem, and even more surprising, an offbeat flair for thinking beyond the usual context of a situation and to spot matters which had been overlooked.

In one of his first cases for the firm before the U.S. Supreme Court, Nixon dictated an immediate post mortem of his own performance which analyzed his own faults, weaknesses and timing, which the partners rated as a plain tour de force of instant analysis.

Nixon had come to the firm, announcing he had burned his political bridges behind him, after his California defeat in 1962. It was also quite an encounter for the partners of the conservative and respected firm who were mostly introverts and far from public attention in careers. Naturally, they had read about Nixon as a politician. Meeting him in person had the quality of the unexpected,

a complex image suddenly reduced to a simple and recognizable human being. As one partner told the writer:

"I liked him immediately, though I was a Democrat. He was instantly easy to talk to. I felt he was a many-sided man and I wondered how he would make the transition from public to private life, to our rather anonymous group. I found I at least had common roots with Nixon; for both of us, hard work was a personal rudder. He worked at it; it did not come easy.

"He was very moderate in normal expression, very aware of struggle in the human condition. He had one of the most disciplined minds I had ever met. He did things slowly and carefully and did not seem to be comfortable with decisions arrived at too quickly. Above all, he seemed to have a sense of pace in his own life, a sense of history, what you might call a feeling of destiny."

Among his political associates in the Republican party, there has been somewhat of a surprise expressed by several at finding Nixon more forceful and dynamic than they remembered from 1960. Said one: "He has grown in eight years in exile. He now eagerly seeks advice. He has a new emphatic quality in private."

Said another who knew Nixon during the Eisenhower years "At Cabinet meetings often the President used to ask the vice president (Nixon) to sum up the conclusions of the various speakers which Nixon did very succinctly. Now he asks us our opinions round the table and sums it up for us and makes the decisions."

Still another: "Nixon says that four years at the center of things is worth waiting 40 on the outside. It is this idealism that has kept him from becoming tawdry about politics."

An outside technician: "He has a unique meshing mind for a political leader."

Lastly, a senior government bureaucrat: "I don't know Nixon, but as far as I can remember my history, he comes to the presidency possibly better prepared than any president since our founding fathers in the early 19th Century."

One thing is certain, as Nixon outlined it in his most basic philosophical speech of the campaign, on the presidency: he clearly intends to use the high office to re-commit the nation to the moral principles with which he has himself been inculcated since childhood. The country could use some uplift. His problem will be how to fuse reality into the vision. We will begin to know tomorrow.

CONGRESSIONAL REORGANIZATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, today I join with 24 of my colleagues in introducing the Legislative Reorganization Act of 1969. I think it is in keeping with the President's request for authority to reorganize the executive branch that we in the Congress likewise set out to put our own house in order. If the executive and legislative branches are truly to go "forward together" in leading this Nation, we must both be attired in dress suited to the climate and styles of our times.

There can be little question that the proposed congressional reforms are long overdue. We are all aware that the last major reform package of this nature was the La Follette-Monroney Act of 1946. I need not explain in detail the necessity

for a new act. The 23-year interim, characterized by social, economic, and technological upheavals, bears witness to itself. The 1946 act could not possibly be expected to address itself to the problems of the sixties and seventies. It is obvious that Congress must reequip itself with the machinery fitted to the times.

We recognized this back in 1965 when we formed the Joint Committee on the Organization of Congress with the express purpose of "strengthening the Congress, simplifying its operations, improving its relations with the other branches of the U.S. Government, and enabling it better to meet its responsibilities under the Constitution."

At that time, I joined many of my colleagues in this Chamber in expressing concern over what various political observers and scholars have termed "an age of legislative decline" and "the parliamentary crisis of the West." We all recognize how many of our powers we had relinquished to the Executive due to our own inadequacies and how much this shift in initiative and power threatened the fine balance created by the Constitution.

The Joint Committee on the Organization of Congress heard nearly 200 witnesses whose testimony is contained in 15 volumes of hearings. The resulting report and recommendations of the Monroney-Madden committee were submitted to the Congress in mid-1966. Despite the urgency and reasonableness of these reform proposals, we are still sitting on them. I think it is time we acted.

What are the provisions of our reform package? With minor exceptions they are essentially the same as those offered by the joint committee following its exhaustive study. We commend the committee on the fine work it has done and are in concurrence with its findings and recommendations.

Title I of our bill calls for the improvement of the committee system by providing, among other things, for more openness on the Hill. We have been widely criticized, and with some justification, for running a closed Congress. We have been taken to task for barring our doors too often to the public which we have been elected to serve. Title I calls for open meetings, public disclosure of votes, and allowance for the broadcasting and televising of open hearings along with public notice of these hearings.

If we are to reach the public and strengthen our image, we must do so by creating an atmosphere of openness. Then and only then can we hope to drive away the cloud of misunderstanding and negativism that separates us from those we represent.

In addition to these provisions, title I is aimed at creating a more responsible and responsive committee system. It prohibits voting by proxy in committee; it provides for prompt filing of committee reports and minority views; it provides for a 3-day interim between the date the report is made available to Members and when it is taken up for consideration on the floor. It also includes provisions for adequate annual allowances for additional majority and minority staffing, the right of minority committee members to call witnesses, and better performance

of the committee's legislative oversight function.

Title II is aimed at strengthening the role of Congress in the area of fiscal control. Among other provisions are those involving the updating of current outmoded practices for reviewing and processing budget information. There is a strong need for the use of modern data processing equipment by the Congress and the modernization of GAO machinery used for budget reviews and the analysis of cost-effectiveness studies. Title II would provide a closer and more comprehensive scrutiny of the budget by requiring, within 30 days after the submission of the budget, the appearances of the Budget Director, Secretary of the Treasury, and Chairman of the President's Council of Economic Advisers before the Appropriations Committee of both Houses.

Title II would also require a closer examination of multiagency programs, open hearings of the Appropriations Committees of both the House and Senate, compulsory rollcall votes on all appropriations bills, a greater role for legislative committees in projecting costs of proposed legislation as well as review of fixed obligation and grant-in-aid programs, and annual appropriations review of such programs.

Title III expands and strengthens the information bank available to Senators and Representatives. It would provide for additional, better-trained and better-paid staff personnel; it would allow for committee access to consultants; and it would upgrade the Legislative Reference Service, including the utilization of data processing techniques.

Title IV points to the need for a continuing effort to improve upon the housekeeping efforts of the Congress. This would be the primary responsibility of a proposed permanent Joint Committee on Congressional Operations. Title IV would also authorize the establishment of a Placement Office and a Management Office to assist Members in securing trained personnel and in proper management techniques.

This section also calls for an August recess, would remove postmasters and rural mail carriers from the patronage system and puts appointments to Military Academies on a merit basis.

Finally, Mr. Speaker, title V, which amends the Regulation of Lobbying Act by requiring stricter supervision of lobbying activities. Title V would do this by expanding present registration requirements to include any individuals or organizations which solicit or receive funds in connection with influencing legislation. It would also require a more complete disclosure of lobbying expenditures. And finally, it would shift the responsibility for maintenance and publication of lobby registration records to the General Accounting Office.

Mr. Speaker, I urge every Member of this Chamber to give the Legislative Reorganization Act of 1969 his careful consideration. The time for action is now. Passage of this bill will greatly strengthen the Congress as a coequal branch of the Government and prepare it to face the coming decade with competence and assurance. Failure to act will spell our

further decline and our final abdication to the Executive in the control over the legislative process.

FARM LABOR

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. COHELAN. Mr. Speaker, I am, today, introducing legislation to extend the Federal law of labor management relations to agricultural workers.

This legislation is long overdue.

In fact, I myself have introduced bills similar to the one I am introducing today in every Congress since 1963. Last year, the Special Subcommittee on Labor of the House Committee on Education and Labor held extensive hearings on the subject of extending the protections of the National Labor Relations Act to farm laborers. The Full Committee on Education and Labor reported out a clean bill extending these protections. But the session ended with the legislation pigeonholed in the House Rules Committee.

This year is the year to break the logjam. This is the year to allow the full House and the Congress to work its will on this legislation.

As one who has had a long and an active interest in the plight of farmworkers, I would like to take a few moments to review the record of farm labor relations.

Since 1935 industrial workers have enjoyed the federally protected right to hold supervised elections to determine, by secret ballot, whether a union should represent them and if so, which union. These workers have enjoyed the right to bargain collectively, and in good faith, with their employers. Moreover, workers have been guaranteed their employment free of arbitrary dismissal for union activities. Management has enjoyed the benefits of being free from proscribed unfair labor practices on the part of workers or their unions.

On the whole, both labor and management have prospered from the growth of orderly and lawfully authorized relations.

Not surprisingly, in the agricultural sector, the absence of these protections for labor and management have been painfully obvious.

Throughout the 34 years during which industrial workers have been protected, agricultural workers have been unprotected. It is not without coincidence that during this period industrial workers have received higher wages, better working conditions, improved fringe benefits, and greater job security. At the same time, agricultural workers have fallen farther and farther behind the rest of working America.

Farm wages are the lowest of any sector of the economy. Farm working conditions are among the worst and the most dangerous, and yet the innovation of safety practices and workmen's compensation benefits has been among the most meager.

Until only recently agricultural workers were not even guaranteed the minimum wage. And even with it they are

not guaranteed a minimum subsistence. The minimum wage today is \$1.60 an hour, or \$3,328 a year if one works a 40-hour week, 52 weeks a year. This figure is only \$28 above the latest poverty ceiling for a family of four. If the farm laborer works only seasonally, he will make less than the poverty ceiling even at the minimum wage. And so it is that the guaranteed wage guarantees him only poverty.

The record seems clear that farm labor has not gotten its fair share.

It also seems clear that management has suffered. Farm labor relations have continuously been marked by strikes, boycotts, and violence.

Today, at this very moment, the boycott of California grapes in support of the farmworkers is nationwide.

Further still, farm managers have been in constant fear of an insufficient farm labor force. Improved farm labor management relations should help to increase the availability of farm labor through hiring hall practices and through bargained improvements in wages and working conditions.

In sum, farmers and workers both stand to gain from orderly and supervised labor relations.

The bill I have introduced today would extend the protections of the NLRA only to those laborers on farms with sales of more than \$50,000 a year in interstate commerce. Latest figures show that this would include only 108,000 of the country's 3.2 million farms, but it would cover 45 percent of the farmworkers. I would support, and in fact I may introduce legislation which would go further and cover more workers, but I want, at this time, to again sponsor the minimum necessary legislation.

I am pleased to note that this year 19 distinguished Senators, including all the Democratic presidential candidates in 1968, have also joined in introducing this legislation.

I would hope that the combined efforts of these legislators and others who join us plus the coincidence of the interests and benefits of farmers and laborers, would this year, at long last, result in the passage of this much-needed legislation.

RESTORE THE OPPORTUNITY THAT HAS BEEN TAKEN AWAY FROM OUR CHILDREN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, today I am reintroducing a proposed amendment to the Constitution to permit prayers and reading from Scriptures on a voluntary basis in public schools and institutions; and to permit making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school institution, or place, or upon any coinage, currency, or obligation of the United States.

In June of 1962, and again in June of

1963, the U.S. Supreme Court rendered decisions which, for all practical purposes, put an end to prayer in public schools. Many Americans bitterly complained about these two decisions because of their belief that students should have an opportunity to participate in prayer in our schools if they desired.

I firmly believe that it is up to you and me, the representatives of the people of our great Nation, to restore the opportunity that has been taken away from our children by these Supreme Court rulings. To me, they represent an attack on the very foundation of our Republic. This Nation was conceived under God, as demonstrated by the Declaration of Independence, and has survived and prospered all these years only with His help.

Reverence was once one of the virtues that we learned at our mother's knee, and which the teacher was responsible for continuing in the schoolroom. Even though a child might not have been fortunate enough to have learned such virtues at home, he was exposed to them as a part of his necessary education.

With these principles in mind, I am reintroducing a proposed amendment to the Constitution to help, at least in part, the parents and schools of our Nation to again bring to our children the greatest teachings ever to enlighten mankind.

COMPUTERS FOR THE CONGRESS: A COORDINATED APPROACH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 13, 1969

Mr. MOORHEAD. Mr. Speaker, when I introduced my bill, H.R. 20422, authorizing the establishment of a Legislative Data Processing Center in the last session, I said:

In the jet age, representative democracy cannot keep up with its responsibilities using horse and buggy techniques. Computers cannot make congressional decisions, but as our world gets more complex, Congress will be unable to make rational decisions without computers. With private enterprise, the Executive Branch, and even State legislatures in the computer age, Congress must change its ways or it will fall the American people.

If the Congress is indeed to discharge its responsibilities as a legislative body, or even be able to be an effective counterbalance to the executive branch of the Federal Government, it is going to be imperative that it have better and more timely information and more sophisticated analysis on which to base its decisions. Otherwise, representative government as we have known it, will be relegated to little more than a farce.

There are currently several projects underway to bring Congress into the computer age, and I am hopeful that in my bill we can coordinate our efforts.

In this regard, I am pleased to call to the attention of my colleagues a recent bibliography prepared by the Legislative Reference Service, Library of Congress, listing selected books, articles and speeches discussing developments in the use of computer technology from various

source levels, which is indicative of the support for this new technology. Particularly worthy of note is probably the most recent major work of concern to us as Congressmen: "Information Support, Program Budgeting, and the Congress," by Robert Chartrand, Kenneth Janda and Michael Hugo. This book includes the featured papers of the 2-day seminar sponsored by the American Enterprise Institute, in which some of you participated; I highly recommend it.

THE CONGRESS, STATE LEGISLATURES, AND COMPUTER TECHNOLOGY—SELECTED REFERENCES

The contemporary Congressman and State legislator share a need for improved information support in order to fulfill their diverse responsibilities. The continued refinement of computer equipment, programs, and machine techniques has made it possible for numerous tasks formerly handled manually to be performed by automatic data processing. This selective listing of books, articles, briefs, and speeches features developments in the use of computer technology by the United States Congress, various State legislatures, and in the political environment in general.

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Bennett, Charles E. Congress needs computer ability to preserve fiscal integrity. Congressional record [Daily ed.] (Washington), v. 112, March 16, 1966. p. A1488-A1489.

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Janda, Kenneth. Future improvements in Congressional information support.

Knox, William T. External sources of information for Congress: the executive branch and the private sector.

McClory, Robert. Automatic data processing as a major information tool.

Schwengel, Fred. Problems of inadequate information and staff resources in Congress.

Donham, Phillip and Robert J. Fahey. Congress needs help. New York, Random House, 1966. 203 p.

Eriksson, Ann M. and David A. Johnston. Ohio's computer code retrieval system. Output, the monthly feature of Public automation, October 1966. 4 p.

Iowa general assembly legislative reporting and indexing with the IBM 1401. White Plains, New York, International Business Machines Corporation [no date]. 7 p.

Janda, Kenneth. Information retrieval—applications to political science. New York, Bobbs-Merrill, 1968. 230 p.

Massachusetts Taxpayers Foundation. Suggested steps for improving legislative procedures—with emphasis on the use of information processing techniques. Boston, December 1966. 37 p.

McClory, Robert. Congressman McClory suggests computer uses for Congress. CONGRESSIONAL RECORD, vol. 114, pt. 1, pp. 1322-1324.

Perry, James M. The new politics—the expanding technology of political manipulation. New York, Clarkson N. Potter, 1968. 230 p.

Saloma, John S., III. Systems politics: the presidency and Congress in the future. Technology review, v. 71, n. 2, December 1968: 23-33.

Schwengel, Fred. Information handling: for a vast future also. We propose: a modern Congress (Mary McInnis, ed.). New York, McGraw-Hill, 1966. p. 303-317.

State of Florida legislative automation. Washington, D.C., RCA EDP report [1965]. 12 p.

The Commonwealth of Pennsylvania computerized legislative information processing and retrieval system. White Plains, New York, International Business Machines Corporation [no date]. 14 p.

Trigg, C. D. Computers in state legislatures. Output, the monthly feature of Public automation, June 1968, 2 p.

Warren, David G., ed. Computer services provided to the 1967 general assembly of North Carolina by the Institute of Government and the North Carolina Department of Administration. Chapel Hill, The University of North Carolina, December 1967. Five parts, various paging.

CALENDAR OF EVENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to call to the attention of the Congress and the American people the fine Calendar of Events of the National Gallery of Art for February 1969.

The Gallery again offers a wide variety of tours, lectures, and concerts, which are open to all residents of the Washington area and visitors to our Nation's Capital.

We in Congress are proud of this attractive schedule of cultural events and know they will provide enjoyment for many of our citizens and foreign guests this month.

The Calendar of Events follows:

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, FEBRUARY 1969

MONDAY, JAN. 27, THROUGH SUNDAY, FEB. 2

*Painting of the week: François-Hubert Drouais, *Group Portrait* (Samuel H. Kress Collection) Gallery 53. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Music in Art*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Giotto and the Arena Chapel*. Guest Speaker: James H. Stubblebine, Chairman, Department of Art, Rutgers College, New Brunswick; Lecture Hall 4:00.

Sunday concert: Vaghy String Quartet. In residence at Queen's University, Kingston, Ontario; East Garden Court 8:00.

MONDAY, FEB. 3, THROUGH SUNDAY, FEB. 9

*Painting of the week: Luini. *The Illusion of Cephalus* (Samuel H. Kress Collection) Gallery 26. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Architecture in Art*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

*11" x 14" reproductions with texts for sale this week—15¢ each. (If mailed, 25¢ each.)

Sunday lecture: *The Artist as Reporter*. Guest Speaker: Paul Hogarth, professor of Art, Philadelphia College of Art, Philadelphia; Lecture Hall 4:00.

Sunday concert: Curtis Smith, *Pianist*. East Garden Court 8:00.

MONDAY, FEB. 10, THROUGH SUNDAY, FEB. 16

*Painting of the week: Fra Filippo Lippi. *The Annunciation* (Samuel H. Kress Collection) Gallery 4. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *The Nude in Art*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Kandinsky's Road towards Abstraction*. Guest Speaker: Hans Konrad Roethel, Director, Staedtische Galerie, Munich; Lecture Hall 4:00.

Sunday concert: Mark Howard, *Baritone*; Donald Hassard, *Pianist*. East Garden Court 8:00.

MONDAY, FEB. 17, THROUGH SUNDAY, FEB. 23

*Painting of the week: Edward Savage. *The Washington Family* (Andrew Mellon Collection) Gallery 64. Tues. through Thurs., and Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Costume in Art*. Rotunda. Tues. through Thurs., and Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Fri. (Washington's Birthday Holiday) 1:00; Sun. 5:00.

Sunday lecture: *Art as a Mode of Knowledge: The Power of Artifacts*. Guest Speaker: Jacob Bronowski, A. W. Mellon Lecturer in the Fine Arts. Lecture Hall 4:00.

Sunday concert: Barbara Blanchard, *Soprano*; Robert Jones, *Pianist*. East Garden Court 8:00.

Recent acquisition: *An Architectural Fantasy* (c. 1670) by the Dutch master Jan van der Heyden (1637-1712) is on view in Gallery 49. The panel was purchased through the Ailsa Mellon Bruce Fund.

The only painting by van der Heyden to enter the collection in Washington has been recorded in famous European collections during more than two centuries. It was included in the great exhibition of Dutch art at the Royal Academy, London, in 1952-53 and, more recently, in the memorable exhibition "In the Light of Vermeer," held at The Hague and in Paris in 1966-67.

Of this acquisition, Dr. Egbert Haverkamp-Begemann, Dutch painting authority and Kress Professor-in-Residence at the Gallery, says, "The National Gallery is fortunate indeed to have acquired this beautiful example of Jan van der Heyden's work." Dr. Bege-mann notes the paintings' careful detail and the painter's feeling for light. "The artist has placed imaginary classicized buildings in a rural setting, thereby creating an architectural capriccio that precedes by many decades the imaginary views of Guardi and Canaletto."

It is a curious fact that Jan van der Heyden, the outstanding architectural painter of his time in Holland, was the inventor of a fire fighting machine. In middle age he became engrossed with problems of urban fire control, devoting much of his time to this civic responsibility. Eventually, he assumed the post of General Fire Chief of Amsterdam. In 1660, together with his son, van der Heyden published *Brandspuitenboek* (Fire Engine Book) with a number of etchings based on his drawings.

A. W. Mellon lectures: *Jacob Bronowski of the Salk Institute for Biological Studies commences the eighteenth annual series of A. W. Mellon Lectures in the Fine Arts, Sunday, February 23, in the Auditorium. Subject of the six consecutive lectures is Art as a Mode of Knowledge.*

The birds of America: Print by America's leading artist-naturalist John James Audu-

bon are on view through February 16 in the Central Gallery. Selected from a rare elephant folio in the collection of the National Gallery.

J. M. W. Turner: Continuing on the Main Floor is an exhibition of 16 paintings by Joseph Mallord William Turner from the extensive British collection of Mr. and Mrs. Paul Mellon. A catalogue is available with introduction by John Walker and text by Ross Watson. 10" x 7½", 32 pages, 16 black-and-white illustrations. \$2.75 postpaid.

New reproductions—*Color Postcards*: Florentine, *Angel of the Annunciation* (stained glass); Index of American Design, *Rag Doll "Tilly"* and *New Mexican Retablo: Virgin Annunciate*; Masolino, *The Annunciation*; Master of Flémalle and Assistants, *Madonna and Child with Saints in the Enclosed Garden*; Andrea della Robbia, *The Adoration of the Child*; Titian, *Madonna and Child with the Infant Saint John in a Landscape*; Veronese, *The Finding of Moses*; Zurbarán, *Santa Lucia*.

Film showings: The NBC-Television film *American Profile: The National Gallery of Art* is shown in the Auditorium Saturdays at 2:00 p.m.

Recorded tours—*The Director's Tour*: A 45-minute tour of 20 National Gallery masterpieces selected and described by John Walker, Director. The portable tape units rent for 25¢ for one person, 35¢ for two. Available in English, French, Spanish, and German.

Tour of Selected Galleries: A discussion of works of art in 28 galleries. Talks in each room, which may be taken in any order, last approximately 15 minutes. The small radio receiving sets rent for 25¢.

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

Cafeteria hours: Weekdays, Luncheon Service 11 a.m. to 2 p.m.; Snack Service 2 p.m. to 4 p.m. Sundays, Dinner Service 2 p.m. to 7 p.m.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS-AM (570) and FM (103.5).

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to 737-4215, ext. 272.

UNTOUCHABLES UNDAUNTED— JACOB BEAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. RARICK. Mr. Speaker, since the nomination of Jacob D. Beam to be the new Ambassador to Russia is of great interest now, I am requesting unanimous consent to insert in the Record at this point a reprint from my remarks in the CONGRESSIONAL RECORD, volume 114, part 3, page 2860, which includes a most interesting revelation by Mr. Frank A. Capell, editor of the Herald of Freedom, a report by the Osth Information Service, and a news story from the Federal Employees Exchange:

[From the CONGRESSIONAL RECORD, Feb. 12, 1968]

THE "UNTOUCHABLE" PARADE

(By Hon. JOHN R. RARICK, of Louisiana, in the House of Representatives, Thursday, February 8, 1968)

Mr. RARICK. Mr. Speaker, just as the Red Vietcong were able to infiltrate South Vietnam and on New Year's Day rise to the sur-

face in a suicidal battle against the citizens, we can better appreciate the constant threat from the American Vietcong, the "Untouchables" who are planted in our country—in our Government.

Mr. Capell's "Untouchables, Part VII" should be revolting enough to awaken every patriotic American—liberal, moderate, or conservative—to demand action for removal of these undesirable untouchables.

The President of the United States must appreciate the danger from Madam Jerzy Michalowski, wife of the current Polish Ambassador to the United States and stationed here in Washington, D.C. the nerve center of our Republic.

Her removal needs only that President Johnson declare her husband, Ambassador Michalowski, persona non grata. Why doesn't he do it?

Mr. Speaker, under unanimous consent I follow my remarks with "Untouchables, Part VII" from the Herald of Freedom and a clipping from the Government Employees Exchange here in the District of Columbia dated February 7:

[From the Herald of Freedom, Feb. 9, 1968]

"THE UNTOUCHABLES—VII

"Now emerging as possibility more than an innocent and duped bystander in the Warsaw Spy and Sex Scandals is the American Ambassador to Poland at that time, Jacob D. Beam. The Government Employees EXCHANGE, a liberal bi-weekly dedicated to civil service reform, owned and edited by Mr. Sidney Goldberg, carried a story concerning Beam's involvement in its January 10, 1968 issue. Under the red headline, 'Sex Scandals Involve Beam', the story stated that Madam Jerzy Michalowski, a Communist agent, 'has been positively identified as "one of the chief architects of the Warsaw Sex and Spy Scandals"' which disrupted the American Embassy in Warsaw during the incumbency of Ambassador Jacob Beam. . . . In addition, the informant stated the woman has also been identified 'without any question of doubt' as having maintained an 'intimate personal relationship' with Mr. Beam from 1957 to 1961. . . ."

"Jacob Dyneley Beam, now U.S. Ambassador to Czechoslovakia, was born in Princeton, N.J. on March 24, 1908, the son of Jacob Newman Beam (a Princeton professor) and the former Mary Prince. He graduated from Kent School and Princeton with an A.B. degree in 1929. During 1930 Beam studied at Cambridge University in England and in 1931 he began his career with the U.S. State Department as a clerk in the U.S. Consulate in Geneva, Switzerland. He was promoted to vice-counsel and remained in Geneva until 1934, his work there being mainly the observing and reporting of the activities of the League of Nations and the International Labor Office.

"On November 24, 1934 Beam was made third secretary at the American Embassy in Berlin where he remained until August 1, 1940. In Berlin he was on the staff of Ambassador William E. Dodd, the last U.S. ambassador to Nazi Germany. The Ambassador's daughter, Martha, occupied her time in Berlin as a Soviet agent and even made a try at seducing Hitler. She failed but Unity Mitford, sister of U.S. Communist Jessica Mitford (author of 'The American Way of Death'), succeeded in becoming Hitler's mistress. Also in Germany during this period was Howard Trivers who later became involved in the intricate web of the Warsaw Spy and Sex Scandals.

"Martha Dodd, also known as Martha Eccles Dodd, Mrs. George Bassett Roberts and finally Mrs. Alfred K. Stern, was finally indicted on two counts of espionage conspiracy in September 1957 along with her husband, Stern. The Sterns have never been tried as they were in Mexico at the time of the indictment and clandestinely fled behind the Iron Curtain to Czechoslovakia. The Dec.

13, 1967 issue of The Government Employees' Exchange had this to say about Martha Dodd's relationship with Howard Trivers:

"The career of Foreign Service Officer-1 Howard Trivers, at present American Consul-General in Zurich, Switzerland has been included in a "probe and scrutiny" by a "top-secret" British Security Survey Team operating in the United States for the past seven months. . . .

"The interest of the Survey Team in Howard Trivers originated in information the British received concerning HARD Trivers' contacts during the years 1932-38 when he was attending the Universities of Heidelberg and Freiburg, Germany, the source stated. Part of this information indicated Howard Trivers had been a member of a private courier service organized by Martha Dodd, the daughter of U.S. Ambassador to Germany. . . ."

"Other sources report that Trivers was recommended to Martha Dodd by his Princeton classmate, Jacob Beam. Trivers will be remembered as the man to whom Foreign Service Officer Stephen Koczak reported some subversive activities of his superior, Thomas A. Donovan, thereby setting into action the events which brought an end to Koczak's State Department career, through the conviction of the 'insiders.'

"A description of Martha Dodd Stern is found on pages 4885 and 6 of the Senate Internal Security Hearings on 'Scope of Soviet Activity in the United States.' The information is from a series of articles which appeared in the N.Y. Journal-American Nov. 10-20, 1957 written by Jack Soble (Soviet spy indicted with Martha Dodd) with Jack Lotto.

"When the door opened, the beautiful stranger threw her arms around me in tight embrace and gave me a long, passionate kiss.

"This was my introduction to Martha Dodd Stern, daughter of the late United States Ambassador to Germany, William E. Dodd.

"All I had said was "I am Sam."

"This was the code name given me by my Soviet secret police superior to use in contacting her husband, multimillionaire Alfred K. Stern.

"The Sterns, who became my close friends after that first meeting in their swank New York apartment in the winter of 1944, were exact personality opposites. But they were as one in their ardent espousal of Communist causes.

"The slightly built, ever-dapper Stern chased after the Russians to be allowed to do their bidding. Perhaps it was because he was completely over-shadowed, thoroughly dominated by his wife.

"All this quiet, cultured and highly educated businessman had to offer was money. And he was free with it to back Soviet-approved activities. He financed the Boris Moros music company as a business front for Soviet espionage. Likewise, his money helped create pro-Communist propaganda organizations like the Institute of Pacific Relations.

"Gay, vivacious Martha, 11 years younger than her second husband, was always seeking new adventures, and liked to talk about them over martinis.

"And it was over a round of drinks that Martha told me a strange story of her twisted loyalty to the Soviet Union.

"Apparently to impress me, she bragged how she had spied on her own father for the Russians. She said that during her father's term as Ambassador in Berlin in the early 1930's she had had a love affair with an official of the Soviet Embassy, who actually was an NKVD agent.

"At his behest, Martha related, she stole information from the secret files of the United States Embassy—to which she had easy access—and turned it over to the agent.

"This exciting woman, who was seldom without a cocktail in easy reach, had once even trysted with Hitler and later described the Fuehrer as a "frigid celibate."

"Martha's impression of the six-foot-two Dyneley Beam has not been recorded for posterity, although she had plenty of time to form an impression as Beam was at the Berlin Embassy for six years until August 1940. In April 1941 he was sent to the American Embassy in London as vice-consul and third secretary, remaining until the fall of 1944. From early 1945 to August 1947 he was back in Germany, acting as political adviser on German affairs at Supreme Headquarters, Allied Expeditionary Force, under General Eisenhower. It was during this period that German and Nazi documents were captured which contained information concerning Howard Trivers, among others, and then mysteriously 'disappeared,' according to The Government Employees' Exchange.

"Beam now returned to Washington, D.C. becoming chief of the division of Central European affairs in October 1947 (Howard Trivers was his Assistant Chief) and acting special assistant in the office of German and Austrian affairs in March 1949. Outlining Beam's career, Current Biography 1959 states at this point:

"For the next few years Beam's attention was centered on problems of the Far East. Having gone to Batavia, Java as consul general in October 1949, he served as the United States representative when the sovereignty of that area was transferred in 1950 from the Netherlands to the new government of Indonesia. As soon as a diplomatic mission was established at Indonesia's capital city, Djakarta (formerly Batavia), he assumed the duties of counselor of the American Embassy, and from October 1950 to April 1951 he had the additional responsibilities of the acting United States representative on the United Nations Commission for Indonesia."

"The breaking up of colonial empires was an important part of the Communist plan implemented at the close of World War II. Communist spokesmen in the U.N. and elsewhere were bleating for the 'national aspirations' of the colonies to be recognized and the granting of 'independence' to them. Communist agents had been active in supplying information upon which these demands for 'independence' were based. Once such agent was a personal recruit of Martha Dodd Stern. She was Jane Foster, a San Francisco aristocrat, described by Jack Soble, (Scope of Soviet Activity in the United States, p. 4882, on):

"Jane Foster Zlatovski spelled sex appeal.

"This slim, trim modernist artist, who had been born and raised on an aristocratic Nob Hill in San Francisco, willingly turned her assets into a Soviet spy weapon.

"Coldly, methodically, this attractive woman worked on American military and intelligence agents to shed their inhibitions and secrets.

"If anybody could be described as a modern-day Mata Hari, that would be the hard-drinking, intensely jealous Jane. For nearly 10 years she turned in her reports, with photographs, on American intelligence and counterintelligence agents. . . .

"When I first met this dedicated Communist Party member she had just finished a 3-year job with the supersecret Office of Startegic Services.

"She was in New York on a vacation before moving into another sensitive spot with the United States Army in Vienna and Salzburg, Austria. . . .

"Like her German spy prototype, Jane was married to a ner'er-do-well Army Officer George Zlatovski, of Duluth, Minn. (born in Russia-Ed.), at the time a lieutenant in the United States Army Intelligence.

"He also became a Soviet agent under my command. His work was to bring terror and fear to many refugees who had fled to the safety of the United States from behind the Iron Curtain.

"The first time I met Jane, I was impressed with her strong dedication to the "cause."

"Her first report, apparently, also made a big impact in the Kremlin.

"I received verification of this fact in February 1946, when I picked up a newspaper less than 2 months after Jane had turned over a report on Indonesia she obtained while in the employ of the OSS . . .

"As I read his (Manullsky—a Stalin collaborator) speech, which accused the British of suppressing the nationalist ambitions of the Indonesians, I thought I recognized statements I had seen before.

"Then it hit me. Manullsky was fortifying his attack with quotations taken word for word from the report Jane had handed to me.

"Her document was given to me around Christmas of 1945 at the home of Alfred and Martha Stern, wealthy 'angels' of Communist causes and financiers of business fronts for Soviet spy activities . . .

"Jane was recruited for our ring by her old friend and drinking companion, Martha . . .

"Over rounds of martinis, which she devoured like water, Jane outlined her philosophy of Marxism-Leninism, and how she and her husband, George, were prepared to go to any lengths to be useful to the Soviet Union.

"She told me how she had worked for the OSS in Indonesia while married to a Netherlands envoy . . .

"For Jane Foster Zlatovski soft light music, and wine were strictly necessary business atmosphere.

"Between stolen kisses, she collected for her Soviet bosses many of the secrets confidences, and itemized human frailties of American intelligence agencies in Austria and France.

"On weekend affairs, when whisky glasses were seldom empty, and her targets sufficiently relaxed and off guard, her camera clicked during lighthearted frolicking.

"In this manner, this attractive, dedicated Soviet agent obtained compromising details on the sexual, drinking, and gambling habits of men whose identities were closely shielded.

"Her husband, George, an Army intelligence officer, showered his attention on women secretaries in sensitive United States agencies. . . .

"This is the modus operandi of a typical Soviet agent successfully used to compromise United States employees and force them to work for the Communists. The exact same plan was used during the Warsaw Spy and Sex Scandals. Jane and George Zlatovski were indicted on July 8, 1957 on two counts of espionage conspiracy but have never been tried as they fled to France.

"Looking to the future, Jacob Beam prepared himself by taking courses in the Russian language and history at his own expense. Thus prepared he began a career of U.S. representative behind the Iron Curtain. He went to Belgrade, Yugoslavia in April 1952. It was here that he met and started dating Miss Margaret Glassford, an officer employed by the U.S. Information Service in Belgrade. They were married in November 1952 and have a son Jacob Alexander Beam. It was in Belgrade also that Beam became friendly with Daroslav Vlahovich, a Foreign Service Officer.

"In November 1952 he went to Moscow and was there at the time of Stalin's death and the subsequent power struggle. In June 1953 Beam began a tour of duty in Washington but was still occupied with affairs in Communist countries. Current Biography states: 'As deputy director of the policy planning board, he helped to outline long-range diplomatic strategy for the State Department.' Then in June 1957 he was nominated by President Eisenhower as United States Ambassador to Poland and arrived in Warsaw in August 1957. He also had another important job—holding meetings with the Chinese Communists. These were terribly important and strictly secret. Realizing this,

the Soviets proceeded to bug the new Embassy building and compromise practically the complete staff, including the Marine guards.

"In the Warsaw Embassy was Edward Symans, the long-time Soviet agent whom Beam had first met in Berlin. Also on the staff was Daroslav Vlahovich who had been transferred to Warsaw at Beam's personal request. When the State Department in Washington wanted to quickly transfer Symans and Vlahovich, the prime espionage suspects, out of Warsaw it was Ambassador Beam who insisted they be allowed to complete their tour of duty. It was during this period from 1952 to 1961 that Beam reportedly was involved in 'an intimate personal relationship' with Mme. Jerzy Michalowski, the wife of the present Ambassador to the U.S. from Poland who was at that time Director General of the Polish Foreign Ministry. Born Myra Zandel on November 23, 1914, Mme. Michalowski might be described as a thoroughly modern Mata Hari.

"Her first husband was Dr. Ignace Zlotowski, head of a special Soviet-Polish espionage unit attempting to acquire atomic information in the United States. Zlotowski, whose real name was reportedly Goldman or Goldberg, worked under the cover of being a professor at the University of Minnesota 1941 to 1942, at Vassar 1942 to 1944 and Ohio State University 1944 to 1946. In the early 1940's Myra Zlotowski obtained a position with the Office of War Information and, when her husband left the East Coast for Ohio State University, became known as the wife of Stefan Arski, another OWI employee who worked on the "Polish desk." Arski's real name was Arthur Salman and he assisted the OWI in its efforts to suppress the story of the Soviet massacre of 15,000 Polish officers and soldiers in the Katyn Forest Massacre. The Communists tried to put the blame on the Nazis but subsequent investigations proved that it was the work of the Communists themselves. After Arski returned to Poland he became editor of the Communist paper Robotnik (The Worker), an outspoken anti-American organ.

"The present Mme. Michalowski has reportedly been an agent of the Soviet and later Polish Communist Party Central Committee since 1936. As wife of the important Michalowski, who had been in London at the same time Beam was stationed there, she leads a very busy life and is now being glamorized as a Washington hostess. Her life in Warsaw was described in the book 'Poland Little Known' as follows:

" . . . Roving everywhere is Maria Zientarowa known also as Stefan Wilcosz or Michalina Wilkoszowa or Tadeusz Makowski or Jan Michalski or Stefan Welczar, former friend of comrade Kliszko, former wife of Arski, the Editor-in-Chief of "Swiat" when he was an employee of OWI, and at present the wife of the Director of the Ministry of Foreign Affairs Jerz Michalowski. . . .

"Myra, through her 'friendship' with Ambassador Beam, was able to get information which she fed back to her Soviet bosses. It is now presumed that the high ranking Polish intelligence officer who was supplying the United States with valuable security information from Warsaw was forced to seek refuge in the United States because of her. She is also credited with arranging the Scarbeck Case to take the heat off the important real agents, with Beam himself supplying the information to Dikeos who reportedly broke the case.

"Edith Kermit Roosevelt in her column, Between the Lines, discusses Mme. Michalowski and states:

"The various marriages of a Warsaw charmer may provide the incentive that could force the issue of Communist espionage and policy manipulation into the limelight. . . . White House and State Department circles have remained silent. They have confided that they fear the revelations could

spark 'a new wave of McCarthyism in the United States.'"

"Although 'McCarthyism' has been made a dirty word by the liberal press, it is exactly what we need today. It has been estimated that the activities of Sen. Joe McCarthy set the Communist timetable back ten years. Ed Hunter, originator of the term "brainwashing," states in his publication, Tactics:

"The present, pervasive anti-anticommunist propaganda climate was created out of the debris of the McCarthy era. Sen. Joseph R. McCarthy contributed mightily to the cleansing of our Augean stables, but was shot down and killed, in the psychological warfare manner, in the middle of the battle. If the communist infiltration of the White House, the State Department, our military, and other agencies of government had not been frontally attacked, inflicting great damage to the red forces, and forcing them to fall back at many points, it is difficult to see how we could have survived."

"We have now reached the stage again where it is difficult to see how we can survive if another cleaning job is not done. How many more Mata Haris are roaming the cocktail circuit and the diplomatic dinners, charming their way into government secrets? More important, what use is being made of these secrets and the roster of "human frailties" of government personnel? Strangely enough the State Department does not seem worried about this angle. The angle they are interested in is: Who is exposing the fact that these things are going on and what can we get on them to make them stop?

"The Government Employees' Exchange of January 10, 1968 states:

"In other developments, a different source said that the top secret British Security Survey Team, . . . has extended its operations to Canada and Mexico. In Canada its inquiries have encompassed liaison with the Royal Canadian Mounted Police, especially in connection with the trips of State Department officials to Canada to obtain information on 'payola' payments allegedly made by Dictator Rafael Trujillo to Congressmen and Senators. The State Department officials were especially interested in establishing whether payments were made to Senators on the Senate Internal Security Subcommittee investigating State Department security and the Otto F. Otepka case.

"The British Security Survey Team' operating in Canada and Mexico is especially interested in the activities of Charles Lyons. . . .

"The State Department Action is a two-pronged cover up of the subversive activities of its employees and attempt to 'get' those exposing them. The State Department officials involved in this conspiracy, which ties them in with varying degrees of espionage, Communism, subversive activities and involvement with female Soviet agents, are endangering the security of our country. The fact that nothing is done to remove the security risks and prosecute those guilty of various security offenses proves the existence of a powerful clique of "Untouchables."

OSTH INFORMATION SERVICE
BERRYVILLE, VA.

JACOB DYNELEY BEAM

"Jake" Beam, as New York Times writer Peter Grose familiarly calls him in a favorable article published on February 1, 1969, is to be Nixon's envoy to the Soviet Union. During the period when Beam was Ambassador to Poland and lived in the Embassy at Warsaw, he tolerated a two-way operation of the Soviet's KGB and the UB (the Polish Secret Police). The story is told in the Otepka Case hearings, but the reader may purchase Imperial Agent, The Goleniewski-Romanov Case, by Guy Richards, published by Devin-Adair Co. in 1966, \$5.95, available from The Bookmaller, 30 W. Price St., Linden, N.J. 07036, for a quick resume. While Beam was

Ambassador a young married American foreign service officer named Irwin N. Scarbeck was induced by a Polish girl to turn over to her classified American documents. Scarbeck was later tried, convicted and sentenced to prison on espionage charges by a Federal judge in Washington, D.C.

Four other diplomats were compromised by women working under KGB-UB direction. They were later transferred. The wife of another foreign service officer was charmed into accepting an escorted tour to Moscow by a KGB-trained gigolo and photographed in situations of varying degrees of potential embarrassment. The photos were designed to coerce her into working secretly for the Reds. The embassy's security guards were compromised by pretty Polish girls who had been trained by the KGB and UB. As Guy Richards put it, they simply moved into the Leathernecks' dormitory after hours "and shacked up with their men." The Marines were eventually moved and the case was whitewashed.

The KGB's own professional operative in the embassy was an American diplomat who kept supplying his masters with reams of documents.

The KGB itself decided Scarbeck could be sacrificed and exposed in order that their real veteran agent at the embassy would remain unknown. Guy Richards wrote that while Scarbeck had been useful to the KGB nevertheless what he supplied them was paycane compared to that which was turned over by the man the Russians sacrificed Scarbeck to save. (The important man later proved to be Edward Symans (Symanski) from Grand Rapids, Michigan.) Symans' post was about two echelons below that of Ambassador Beam. When he was called to Washington expecting to go before a grand jury just as Scarbeck had, he was surprised to be allowed to resign quietly.

The entire situation had been known to Polish Army officer, Colonel Michal Goleniewski, who was helping the United States by exposing Communist agents abroad. He thought his information was going to J. Edgar Hoover, but instead it was intercepted by CIA operatives.

Guy Richards wondered whether the Communist agents had also decided to test the mettle of Ambassador Jacob Beam with a woman whose guile and charms were commensurate with his rank. Beam, at the time, was married, but that would not have deterred the KGB, Richards, who had interviewed Goleniewski before writing his book, said if Beam were slated for seduction you can bet the woman came prepared.

On January 10, 1968 the Government Employees' Exchange quoted a source stating positively that Madam Jerzy Michalowski, the "wife" of the current Polish Ambassador to the United States, had been identified as "one of the chief architects of the Warsaw Sex and Spy scandals, and had maintained an "intimate personal relationship" with Mr. Beam from 1957 to 1961. Her reputation was that of being "brilliant in the expertise of the male soul and body." On the basis of her "intimate personal relationship" with Ambassador Beam, according to the Exchange's source who had over 30 years of career service in the State Department, Madam Michalowski, in 1960, obtained from Beam details about the dispatches being sent the CIA by Goleniewski. As a result of her discoveries from the Ambassador, Polish and Soviet intelligence agencies uncovered the identity of Goleniewski who had to flee to West Berlin in December of 1960. It had also been Madam Michalowski and Polish agents who had plotted the "discovery" of Scarbeck "in bed with Ursula Discher" within hours of the flight of Goleniewski.

There is much more to the story, but the above is sufficient to show that Jacob "Jake" Beam is a very poor choice to send into the American Embassy in Moscow.

[From the Government Employees Exchange, Feb. 7, 1968]

SECRET AGENT'S ROLE IN WARSAW
SCANDALS CLARIFIED

In its January 10 issue, *The Exchange* reported that Madam Jerzy Michalowski, the "wife" of the current Polish Ambassador to the United States, had been positively identified as "one of the chief architects" of the "Warsaw Sex and Spy Scandals" which disrupted the American Embassy in Warsaw during the incumbency of Ambassador Jacob Beam. Mrs. Michalowski was also identified as having maintained an "intimate personal relationship" with Mr. Beam from 1957 to 1961.

The Exchange also reported that date that on the basis of her "intimate personal relationship" with Ambassador Beam, Madam Michalowski, in 1960, obtained from Ambassador Beam details about the dispatches being sent the Central Intelligence Agency by a "Lt Col Michael Goleniewski," an American "agent in place" who had first revealed to United States authorities the existence of the sex and spy scandals in Warsaw. Further, *The Exchange* reported that "as a result of her discoveries from Ambassador Beam, Madam Michalowski, her husband Jerzy Michalowski (then Director of the Polish Foreign Ministry) and Soviet Intelligence agencies uncovered the identity" of "Lt Col Goleniewski" who had to flee to West Berlin.

The Exchange report of January 10 intentionally did not indicate how or where "Lt Col Goleniewski" was communicating with American officials or how or where Ambassador Beam learned of his existence or of his report. However, because of certain wrong interpretations or distortions being placed on the January 10 report, a "witting source" has consented to the publication by *The Exchange* of the fact that Ambassador Beam, who had never met "Lt Col Goleniewski," first learned of the existence of the "American agent in place" while the Ambassador was on "consultation" in the State Department in Washington.

Ambassador Beam's own sources in the State Department "consultation" were Deputy Under Secretary of State for Administration Loy Henderson and Assistant Secretary of State for Security William Boswell, the source further indicated to *The Exchange*. Under Secretary Henderson and Ambassador Beam, together with Ambassador E. Allen Lightner Jr. and Consul General Howard Trivers, the latter two involved in the so-called "Stephen A. Kozak selection out case," are all members of the so-called Henderson-Princeton Pact group of Ivy League "old school tie" Foreign Service Officers, the source indicated.

Under Secretary Henderson told Ambassador Beam, the source stated, that the State Department had received its information personally from Richard M. Bissell, Jr., the CIA's Deputy Director for Operations who, as readers of *The Exchange* will recall, later coordinated the disastrous "Bay of Pigs" action in Cuba which resulted in his own resignation as well as the departure from CIA of its Director, Allen Dulles.

When informing Under Secretary Henderson of the details of the dispatches of "Lt Col Goleniewski" regarding American members of the American Embassy in Warsaw identified as Soviet agents, or otherwise "compromised," Mr. Bissell has requested that none of the suspected American officials in Warsaw be "alerted" by any personnel actions or transfers without prior approval of such action by CIA, the source revealed. To prevent any "inadvertent" personnel actions in Warsaw itself, Mr. Bissell and Under Secretary Henderson had agreed to recall Ambassador Beam for "consultations" and to have him personally informed about the situation in his Embassy, the source stated.

The reason Ambassador Beam had been "totally unaware previously" of the existence

and activities of "Lt. Col. Goleniewski," the source explained, was that "Lt Col Goleniewski" was careful to avoid the American Embassy in Warsaw and has sent all his messages to American officials, addressed to FBI Director J. Edgar Hoover, through his own couriers who dispatched the material from Switzerland or other Western European countries. Thus, Ambassador Beam had never met "Lt Col Goleniewski," the source revealed.

In his meetings with Under Secretary Henderson and Assistant Secretary Boswell, Ambassador Beam did not learn the name of "Lt Col Goleniewski," the source stated, because Mr. Bissell had not communicated it to the State Department. However, the information he did receive was sufficiently detailed so that, when Madam Jerzy Michalowski obtained it subsequently in Warsaw from Ambassador Beam, the Soviet intelligence organization was able to identify "Lt Col Goleniewski" as the American "agent in place," the source stated. This required "Lt Col Goleniewski" to flee for his life to West Berlin and ended his activities as an American agent in the Soviet camp, the source concluded.

NEED FOR A SPECIAL HOUSE COMMITTEE ON THE CAPTIVE NATIONS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DULSKI. Mr. Speaker, the Russian invasion of Czechoslovakia points up as more urgent than ever the creation of a Special House Committee on the Captive Nations.

What colonialist Moscow feared most from a liberalized Czechoslovakia was the impact and repercussions throughout the empire, particularly among the captive non-Russian nations in the Soviet Union.

I have today introduced legislation calling for the creation of the special committee on the House. I am most hopeful this year that we can obtain early hearings on this important proposal.

It was just 10 years ago that Congress approved legislation calling for an observance each July of Captive Nations Week. This 10th anniversary year of the congressional action is a most fitting time for creation of the special committee.

The interesting story of 10 years of Captive Nations Week has been related by Dr. Lev E. Dobriansky of Georgetown University in a detailed article in the December issue of the WACL Bulletin, a publication of the World Anti-Communist League:

TEN YEARS OF CAPTIVE NATIONS WEEK

(By Dr. Lev E. Dobriansky)

In July, 1968 the Tenth Observance of Captive Nations Week was celebrated in the United States and seventeen foreign countries. Since that first July in 1959, immediately after the United States Congress passed the Captive Nations Week Resolution and President Dwight D. Eisenhower signed it into Public Law 86-90, we, and then in time our allies have conducted ten annual weeks in symbolic behalf of the captive nations as one of the chief keys to the security of the Free World and the freedom and independence of all nations. A tradition has been built and

solidly maintained. This is no mean feat, considering the powerful forces that have in this long period militated against the resolution and have sought the elimination of the Week.

At the time of the tenth observance many friends inquired of the writer as to how he now felt about the movement, its rate of growth, the main obstacles confronting it, the reactions of the Red regimes, and its prospects and institutional significance. Having been in it from the very beginning, the writer was asked on both TV and radio programs to assess these ten observances of Captive Nations Week. "Do you think it has accomplished what it set out to do?" "How has the disintegration of the Communist monolith affected the course and goals of the movement?" "Why hasn't Captive Nations Week received far greater publicity in the United States than has actually been the case?" "What do you think of its future?" "Are the captive nations still captive?"

These are some of the questions that dominated the discussions during the tenth observance. And this article contains the answers that were given to these and other questions raised by interested and concerned Americans. Actually, many of these questions aren't new. They've been raised time and time again in the past. But for some reason, perhaps the "10th" itself, they received more widespread currency than before. Thus, in a real sense, this presentation is an accounting of one's observations and reflections on a movement that will enjoy an eleventh anniversary in 1969, during the week of July 13-19. The observations and reflections are purposed not only to answer the recurring questions but also to penetrate the confetti diplomacy of this decade which has really caused many to ask these questions.

THE ERA OF CONFETTI DIPLOMACY

Of course, the easy approach would be to answer these dominant questions in a yes or no fashion and then refer the questioner to a mass of literature dealing with the subject for nearly a decade. Yes, the Week is accomplishing what it set out to do. The so-called disintegration of the Communist monolith favorably reinforces the course and goals of the movement, particularly the force of patriotic nationalism which the Resolution stresses. At the start, Captive Nations Week received World-Wide publicity, but as many in powerful places began to fear its implications, the pressure was on to play it down as much as possible. The future of Captive Nations Week is guaranteed by the congressional resolution itself; so long as there are the captive nations in the Soviet Union and elsewhere, the Week has its existential basis for the long and substantiating future. Needless to say, squabbles and rivalries between and among totalitarian Communist Parties, which dominate the regimes of the Red states, do not make the peoples, the nations themselves, any less captive.

In this period of confetti diplomacy, with paper treaties and paper bridges of understanding as far as the captive nations are concerned, these are the direct and well-substantiated answers to the prevailing questions of the moment. The factual bases and detailed background to these specific answers can be easily acquired by consulting the outstanding literature on this fundamental subject. The book by professor Smal-Stocki will give the inquirer a keen insight into the captive non-Russian nations in the Soviet Union. This dimension is a blind spot for most Americans. The writer's own current work provides in outline the origin, development, and meaningful ramifications of the Captive Nations Week tradition and institution. The book has received many favorable reviews, but the one that intrigues the author starts this way, "This is an impassioned volume in which the author depicts the United States as a gigantic fool, unwilling to be convinced of Russian ruthlessness and unwilling to react positively to the Communists' continual aggression." Where the pas-

sion comes in the writer himself can't tell, but for the most extensive documentation of the subject, the reader will find this volume valuable.

During this decade numerous other source materials came into being to analyze the congressional resolution, describe the meaning of the movement, and to justify its existence in the light of changing developments in the Red Empire. The book *Captive Nations Week, Red Nightmare, Freedom's Hope* furnishes an excellent account of Congress' role in the annual Week. "Why Captive Nations Week?" is an informative article, pointing out that despite the Chinese-Russian rift and other rifts in the Red Empire, more than 27 nations are still held captive in the Red Empire. A background article on "The Roots of Russia" still goes a long way in contributing to an understanding of Moscow's current repressions in the Soviet Union, its heavy involvement in the Middle East and in Asia, and its graduated handling of the Czecho-Slovak crisis. As we shall see more clearly with the passing of the years, the real enemy is not the mythology of Communism, at best a psycho-political tool of deception and assigned philosophical respectability, but rather a crude Soviet Russian imperio-colonialism, which was well depicted with reference to Captive Nations Week a few years ago. The mythical independence of Rumania, the introduction of Liebermanism in the U.S.S.R., the squeals of a Castro and the rantings of Peking, the demands for Czecho-Slovak reform, and the continued meanderings of a Tito, none of these superficial developments have in any way altered the main thrust of Soviet Russian imperio-colonialism. Equally applicable to today's conditions as they were only a few years ago are a dozen pieces on the captive nations. For example, "Captive Nations vs. Red States" advances the crucial distinction between the nation, the people itself, and the Red-dominated state, and explodes the whole notion of building bridges that serve to entrench the Communist apparatus. Too often, Americans fail to draw this basic distinction, as shown by the erroneous concept of Communist nation, and fall for schemes which only on balance conduce to the benefit of the particular Red regime. Another example is the fundamental deterrent value of the captive nations, taken as a whole, against the outbreak of a global war. With rampant insecurity sown for the Red regimes, the oppressed peoples could alter the aggressive designs of these regimes. There isn't one such regime that doesn't support the aggression of Hanoi against the Republic of South Vietnam. "Forget the Captive Nations?" has been the prime objective of Moscow and its syndicate members, but as the article with this title clearly demonstrates, the realization of this aim in the United States and elsewhere would be a tremendous psycho-political victory for the Red aggressors.

Despite all that has been written, said, and done about the captive nations and their significance for world peace and freedom, the course pursued by two Administrations in this decade has been detrimental to the cause of these nations and inhibiting to the movement in the Free World. Added to this has been the protracted ignorance and even illogic on the part of several of our popular opinion media. The evidence also shows a certain amount of insincerity and self-defeating expediency concerning our policies toward the Red regimes and the captive nations in this era of confetti diplomacy.

As the writer publicly stated before an official body of the 1968 Republican National Convention, both Administrations in the 60's have pursued "a confetti diplomacy in regard to the main enemy, which can be accurately depicted as the international dimension of the credibility gap." The statement continued, "The whole train of paper-making—the Test Ban Treaty, Consular Convention, Outer Space Treaty, the Non-Prolif-

eration one and even the Moscow-New York flight run—are so much confetti on the scale of fundamental problems, serving to hoodwink our people as to the harsh realities in the Red Empire and the real threats to our security. The Consular Treaty as written, doesn't even make semantic sense. These superficialities tend, in the myopic tradition of the Roosevelt Administration over two decades ago, to convey an implicit partnership between Independent America and Imperio-Colonialist Moscow. None of these treaties is of any concrete net advantage to us, and each is of nothing-to-lose-much-to-gain-advantage to Moscow. The confetti helps to enshroud the real enemy of Soviet Russian imperio-colonialism and its communist weapons which are dramatically at work today in Czechoslovakia."

With regard to the captive nations, which after all involves the basic issues of Soviet Russian power, aggression, and continual threat to the independence of nations in the Free World, the crucial point is the virtual surrender by the United States of its enormous ideologic power in favor of what is deemed a pragmatic "Soviet-American survival pact." The fear of "mutual annihilation," or better "nuclearitis," is what supposedly has led us to placate Moscow with fundamentally meaningless treaties as far as the main issues are concerned, to play down the cause of the captive nations, to permit the historic meaning and significance of America in terms of national independence and self-determination to seriously corrode, and, as Franklin Roosevelt attempted to do in a period devoid of nuclear weapons, to consummate an implicit partnership with the last remaining empire of its size for the ostensible purpose of maintaining world peace. We have even sacrificed an across-the-board superiority in weaponry for a tenuous parity in order to display our national desire and want for a live-and-let-live existence. These are the dangerous straits into which Moscow's skillful policy of "peaceful coexistence" has led us.

It is no accident as concerns the Tenth Captive Nations Week Observance and the forthcoming elections in the United States that for demonstration effect Moscow plunged into a gestural rash of ratifying the Consular Convention, advancing and signing the non-proliferation pact, calling for new talks on control of missile systems, and opening up the Moscow-New York flight run. It sought certain responses and successfully obtained them. Reveling in the web of confetti diplomacy, President Johnson, who still thinks the Soviet Union is a nation, views all this as having "proved that our two countries can behave as responsible members of the family of nations. And that is a very hopeful sign indeed. Not realizing that all this has been from Moscow's viewpoint a vital and integral part of its Cold War against the United States, he sees it as steps toward the cessation of the Cold War for "I believe," he naively proclaims, "that the old" antagonisms which we call the Cold War must fade—and will fade."

Viewed against the real background of Russian Cold War operations on all continents, the responses to Moscow's diplomatic maneuvers are almost Pavlovian in nature. This was shown, too, in the President's proclamation of Captive Nations Week which, issued on July 10, reads as follows:

"THE WHITE HOUSE—A PROCLAMATION ON CAPTIVE NATIONS WEEK, 1968, BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

"Whereas the joint resolution approved July 17, 1959 (73 Stat. 212) authorizes and requests the President of the United States of America to issue a proclamation each year designating the third week in July as 'Captive Nations Week' until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

"Whereas human freedom, national inde-

pendence, and justice are fundamental rights of all peoples; and

"Whereas the enjoyment of these rights, to which all peoples justly aspire, remains severely limited or denied in many areas of the world; and

"Whereas the United States of America, in keeping with the principles on which it was founded, has sought consistently to promote the observance of fundamental human rights throughout the world;

"Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby designate the week beginning July 14, 1968 as Captive Nations Week.

"In witness whereof I have hereunto set my hand this tenth day of July in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.

"LYNDON B. JOHNSON."

One need only compare this proclamation with previous ones to appreciate the trend of ideologic emasculation so necessary to the illusory content of our confetti diplomacy. For one, the Secretary of State's signature has been quietly disposed of in order to reduce the proclamation's official standing. Also, in sharp contrast to all preceding proclamations, the 1968 one disposed of the President's public invitation "I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all peoples for national independence and human liberty. This is highly indicative of the sorry state we have drifted into while Moscow feverishly promotes its Cold War operations.

A quick glance at these operations encompasses an unrelenting drive to demolish NATO, to convert the Mediterranean into a Red lake, to establish Russian hegemony in the Middle East, and to undermine all Free Asian efforts toward expanded freedom. Working directly and also through Red syndicate members and Communist Parties in the Free World, Moscow is striking different keys and playing various tunes as it extends its interests in Asia, Africa, and Latin America. Through necessary intermediation, it naturally has a keen interest in political warfare developments on the American terrain. Woven into all of this, its anti-American propaganda continues at a high pitch. Upon the assassination of Senator Kennedy, *Tass* didn't hesitate to call it "a new, convincing example of the terrifying gangster 'democracy' in the United States." Moscow's government paper hammered away at the old reliable, "Imperialism carries violence within itself," and Brezhnev let it be known that the United States is a "rotting society, a degrading society, a decadent society," words with an old Hitlerian ring. Such statements are a daily diet in Moscow's propaganda network, and the chief aggressive thrust against the United States has been and is psychopolitical, for which this country in its illusions of peace and co-engagement is ill-prepared.

PROTRACTED IGNORANCE ON CAPTIVE NATIONS

One of the paramount objectives of Captive Nations Week is the education of the American people regarding the captive nations, especially those in the Soviet Union. In this decade, remarkable progress has been made in this respect. But we would be deluding ourselves to think that the task is close to completion. If this were so, our policy toward the Soviet Union and the Red empire would be sensibly different. Much remains to be done to overcome and eradicate numerous strands of protracted ignorance and even obscurantism in many sectors of our Nation.

For a more thorough study of this unfortunate condition the reader might well find several sections of my book on *The Vulnerable Russians* of profitable worth. Here, let us just cite a few examples where public

opinion is being swayed. A columnist who has been taunting former Vice President Nixon for his performance with Nikita Khrushchev back in 1959, writes that "Just before he arrived, Congress had passed the so-called Captive Nations Week Resolution calling for the liberty of the 'captive nations' of Latvia, Lithuania and Estonia, now under the Soviet Union." This balderdash is aggravated later when in another article the reader is told that the Captive Nations Week resolution "was a resolution periodically passed at the initiative of certain Baltic refugees, calling for the liberation of Estonia, Latvia and Lithuania, now part of the Soviet." This is the kind of nonsense being fed the American people. It is doubtful that the writers ever read the resolution, which goes far beyond the captive Baltic states, had never anything to do with the initiative of "Baltic refugees," and is not periodically passed. With their nonsense as a background, the reader can safely discount much of what they say about Nixon. The second chapter in my work on Nixon's "Testimony of American Bewilderment" presents an objective account of the episode.

In his acceptance speech in Miami, Mr. Nixon emphasized, "To find the truth, to seek the truth and to live with the truth, that's what we will do." Should he win, ample opportunity will arise to apply this commitment in connection with the captive nations. Surely, in the hoped-for environment statements such as this—"Khrushchev was then nettled because just before Nixon's departure, the U.S. Congress had adopted a routine resolution referring to the slave peoples within the Soviet orbit"—could scarcely thrive. The writer, who availed himself of the first New York to Moscow run, significantly during Captive Nations Week, evidently doesn't know how the supposedly routine resolution emerged, and for him the U.S.S.R. is a "nation."

Considering the appeasement and diplomatic confetti atmosphere in this country, it was no easy task to promote a captive nations plank in the 1968 Republican Platform. It is a general plank that fails to include the captive nations of Asia and Cuba. Some of the reactions in the press cause one to wonder about journalistic knowledgeability and honesty. In a supposedly interpretative report one writer views it as "the usual anachronistic references to the 'captive nations' of Eastern Europe," as though that area is free, independent, and self-determining. The editors of the *Washington Post* display their usual fatuousness and disregard for honest expression in an editorial that gloats over the generality of the plank, excluding any enumeration of the captive nations such as occurred in the forthright 1964 Republican Platform. With silly intent, Armenia is compared with Quebec and "the Ukraine" was supposed to have been captured between 1960 and 1964. As for journalistic honesty, the reader should compare this editorial with the *Post's* April 28 one on the "Cause of the Ukraine," where concerning Ukrainian independence it states "The last time a separate Ukrainian government tried that was in 1918" and "Soviet troops suppressed it with a vengeance still bitterly recalled." Many satisfied readers of the article "From Moscow's 'Izvestia' to Washington's 'Post'" can appreciate these dialectics.

STEADY GROWTH OF THE WEEK'S OBSERVANCE

What is truly remarkable is the fact that in spite of the heavy forces opposing Captive Nations Week, the annual observance has steadily grown and expanded over these years. One need only peruse the pages of the *Congressional Record* since 1959 to see the scope extent of the annual Week. Traditionally, Congress observes it with impressive report and dedication. About 35 Governors and over 40 Mayors of our large cities issue their proclamations of the Week. Activities under the guidance of the National

Captive Nations Committee in Washington are conducted by local committees in cities ranging from Boston to Los Angeles, Miami to Seattle, New York, Philadelphia, Cleveland, Buffalo, Chicago, St. Louis and many others.

The press coverage in these cities is fairly impressive, and change in circumstances will undoubtedly project it further. For example, the column by Ted Lewis in the July 16, 1968 issue of the *New York Daily News* publicized the Week for millions of New York readers. TV and radio reporting of the Week is not as extensive as it should be, but here, too, future international developments will determine more than anything else the range of such reporting. The Georgetown University TV-Radio Forum has consistently staged programs that have had a broad audience through its network. These and other functional bases of the Week would be greatly enlarged should another nation fall captive or Soviet Russian power express itself overtly and massively in Czechoslovakia or elsewhere. Tragic though such events may be, we must be prepared for them and their policy implications.

One of the outstanding developments of the movement has been its reception in foreign countries. In seventeen countries, ranging from Korea to Australia, India to Turkey, and West Germany to Argentina, the observance is now held regularly. Particularly in Asia, the movement has gained a firm foot-hold. For years now the Republic of China has been in the forefront of Captive Nations Weeks rallies. For the first time, the Republic of Korea issued a Captive Nations Week stamp to commemorate the tenth observance. Requests for a similar stamp in the United States, the home of the Week, were denied. It appears that the closer a nation is to the battlefield of freedom the deeper its understanding is of the issues at hand.

A new and highly important development arose at the end of 1967 when the first conference of the World Anti-Communist League adopted a resolution on the 10th Observance of Captive Nations Week. The resolution called for maximum effort on the part of its members and affiliates, representing over 80 countries, to advance the captive nations movement. Meeting in Taipei, Free China, the members of WACL enthusiastically undertook to implement the resolution in the years ahead. They understood quite well the psycho-political nature of the world struggle and the time element involved. Thus, if America as a sleeping giant follows the present confetti course, the captive nations cause can find permanent support from those nations immediately threatened on an overt basis by the Red Empire. Better that its future is insured by firm hearts rather than confused minds.

THE RED TOTALITARIAN DREAD OF THE WEEK

On evidence, except for our relatively declining military strength, there has been no other factor that the Red totalitarians have dreaded more than the Captive Nations Resolution and Week. This expressed fear is not, as some simpletons have scoffed at, induced by the resolution and the Week themselves, but rather by their implications, potential implementation, and practical ramifications. The nature of the prime enemy, the essential history of the Red Empire, the victims of this tragic history, the essence of victory over it, and a firm basis for psycho-political action—all these fundamental ingredients are in the resolution and the forum of the annual Week. It requires only some sober reflection to discern these. Moscow recognized all this instantly, and as the following samples show, so have its syndicate members:

Nikita S. Khrushchev, July 1959: "This resolution stinks." (Then, according to Vice President Nixon, "he spelled out what he meant in earthy four letter words.")

Khrushchev, October 1959: Take, for instance, the much to-be-regretted decision of the American Congress to hold the so-called

'Captive Nations Week' and to pray for their liberation. In this case words other than 'rolling back' were used, but the gist remained the same, the same appeal for interference in other people's affairs."

Nicholas V. Podgorny, U.N., October 1960: "Some members of the U.S. Congress, who apparently are not too busy with state affairs, deliver moving speeches, using the same mimeographed crib concerning the so-called 'week of captive nations' . . ."

Moscow, 1961: "It is not at all fortuitous that this time the farce presented by the 'Captive Nations Week' should coincide with the hullabaloo created by American propaganda around the West Berlin question." (Khrushchev again denounced the Week at the Communist Party Congress in October, 1961).

"On the basis of the 'weeks' held in the past, we already know what these appropriate ceremonies represent—unbridled anti-Soviet and anti-communist slander . . . Yes, it is only thanks to American bayonets that oppressors of freedom and blood-thirsty dictators are sustained in power in a number of countries of the Latin American continent and Southeastern Asia."

Moscow, 1962: (In 1962 the Russian imperio-colonialists scored a victory in getting UNESCO to publish the scandalous and fraudulent *Equality of Rights Between Races and Nationalities in the U.S.S.R.*)

"Is it not high time to discontinue the 'Captive Nations Week' in the United States? That is just as much a dead horse as the 'Hungarian Question.'"

Moscow, January 1963: "The President of the United States, losing his sense of reality, has declared 'a week of the Captive Nations and is trying to turn attention away from the struggle of the Negroes for their liberation.'"

Pravda, Moscow, July 8, 1963: "Kennedy is a third-class clown proclaiming 'Captive Nations Week,' which is a despicable animal campaign of the U.S. ruling circles."

Pyeongyang Radio, N. Korea, July 10, 1963: "With every passing year, 'Captive Nations Week' becomes a nuisance. The stupid situation in which the Washington legislators and rulers found themselves is becoming evident even for those who earnestly propagate the imperialistic policy of the U.S.A."

Izvestia, Moscow, July 15, 1964: "An annual, pitiful undertaking. One could treat it as a joke . . . One could treat it like that, if it were not for the fact that Captive Nations Week, an annual undertaking organized by men who having long since lost contact with their actions, is supported by the U.S. Congress and by a proclamation of the President of the U.S."

Trybuna, *Ludu*, Poland, July 27, 1965: Mikhail Suslov, chief Russian ideologist, Vilnius, Lithuania, July 17, 1965. "Especially disgusting is the villainous demagoguery of the imperialistic chieftains of the United States. Each year they organize the so-called captive nations week, hypocritically pretending to be defenders of nations that have escaped from their yoke. These international gendarmes, stranglers of freedom and independence, would like again to enslave the free nations of Lithuania, Latvia, and Estonia. But that will never happen."

Political Affairs, 1966: "Criminals . . . are active in the organizations of the so-called 'captive nations' . . . have their own press and conduct war-inciting activities through demonstration, picket lines, etc. . . are often connected with similar organizations in other countries in Europe and Latin America."

Izvestia, July 7, 1967: "The thing is that every year in July the rulers in Washington put on an eye-sore of a propaganda spectacle, titled 'Captive Nations Week'. . . This time the advent of the notorious 'Week' is being violently commented upon by the reactionary American Press."

These are only a meager portion of the

vehemence and vituperation poured on this movement. What, above all, the totalitarian Red regimes need is relative security and stability in their empire in order to gain necessary time for political and economic consolidation, reconciliation between and among the squabbling Communist Parties, more technologic progress and augmented material means to meet expanding Cold War commitments in the underdeveloped world, and greater overall military strength to challenge directly the power of the United States. The captive nations cause strikes at the very basis of their strategic plan for the years ahead.

TOWARD THE 10TH ANNIVERSARY OF CAPTIVE NATIONS WEEK

As was mentioned above, in the period of July 13-19, 1969 the Tenth Anniversary of Captive Nations Week will be celebrated here and abroad. For it was in July, 1959 that Congress passed the Captive Nations Week resolution upon which this annual observance is founded. Plans for this anniversary are already underway. But the most effective planning must take into account the fact that the annual observance is in large part a springboard for the discussion of issues which are important to the cause and must be advanced and supported through the year. In the last analysis, it is these issues and their determination that provides the substance for the perpetuation of the Week and the positive progress of the captive nations movement.

The dominant issues are many and require in their own right detailed exposition and analysis. However, here we can review them quickly with brief comment in relation to our fundamental educational task. First, the advocacy of a debate in the United Nations on Soviet Russian imperio-colonialism. Despite President Kennedy's move in this direction in 1961, no such debate has ever been held in the U.N. forum. As concern the captive non-Russian nations in the USSR, the need for this is more urgent than ever before. Russian genocide of these nations will only strengthen Soviet Russian totalitarianism against the Free World. Second, a full-scale review in Congress of U.S. policy toward the USSR. Here, too, never in our history have we undertaken such a review. It would be unprecedented and most productive for our national course.

Third, opposition to liberalized East-West trade without political concessions. Our trade experiences with totalitarian states in the pre-World War II period should provide solid historical lessons for not repeating our mistakes again. Fourth, the establishment of a Special Committee on the Captive Nations in the U.S. House of Representatives. There is no agency, public or private, in this country that continually investigates the interrelated developments in the captive nations as a whole. The multiple advantages of such a committee to the fund of knowledge and security of the United States and its allies scarcely require emphasis. Fifth, the creation of a Freedom Academy by congressional passage of the Freedom Academy bill. For the struggle ahead, the deficiencies in the psycho-political warfare preparations and equipment of Americans are grave, indeed. And nowhere have they come to full light than in South Vietnam itself. The plain fact is that, as in any other activity, we cannot hope to cope with the thrusts and gyrations of Red political warfare without methodical training in this discipline.

A sixth issue and objective is victory in Vietnam, clearly defined as South Vietnamese liberation of the 17 million captive North Vietnamese. It is one of the sorry aspects of our Vietnam experience that none of our leaders even mention the captive plight of the North Vietnamese people. A positive victory cannot be realized without their freedom. Seventh, close examination of the situation of Russian consulates in our country. Despite the ratifi-

cation of the US-USSR Consular Convention, our position against it still is valid and true. Bearing on the Dirksen-State Department agreement which made ratification possible, we should oppose the placement of Russian consulates in cities with a heavy East European ethnic complex. And eighth, the evolution of a new U.S. policy of unfinished liberation. This policy is based on premises of political warfare, such as the totalitarian Red regimes persistently wage, and is the best guarantee against more Vietnams and the outbreak of a global war. The alternative to our present policy of patched-up containment is clear, far less costly, and more productive for world freedom, thus our freedom.

These, then, are the formidable issues confronting all who understand and support the strategic value of the captive nations in toto. One does not expect the average American to grasp the insight that there will never be peace of a genuine sort in the world as long as the Soviet Union exists. But such will be the case until the Free World begins to concentrate on the key captive non-Russian nations in the USSR, peacefully, understandingly, and courageously. Until that time arrives and given the illusions of our confetti diplomacy, we had better keep reciting the long list of captive nations as provided in the new brochure of the National Captive Nations Committee, with the overhanging question "Who's Next?"

"The Captive Nations: Who's Next?"

"Country, people, and year of Communist domination:

Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Udel-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkistan	1922
Mongolian People's Republic	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Serbia, Croatia, Slovenia, etc. in Yugoslavia	1946
Poland	1947
Rumania	1947
Czecho-Slovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

"Who's Next? South Vietnam? Algeria? Colombia? Congo? Laos? Tanzania? Bolivia? Thailand? Greece? Guatemala? Chile?"

CALLS FOR QUICK VIET RESULTS COURT DISASTER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DERWINSKI. Mr. Speaker, as the Paris talks continue without any apparent progress, disillusionment sets in, as well-intended pacifist groups, and also radical groups with Communist leadership, are carrying on a constant barrage within the United States against the position being maintained in Vietnam. Therefore, I feel the article by Crosby S. Noyes in the Thursday, January 23, Evening Star merits review since it is

very objective and possibly prophetic on Vietnam negotiations:

**CALLS FOR QUICK VIET RESULTS COURT
DISASTER**

(By Crosby S. Noyes)

Now that the negotiators in Paris have settled down to serious business, it is essential that the pressure in this country for quick results be brought under control.

Patience in a negotiation of this kind is the key to success. The impatience that has marked the Johnson administration during the preliminary phases of the Paris talks is sure guarantee of failure.

Impatience to get the talks started was understandable enough for an administration that quite literally sacrificed itself in the hope of moving toward a settlement of the war in Vietnam. The prospect of an interminable bickering over the procedural aspects of the Paris conference was hard to accept calmly.

Yet surely, the show of impatience and urgency in itself has compromised the success of the substantive talks that have now begun.

Unless the American public has been grievously deceived, the purpose of these talks is not to prove how eager we are to throw in the towel and hand over South Vietnam to the Communists. It is rather to find out whether the Communists have now decided to give up their effort to take over the country by force and agree to a political compromise acceptable to the majority of the people involved.

If this is the case, it was most unlikely that any technical problems would have prevented the opening of the Paris talks. If it is not, the fact that they have now started is no guarantee that we have moved any closer to a peaceful settlement of the 20-year-old conflict.

For this is the essence of the situation: On the basis of the military position in Vietnam, we and our allies are entitled to believe in the possibility of an acceptable political solution. For their part, the Communists, on the basis of the political situation in the United States, are entitled to believe in the possibility of a surrender.

All of us may be in Paris on false assumptions. And when it comes to how the cookie may eventually crumble, everything that happens, including results on the battlefield or off-the-cuff comments by Cabinet officers, will weigh in the balance.

In this critical contest there is no denying that the United States is at a disadvantage.

Weak as they may be militarily, the North Vietnamese and the Viet Cong are still capable of presenting an inflexible and apparently united front at home and at the bargaining table. No Westerner at this point can pretend to know the real objectives of the Communists in the Paris talks. The concessions that they may be willing to make, the shape of the final settlement, are entirely matters of conjecture.

In contrast, the enemy can be in no doubt whatever about the weaknesses and contradictions of his opposition. The slightest tactical disagreement between the government in Washington and the government in Saigon is immediately inflated to the proportions of a major crisis. So far there has been no clear definition of the kind of settlement which we would be prepared to accept. And the pressure for rapid results has dominated the proceedings.

It is essential, now that the serious talks have started, that this pressure be relieved. So far as the North Vietnamese are concerned, the negotiations in Paris are nothing more than an extension of the war in Vietnam—a new dimension to the struggle which they have carried on in one form or another since the end of World War II.

On our side as well, the attitude must be the same. This is not a peace conference in the ordinary historical sense. The talks in

Paris are in fact nothing more than a political projection of a military contest that is still hanging in the balance. And in this contest, the determination—and the patience—of the opposing sides is the all-essential element.

A demand in this country for quick results in the negotiations is a sure prescription for disaster.

It is quite possible that the Communists hope to win in Paris what they have not been able to win on the battlefields in Vietnam. It is conceivable that they will succeed, unless the war and the negotiations are clearly seen as aspects of the same conflict.

**THE BUDGET, THE ECONOMY, AND
THE CONGRESSIONAL ROLE**

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. MOORHEAD. Mr. Speaker, what is the fiscal 1970 outlook for the GNP, personal income, corporate profits, the condition of the credit markets, and the balance of payments? In view of this outlook should the Congress hold down expenditures, hold down borrowing programs, take special pains to minimize our uses of foreign exchange, continue the surtax, show a surplus in the budget?

Depending upon these decisions what will the impact be on the unemployment rates? What are the country's needs in the way of programs—Headstart, job training, defense, health, elementary, and secondary education, and so forth?

Does the Congress as a whole provide its Members with an independent view of these critical questions before we fulfill our constitutional duty of controlling and allocating the revenues of the United States? Or do we rely almost exclusively on the executive branch's analysis and estimates? Or do we, in fact, generally ignore these questions?

Joseph W. Barr, former Secretary of the Treasury and my former colleague in the Congress, recently addressed himself to this question in a paper entitled "Improving the Financial Effectiveness of the Congress."

I think his views are doubly relevant as he has served in both the legislative and executive branches of the Federal Government and has worked intimately with the budget process on both sides.

Of historical note, Mr. Barr is the first former Congressman to serve in the post of the Secretary of the Treasury in nearly a quarter of a century.

I hope his proposals will stimulate discussion on this issue which I feel is so critical to the congressional decision-making process.

I include in the RECORD, at this point, Mr. Barr's paper for the attention of my colleagues:

**IMPROVING THE FINANCIAL EFFECTIVENESS
OF THE CONGRESS**

(By Joseph W. Barr—Member of the 86th Congress, 1959–1960; Assistant to the Secretary of the Treasury, 1961–1964; Chairman of the Federal Deposit Insurance Corporation, 1964–1965; Under Secretary of the Treasury, 1965–1968; Secretary of the Treasury, 1968–1969)

(Submitted with deep affection for a magnificent institution—the Congress of the United States.)

FOREWORD

In a decade of public service, I have watched the claims on the tax dollar of the Federal Government mount with inexorable regularity. Ten years ago the principal contenders for the tax dollar were Defense, Agriculture, Veterans, and Public Works, and, to a lesser degree, housing and foreign aid.

To this list has now been added elementary and secondary education, higher education, health insurance, urban programs and space. A look to the future reveals clearly that coming up over the horizon are enormous claims to combat pollution of our environment, to develop mass transit systems in our cities, to rebuild huge portions of our urban areas, and to provide some systems for family allowances or a negative income tax to replace many of our current social programs.

I can only conclude from what I can see and what I can foresee that the competition for Federal revenues will remain high and can quite probably intensify.

While the fight to get a share of the tax dollar is and will be the most visible and best understood, there will probably be an almost equally difficult struggle involving credit programs and foreign exchange.

This Nation does not generate unlimited quantities of savings. The current emphasis on loan programs cannot be expanded indefinitely without subjecting our credit markets to impossible strains and interfering brutally with the demands of the private economy for credit.

It is equally true that this Nation does not generate unlimited amounts of foreign exchange. Decisions to deploy our troops overseas with their resulting exchange costs must be weighed against the demands of travelers, investors, lenders, and importers who want to use the foreign exchange earned by the Nation for their purposes.

In summary, this Nation has enormous but not unlimited capabilities. The foreseeable demands for Federal expenditures, for Federal credit, and for Federal uses of foreign exchange will probably strain our capabilities, and may possibly exceed them at times.

It is precisely in this setting that the Congress can become enormously effective—if it wants to be. In the final analysis, the real power of a legislative body—especially the United States Congress lies with its control—over the purse strings. Its power to decide the total level of expenditures and to allocate this total among various programs, plus its power to control the supporting taxes and borrowing, give the Congress all the power necessary to become as effective as it wants to be.

The Revenue and Expenditures Control Act of 1968 is a clear example. Once the Congress got the problems of domestic credit demands, inflationary tendencies, international consequences and those Siamese twins—expenditures and revenues—clearly in focus, it acted with surprising unanimity and stunning results. This one act pulled the Nation back from a horrified contemplation of financial chaos to a current position of great financial strength. The only pity is that Congressional procedures were sorely strained and an inordinate delay piled up before action was taken. The cost of the delay is clearly reflected in our price levels.

This one example gives me great hope for the future. It points the way towards an increased measure of financial effectiveness for the Congress. It has inspired this ex-Member of the Club, who frankly loves the institution, to try to synthesize his "inside-outside" experience as a guide for the future as the Congress tries to find its way among the clamorous demands for tax dollars, credit and foreign exchange.

Knowing full well the incredible demands made on the reading time of Members, I am summarizing my proposals in the following

two pages. Those who are interested are welcome indeed to accompany me through the full exposition.

SUMMARY

The problem

I. Budgetary Confusion

Until 1968 the Congress was confronted with four budgets—legislative, administrative, cash, and the Federal Sector of the National Income Accounts. Confusion was understandable and almost unavoidable. Fortunately, this problem has been eliminated and the new budget shows at a glance the total of the President's legislative requests (NOA); total spending and receipts and total lending and repayments, a deficit or surplus that has economic meaning, how the total program will be financed, and the pressures the budget will put on private credit markets. (See Page 10 of the Budget Document.)

II. Procedures

The Congress fragments its decisions on the budget and rarely if ever looks at the budget as a whole or considers its impact on the economy, on credit markets, or on our balance of payments position.

The proposal

Establish a *Congressional budget* by April of each year.

How to do it:

(1) Have the Congress debate and pass by March 1 a joint resolution establishing the Congressional opinion of economic prospects for the current year.

The Joint Economic Committee after hearings starting early in January could submit just such a resolution for debate and passage by March 1.

(2) The revenue and appropriations committees of both Houses could also begin hearings and studies early in January designed to produce a legislative budget resolution for debate and approval by April 1. This legislative budget would be debated against the background of the economic assumptions approved on March 1. It would show the following.

(a) The Congressional target for total spending.

(b) The Congressional target for total lending.

(c) The foreign exchange costs of the spending-lending programs.

(d) A program for financing the spending-lending budgets.

(e) A program for financing the foreign exchange costs of Federal programs.

(f) An explanation and defense of the priorities involved.

(g) The impact of the total program on private credit markets.

(3) After approving a resolution embodying an economic opinion and a legislative budget, the Congress can proceed as usual with its fragmented approach to the budget. They will, however, be able to do so against their own target and their own budget.

Conclusion

This is *not* an impossible recommendation. The Congress essentially followed this very procedure in the Revenue and Expenditure Control Act of 1968.

It is responsive to the constitutional intent of vesting control over money in the Congress.

It offers some hope of a rational approach to resolving the priority of claims on Federal resources that I see looming ahead.

It will put the Congress back on a more equal posture with the President.

DISCUSSION

The problem

When I came to the Congress in 1959 I discovered that where money was involved, there was plenty of heat but very little light. I had a dreadful time understanding the

accounting system and small wonder. At that time the Executive used two budgets—the Administrative budget and the Cash budget. The economists relied on the Federal Sector of the National Income Accounts. On the other hand, the Congress used an appropriation-designed budget to give the Government *authority* to create obligations.

The President's budgets were all in terms of expenditures—*spending*. The National Income Accounts also focused on spending. But the Congressional budget had little to do with *spending*. It was designed to grant to the various departments and agencies the authority to *contract* to spend money. The actual spending resulting from any one year's appropriations might be years in the future.

Added to all this confusion were what seemed like Alice-in-Wonderland concepts when compared with the orderly and established practices of business. For some incredible reason, a *loan* was counted as an expenditure, and a *loan repayment* as a *negative expenditure*—whatever that means.

The old familiar concepts of accruals and depreciation were almost completely absent. No one ever discussed how much credit we could safely take out of our national savings; and when anyone asked about foreign exchange costs, all they usually got was a blank stare.

I will argue that not over twenty-five percent of the Members of the 86th Congress could give a lucid and understandable description of the accounting system of the United States. I frankly doubt if that number has gone up substantially today.

I will admit that I was not one of the twenty-five percent who understood the system in 1959. Frankly this position shocked me. I did not expect to be a military, diplomatic or agricultural expert overnight. However, I had come to the Congress with an M.A. in economics, and fifteen years of solid business experience with a heavy emphasis on finance. To flounder around on money matters as I did was terribly frustrating and downright embarrassing.

This is a disgraceful situation. If the business of the Congress is money, how can the Congress hope to be effective unless it understands the rudimentary principles of the budget and our national accounts?

Fortunately today this lack of understanding is unnecessary and can be easily cured. The Budget Commission of 1967 under the Chairmanship of Secretary of the Treasury Kennedy and including Chairman Mahon and Congressman Bow, Ex-Chairman Hayden and Senator Young as members presented recommendations to the President which were adopted in the January, 1968, budget submission. They are starkly simple.

The new budget sets down clearly how much *obligational authority* the President is asking the Congress to approve. It then sets out how much the Government will *spend* and how much it will receive; and finally how much it will lend and receive in repayments. The figures from the spending-lending budget produce a deficit or surplus which quite accurately (for the first time) shows how much money will have to be borrowed or how much debt can be repaid, and also shows (again for the first time) whether the budget will tend to stimulate or depress the economy.

Under the old system, I insist, it was virtually impossible for Members fully to understand the budget and accounting systems. *Members can understand this system.*

I would estimate that two to three hours of reading and two to three hours of discussion with Budget or Treasury officials can prepare any Member to be fully conversant with the budget and our accounts.

I conclude this section with one recommendation and one offer. The *recommendation*

—the Congress should order the Budget Bureau, in cooperation with the staffs of the Treasury and the Appropriations Committees, to prepare a short and simple textbook entitled "Accounting and Budget Principles of the United States Government."

My offer.—I will volunteer two days of my time after February 1 to run a seminar for new Congressmen on budget and accounting procedures. To make the presentation non-partisan, I will also volunteer to find a Republican Treasury official or Budget Director to balance the program with me.

New Members should not be forced to put up with the argument I got in 1959, "Listen, this system was good enough for General Grant, how come it isn't good enough for you!"

Now that the United States has a budget that can be understood by an average Member, what stands in the way of improved Congressional financial effectiveness? At the risk of oversimplifying, I would answer that question in one word—*procedures*. Most Members are men of intelligence and understanding, but an Einstein could not bring orderly reasoning to the chaotic proceedings of the Congress as it moves to decide on money issues.

Perhaps the best way to illustrate this contention is to contrast the decision-making procedures in the Executive and in the Congress.

In the Executive, the decision-making process starts in the fall as the departments and agencies begin their preliminary discussions with the Bureau of the Budget on their requirements for funds in the new fiscal year. About this time the Trolka (staff economists of the Bureau of the Budget, Treasury and CEA) begin their estimates of the shape and dimensions of the national economy for the upcoming calendar year. As they complete their preliminary projections, the Treasury staff begins to estimate what the Federal revenues will be—given these economic assumptions.

By early in December our economic estimates are growing harder, and we have a chance to compare them with private estimates. The Federal Reserve Board is brought in for consultation and a report is submitted to the President giving him our best estimate of GNP for the coming year, Federal revenues, and our recommendation for fiscal policy.

For instance this year we recommended to the President that GNP for CY 1969 would be about \$921 billion, that Federal revenues for FY 1969 would be about \$186.1 billion (with expenditures at \$183.7 billion, giving a surplus of \$2.4 billion); that Federal revenues would be about \$198.7 billion for FY 1970 (if the surtax were kept on). We told the President that all this was a picture of an economy under strain and that we should:

1. Hold down expenditures.
2. Hold down borrowing programs.
3. Take special pains to minimize our uses of foreign exchange.
4. Continue the surtax.
5. Show a surplus again in FY 1970.

From these recommendations the President was prepared to make his final expenditure and lending decisions and to transmit his budget to the Congress.

I would submit that this is a fairly orderly procedure enabling the President to make his decisions on the basis of:

1. What the country needs in the way of programs.
2. What is the best program level for the economy in terms of (a) stimulus or restraint, (b) credit availability, (c) availability of foreign exchange.

Now let's see what happens in the Congress. First of all, the President's economic report is shunted off to the Joint Economic Committee for hearings. They then issue a report which few Members read. There is

never a full-fledged floor debate on the economic forecasts which are the logical starting point for the Congressional decision-making process.

Next the budget recommendations are chopped up and parceled out to various Appropriations Subcommittees who report these budget slices to the floor usually beginning about May. *Never once* (with the exception of 1968) *does the Congress address itself to the question of a total figure for expenditures and lending.* This overall target should be the logical second step in the decision-making process after there is agreement on the economic forecasts.

I will admit that the total figures are debated when a debt limit increase is requested. But the setting of the debate is so ludicrous that it has little relevance. In essence these debt limit debates revolve around the question of whether the Congress will let the Secretary of the Treasury pay the bills (by borrowing) which they have already authorized.

The debt limit and a tax request are also the only opportunities the Ways and Means and Finance Committees have to bring the question of revenues and their relation to expenditures before the Congress.

It is small wonder that in August a Member can be confused as to just what he is doing when he votes for or against an appropriation. He has not heard a debate on the economic assumptions. He has not heard a debate on total spending and lending levels; he has not heard a debate on revenues and their relations to the budget. All he has heard has been a lot of sound and fury over various slices of the budget.

When I contrast this predicament with the orderly flow of recommendations, assumptions and planning that is spread before the President as he moves toward a budget decision, I am inevitably moved to sympathy for the Member and wonder that the system works at all.

THE PROPOSAL

To become fully effective in finance, the Congress needs to take three basic steps:

(1) Organize its procedures so that early in every session it can establish a *Congressional* budget which can be used as a guideline and a target along with the President's budget.

(2) Recognize and spell out the financial consequences of the Congressional budget—does it require an increase in the debt limit, an increase in taxes, or can debt be paid off or taxes reduced.

(3) Establish clearly the *priorities* involved in the allocation of tax dollars, Federal credit and guaranties, and foreign exchanges.

Let's assume that the Congress sets a date of April 1 as the date for establishing a legislative budget. (This date incidentally could be fairly realistic because it is about the time that the authorizing committees and appropriation sub-committees get down to work.)

What steps would be involved? Let me outline a possible course of action.

(1) The place to begin is with the economic projections for the calendar year just beginning. The President's economic report comes up between the 15th and 20th of January, and the Joint Economic Committee should begin examining Government and private witnesses at once on the economic report. The J.E.C. could complete hearings and recommend to both Houses a resolution to be debated and acted upon by March 1. This resolution sets forth the Congressional opinion on gross national product, personal income, corporate profits, the condition of the credit markets and balance of payments prospects.

The chief difference between this proposal and current procedures is that now the J.E.C. proceeds leisurely with its hearings and then files a report which is never read except by a

few professional economists. I am proposing that they proceed promptly with hearings which will result in a resolution that will be debated, possibly amended, and then reconciled by both Houses.

These economic projections are the starting point of the budget process and all Members, not just a handful on the J.E.C., should be involved.

(2) While the J.E.C. is examining the economic report, the Appropriations Committees of both Houses should begin their study of total budget expenditures. Their target date for final recommendations should be March 15.

Their final recommendation should include the Committee's best judgment of what the total new obligational authority and expenditures for the next fiscal year should be. They should be prepared to break down the total by budget functions (national defense, commerce, health and education, etc.) and be ready to defend the priorities they have established for the allocation of the tax dollar.

The Appropriations Committees should also be prepared to recommend and defend the impact of the spending-lending totals on the balance of payments position of the United States. They should spell out clearly what the budget will cost in terms of Deutsche marks, French and Swiss francs, Italian lira, Japanese yen, etc. as well as in terms of tax dollars. I realize that this is a *complete innovation, but it is long overdue.* For example, when the Appropriations Committees vote the funds to deploy our troops and ships and aircraft around the world today, it costs about \$3.5 billion in foreign currencies. The Defense appropriation is silent on this crucial point.

These foreign currency costs must be anticipated and spelled out as clearly as tax dollar costs and some plan must be established for either earning or borrowing them. Action may be required to limit the access of travelers, importers, bankers and investors to the projected pool of foreign exchange earnings. But, *first of all*, the foreign exchange costs of federal programs—defense is by far the largest—must be identified and explained. This is clearly the responsibility of the Appropriations Committees.

In this regard I would advise the Congress to request that the President in his budget spell out clearly how much each program will cost in terms of foreign exchange. This information has been compiled and developed in the Bureau of the Budget since about 1961 and will pose little additional workload.

(3) Some committee—either Appropriations or Banking and Currency—should begin early in January to examine the lending and credit guarantee programs in the President's budget. Direct lending and guarantee programs have expanded rapidly in recent years and may well be better suited than appropriations to meet the pollution, urban, and housing problems of the Nation. However, simply because there is no expenditure of tax dollars in these programs, it should not be assumed that there is no cost to the Nation. If undue strain is placed on our available credit supplies, interest rates can rise to a point where the cost is huge.

(4) The examination of the revenue side of the legislative budget can begin early in January in the Ways and Means and Finance Committees. They can call government and private witnesses to test the accuracy of the Treasury's projections. They can begin a preliminary study of how the President's budget should be financed—is an increase in the debt limit or a tax increase necessary? Or conversely, after the Congressional economic projections have been established, whether debt should be repaid or taxes reduced.

It seems to me that the Ways and Means and Finance Committees should also address themselves to the question of how the for-

ign exchange costs of the President's budget should be financed.

I realize that foreign exchange earnings are not taxes, but they are the *revenues* that finance the Nation's foreign exchange expenditures—private as well as Federal. So the two revenue committees are the logical place to undertake this study.

Unless I am badly fooled, the nation will need some sort of balance of payments program for several years. The revenue committees seem to be the proper place to consider these programs and to see to it that pressure is maintained on the Congress to hold down to a minimum the foreign exchange costs of the Federal Government.

(5) The final step in the process would be for the Appropriations and Ways and Means Committees in the House and Appropriations and Finance in the Senate to join in a resolution to be submitted for debate in each House that would spell out:

(a) The Congressional target for total spending.

(b) The Congressional target for total lending.

(c) The foreign exchange costs of the spending-lending programs.

(d) A program for financing the spending-lending budgets.

(e) A program for financing the foreign exchange costs of Federal programs.

(f) An explanation and defense of the priorities involved.

(g) The impact of the total program on private credit markets.

If this joint resolution were submitted by March 15, it could be debated in each House against the action taken by March 1 on the economic projections for the current year. Any difference between the two Houses should be reconciled by April 1, and a final legislative budget established.

I can already hear the cries of those who would insist, "This is impossible—it is incredibly unwieldy." May I simply reply that these proposals are precisely what the Congress did in 1968 in the Revenue and Expenditure Control Act of 1968. In that Act the House established a legislative target \$10 billion below the President's January 1 recommendation for *new obligational authority* for FY 1969; and \$6 billion below the President's recommendation for *expenditures* for FY 1969. It decided that economic projections called for a budget close to balance if inflation were to be restrained, credit markets protected from heavy federal borrowing, and our balance of payments position protected. It provided for an increase in taxes to finance the legislative budget totals.

Furthermore, the Congress met its targets. The new obligational authority finally enacted into law showed a reduction of \$13.2 billion—\$3.2 billion more than the original target for the covered programs. Expenditures covered under the Act are projected to show a reduction of \$8.3 billion—\$2.3 billion more than the original target.

So the real essence of these proposals is not visionary—they were accomplished in 1968. Only two elements of my proposals were absent from last year's action—a formal debate and passage of a resolution establishing the view of the Congress on economic projects for the year. And secondly, a formal examination of the balance of payments costs of Federal programs and formal recommendations on how these costs should be financed.

A more telling argument against these proposals could go like this, "Yes, but 1968 was a year of financial crisis. In a more normal year the Congress might simply refuse to act—just as they junked the Monroney-Lafollette Act of 1946 which contained much the same principles."

This might be the case, but times and committee Chairmen have changed. Chairman Mahon and Ranking Member Bow have

conducted extensive hearings on the total budget for the past four years late in January or early in February. It would be a simple step to move from hearings to a resolution such as I have described.

Secondly, Ways and Means has been studying the total revenue and expenditure picture in depth for two years—1967-1968. These two Committees last year did get together and submit a Congressional budget in the Tax Act.

Thirdly, a Congressional budget need not be a mandate as it was in 1968. A budget is a plan of action. But no plan is absolutely binding, and a Congressional budget should not be considered so. It should be considered as a target figure to give Members a point of reference as they vote the individual slices of the budget.

Therefore, I believe that the times and the men may well be right to try just such an approach. Certainly there is nothing to stop the try except the will. The staffs of the J.E.C., Appropriations and Revenue Committees are competent and adequate. The proposed timing comes at a slack period of Congressional activity. We now have a comprehensive budget and finally there are mountains of statistics available on the hitherto neglected foreign exchange costs of Federal programs.

If this procedure of establishing a Congressional budget—or some similar proposal is not adopted—I can only conclude with some sadness that the power of the Congress over money will continue to decline.

As claims for the Federal dollar mount in intensity and complexity, the Congress will be increasingly exposed to the battle cry of the pressure groups, "Divide and Conquer." The opportunity to "single shot" Members as they consider money bills on the old fragmented approach will be irresistible. When education bills are up, for example, these bills will be pushed for a week or so as the most important item in the budget. (And it may well be.) Then the focus shifts to defense and defense for a time is the crucial budget figure. As each new appropriation bill is reported out that particular appropriation gets top priority from the people who want the money.

While I would not knowingly impugn Presidents, I must admit that it is very clear from the Treasury end of the street that the best way to get the most money out of the Congress is to follow this "single shot" approach. If it has occurred to me, I am certain it must have also been even more apparent to the occupants of the White House.

CONCLUSION

Frankly, my heart goes out to Members of Congress who are trying to fulfill their Constitutional duty to control and to allocate the revenues of the United States. The responsibilities they bear and the pressures they encounter are enormous. This paper is submitted with the hope that it may stimulate useful thought and discussion. I do not contend that it is the "last word." It is simply the result of my decade of experience and observation.

However, my recommendation is not an impossible one. The Congress followed almost this recommended procedure in the Revenue and Control Act of 1968.

It is responsive to the Constitutional intent of vesting control over money matters in the Congress.

It offers some hope of a rational approach to resolving the claims on Federal resources that I see looming ahead.

It will put the Congress back on a more equal posture with the President.

To all Members I can state with feeling that I leave office with great affection and deep admiration for the Congress of the United States. I also offer my services in any way that may be helpful.

BAR-ILAN UNIVERSITY OF ISRAEL
SALUTES CHIEF JUSTICE EARL
WARREN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. ROONEY of New York. Mr. Speaker, on last Sunday evening I had the distinct honor of attending the convocation dinner of Bar-Ilan University in the grand ballroom of the Waldorf-Astoria Hotel in New York. At that time this young vibrant university, which in so many ways reflects the spirit that is Israel today, conferred an honorary doctor of laws degree on the Honorable Earl Warren, Chief Justice of the United States.

Bar-Ilan University was a creation of American Jewry some 15 years ago. It was from its beginning conceived as an American University in Israel and as such was designed with the idea of facilitating student exchanges between the two countries. From its small beginning of some 80 students, it today has an enrollment of over 4,000 men and women from Israel, the United States and 35 other nations. Like Israel the university in the past decade and a half has undergone a tremendous transition and expansion. And again, like Israel, this growth has not been accomplished without a share of heartache and a heavy dosage of just plain hard work.

Mr. Speaker, under the permission heretofore granted me by unanimous consent of the House I include herewith the program of the Bar-Ilan University convocation dinner and the address made at that time by the Honorable Earl Warren, Chief Justice of the United States:

BAR-ILAN UNIVERSITY CONVOCATION DINNER
FEBRUARY 2, 1969, WALDORF-ASTORIA

(Dais professional.)
Anthems: Spec/4 Stephen J. Texon, soloist,
First U.S. Army Band.

Invocation: Rabbi Walter S. Wurzbarger,
Congregation Shaaray Tefila, Far Rockaway,
New York.

Grace.
Welcoming Remarks: Albert Parker, Chairman.

Greetings: Phillip Stollman, Chairman,
Board of Trustees.

Presentation: Dr. Jacob E. Goldman, Member,
Board of Trustees.

Response: Chancellor Joseph H. Lookstein.

ACADEMIC CONVOCATION

Conferral of honorary Doctor of Laws degree upon the Chief Justice of the Supreme Court of the United States, the Honorable Earl Warren.

The Candidate will be presented by Dr. Max Jammer, President.

Conferral of Degree: Dr. Joseph H. Lookstein, Chancellor.

Address: The Honorable Earl Warren.

REMARKS OF THE HONORABLE EARL WARREN

I am honored to become a member of the family of Bar-Ilan University, that young and vibrant University that has made such rapid strides in establishing a great center of learning in only a few years. It usually takes generations to firmly establish a center of learning in the academic world. It is a real distinc-

tion to become the newest alumnus of any outstanding University today. In fact, there is only one greater distinction in academic life and that is to become the youngest alumnus. I do not aspire, of course, to such a distinction. I have no quarrel with Father Time and I would not turn the clock back if I had the choice to do so. But I confess it would be interesting at least to sit by the side of the road and observe what the young people of this college generation will do with the knowledge they acquire in their academic and graduate years. I am of the firm opinion that they will do well with it, that they will exceed contributions made by former generations, including our own.

We have been in a great race with time to develop the natural sciences and to explore the unknown.

It is no exaggeration to say that we have left in our wake problems that can end either in the liberation of mankind or in the destruction of our civilization. We look to education to avoid the latter. In the course of our search for answers, the youth of today acquire a broader education and a commitment to causes that have heretofore been neglected for generations and sometimes for centuries. There are more young people dedicated to good causes today than at any other time we of the older generation know about. In spite of the materialistic world in which we are living, increasing numbers of young students today are pursuing causes that offer them more in satisfaction than in money. They are worried about the fundamentals of life—dignity of the individual, equality of opportunity, peace between men and between nations, and the problems of the poor.

By comparison, there were but few college students who were thinking seriously about such matters in my college generation. Now they are not only thinking about such problems—they are troubled by them, and are trying to bring their influence to bear to eliminate the evils that are involved in them. I am sure that in the end good must come from their involvement. Their approach is often not understandable to us and there are times when we are irritated by their sharp departures from custom, but if we are at all observing, it seems to me in appraising the youth of today we must accept the fact that the vast majority of them are more knowledgeable than heretofore and are actuated by a sincere desire to remedy many of the wrongs of the past.

I am sure that Bar-Ilan University has such an outlook and that it is making a great effort to channel this great reservoir of knowledge and energy into channels that will enlighten and humanize the world. I can say this with some confidence because I have visited Bar-Ilan in far-away Israel. I have visited with members of its faculty and its students. I have reviewed some of the projects of its great School of Social Work which in the brief decade and a half it has been in existence has come to be recognized as one of the great schools in that part of the world.

What problems they are facing at this time! Israel is today facing squarely problems that have beset other countries, including our own, for centuries. At Bar-Ilan I saw students of many nationalities, many tongues, many shades of color, and many religious faiths. They all worked together in peace and in harmony on profound questions, some of which have defied the ages. Many of these problems have been catapulted upon Israel because in recent years it has opened its doors to persecuted people from every part of the world. I have seen them arrive there, shipload at a time, carrying everything they owned in this world in a little hand package of no monetary value. They arrive in Israel as poor as any of the Negro slaves who were brought to our country up to a century or so ago.

But there is one great distinction between the two classes of immigrants. In our early days they were met at the dock by auctioneers who sold their bodies into permanent slavery and degradation. The new arrivals in Israel, on the other hand, are met at the dock by organized social workers who proceed to find them a home, a place to work, and an honorable place in the community. The nation immediately dedicated itself to making them equals in the life of the nation.

Had we done that in America, there is little doubt but what most of the problems of our cities and of the poorest rural parts of our nation could have been avoided. We recognized the principle, but we temporized with its fulfillment. In our Declaration of Independence we solemnly stated: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." But when we wrote our Constitution we temporized and we prohibited the Congress from interfering with the slave traffic for a period of thirty years, and we continued the evil institution of slavery for decades beyond that.

It was not until the late 1860's, after a great Civil War, that we again rededicated ourselves to the doctrine that all men are created equal. At that time we adopted three constitutional amendments—the Thirteenth, which abolished slavery forever; the Fourteenth, which guaranteed to all citizens of the land, without regard to color, due process of law and equal protection under the laws; the Fifteenth Amendment assured the black people of our country that they should have an equal right to vote.

And here we are, 100 years later, still arguing, and in many instances equivocating, about whether these rights are really meaningful or whether they should be restricted by narrow and parsimonious application. Frankness should compel us to admit that our "stop and go" application of these equitable principles has built up an explosive condition from which we are now "reaping the whirlwind."

It is to be sincerely hoped by all people of good will that Israel, in trying to preserve the dignity of all its human beings, will meet with the success that its noble effort justifies. The work done in this School of Social Work will, I am sure, greatly accelerate that result.

I notice now in the literature of the University that a new law school is being projected. That is a most important development because more law schools in that part of the world are badly needed and it is well known that even under normal conditions the law lags behind the social sciences. So where they can work together in the solution of problems, we find a balance that can give meaning to both disciplines. I congratulate you, Dr. Lookstein, and your Board of Trustees, on your foresight in bringing these two disciplines into focus on the world's greatest problem.

Bar-Ilan University, which incorporates the dynamics of the West and the collective wisdom of the prophets of the East, can and, I am sure, will make a magnificent contribution to the tranquillity of Israel and to the enlightenment of the world. Dr. Lookstein, normally when one leaves us for a considerable period of time and goes to a distant place, we have a sense of loss, but we have no such feeling tonight because you are going to the Bar-Ilan campus. Having in mind the great contribution you have already made to this new University and to the cause of education generally, we are happy to have you continue your great work both here and in Israel to the end that Bar-Ilan may, to our mutual benefit, become one of the great centers of learning in the world.

CXV—189—Part 3

HERO WELCOMED HOME

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. DE LA GARZA. Mr. Speaker, a young hero came home to McAllen, Tex., from the wars. James Nicholas "Nikki" Rowe who had escaped after 5 years imprisonment with the Vietcong. I have called the attention of this House before to his great courage.

McAllen had a big day to welcome back its hero and the Veterans of Foreign Wars Barracks No. 1258 at McAllen was active in the program honoring his return.

Today I received from the publicity chairman of McAllen's VFW Post a copy of Nikki's speech that he made at the rally. I thought everyone would like to read this young man's words straight from his heart after 5 years of imprisonment.

The speech follows:

HERO WELCOMED HOME

(Major James N. Rowe's response to his introduction at McAllen January 15, 1969. The notes were hand written on the helicopter en route from Ft. Sam Houston to McAllen and we have a Xerox copy of the original in his handwriting.)

A little over two weeks ago, I was in a field of reeds in Viet Nam looking up at an American helicopter which was landing to pick me up—it was a beautiful sight—I felt at that time an elation and happiness which are beyond description; a thankfulness which I think you can understand. I had regained my freedom and was taking the first step toward home.

To be able to return to my family, my home and all the people that I know and loved was more than I deserved—I was thankful and very happy.

I had no idea, no forewarning, that I would receive the welcome which you have given me—I've searched for words to express how I feel and found that no matter how I tried to phrase it, no matter what words I used, I never quite managed to be able to say exactly what I actually felt, because the warmth of welcome, the love, the thoughtfulness which you have extended to me are beyond description.

I thank you for all you have done for my parents while I was away—the finest parents a son could have. I thank you for the strength and support which your prayers gave me while I was imprisoned. Although there was a physical separation of thousands of miles, your thoughts and prayers formed a bond which provided for me the strength and determination to survive.

And today I am truly overwhelmed by this reception. Five and a half years ago I came home on my final leave prior to departing for Viet Nam. Because of where I was going and what I was going to do, I paused awhile and took a clearer look than ever before at my home, my family, my hometown, my friends and the multitude of good things I enjoyed as a result of being an American.

I saw then many things which I had overlooked in the rush of everyday life. I realized that as I was about to step out of the security, freedom and comfort of the environment under which I had been living, that while I was able to enjoy these benefits as a day to day thing, I had tended to disregard and take them for granted. This was on my mind when I went to Viet Nam.

On 29th October 1963, I was captured by

the Viet Cong and learned not only what it is like to lose one's freedom but also came face to face with the ideology which, in its due time, requires that our way of life be destroyed. I experienced the temporary loss of freedom due to 5 years of captivity and over a period of time, came to see the total loss of all that I held, due to Communist subversion in the future.

The threat exists and the greatest weakness in our country is the apathy, the complacency, which is present because we fail to see, fail to realize, just how fortunate we are to live in a free land like America. We have our internal problems but, we, as Americans with our form of government, can solve our own problems—if the American citizen will realize his responsibilities, will work constructively toward realization of true, complete democracy in our land.

The key to a strong, free United States is strong national unity. Far too often, a violent, vocal minority gains headlines and is thus made representative of the American peoples desires.

There are many Americans contented to sit in their own private worlds and if not personally involved in the issue, remain silent—this is the point where the American citizen must awaken, realize the responsibilities as a citizen and join in, with others, in supporting, protecting and developing our way of life and our country.

The sacrifices that Americans have made in Viet Nam were made and are made that the American people can continue to live in a land of opportunity and freedom—the American soldiers in Viet Nam are doing an outstanding job in the face of adverse conditions never before experienced by U.S. troops. Reports of racial violence and civil disorder, of radical dissension and opposition to our government and way of life are all picked up and relayed to U.S. Troops and POW's by the Viet Cong—in order to shake a man's faith in his country—yet American troops continue to fulfill their duty, particularly American Negro Servicemen, who are doing a job of which not only the Negro Citizens of America, but also the entire American people can be proud.

If the American people respond to their duty, as citizens, realize what we actually have as Americans, and work to protect it at home, then we, who serve in foreign lands are strengthened, knowing we are defending family, home and loved ones against a common enemy.

I feel but one of thousands of Americans who have gone to Viet Nam to serve our country. I feel that the welcome which I have received; the outpouring of warmth and affection, include a recognition of all men who have served in Viet Nam.

I pay tribute at this time to the men present who have served from the mountains of Quang Nam and Quang Din to the flat rice paddies of the Danang peninsula.

I pay tribute to these men, still serving—and particularly to my unit of which I am extremely proud, the United States Special Forces.

I pay tribute to the Veterans of past U.S. wars and to their contributions to our nation. My father is a Veteran of World War One—also my mother.

I ask you to think for a moment about the men who have laid down their lives in the defense of our country and our ideals. Their sacrifices cannot be measured in terms of dollars and cents; for the loss of a life, understandably, no amount of national wealth can make up. The loss is engraved deeply in the hearts of families across the nation—the trooper who gives his life is no longer afflicted by the pain, anguish and anxiety which we find in daily life—yet the family, and loved ones, must remain behind and bear a burden of sorrow and loss.

I would ask, that you as American people, open your hearts to their families—gather them into the great heart of America during their time of trial and need.

And finally I pay deepest tribute to you, my friends and neighbors of McAllen—and to the American people—for showing me that patriotism and Faith in God are not dead in the United States, and because there are people like you for us to defend—our sacrifices have not been made in vain. Thank you!

**MAVERICK ELECTOR'S TESTIMONY:
AN ANTIDOTE TO COMPLACENCY**

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. O'HARA. Mr. Speaker, on January 6, when the House and the Senate met to count the electoral votes cast for President, the senior Senator from Maine (Mr. MUSKIE) and I challenged the vote of an elector from North Carolina.

This elector, Dr. Lloyd W. Bailey, was a member of the Republican slate elected when the voters of North Carolina gave Mr. Nixon a plurality of the votes cast.

However, Dr. Bailey ignored this mandate and instead cast his ballot for third party candidate George C. Wallace.

In initiating the challenge, the Senator from Maine and I endeavored to dramatize the present situation in which electors may be free to cast their ballots as they wish—irrespective of the desires of the voters.

As you know, the junior Senator from Indiana (Mr. BAYH), chairman of the Senate's Constitutional Amendments Subcommittee, has begun hearings on proposals to alter our system of electing our President.

He has introduced Senate Joint Resolution 1, which would provide for direct election of the President. Recently, 37 Members of the House joined with the Representative from Illinois (Mr. ANDERSON) and me to introduce House Joint Resolution 317 and House Joint Resolution 318, which are identical to the Bayh resolution.

In the course of the Senate hearings, the subcommittee called Dr. Bailey to testify.

While testifying in opposition to any change in the system, Dr. Bailey delivered an eloquent argument for reform. As a proponent of the present system, he described its inherent danger better than any critic I have heard.

As Post writer Merlo J. Pusey observed:

The country is indebted to Dr. Lloyd W. Bailey for a dramatic illustration of how vulnerable its electoral system is.

A straightforward report of Dr. Bailey's testimony was carried by the Washington Post in its editions of Saturday, January 25, written by reporter Dave Broder. Subsequently, Broder and Pusey wrote analysis articles on Dr. Bailey's testimony.

If any of my colleagues do not realize the urgency of the issue, I recommend these three articles as an antidote for complacency and request that they be printed in the RECORD:

**MAVERICK ELECTOR HITS REFORM PLANS,
WARNS ON TREND TOWARD DEMOCRACY**

(By David S. Broder)

Dr. Lloyd W. Bailey, the "faithless elector" from North Carolina, told a fascinated group of Senators yesterday that the United States is "dangerously close" to becoming a democracy and that abolition of the Electoral College might doom the Nation's republican form of government.

Bailey, a Rocky Mount ophthalmologist, made no apology for having voted for George Wallace even though he was chosen as a Nixon elector.

His defection—which survived a legal challenge in Congress earlier this month—has been cited by advocates of electoral reform as a prime example of the dangers of the existing system.

But the conservative doctor argued forcefully that the Electoral College "is much more vital" today than ever and urged Congress to encourage electors to be "absolutely free" in their choice of a President.

"Then," he told the Constitutional Amendments Subcommittee considering alternatives to the Electoral College "we'll have elections which are carried out by informed people . . . who are patriotic and take the time to go into things."

Two of the three Subcommittee members—Sens. Strom Thurmond (R-S.C.) and Sam J. Ervin Jr. (D-N.C.)—told Bailey they shared his opposition to the proposal for direct, popular election of the President sponsored by Subcommittee Chairman Birch Bayh (D-Ind.).

Thurmond went further. He said he thought the proposal to free all presidential electors from obligation to support party nominees "is not a bad system. It would take the Presidency out of politics."

On the second day of its hearings on various reform proposals, the Subcommittee also heard Theodore C. Sorensen, former counsel to President Kennedy, advocate the direct-election plan and testify that the arguments Kennedy made in defeating a 1956 change in the Electoral College were no longer relevant to the political scene.

But the focus of attention was on Bailey, the avowed John Birch Society member whose defection was the subject of a lively Congressional debate when the electoral votes were counted Jan. 6. The Senate and House, in separate votes, upheld his right to be recorded for Wallace.

The slightly built physician told Bayh that "if the Electoral College is abolished or emasculated, we will be transformed by the same stroke of the pen into a political democracy. Our founding fathers went to great lengths to keep us from having a democracy because they knew that no democracy in history has survived. Yet, we are dangerously close to becoming one today on the national level."

Bailey drew his definition of "democracy" from a 1928 United States Army training manual, which he said called it a "government of the masses . . . (which) results in mobocracy and (whose) attitude toward property is communistic."

Bayh observed that this did not sound like the usual definition of the word.

In arguing for complete freedom for presidential electors, Bailey said that most ordinary voters are "intentionally misinformed" by the press. He said that in his own case, the major news services and television networks had refused to carry his explanation for switching his vote from Mr. Nixon to Wallace.

"You feel there is some kind of a national conspiracy, a gross cabal to distort the news?" Bayh asked him.

"Well, it would appear so," Bailey said. "I cannot prove this, but the evidence is pretty clear to me."

The physician said that when he was

named as North Carolina's 2d District Republican elector he took no pledge to support any candidate. He had hoped the Republicans would nominate Thurmond or California Gov. Ronald Reagan, he said, and when they did not, "I supported Governor Wallace and I voted for him in the general election."

Nonetheless, Bailey said, he was at first prepared to cast his electoral vote for Mr. Nixon, who carried North Carolina but finished third behind Wallace and Hubert Humphrey in the 2d District.

What changed his mind, he said, was Mr. Nixon's appointment to Administration jobs of Robert D. Murphy, Henry A. Kissinger, Paul W. McCracken and Daniel P. Moynihan, all of whom he said he recognized as members of the Council on Foreign Relations, a group whose goals he said "appear to be uncomfortably close to those of the international Communist conspiracy."

When Mr. Nixon asked Chief Justice Earl Warren to complete his term, Bailey said, "I realized it was incumbent upon me to make a decision based upon loyalty to my country rather than loyalty to my political party."

Under questioning by Thurmond, however, Bailey said he would not have switched to Wallace if his vote had been necessary for Mr. Nixon's electoral majority. The reason, he said, was that he believed Humphrey would have a "pretty good chance" if the election had been thrown into the House, and that was something he did not want to risk.

**"FAITHLESS ELECTOR" PROVES NEED FOR
ELECTORAL REFORM**

(By David S. Broder)

The most intriguing aspect in the testimony of Dr. Lloyd W. Bailey, the North Carolina Republican presidential elector who bolted to George Wallace, was his account of the process that made him one of the few Americans actually empowered to help choose the new President.

Sen. Birch Bayh (D-Ind.) invited the Rocky Mount ophthalmologist to appear before his Constitutional Amendments subcommittee last week in hopes the Bailey case would demonstrate the need for electoral reform.

The results were better than Bayh could have hoped. The good doctor proved to be a man so totally candid and so splendidly self-righteous that he showed the present system for what it is—not just awkward but dangerously absurd. His story is a case study in the casual irresponsibility of the electoral college system.

Dr. Bailey explained that he went to the 2d District GOP convention last February, "knowing that I would be proposed for nomination to the position of presidential elector. I did not seek this position, but I did not decline it. . . . We were in the position of having to find people to fill every office in the party structure. No one else was proposed for presidential elector, so I was nominated."

"This was a number of months before we even knew who the presidential nominees would be," he noted. "There was no discussion of party loyalty, there was no pledge, and there was no commitment made to any candidate."

Personally, Dr. Bailey said, he was disappointed when the Republican convention nominated Richard Nixon, rather than Strom Thurmond or Ronald Reagan. Therefore, he felt no twinge of conscience last fall in supporting and voting for George Wallace.

North Carolina is one of those States that neither pledges presidential electors to support Party nominees nor bothers to list their names on the ballot. In a system of symmetrical irresponsibility, the electors are as unknown to the voters who elect them as they are free of obligation to heed their wishes.

"As an example of how lightly the position

of Republican elector was taken," Dr. Bailey told the subcommittee, "I had even forgotten that I was the elector until I was reminded of it by Dr. Stroud, the 2d District Republican chairman, shortly before the general election."

Those who wish may scoff, but Dr. Bailey is a busy man; it is a long time from February to November; and it is easy to see how that little extracurricular chore of choosing the President might have slipped his mind.

But the doctor is also a conscientious man, whose interest in public affairs had long since been evidenced by his membership in the John Birch Society. Once reminded of his duty as an elector, he began to pay close attention to Mr. Nixon's activities. His first instinct, he testified, was to give Mr. Nixon his electoral vote, even though the 2d District had supported his personal choice, Mr. Wallace.

But then Dr. Bailey noticed the President-elect had named a half-dozen staff members whom he recognized (from reading Dan Smoot's book, "Invisible Government") as members of the Council on Foreign Relations, a sinister group whose goals, he told the subcommittee, "appear to be uncomfortably close to those of the international Communist criminal conspiracy." When Mr. Nixon asked that other Birch Society nemesis, Chief Justice Earl Warren, to remain in office and to administer the presidential oath, the "forgetful elector" was moved by conscience and love of country to become "the faithless elector." Rejecting the suggestion that he resign his post as "cowardice under fire," Dr. Bailey, on the appointed day in December, calmly and deliberately cast one of the 12 electoral votes Mr. Nixon had won in North Carolina for Wallace. He was only the fifth elector in the last 150 years to vote his conscience, rather than his party, but his constitutional right to do so was solemnly affirmed by both houses of Congress when the electoral vote was officially canvassed early in January.

By their decision, the lawmakers served notice—in headline-size type—that any elector, however chosen, was free under our present system to do exactly what Dr. Bailey had done. The doctor himself told the subcommittee he hopes his example will be widely imitated.

The mass of voters, he said, have been so victimized by the distortions of the news media that it would be preferable to have the President chosen by "informed men" like himself, who (with the help of Dan Smoot and Robert Welch) "take the time to go into things."

UNFAITHFUL ELECTOR POINTS UP A PERIL

(By Merlo J. Pusey)

The country is indebted to Dr. Lloyd W. Bailey for a dramatic illustration of how vulnerable its electoral system is. The unfaithful elector from North Carolina not only defends his right to deceive and doublecross the voters of his State. He even tries to make a virtue of his political chicanery.

Beginning in 1796 when a Federalist elector voted for Thomas Jefferson instead of John Adams, six individuals entrusted with the responsibility of casting electoral votes have defied the wishes of the people who elected them. But most of these deviations from the rule have been regarded as freaks. Now Dr. Bailey would free all electors from any obligation to vote for the nominee of their party. His objective: to avoid the perils of turning our republican form of government into a democracy.

This testimony given before the Senate Constitutional Amendments Subcommittee might be dismissed as the ravings of a John Birch Society extremist, except for the fact that our electoral system is now wide open to that kind of manipulation. Congress decided a few weeks ago that it had no right to throw out the electoral vote of Dr. Bailey

because he had been elected as a Republican and then voted for George Wallace.

Dr. Bailey is saying in effect that dumb-cluck voters should not be allowed to choose the President. It should be done for them by enlightened electors like himself who would be free to change and rechange their minds even after election day if the postelection conduct of a candidate should prove disappointing. One of the reasons Mr. Nixon lost Dr. Bailey's vote was his agreement with Chief Justice Warren that the latter should remain on the Supreme Court for the remainder of the current term.

Under this theory, our national election would be a gamble, or perhaps more accurately, a gigantic game of blind man's bluff. Voters would go to the polls without any assurance as to what their votes would mean. They would have to vote in the dark, hoping that the free agent who might be chosen would deign to carry out the majority wishes.

No one should suppose, however, that this is a new wrinkle in our electoral system. In 1960 both Alabama and Mississippi elected groups of unpledged electors—a familiar device for taking the choice out of the hands of the voters and giving it to the politicians. In the end the politicians of those two states decreed that the unpledged electors should vote for Sen. Harry F. Byrd, who had not even been a presidential candidate.

The new factor in the current situation is that Congress has acknowledged it has no effective means of holding electors to their pledges, whether explicitly given or implied. Majorities in both the House and Senate were horrified by the proposal of Senator Muskie and Representative O'Hara that Congress refuse to count the vote cast by the unfaithful elector. Such action, they feared, might open the door to political manipulation by discarding any elector votes challenged on the ground that they had not been regularly given.

The inability or unwillingness of Congress to act does not necessarily mean, however, that nothing can be done. North Carolina might well have disciplined its doublecrosser. It is true that North Carolina law does not bind electors chosen in that State on a party ballot to vote for that party's presidential candidate. But it creates a powerful moral obligation by eliminating the names of the electors from the ballot. In fact, voters in North Carolina cast their ballots only for the presidential candidates, and the electors supporting the winning candidate are deemed to have been elected only by reason of his victory.

Why should not the State or the defrauded voters sue Dr. Bailey because of his wrongful conduct? Such a suit might seem to be an exercise in futility since the challenged vote has already been cast and since it had no bearing on the outcome of the election anyway. But it might help to clarify the rights of voters to have their votes faithfully reflected in the so-called electoral college in future contests.

Voters or the state might succeed where Congress failed because of the great weight that is given to the power of the state legislatures to control the selection of electors. The Constitution says that "each state shall appoint (electors) in such manner as the legislature thereof may direct." The legislature of North Carolina directed that they should be chosen at the polls with only the candidates for whom they stood listed on the ballot.

Dr. Bailey presumably did not violate the Constitution but he grossly abused the system set up by North Carolina under a grant of constitutional power. It would be salutary for the states to demonstrate through the courts or otherwise that abuses of this sort will not be tolerated. But the psychological effects of such a demonstration might not prove to be an effective remedy in future

cases, for electoral votes are cast in secret, and unless an unfaithful elector admits his offense there is no way of knowing about it until after the state has certified the vote and Congress has opened the votes for counting.

Some states attempt to keep their electors in line by prescribing punishment for betrayals, but here too the remedy is of doubtful usefulness. The only effective course is to get rid of the electors entirely by means of a constitutional amendment.

A visitor from another world would doubtless say that it is insane for a great power to rely upon the vagaries of 50 different state laws for the election of its President in any event. But this is the kind of system we have. No doubt it is utopian to suppose that all of its defects can be corrected in one reform measure. But if Congress doesn't move forward with some kind of constructive amendment at the current session it will be wide open to the charge of leaving the Presidency exposed to blind voting as well as to the kind of bargain-counter dealing that George Wallace proposed.

TOWARD A SPACE AGE TRANSPORTATION POLICY

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. FRIEDEL. Mr. Speaker, Mr. Alfred E. Perlman, president of the Penn Central Co., delivered a major address dealing with transportation problems within the United States, entitled "Toward a Space Age Transportation Policy," at a luncheon on January 28, 1969, sponsored by the Federal Bar Association's Council for Transportation Law and Railroad Law Committee. Mr. Perlman's address was delivered at the National Lawyers Club in Washington, D.C., to a capacity audience including Representatives of the Congress, Federal transportation regulatory agencies, and the transportation industry.

The Federal Bar Association's Council for Transportation Law, under the guidance of its chairman, H. Neil Garson, Esq., is planning a continuing dialog by leaders in government and the transportation industry concerning this vital problem.

As chairman of the Transportation and Aeronautics Subcommittee, I found Mr. Perlman's remarks very interesting and informative and I insert them at this point in the RECORD for review by all my colleagues:

TOWARD A SPACE AGE TRANSPORTATION POLICY (Remarks by Alfred E. Perlman, president, Penn Central Co., before the Federal Bar Association, Washington, D.C., January 28, 1969)

From the title of my talk, you might suspect that we do not have a space age transportation policy today. If you do, your suspicions are entirely correct. We do have a space age technology but we emphatically do not have a space age transportation policy.

In fact, we don't even have a jet age or a diesel age policy. We in the transportation industry are living under the constraints of a horse and buggy transportation policy. It evolved from the monopolistic days of railroads, when there may have been some rationalization for such a policy.

Even at that time there was not in every instance an economically valid reason for all the restraints imposed. But at least the early regulations could be rationalized by the purposes they sought to achieve.

In the early days of railroad regulation, the railroad industry was able to bear the burdens of regulation. The industry had, in fact, a monopoly on land transportation which it had wrested from the horse and buggy or team and wagon. The costs of regulation could be distributed among the users of rail transportation.

Today, however, transportation competition has changed the picture. No longer can the railroad afford to carry commodities, such as raw materials, at a loss and make up the difference on high-rated commodities. No longer can we expect to make up through increased rates on refined sugar or on flour, the non-compensatory rates on sugar beets or grain. Competition, from motor carriers, air and water carriers and, indeed, competition from our customers themselves, has changed the railroad's ability to absorb the cost of loss operations.

Market oriented pricing policies are relatively new to the railroad industry. The value of service concept died hard. The idea of pricing transportation products to reflect the cost of their production began to gain momentum only about ten years ago.

It has been approximately five years since the New York Central first instituted its marketing department, customer, service and cost oriented. Today, there is still resistance among tradition-bound railroad officials to ideas of product marketing that are commonplace in other industries.

If resistance in the railroad industry is still occasionally found, that in the regulatory agencies is flourishing. We need look no further than the Ingot Molds case or the Big John grain cases to illustrate the myopia with which regulatory agencies have attacked the cost pricing concept in the transportation industry.

The Interstate Commerce Commission's minimum, rate regulatory powers were justified on the grounds of protection of competition, that is, the preservation of our competitors' inherent advantages. In effect, what the Commission is attempting to do is to preserve competitors, a vastly different thing from the preservation of competition. Preserving competition is a progressive, positive attitude. Competition rewards the aggressive competitor.

Preserving competitors, on the other hand, is precisely the opposite. It protects the incompetent and the inefficient. If company A, for example, cannot perform as efficiently as company B, then company A must fail. There is no alternative under free enterprise.

If our national policy with respect to other industries had been that which prevails in the transportation industry, we would have a regulatory commission zealously protecting the competitive status of buggy manufacturers from the depredations of the auto industry. You can see why I refer to horse and buggy regulation.

Protecting competitors is regressive and insures lack of progress in the industry being regulated. Regulation and competition are natural enemies. They do not function in harness.

Where monopoly exists, as in the telephone and utility industries, regulation may function well as a substitute for competition. But where competition exists, and particularly, competition with unregulated competitors, as in the transportation industry, regulation only serves to limit the ability of the regulated industry to compete.

In an address I made in Syracuse last November, which some of you may have read, I attempted to respond to those critics of the common carrier industry, who contend that that industry blames regulation and the regulatory policy of the nation for our

industry's own lack of efficiency. I believe that these critics are demonstrably wrong. Over a ten year period, from 1957 to 1967, the purchasing power of the dollar declined approximately 25%. During that same period, the cost to our customers to move a ton of freight one mile decreased from 1.48 cents to 1.33 cents.

In other words, the 1957 dollar would have bought almost 35 per cent more transportation in 1967 than it did in 1957. In the same period, the telephone company, which is supposed to be a model of efficient automation, raised its price from 5 to 10 cents per call—a 100 per cent increase. That fact, it seems to me, adequately refutes the arguments on railroad efficiency.

No, the answer is obsolete regulatory policy and we can clearly demonstrate the widening gap between regulation and reality by a few examples.

I have already mentioned the rate problem and the regulatory policy which insists on rewarding inefficiency in an effort, sure ultimately to be ineffective, to preserve competitors at the expense of competition.

Let us examine now another facet of regulatory policy that is utterly obsolete. I refer to efforts by regulators to promote objectives which are basically political in the broad sense by the device of regulation.

In a monopoly situation, it is possible to achieve political ends by regulation, because the regulator has the power to reward the industry for the performance of political tasks. For example, the Federal Power Commission can and will require Consolidated Edison in New York to achieve any number of political objectives as the price of constructing a hydroelectric plant at Cornwall, New York.

Con Ed will put its plant underground; it will replace the present unsightly waterfront with parks and recreational areas; it will put power lines underground; all of these at greatly added cost to the basic hydro-electric generator project. Why? Because the Federal Power Commission will permit the additional costs to be included in the rate base. And the buyers of power from Consolidated Edison will ultimately pay for the fringe benefits supplied to the citizens of Cornwall.

Other examples come to mind. A telephone company may extend service to a presently unprofitable area, with the assurance that the capital outlay will be reimbursed from rates to existing customers.

In the case of transportation, however, regulators have lost the power to compensate common carriers for services they may require the common carrier to perform. The Interstate Commerce Act contemplates a 5.75 per cent rate of return on railroad property. In 1967, the rate was 1.8 per cent in Eastern territory and in 1968 the return will be something lower.

With the advent of competition, and particularly the ability of our customers to provide do-it-yourself transportation, regulation no longer can assure the transportation industry that it could make up on highly rated commodities the losses it sustained on unprofitable services.

Yet, almost incomprehensibly, the regulators, both Federal and state, blandly ignore their loss of power to compensate. They continue to exact the penalties of unprofitable service.

No more striking example exists of this paradox than the passenger problem. In my opinion, in view of the position taken by the various regulators, no more critical problem exists for the transportation industry than the railroad passenger problem. I deliberately include the entire transportation industry, despite the fact that the passenger burden is largely borne by comparatively few railroads.

I do this for the following reason. The transportation industry is interdependent to a much greater extent than even its com-

ponents seem at times to be aware. The future of common carrier truck lines and common carrier barge lines and common carrier airlines is inextricably interwoven with the fortunes of the railroad industry.

If, as is not beyond the realm of possibility, the railroad industry, or even a substantial part of it, is mired into nationalization by the burden of passenger deficits, then it will not go alone. Experience in other nations has shown that the nationalization of the railroad industry has been a forerunner to a prompt takeover of the entire transportation industry of that nation, not to mention the other basic industries.

The Penn Central carries, at a staggering cost, approximately one-third of the railroad passengers of the nation. In 1967, the combined deficit of the Pennsylvania and New York Central railroads was approximately \$85 million. In 1968, that figure rose to approximately \$100 million. Obviously, even the Penn Central cannot long carry a burden of this magnitude.

What has been the response of the regulators to efforts to eliminate this costly, unneeded and unpatronized passenger service? In far too many instances, the unjustifiable answer has been—continue to run the trains.

A recent example was the order to continue the operation of all the long haul trains of the former New Haven Railroad, despite an order three years ago which would have permitted a substantial restructuring of this service. And despite the fact that the burden of operating these very trains precipitated, if it did not indeed cause, the most recent bankruptcy of the New Haven.

Regulators apparently are little concerned with the problem of payment to the railroads for providing passenger service. Obviously, these services only added costs to our freight customers. Freight customers do not and will not willingly permit absorption of passenger losses in the freight rate structure, and will divert to competing modes or engage in private transportation. That, of course, means that the cost of providing passenger service must be carved out of the body of the railroad.

This may indicate to some of you the reason railroads are diversifying outside the field of transportation. When government bonds produce three times the return that railroad operations produce, it is difficult for railroad management to justify investment for railroad purposes.

Is there an answer to the passenger train problem? There are at least two. The first answer is to face that fact that the long haul passenger train is no longer necessary nor wanted. It has become, in essence, a standby service for the airlines, and its continued existence cannot be justified economically.

If, however, as seems to be the case, the regulators and the politicians are unwilling to face this provable fact, then let the burden of providing passenger service fall on those who insist on its continuation—the general public, as represented by the regulatory agencies. If it is necessary for the public convenience (I will not concede public necessity) that deficit passenger trains be continued in operation, then the public should foot the bill.

Is this subsidy? It is no more a subsidy than the Post Office operation is a subsidy. And if it is a subsidy, it is a subsidizing of the passenger, not of the railroad. There are, as you know, men in high positions in railroad circles who reject the concept of "public service at public expense." I am not among them.

These men purport to see passenger subsidies as a first step on the path to railroad nationalization. In my opinion, the shortest route to nationalization of the railroads and indeed of all transportation industries, is a continuation of the present myopic regulatory policies in the railroad passenger area.

And certainly the air and truck lines are not nationalized even though huge sums come from the public treasury for their benefit.

Thus far, we have concerned ourselves with the failure of regulation to keep up with reality by clinging to obsolete concepts, such as monopoly pricing theories, the value of service concept, and the effort to achieve political objectives through regulatory pressures. These are essentially limited applications of regulatory power.

The next area I would like to discuss is not so much a misguided application of regulatory power as it is a basic misinterpretation in the implementation of national transportation policy—the prohibition against transport diversification.

The United States is unique in that it is the only nation in the world that prohibits common ownership of the several modes of transportation. In describing this prohibition, I called it a "misinterpretation" of natural transportation policy.

For I cannot believe that the framers of that policy would have deliberately devised a system which would so completely preclude the efficient exploitation of the tools of transportation; which would insure the most wasteful system of transportation; which would exact the highest possible transportation price from the general public; and which would forever deny the general public the quality of service to which it is entitled. If such results were intended, the statement of policy and the statutes should so state in unmistakable language. As you know, they do not.

With the exception of the Panama Canal Act, there is no flat prohibition against common ownership of rail, motor, air and water carriers. The statutes have been interpreted by regulatory agencies to require a showing of special circumstance before a railroad may acquire a motor, air or water carrier. The reverse is not true.

The regulatory agencies have further refined the showing of special circumstance to the point that it is virtually impossible for a railroad to use effectively another mode of transportation in its operations. For example, Penn Central cannot truck a load of freight 142 miles from New York to Albany because that traffic must go through a key point en route—Poughkeepsie.

The benefits of common ownership to the public are obvious. A true transportation company, with freedom to use all the tools of the trade to proper advantage, could tailor its rates and service to meet the particular need of a customer. For example, a single shipper may have a variety of products to move between common origin and destination points.

The need for speed in delivery will vary for a number of factors, such as value, perishability, inventory control and the like. A shipment of film may require highest priority to keep Hollywood production schedules on time, while a carload of ore or lumber may be deliberately scheduled to arrive at a time consistent with the programmed consumption of stored inventory.

Today, to arrange a number of movements, responsive to these factors, among carriers of different modes is awkward and time-consuming, and the resultant service is almost sure to be inefficient and uncoordinated.

Under common ownership, the transportation company could provide the appropriate mode of service, or combination of modes that best suited the shipper's needs and at a price reflecting the cost of providing the service.

For example, if a shipment were highly valued, or if it was urgently needed on the Pacific coast, so that time in transit was a dominant factor, a through movement by air could be provided in less than a day with motor pick up and delivery at, say, one hundred dollars.

If second morning delivery would meet the requirements, the transportation com-

pany could provide motor carrier service to some intermediate city, where an entire plane load destined to the coast could be assembled from many areas, and shipped at a rate of seventy-five dollars. Third morning delivery by through TrailVan service to Chicago and air to Los Angeles would be priced at fifty dollars.

A combination of motor carrier and high-speed piggyback could be offered at thirty dollars, for fourth morning delivery. And if time in transit were not a particular problem, regular rail or motor freight service could be offered at a proportionately lower rate.

Thus, the shipper could select, from a wide range of services, priced to reflect the advantages and disadvantages of each, the particular service best suited to his needs—a decision difficult, if not impossible, to make effectively today.

But the shipper would not be the only beneficiary under a policy permitting common ownership. The transportation company would present to its management opportunities for efficient and economical use of its components that are impractical, if not impossible today. Today, for example, there is competition between the various modes of transportation for traffic that is uneconomical for at least one if not all of the modes.

Wasteful though it may seem, there are various good reasons for this situation. The total business of a particular customer may be so sufficiently attractive that certain less economic segments are sought in order to secure the total traffic. In the passenger area, the railroads continue to compete with the airlines between New York and Chicago, despite our loss in providing the service, simply because we are not permitted to discontinue the service. Similarly, the airlines offer short haul passenger service on which they cannot and do not hope to earn a profit.

At a dinner last week, for example, I discussed this problem with the president of one of the major trunk line air carriers, who readily conceded that a haul of 200 miles was unprofitable for his airline, but was provided as a part of a total service concept.

True transportation companies could eliminate such waste, with enormous savings in total transportation costs. These savings would not only materially improve the financial health of the industry, but would reduce the cost of transportation to the using public.

I am well aware that there is considerable opposition to the concept of common ownership. The opposition of those who have vested interests in the status quo—motor, air and water carrier—is, in my judgment, misguided. They assert that common ownership is unnecessary. They concede that very real benefits exist and that the benefits would be substantial, but they maintain that the same benefits could be obtained through coordination. I cannot agree.

Experience has shown that coordination is far less effective than common ownership in producing beneficial results. Our neighbor to the north gives us patent proof of this conclusion. Further, coordination among competitors simply cannot be fully effective. Problems of customer relations, profits, operating convenience and the like virtually preclude effective cooperation.

But entirely aside from selfish motivation, the fear of monopoly has convinced certain scholars that the present system, despite its recognized wastefulness, is preferable to common ownership. There are at least two irrefutable answers to this argument.

The first is enlightened regulation. There would be, under common ownership, a continued framework of regulation which could be made, if it is not already, adequate to protect the public. And the second answer is, of course, competition.

Several transportation companies, regional or national in scope, would provide vigorous competition for the available traffic. Further,

competition among total transportation companies would be productive competition, rewarding efficiency and innovation. This is in sharp contrast to today's policy of protecting competitors, with the stagnating influence to which I have already referred.

Finally, the ultimate and greatest beneficiary of common ownership would be the nation and its economy. Our country is in deadly competition with other nations of the world. Our productive capacity and the economy of our production are the keys to the maintenance of our position of leadership in the free world.

The cost of transportation as a percentage of production costs is far too high. A reduction in the total transportation bill, coupled with increased quality of transportation service, would have a salutary effect on national productivity. When such a result can be readily achieved, merely by eliminating the inexcusable waste of the existing system, it is high time we moved forward.

As I said earlier, we are the only nation in the world which insists on this uneconomic compartmentalization of our transportation resources. The time is overdue to trade in our horse and buggy regulatory policies for policies which will recognize that we have entered the space age. The transportation industry is technically and philosophically ready to move forward. What are we waiting for?

SUSQUEHANNA RIVER BASIN COMPACT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. CELLER. Mr. Speaker, on my own behalf and on behalf of Mr. BIAGGI, Mr. BINGHAM, Mr. CAREY, Mr. CONABLE, Mr. DELANEY, Mr. DULSKI, Mr. FARBERSTEIN, Mr. HALPERN, Mr. HANLEY, Mr. KOCH, Mr. MC-EWEN, Mr. MCKNEALLY, Mr. MURPHY of New York, Mr. PIKE, Mr. PIRNIE, Mr. PODELL, Mr. REID of New York, Mr. ROBISON, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. WOLFF, I have today introduced a bill to grant the consent of Congress to the Susquehanna River Basin compact and to make the United States a party to the compact.

The major portion of the Susquehanna River Basin is in Pennsylvania, but its approximately 6,300 square miles that lie in New York represent nearly one-seventh of the total area of the State. Also, more than one in every 20 New Yorkers live in the basin.

Although the conservation, development and use of the basin's water and other natural resources are of the greatest significance to residents of the basin, what is done or not done in the basin is also of major interest to the millions of people who are its neighbors, including those who reside in the great metropolitan areas of New York City, Philadelphia, and Baltimore.

This interest can best be served by bringing together the resources and the talents of the States and of the United States. This is what the Susquehanna River Basin compact is designed to achieve.

The Susquehanna compact follows very closely the Delaware River Basin compact, enacted by the Congress in 1961. Two of the four member States of

the Delaware—New York and Pennsylvania—are also members of the Susquehanna.

Like the Delaware, the Susquehanna compact provides for a commission made up of the governors, or their representatives, and a representative of the President. The Commission is directed to formulate and adopt:

First. A comprehensive plan, after consultation with appropriate water users and interested public bodies for the immediate and long range development and use of the water resources of the basin;

Second. A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the Commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the Commission during such period; and

Third. An annual current expenses budget and an annual capital budget consistent with the Commission's program, projects, and facilities for the budget period.

This is the core of the compact. The Commission's plan and program are to cover such matters as water supply; water quality management and control; flood protection; watershed management; recreation; fish and wildlife habitat; preservation and enhancement of scenic and historical sites; hydroelectric power; and withdrawals and diversions in protected areas and during emergencies.

What is proposed is a comprehensive plan and program for the planning, conservation, development, utilization, management, and control of the basin's water resources. Since what is proposed in the Susquehanna compact is similar to what has been granted in the case of the Delaware River Basin compact, it would be well to examine the record of the Federal-Interstate Commission established by that instrument.

In its 7 years, the Delaware River Basin Commission managed successfully the severe water shortage of the mid-1960's. It did so without denying essential supplies to any of the public and private entities dependent on Delaware Basin water, including the major metropolitan complexes of New York City and Philadelphia.

The Commission formulated and harmonized a set of basinwide water quality standards for submission to the Secretary of the Interior under the Water Quality Act of 1965. This is the only instance of such an accomplishment in the entire Nation, and it was done in an area of varied and complex water problems and conditions covering parts of four States.

Presently the Commission is taking the lead in the studies necessary to protect the environment in the Delaware Water Gap National Recreation Area. In so doing, it is coordinating planning, development and conservation activities of Pennsylvania, New Jersey, New York, and

the Federal Government. In the absence of the compact, it is doubtful that this could be accomplished.

Last, the Commission has acted as local sponsor in a number of Federal reservoir projects. Since the benefits of each of these projects will be substantially interstate in character, no one State, and certainly no combination of local governments within a State, was in a position to give the necessary local assurances.

These several accomplishments, it is submitted, indicate what could be done on the Susquehanna if a compact similar to the Delaware and the appropriate enabling statute were enacted by the Congress.

The compact imposes major responsibilities on the Susquehanna River Basin Commission, and gives the Commission broad powers. These powers are not unlimited, however. For example, although the Commission may function as an operating agency, one of the purpose clauses declares it to be "the express intent of the signatory parties that the Commission shall engage in the construction, operation, and maintenance of a project only when the project is necessary to the execution of the comprehensive plan and no other agency is in a position to act, or such agency fails to act."

Similarly, in conferring powers and duties on the Commission, the signatory parties enunciate it as their policy "to preserve and utilize the functions, powers, and duties of existing offices and agencies of government to the extent consistent with this compact, and the commission is directed to utilize those offices and agencies for the purposes of this compact."

Throughout the document the Commission is enjoined to encourage the undertaking of activities by the signatory parties. For instance, the compact declares:

It shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to prevent, reduce, control, and eliminate water pollution and to maintain water quality as required by the comprehensive plan.

Nor does the compact preempt the field with respect to matters subject to its jurisdiction. In the same article, it is provided that "Nothing in this compact shall be construed to repeal, modify, or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction."

In no respect it is stated is the compact to be construed "to relinquish the functions, powers, or duties of the Congress of the United States with respect to the control of any navigable waters—nor any provision—in derogation of any of the constitutional powers of the Congress to regulate commerce." The same section recognizes "the power and the right of the Congress to withdraw the Federal Government as a party to this compact or to revise or modify the terms, conditions, and provisions under which it may remain a party by amendment, repeal, or modification."

The compact provides for an annual audit of the financial accounts of the Commission by qualified certified public accountants. Also, any of the books, documents, records, files, and accounts and all other papers, things, or property of the Commission shall be open to examination or audit by any of the signatory parties at any time. Financial transactions shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions. Of course, an annual report is required to be made to the several State legislatures and to the Congress.

In the bill, in addition to the compact, there are a number of conditions and reservations on which are based the consent to and participation in the compact by the United States. Again, these are similar to those contained in the Delaware Compact enabling act.

The Susquehanna River Basin Commission is forbidden to carry any project beyond the planning stage, unless only State-supplied funds will be used, until there are submitted to the Congress: complete plans and estimates, including an allocation of costs if more than one purpose is to be served together with an estimated cost-benefit ratio for each purpose; an apportionment of costs among beneficiaries, including those to be borne by the Federal, State, and local governments; and a proposal to finance the project, including terms of any proposed bonds; and such project has been authorized by act of Congress.

The compact in no way is to restrict the executive powers of the President in the event of a national emergency.

Federal funds budgeted and appropriated for use by the Commission will be subject to the same control by the President and Congress as are funds budgeted and appropriated to agencies of the executive branch.

Nothing in the compact is to be construed to obligate the United States to pay the principal or interest on bonds issued by the Commission.

The provisions of the Davis-Bacon and Walsh-Healey Acts are made applicable to the activities of the Commission.

The Commission is required to insure that there shall be no discrimination on account of race, color, religion, or national origin in any of its programs or activities and employment practices or the employment practices of its contractors.

The U.S. district courts shall have original jurisdiction of all cases or controversies arising under the compact or enabling statute. Any case or controversy initiated in a State court shall be removable to the appropriate U.S. district court. Nothing contained in the compact or enabling act shall be construed as a waiver by the United States of its immunity from suit.

By the terms of the enabling statute, the right to alter, amend, or repeal it is expressly reserved. An express reservation is made on behalf of the Congress or any of its standing committees with respect to the disclosure and furnishing of such information by the committee as may be deemed appropriate by the Congress or any such committee.

Mr. Speaker, in the preamble to the compact, the signatory parties "recognize the water resources of the Susquehanna River Basin as regional assets vested with local, State, and national interest for which they have a joint responsibility." Having so recognized, the other signatory parties, the States of New York and Maryland and the Commonwealth of Pennsylvania, have enacted the Susquehanna River Basin compact. Now it is the fourth signatory party, the United States, that is called upon to act. From our experience with the Delaware River Basin compact, an instrument very similar to the Susquehanna compact, we have learned of the efficacy of a Federal-interstate arrangement. In enacting this compact we shall provide for the joint exercise of the sovereign rights and responsibilities shared by the several signatory parties.

SHERIFF PREFERS DILLON TO WASHINGTON DUTY

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. WATSON. Mr. Speaker, while the professional do-gooders continue to devise new methods of harassment for law-enforcement officers in the District of Columbia, such as the ridiculous guidelines to be followed in using the police service revolver, the common criminal continues to laugh up his sleeve at the whole sorry episode.

Certainly, no one would be so presumptuous as to offer a simple, quick solution to the very complex problem of crime in the city of Washington, but as a cab driver here told me the other day, what Washington needs is a few law-enforcement officers from my State of South Carolina to straighten out this mess. Such an officer is Dillon County, S.C. Sheriff Roy J. Lee.

Mr. Speaker, Sheriff Lee is no-nonsense in the matter of law enforcement. In fact, his reputation is so outstanding that he was among 80 special officers selected from throughout the United States to aid with security at the inauguration of our President.

Sheriff Lee, in the following article which appeared in the February 3 issue of the Charleston, S.C., News & Courier, offers some very thought-provoking observations on crime and law enforcement in the District of Columbia. I commend this article to my colleagues and the people of the Nation and include it as a part of my remarks, as follows:

SHERIFF PREFERS DILLON TO WASHINGTON DUTY

(By Eppie Richbourg)

DILLON.—Sheriff Roy J. Lee "wouldn't be a policeman in the District of Columbia if they paid me \$25,000 a year."

Dillon County's chief law enforcement officer made the observation after being chosen from South Carolina, along with 79 other officers throughout the country, "to aid with security at the inauguration of President Richard Nixon."

Lee said, "If you think we've got it bad here, you should see what those men in Washington have to put up with."

Probably one of the worst things he noted is the abuse, verbal and otherwise, policemen are forced to take. Lee recalled a report prior to the inauguration parade of a run on oven cleaner.

"That gave officers a few bad moments, particularly those who had to work the Hippie-Yippie parade section," he said. "That stuff would have blinded an officer had it been thrown in his face. Yet all he or his partner would have been allowed to do was try to run down the assailant."

Recalling observations and conversations while in the nation's capital, Lee said officers in D.C. average 15-20 felony cases per day.

"A number of big robberies in one 24 hour period is nothing to them," he said.

Remembering a bulletin board at the police department out of which he worked during his four-day visit, Lee said, "There's a notice there instructing all officers how to use a service revolver. But they cannot shoot at a violator of the law, regardless of the act he may be committing, unless they see a weapon in his hand. They may only run him down and try to capture him."

Lee said any officer failing to abide by the notice is in trouble and knows he will not be backed by the department.

Describing what many persons feel is mostly television drama on programs concerning law enforcement, the sheriff said, "It's all true. Every morning they have a line-up. And if a suspect is brought in at 1 or 2 a.m. officers have to avail him of his rights then. If he wants a lawyer and doesn't have one, there's a name and number of a lawyer and a bonding agent to call. Usually the suspect is freed under bond before daylight. Apparently they seldom go to jail before trial."

Juveniles are dealt with similarly in the city.

"With an average of 70 per cent of their cases juvenile, officers say they must apprehend the juvenile suspect, then call his parents. The youngster will be released in parents' custody and not come to trial for six months to a year," he noted.

Another thing Lee noted was the number of sex violations.

"They have so many in Washington there's a separate division at police headquarters, labeled SEX, to deal with the cases," he said.

At the presidential inauguration, Sheriff Lee said he was impressed most by two things:

First, the "unbelievable security" provided by secret service agents, FBI, U.S. troops and members of the metropolitan police forces.

Second, he was struck with the fact the nation's VIPs "are really just people who do the same normal everyday things in the same manner that we do."

During the ceremony, Lee noticed the expressions on faces of the principals.

"President and Mrs. Nixon looked happier than anyone there; former President Johnson the most relieved, and former vice-president Humphrey the saddest looking one I've seen in a long time, he said.

Since the day of television has taken much of the surprise element from such events, Lee found the inauguration much as expected, except for security. And being an officer of the law for most of his adult life, the sheriff enjoyed most that security in which he was involved.

"Those security people really are great," he said. "You just can't believe how well organized they are and how perfect in their jobs."

So much of that security is never realized by the general public, Lee said.

"Even at the balls, there's no way possible to identify security people. The plain clothes policemen and policewomen mingle in the

crowd, and you can't possibly pick them out," he noted.

Six different cards told the story of a person's status and where he would be allowed to go at the inauguration. A special Nixon card would get the bearer anywhere he wanted to be, but Lee recalled a slight tremor of panic that passed over security when two Nixon cards were reported missing.

The word was quickly passed to be on the lookout for numbers 135 and 140. And although he was never informed, Lee is "sure they were just as quickly found."

Working in the fugitive section along with three other men, and located at the foot of a staircase leading to all network booths, Lee said there was never any doubt as to what his duties were.

"After the briefing we got, there was no way to go wrong. I probably was far more concerned with not losing a cracker-jack box, toy looking badge they pinned on our lapels that opened doors to us. In the wrong hands, those badges could have caused trouble," he said.

MAXIMUM PENALTY FOR GUN CRIMES ASSESSED BY COURAGEOUS JUDGE

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. CASEY. Mr. Speaker, I stand here today to express my heartiest congratulations to the courageous position taken last week by U.S. District Judge George L. Hart, Jr., in sentencing those found guilty of armed robbery in the District of Columbia.

He slapped one armed robber with a 15-years-to-life sentence, and according to news reports, sternly warned that "anyone else convicted by a jury before me on an armed robbery can expect similar treatment."

This is the answer to our great and growing national disgrace of gun crimes, and we in this body which enacted the District of Columbia Crime Reduction Act of 1967, have reason to be proud of our action and that of Judge Hart in setting such stiff penalties.

Let there be any doubt on the need for stiff sentencing as a deterrent to crime, I cite another article of the recent days which shows that robbery in the District of Columbia for the month of December 1968 totaled 629 cases. This is a terrifying increase of 452 percent over the same month of 1965.

Judge Hart has pointed the way to his fellow jurists to curb crime, particularly crimes of violence committed with a firearm. I only hope that his colleagues have the guts to follow suit.

Mr. Speaker, under unanimous consent I insert these two articles at this point in the RECORD:

ROBBER GETS UP TO LIFE BY 1967 LAW

(By Donald Hirzel)

A federal judge today tapped a section of the D.C. Crime Reduction Act of 1967 which permits life sentences for crimes of violence with use of weapons to impose a 15-years-to-life sentence on a man who robbed a liquor store of \$622.

U.S. District Court Judge George L. Hart

Jr. gave notice that "anyone else convicted by a jury before me on an armed robbery can expect similar treatment."

The law became effective on Dec. 27, 1967, and is believed to have been used only once before in the court.

The reason it has not, according to court officials, is that the court backlog is so great most crimes tried within the last year were committed prior to its enactment.

However, from now on most of the cases being processed will involve offenses which occurred following enactment.

The defendant before Hart today was James McCoy, 25, of the 1600 block of Kenyon St. NW., who had been found guilty of armed robbery, assault with a dangerous weapon and possession of a prohibited weapon—a sawed-off shotgun.

He received 15 years to life for the armed robbery, 40 months to 10 years for assault and one year for the prohibited weapon. The two lesser charges will be served concurrently with the armed robbery sentence.

McCoy was charged with the \$622 holdup of the Congressional Liquor Store, 406 First St. SE, last June 22, with another man.

McCoy was armed with the shotgun and his partner had a pistol. The store owner resisted the robbery and was hit with a whiskey bottle and the pistol butt as the two escaped.

Witnesses noted the tag number of the escape car and on July 11 McCoy was arrested and charged with the robbery.

He was released on bond and on Sept. 9 was arrested on charges of forgery and released on personal bond until his trial on the robbery charge.

McCoy denied any involvement in the holdup.

Defense attorney James Hughes filed an appeal and asked that McCoy be released pending the outcome.

Hart replied that "the nature of the attack indicates that he is a walking keg of dynamite on the street," and refused release.

ROBBERIES DOUBLED IN LATE 1968

Robberies reported to Washington police in November increased 107.3 per cent over November, 1967.

And holdups in December increased 116 per cent over December, 1967.

Monthly reported crime statistics issued by the Police Department yesterday reveal that 1074 robberies were reported in November, compared with 520 in the same month a year earlier.

For the full year ending in November, 4055 robberies were reported, compared with 2458 robberies reported the previous year, for a 64.9 per cent increase.

Overall, major crime reported in November, 1968, was up 23.2 per cent over November, 1967. For the full year, all major crimes reported were up 27.9 per cent.

High police officials say that, although many categories of crime reporting are not particularly reliable indicators of crime trends, armed robbery is and has been a generally consistent barometer, and has been reported accurately for some time.

Armed robbery (holdup) totals are included in the general robbery total, and do not include such crimes as purse snatchings and yokings.

While armed robberies in December were more than double the holdups recorded for December, 1967, they were 452 per cent higher than those of December, 1965.

Here are the figures on reported holdups:

December 1965.....	114
December 1966.....	224
December 1967.....	291
December 1968.....	629

Said one police official:

"It's no change of reporting. It's that bad."

SUPPORT FOR THEODORE R. MCKELDIN TO INDIAN CLAIMS COMMISSION

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1969

Mr. FRIEDEL. Mr. Speaker, I have gone on record, with other members of the Maryland delegation, as earnestly supporting the appointment of Theodore R. McKeldin to the Indian Claims Commission.

Just last week the Baltimore Jewish Times, which is read by over 100,000 Marylanders, carried an article detailing the background of this outstanding Marylander. I am inserting this item in the RECORD to call to the attention of the other Members of Congress the qualifications of this remarkable individual and the reasons why we, in Maryland, are in favor of his appointment.

REFLECTIONS: MCKELDIN AND THE JEWS

(By M. Hirsh Goldberg)

The Mayor's office in Baltimore is probably the only Mayor's office in America to have a mezuzah on its door post! The story behind this is fascinating because the man who placed the mezuzah there was an Episcopalian in the last year of his second term as Mayor of Baltimore—a unique and remarkable individual by the name of Theodore Roosevelt McKeldin.

I was with Mayor McKeldin when he put up the mezuzah, for I had the exceedingly good fortune of serving as his press secretary during the last year and a half of his term. He had received the mezuzah as a gift from the captain of the Israeli ship "Shalom" on which he had just taken a Caribbean cruise. When he returned to Baltimore, he showed me the mezuzah—a beautiful sterling silver piece with the tiny parchment paper and Hebrew lettering of the Shema prayer visible through the back. He asked me to get some tiny nails so that he could place the mezuzah on the doorpost of his office. "Hirsh," he said in those McKeldinesque tones, "Let's show the goyim what a mezuzah is."

I got two small nails and a prayerbook containing the blessing for affixing the mezuzah. With yarmulka's on our heads, I read the blessing in Hebrew, the Mayor repeated it and then he read the English out loud. Then, with me holding the mezuzah against the doorpost, Mayor McKeldin hammered in the two nails.

The incident, which at McKeldin's insistence took place with no one present but myself, the Mayor and his personal secretary, Mrs. Mildred Mombberger (in fact, this is the first time the incident is being told about publicly), demonstrates a unique aspect in not only American politics, but in human relationships. For McKeldin, twice Governor of Maryland, and twice Mayor of Baltimore, is a religious Christian who truly feels—and has consistently demonstrated—a love for the Jewish people. Indeed, throughout his career in and out of public office, he has conducted a remarkable relationship with the Jewish people.

McKeldin first became involved with Jews when, at the age of 26 as secretary to Baltimore Mayor Broening in 1927, he encountered Simon E. Sobeloff, then the deputy city solicitor.

"Simon Sobeloff taught me my first real lessons about social justice," McKeldin once told me. "He did more than anyone else to influence my social attitudes. I was immediately impressed with his thinking and his judgment."

NO. 1 ADVISOR

Calling Sobeloff "one of the most brilliant minds in Maryland," McKeldin said that throughout his public life Sobeloff was his number one advisor and that from his first campaign in 1939 it was Sobeloff who wrote the most important speeches.

When he became Governor, McKeldin appointed Sobeloff as the chief judge of the Maryland Court of Appeals—the first Jew to be appointed to the Court.

McKeldin often noted the irony of this. "Just think, with all of the great Jewish legal minds in Maryland, no Jew had ever been appointed to the State's Court of Appeals until Sobeloff. What a waste of talent because of religion!"

McKeldin, who had nominated Dwight Eisenhower for president in 1952, even went to see Eisenhower about appointing Sobeloff to be Solicitor General of the United States.

"President Eisenhower asked me if Sobeloff was really as good as I said he was. I said to him, 'You remember that great speech I gave nominating you?' He said he had. I said 'Well, Sobeloff wrote it.' Eisenhower laughed and said he would appoint Sobeloff."

ONE OF MANY

Sobeloff is only one of many Jews who have been close to McKeldin throughout his career. Another is M. William Adelson, often cited as a brilliant lawyer and a political genius. Others are Judge Joseph Allen, whom McKeldin named as his City Solicitor during his last term as Mayor; Dr. Leon Sachs, executive director of the Baltimore Jewish Council, whom McKeldin often called on for his expertise on labor matters; and Dr. Abel Wolman, world-renowned authority on water resources, whom McKeldin utilized as a consultant to the City's vital Bureau of Public Works.

But any such list of Jewish names linked with McKeldin's could be endless, Jack Levin, Victor Frenkil, Al Shuger are just three of many other close friends McKeldin has among Maryland Jewry. And those befriended by McKeldin are legion.

Even Hyman Pressman got his start in politics because of McKeldin. McKeldin first encountered a 15 year old Pressman when serving Mayor Broening. McKeldin set up a speaking schedule for Pressman during one of the campaigns, billing him as "the boy orator." Years later in 1963, McKeldin took Pressman, defeated in the Democratic primary, on his ticket for Comptroller and the two went on to victory at the polls in the municipal elections.

SARANAC LAKE SPEECH

If McKeldin's relationship with Jews first flowered in his association with Sobeloff, his love affair with the State of Israel began with an off-the-cuff speech he delivered at Saranac Lake, New York, in 1951. Speaking at the invitation of his good friend Louis Sagner to the Commercial Law League of America Convention, then Governor McKeldin endorsed the merit of buying Israel bonds. Sitting in the audience was a member of the American Council for Judaism, a Jewish anti-Zionist organization. The Council member soon after wrote to McKeldin criticizing him for taking such a stand since, according to the letter writer, "a number of Jewish people do not endorse the idea of allegiance to Israel."

Shocked by such a view, McKeldin consulted with Sobeloff and then, together with Sobeloff, drafted a three-page letter answering point by point such items as the theory that allegiance to Israel compromises an American Jew's loyalty to his country ("I do not see how the Americanism of any of my Jewish friends is impaired if they showed a natural warmth and sympathy for a young nation whose ideals are quite identical to those of our land.")

McKeldin concluded by saying: "I spoke as

I did at Saranac . . . because I am one of those Christians who believes completely and literally in God's promise to restore Israel to its ancient home. I rejoice that this is happening in my day. I am filled with admiration for the valor and sacrifice of the small population of Israel which has successfully withstood the attacks of its more numerous enemies in the very hour of its birth. I am proud that the United States through the United Nations had a part in establishing this new sister nation, and I feel privileged as an American to assist in a small way in this work."

A MILLION COPIES

The contents of this letter eventually came to the attention of the Israel Bond organization. The impassioned defense of Israel, the deep commitment of a Christian to world Jewry so impressed those who saw it that requests for copies began coming in. In response to a request from the Israel Bond people, McKeldin agreed to have the letter reproduced and distributed. Eventually, a million copies of the letter were made and sent throughout the world.

The letter also led Israel Bonds to ask McKeldin to speak at various Bond raising functions. McKeldin agreed, and since then has spoken throughout the country for Israel Bonds, including giving the first speech for Israel Bonds in Dallas, Texas. He has helped sell hundreds of thousands of dollars worth of bonds, as well as buying thousands of dollars worth himself.

His work for Jewish causes has not been confined to Israel Bonds. He has helped raise money for local organizations like the Talmudical Academy and for national groups like the United Jewish Appeal and the Jewish National Fund. In fact, as Mayor he raised hundreds of dollars for the JNF by keeping a blue JNF pushka box on his mayor's desk and requesting contributions from his visitors. He always said that whatever his guests gave he would match. During the Six-Day War, a reporter, noting this oft-said statement, put a \$100 bill in the pushka McKeldin quickly called the Baltimore JNF office and told them he had a \$200 contribution for the JNF's land reclamation efforts.

TRIPS TO ISRAEL

McKeldin's interest in and open identification with the Jewish religion are apparent in many ways. He has traveled to Israel five times—in 1952, 1955, 1958, 1962 and again in 1968. He carries every day in his pocket a black and gold yarmulke of crocheted wool which he got in Kfar Batya in Israel, and many times I have seen him don the yarmulke when receiving rabbis or speaking at Jewish functions. He wears almost every day a watch with a Hebrew lettered face. And he openly greets Jews—and many time Gentiles—with "Shalom." Inscribing his book about Baltimore entitled "No Mean City," he will many times include in actual Hebrew the phrase Shalom Urvacha, meaning "Peace and blessing." His yiddish includes another greeting: Kim gazunt un gay gazunt ("Come in health and go in health.")

What explains this rarity of humanitarianism expressed in the life and thinking of this man? Why this obvious love for the Jewish people? Why this identification and interest in Judaism that far exceeds any personal or political reasons?

First, I believe Theodore McKeldin had been attracted to the Jews because of his overall commitment to helping minority groups and fighting injustice. Throughout his forty years in public life, he consistently championed racial and religious justice, long before it became politically palatable.

"I hate injustice—all forms of injustice," he once told me. "I've dedicated my entire life to fighting injustice."

PERSONALLY INVOLVED

As a poor boy from South Baltimore, he grew up identifying with the downtrodden. He was therefore personally involved with the plight of any group battered by prejudice, and when he greeted Negroes with, "Hi, my brother" or referred to Jews as "lantsmen" he was speaking openly from his soul.

But the second and most important reason for his development of a strong bond with Jewry is the fact that Theodore McKeldin is a deeply religious person.

Believing firmly in prayer, McKeldin is

drawn to the people who introduced prayer to One Supreme Being. He knows both the Old and the New Testament better than any other layman I know. He probably would have been a minister, as he told me on numerous occasions, if he had had the money to go through the long schooling necessary ("If I had been a Catholic, I would have been a priest, but the Protestants and the Jews do little to help those who feel a calling."). Thus, his sense of righteousness and his belief in the beauty of the religious way of life quite possibly find an illuminating example in the Jews. Viewing a photo of Israeli troops praying at the Western Wall following the Six-Day War, he said to me, "What other army captures a city with a prayer book and a prayer shawl?"

BIBLICAL KINSMEN

Dr. Leon Sachs, a close McKeldin friend over many years, summed it up best when he said of him, "He is a sincere Christian who views the Jews as a biblical kinsmen. He undoubtedly feels because of his religious nature that Judaism, the mother of Christianity, is something special and that the Jewish people themselves do have a mission in this world. He therefore feels a strong affinity for the Jewish people."

In the mayoralty campaign of 1963, McKeldin watched the election returns come in on a television set in his campaign hotel room. As the votes were counted from five of the six city districts, he saw Philip Goodman, the first Jewish mayor of Baltimore, leading him by 400 votes. With votes yet to be counted in the Fifth District, the city's predominately Jewish district, McKeldin turned to his wife and said, "It's all over. I'll never beat Phil Goodman in his own district." He started to leave the room as his daughter called out, "The figures are changing." McKeldin said he knew, visualizing the crushing defeat. But his daughter persisted, saying he was now pulling ahead. Amazed, McKeldin returned to the TV set and watched dumbfounded as the Jews of Baltimore gave him a 4,000 vote majority and his second term as Mayor.

The love affair between McKeldin and the Jews was obviously mutual!

HOUSE OF REPRESENTATIVES—Thursday, February 6, 1969

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And the Lord went before them by day in a pillar of cloud to lead them along the way, and by night in a pillar of fire to give them light.—Exodus 13: 21.

O God, our Father, in generation after generation men have sought Thee and have found that Thy faithfulness never fails, Thy love never falters, and Thy strength never fades. Our fathers walked by the guidance of Thy spirit and rested in Thy mercy, so to us, their children, be Thou a pillar of cloud by day and a pillar of fire by night to give us light upon our way, strength to walk along it, and peace in our hearts.

Remove the veil from every heart and unite us into one people as we walk together toward the promised land where free men shall dwell together in peace and good will.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON REVISION OF THE CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

The SPEAKER. Pursuant to the provisions of section 1002, Public Law 90-226, the Chair appoints as members of the Commission on Revision of the Criminal Laws of the District of Columbia the following Members on the part of the House: Mr. Dowdy and Mr. HOGAN.

APPOINTMENT AS MEMBERS OF THE FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Chair appoints as members of the Franklin Delano Roosevelt Memorial Commission the following Members on the part of the House: Mr. THOMPSON of New Jersey, Mr. MURPHY of New York, Mr. HALPERN, and Mr. FISH.

APPOINTMENT AS MEMBERS OF THE COMMITTEE ON THE HOUSE RECORDING STUDIO

The SPEAKER. Pursuant to the provisions of section 105(c), Public Law 624,

84th Congress, the Chair appoints as members of the Committee on the House Recording Studio the following Members on the part of the House: Mr. STEED, Mr. COHELAN, and Mr. KYL.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

The SPEAKER. Pursuant to the provisions of section 202(b), Public Law 90-259, the Chair appoints as members of the National Commission on Fire Prevention and Control the following Members on the part of the House: Mr. MILLER of California, and Mr. PETTIS.

APPOINTMENT AS MEMBERS OF THE JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

The SPEAKER. Pursuant to the provisions of section 401(a), Public Law 414, 82d Congress, the Chair appoints as members of the Joint Committee on Immigration and Nationality Policy the following Members on the part of the House: Mr. CELLER, Mr. FEIGHAN, Mr. RODINO, Mr. McCULLOCH, and Mr. CAHILL.