

judicial council of the circuit at a rate not to exceed the compensation received by the United States attorney for the district where representation is furnished or, if two districts or parts of districts are involved, the compensation of the higher paid United States attorney of the district. The Federal Public Defender may appoint, without regard to the provisions of title 5 governing appointments in the competitive service, such full-time attorneys and other personnel as may be necessary. Compensation paid to such attorneys and other personnel of the organization shall be fixed by the Federal Public Defender at a rate not to exceed that paid to attorneys and other personnel of similar qualifications and experience in the office of the United States attorney in the district where representation is furnished or, if two districts or parts of districts are involved, the higher compensation paid to persons of similar qualifications and experience in the districts. Each organization shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by him, reports of its activities and financial position and its proposed budget. The Director of the Administrative Office shall submit to the President a budget for each organization for each fiscal year and shall out of the appropriations therefor make payments to and on behalf of each organization. Payments under this subparagraph to an organization shall be in lieu of payments under subsections (d) or (e).

"(B) COMMUNITY DEFENDER ORGANIZATION.—A Community Defender Organization shall be a nonprofit defense counsel service established and administered by the private bar. The organization shall be eligible to furnish attorneys and receive payments under this section if its bylaws are set forth in the plan of the district or districts in which it will serve. Each organization shall submit to the Judicial Conference of the United States an annual report setting forth its activities and financial position and the anticipated case-load and expenses for the coming year. Upon application an organization may, to the extent approved by the Judicial Conference of the United States, receive the following payments in lieu of payments under subsections (d) or (e):

- (1) an initial grant for expenses necessary to establish the organization; and
- (2) periodic sustaining grants to provide representation and other expenses pursuant to this section."

Mr. HRUSKA. Mr. President, I might say finally by way of further summary that while every effort should be made to apprehend quickly those who are charged with the commission of crimes, and to try them promptly and fairly, at the same time we should realize and we should act in such a way as to recognize

that our system of justice requires that those charged with crime have adequate qualified counsel to defend them.

It is the purpose and objective of the bill introduced today, to which I have directed by remarks, that that type of representation be afforded to those who cannot afford such defense services out of their own resources.

Again I express the hope that this Congress will take prompt action to proceed with hearings, consideration, and enactment of this bill in such final form as the Committee on the Judiciary may recommend, and as amendments from the floor may indicate.

Mr. President, I yield the floor.
Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate, in executive session, stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 50 minutes p.m.) the Senate, in executive session, recessed until Tuesday, March 11, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 10 (legislative day of March 7), 1969:

COMMODITY CREDIT CORPORATION

The following-named persons to be members of the Board of Directors of the Commodity Credit Corporation:
Richard E. Lyng, of California.
Don Paarlberg, of Indiana.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Environmental Science Services Administration:

To be captains
Eugene A. Taylor Roger F. Lanier
William D. Barbee John B. Watkins, Jr.
Herbert R. Lippold, Jr. Dewey G. Rushford

To be commanders
Donald R. Tibbitt James S. Midgley
K. William Jeffers Melvin J. Umbach
Gerald C. Saladin Charles H. Nixon
Ray E. Moses J. Austin Yeager
James G. Grunwell John D. Bossler
Harold E. McCall Raymond L. Speer
Robert L. Sandquist

To be lieutenant commanders
Gerald M. Ward James M. Wintermyre
Phillip C. Johnson James P. Brown, Jr.
Rodger K. Woodruff Karl W. Kieninger, Jr.

To be lieutenants
Sebastian A. Sora Steve F. Yoshida
David McCall John D. Uetz
Frank P. Rossi Brian E. Morgan
Roger F. Anderson Steven S. Nakao
John T. Atwell Birchell C. Eversole, Jr.
Glenn Tober John B. Courtney
Norman D. Smith John P. DeLozier
Lowell J. Genzlinger Larry W. Mordock
Mark E. Harbert John D. Stachelhaus
Jimmy A. Lyons Victor E. Delnore, Jr.
David K. Rea Christopher Rojahn
David N. Daniel Robert J. Barday
Yeager A. Bush Dennis L. Valdevinos

To be lieutenants (junior grade)
David M. Wilson John C. Albright

To be ensigns
James C. Bishop Martin R. Mulhern
Floyd Childress II Kenneth W. Potter
William R. Daniels Gerald C. Ratzlaff
Joseph M. Frankiewicz Stephen H. Scolnik
Lynn T. Gillman Donnie M. Spillman
Gregory Holloway Donald C. Suva
Charles H. Langdon III Charles N. Whitaker
Lance E. Leuthasser Newell W. Wright

DEPARTMENT OF STATE
Charles A. Meyer, of Pennsylvania, to be an Assistant Secretary of State.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 10 (legislative day of March 7), 1969:

U.S. MINT AT DENVER
Betty Higby, of Colorado, to be Superintendent of the Mint of the United States at Denver.

FARM CREDIT ADMINISTRATION
The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1975:
T. Carroll Atkinson, Jr., of South Carolina.
James H. Dean, of Kansas.

EXTENSIONS OF REMARKS

CONGRESSMAN WHALEN ASKS FOR CONSIDERATION OF PROPOSED NEGATIVE INCOME TAX LEGISLATION

HON. CHARLES W. WHALEN, JR.
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Monday, March 10, 1969

Mr. WHALEN. Mr. Speaker, in April 1967, at a symposium sponsored by the Council of Graduate Students at the Ohio State University, I advocated the adoption of the proposal known as the negative income tax.

At that time, I reviewed the limitations of the present approaches to poverty. I concurred with Prof. James Tobin, a member of the Council of Economic Advisers when the war on poverty was devised, in the observation that—

Half of the poor benefit from none of these (poverty programs) and most of the public money spent to supplement personal income goes to families above the poverty line.

Mr. Speaker, I do not think it is necessary for me to reiterate here the detailed critique I made of the poverty program in 1967. However, I do want to reemphasize the conclusion which I reached.

That is—

The negative income tax would be the most effective means by which the federal government can commit further resources in the battle against poverty.

Most recently, I have had the opportunity to work with my colleague, the gentleman from Michigan (Mr. CONYERS) on the drafting of legislation which would implement the negative income tax plan.

Although the bill itself has not been refined, Congressman CONYERS and I thought it would be helpful to our colleagues as well as other interested parties, if a draft of the bill were made available for broad consideration. Congressman CONYERS has inserted a copy

of this draft legislation in the RECORD today.

I wish at this point to reemphasize our eagerness to receive the comments of those who share our desire to provide an effective means of directly assisting the less fortunate citizens of this Nation.

TRANSPORTATION SECRETARY
VOLPE ADDRESSES FOURTH INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION—DEPARTMENT OF TRANSPORTATION TO SCRUTINIZE VARIOUS KINDS OF TRANSPORTATION, INCLUDING V/STOL

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, March 10, 1969

Mr. RANDOLPH. Mr. President, Secretary of Transportation John A. Volpe delivered the keynote address today at the Fourth International Conference on Urban Transportation in Pittsburgh. It was my privilege to have heard this creative and penetrating speech in company with approximately 500 other persons.

Secretary Volpe has committed the resources of the Department of Transportation to the development of a transportation system to "serve the fullest purposes of life in these United States." He stressed that his organization will conduct a searching and thorough analysis of all modes of transportation that serve people and cover large sections of the landscape.

Secretary Volpe further reaffirmed his intention to examine every type of transportation, including the automobile, V/STOL, steam buses, gravitrains, hydrofoils, or tracked air-cushion vehicles. There was innovation and also sound reasoning in his discussion of the vital roles of highways, mass transit, air transport, rail and other methods for the expeditious and safe movement of persons and products in our mobile society.

Mr. President, I commend the objectives outlined by Secretary Volpe. I ask unanimous consent to have his cogent remarks printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

KEYNOTE ADDRESS BY JOHN A. VOLPE, SECRETARY OF TRANSPORTATION, AT THE FOURTH ANNUAL INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION, IN PITTSBURGH, PA., MARCH 10, 1969

Greetings—I am delighted to be here to keynote your Fourth International Conference on Urban Transportation. Few topics are of more timely concern in this country, for transportation is the vital element in the making of more productive and progressive cities.

Very few issues in America today are being watched more intensely.

Certainly President Nixon is aware of the cities' needs for more effective transportation of people and goods—transportation which meets all our human needs. He made his position perfectly clear during the campaign and has repeated his concern to me many times since.

It is the President's determination, as it is mine, to confront the crisis of the cities boldly, to provide leadership which dares to rock the boat; leadership which acts upon the premise that transportation is totally related to welfare, education, recreation, and all other aspects of urban life.

As Chairman of the Transportation Committee of the President's Urban Affairs Council, I pledge to you today that the problems of transportation into, out of, and within urban centers will be met and resolved from a national perspective.

To do this means our thinking will have to change in many areas. It means we shall have to admit that often the "tried and true" is obsolete and fallacious. It means that we must stop passively worshipping our machines and start to master them. It means we can no longer assume that we are obligated to fit the people to the machines. We need imagination, we need creativity . . . and most of all, we need motivation and implementation.

This Nation, the greatest Nation in the world, has proven we can send three men around the moon in seven days. Now let's show that we have the brains to move people from the Golden Triangle to the Allegheny County Airport in seven minutes. We can do it, and we will do it!

We know that the responses of the past simply will not lead to the solutions we want in the future. Conditions prove that to be true. We must re-examine our preconceptions if we are to prevent the centers of our cities, and eventually the suburbs from choking to death.

We are going to examine every kind of transportation and find out what kind of job each is best suited for. For one given purpose, that grand old American institution—the automobile—may be best. For other purposes, we might try V/STOLs, steam buses, gravitrains, hydrofoils, or tracked air-cushion vehicles.

As the Nation's new Secretary of Transportation, I firmly hold that no one mode is going to dominate the future in this country, because I know and you know that no one mode is best for all purposes. Our population is too dense in some areas, to sparse in others.

Our needs are too complex for simple answers. The conventional modes, like the automobile for instance, suffer from the liability that the more we expand our highways, the more crowded those highways become.

The rumbling of discontent among the people is becoming louder. I cannot believe that in the year two thousands some 280-million urban citizens will put up with anything resembling today's conditions.

If we are wise, if we want to stop the *commuting* American from being the *complaining* American, we will start now—in this administration—to re-examine obsolete thinking and start to think in terms of the real needs and potentials of the present.

For instance, I find that more and more responsible people—*independent observers*—are questioning the survival of the automobile in the centers of our largest cities.

In New York City today, to take perhaps the worst case, traffic moves an average of six miles per hour versus eleven miles per hour in the pushcart era of 1917. Off-street parking, computerized traffic flow and changes in patterns of use are often suggested but more often than not they are only stopgap measures.

The costs of pollution, sprawl, ugliness, business decay, tax losses—these are not worth the small gains. America must now accept the fact that the private automobile will not forever be the absolute monarch of our core cities.

How and when this change will come about, we cannot yet say. But the means are not altogether obscure.

We could make mass transit so attractive that habitual drivers would leave the highways. Some are convinced that dial-a-bus and other personalized modes will provide a breakthrough.

We could tax cars entering the city in order to pay for police services, traffic control, parking, road repair, and so on.

More and more, the hallowed right to jump into our cars and drive them anywhere we please is being tallied against other community and individual values—the need for elbow room, clean air, stable neighborhoods, more parkland, and many others. So far, we have sought sheer mobility above every other consideration; other needs have been neglected, and the social equation is clearly out of balance.

I maintain that the abuse of the human environment can be stopped by using transportation as a major tool in regional planning.

It will be a policy of the Department of Transportation during this administration that any mode of transportation that commandeers or violates large sections of the landscape is going to be subject to a brutal analysis. Land is too precious a resource to be squandered. We can't always find enough of it where we need it, and it's one thing science doesn't have a substitute for. Multiple use of transport corridors is an obvious solution, and will ensure overall community development at very little more cost for land acquisition than we pay for ordinary highways and transit lines. Cities, whole regions, are now finding that they must plan their growth, control it, even in some cases, reduce it. They will have to decide consciously, not by default, what kind of places our people will live, work, and play in. And in that context, I would like to take this opportunity here this morning to announce a new D.O.T. program—the Center Cities Transportation Program—which I know will be of great interest to all of you.

We have concluded—and I am sure that a great many people in this room have come to the same conclusion—that the real transportation problem in the Center Cities is not congestion, parking and air pollution *per se*. Rather, the problem is that no one has been successful in *solving* the problems of congestion, parking and air pollution.

As I noted earlier, this Nation has the technical capability. What we haven't had is the effective implementation of this capability.

The reason for this lack of effectiveness—and again, I think you will agree—is the lack of an action program for implementation. The Center Cities Program is such an action plan.

To state the case bluntly, the failure in finding solutions to the transportation problems of the Center City areas has been one of not getting the many varied interest groups in the cities' power structures to work together.

You know and I know that the filing cabinets in mayors' offices are filled with unrealized plans. Unrealized not because they weren't feasible—but unrealized because they did not address the problem of gaining sufficient support from the private sector, from labor, from management, from the financial community, from the political structure, and from the traveling public. This we intend to do with the Center Cities Transportation Program.

The Department of Transportation—through the Urban Mass Transportation Administration—has signed a one-million, 461-thousand dollar contract with a group of the nation's top consulting firms—led by A. D. Little, and including Skidmore, Owings, and Merrill; Real Estate Research Corporation and Wilbur Smith and Associates.

These firms, working as a consortium under the guidance of DOT, will provide to five selected cities a thorough and concise re-

search and development effort to formulate improved center city transportation systems. The cities participating in the program will be Atlanta, Dallas, Denver, Seattle, and Pittsburgh.

The consortium will—in each city—go beyond the traditional approach of research, analysis and recommendation. The program will actively involve many organizations and groups in each city.

Again, this is more than a planning program. It is an action program. I, personally, will not be satisfied with the performance of the consultant teams until they, through their work, light the spark of community involvement in each of the participating cities.

The Center Cities Transportation Program is set up to give a nudge to communities—to draw all community elements together—so decisions will be made by not only those who will administer new transit facilities, but also by those who will earn a living operating the system, those who will ride, those who have businesses in the area, those who will be involved in the financing, those who will manufacture the equipment, and those who are in political and governmental decision-making positions.

The benefits of such a program are manifold.

With five cities sharing development, expertise and information, the manufacturers of transit equipment will have delineated for them a much more positive market potential. Investors—buyers of bond issues—will know better what sort of rate to offer. Labor, in helping plan new systems, can be expected to work with us for the common good. Merchants and businessmen in center city areas—by being involved in the study of traffic patterns and pedestrian distribution—will know better what to expect in terms of economic growth. And the people—the ones who really are the “lifeblood of urban society”—will help these cities create central transportation systems that blend rather than clash with the human environment.

We are delighted that the mayors of the five cities have expressed initial enthusiasm for the program, and we look for it to become a major demonstration of what we can do if we all work together.

To me, this is money well spent. To my way of thinking, these grants are only a first step. Over the coming decade we will spend billions on urban transportation.

It seems obvious to me that these public monies cannot be spent effectively except by developing solid, well-thought-out plans for air, rail and highway in conjunction with the rest of the social structure—housing, utilities, schools, and so on.

We must clarify the options for cities, encourage them to develop comprehensive plans, and give industry some notion of the potential market for their products.

We will have to invest a great deal of money to make up for past neglect. We will need new methods to finance the new systems of tomorrow. Trust funds set up by user taxes may be the answer in some cases; in others, federal subsidies may be more realistic. Our attitude should be flexible.

Perhaps we should expect to subsidize those who cannot drive—you know who I mean—the young, the aged, the poor, the handicapped. And those who are able to drive but prefer to avoid the aggravation and take a bus or train should also be given a choice.

We have the resources and the technology to provide these choices. Whether we provide them will determine the prospects for a decent life in the United States. How we decide them will determine the quality of our civilization.

The integrated transportation network that President Nixon and you and I dream of cannot be created overnight. But a system providing channels of choice out of the ghetto to suburban factories, insuring ready

access in our leisure time to the varied pleasures of the countryside, safeguarding our precious heritage of historical sites and natural beauty, and saving the land from irresponsible exploitation—such a system must be started now if we are to achieve our objective within the next generation. It may even be necessary for physical survival.

The task is gigantic, but no more so than the challenges of a century ago when stout-hearted pioneers tamed a savage continent with their bare hands. Sometimes we forget that we have a tradition—a sacred one—of achieving the impossible dream.

Our roads and rails and airways have given us greater mobility—for all its frustrations—than any other people have had in history. They have made the name of America synonymous with movement, change, and adventure. They have conditioned our mentality, formed our attitudes, opened new horizons to restless vitality.

It is the intention of this administration that transportation will continue to serve the fullest purposes of life in these United States. It *must* do so, for time is, indeed, running short. All our efforts—especially at conferences such as this one—must be aimed at the development of a national, integrated transportation system.

I am confident that your meetings and deliberations here in Pittsburgh will constitute a major step in the right direction.

Thank you.

WHEN DEBT IS NOT A DEBT

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. UTT. Mr. Speaker, many of us were astounded with the President's suggestion that we remove from the debt limit the amount owed to the various trust funds. This feeling is clearly reflected in the lead editorial of the Santa Ana Register of February 27, 1969, entitled “When Debt Is Not a ‘Debt.’” I would like to include that editorial in the Extensions of Remarks today.

The article follows:

WHEN DEBT IS NOT A DEBT

If you borrow from your family with an agreement to repay with interest, would you not consider that it was a part of your debt? We think you would. Yet those wonderful wizards of Washington seem to have some idea that by eliminating part of the national government's borrowings from “trust funds,” they can change the debt picture.

That's the way it appears from the proposal submitted to Congress by President Nixon. Mr. Nixon asked that the debt “ceiling” be reduced from \$365 billion to \$300 billion, and that simultaneously approximately \$60 billion borrowed from various “trust funds” be eliminated from being kept on the books as part of the debt.

A couple of years ago the method of budgeting was changed so that the amounts spent from trust funds—including Social Security—were included in the over-all budget. However, with more money received into the trust funds than was spent for the purposes for which the special funds were established it was possible for the federal government to continue spending at its high level without a great deal of additional borrowing from banks and the public. The amount was added to the national debt.

Now, says Mr. Nixon, unless the method of tabulating the debt is changed, the legal debt “limit” of \$365 billion will have to be in-

creased again. The solution offered from Washington is not to count the money borrowed between various tax funds even though it must be repaid plus interest from future taxes. The Nixon administration does propose, however, to start counting the previously uncounted debts of such government agencies as the Tennessee Valley Authority, the Federal Housing Administration, the Federal National Mortgage Assn., the Government National Mortgage Assn. and the Export-Import Bank.

The late Sen. Harry Byrd of Virginia once attempted to find out just how much in debt the federal government has gotten itself. He said if all obligations for federal pensions for Social Security and other future commitments were added to the admitted national debt, the total would be more than a trillion dollars. Obviously the amount would be more now.

The debt “ceiling” has been a fiction for years. It is no ceiling if Congress can change it at will, as it has been doing nearly every year.

But changing the debt “ceiling” and altering the method of accounting are no solution to getting the federal government in a position where people can have confidence.

These “solutions” are just more tinkering with gimmicks.

STEWART UDALL: A TOUGH ACT TO FOLLOW

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, March 10, 1969

Mr. CHURCH. Mr. President, when the Senate confirmed the nomination of the Secretary of the Interior Walter Hickel, I expressed my view that our new Secretary will find it most difficult to follow the highly creative and productive administration of former Secretary Stewart Udall.

Recently, the Times-News in Twin Falls—one of Idaho's best newspapers—editorialized on this very subject, and expressed very well many of my own views on the matter.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE UDALL ACT

Interior Secretary Walter J. Hickel very soon may be looking back on his confirmation grilling by the Senate as the good old days of his new job.

He has the dubious fortune of succeeding possibly the most energetic and dedicated man who has ever held the Interior post, and of inheriting unfinished business out of which promise to develop some of the nation's most pressing problems in the years immediately ahead.

Former Secretary Stewart Udall held the post for eight years under two presidents, for every minute of that time deeply committed to his role as the steward of the nation's natural resources and the champion of the public interest in their utilization, although his often-controversial actions may not always have pleased every segment of that public.

Udall's decision on pollution, mining, oil, highways and public lands will affect how Americans live for years to come. In his last week in office alone, he pushed through the

addition of almost 400,000 acres to the national park system (he had wanted much more—seven million acres).

Udall's is going to be a tough act to follow. And making it tougher are some of the decisions Secretary Hickel is going to have to make very soon on Indian affairs and mine safety, conservation, reclamation and pollution-control projects, and disposition of the vast government-owned oil shale reserves in the western states.

No one can wish him anything but the very best of luck.

Interior lacks the glamor and massive budgets of other departments such as Defense and State. But its role in the scheme of government becomes increasingly important as the need to utilize the nation's land, air and water resources as efficiently yet fairly and nondestructively as possible becomes increasingly pressing.

LABOR'S DRIVE TO MEET THE URBAN CRISIS: AN INTERVIEW WITH JOHN EVANS, DIRECTOR OF URBAN AFFAIRS, AFL-CIO

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BARRETT. Mr. Speaker, government alone cannot meet the critical national housing needs—currently, some 30 billion new units. Private groups must lend their efforts—and many are. The labor movement is a good example. John Evans, director of the newly established AFL-CIO Department of Urban Affairs, talked about the federation's effort to help provide the kind of decent, low-cost housing the Nation needs so badly, in a recent "Labor News Conference" interview on the Mutual radio network. I recommend this to my fellow Members of the Congress and insert it in the RECORD:

LABOR'S DRIVE TO MEET THE URBAN CRISIS

(Guest: John Evans, Director of Urban Affairs, AFL-CIO.)

(Reporters: George Riveire, staff editor, Construction Labor Report, and Stanley Levey, labor correspondent, Scripps-Howard Newspapers.)

(Moderator: Frank Harden.)

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL-CIO. Labor News Conference brings together leading AFL-CIO representatives and ranking members of the press. Today's guest is John Evans, director of the AFL-CIO's Department of Urban Affairs.

The AFL-CIO has long fought for policies and programs to rebuild America's cities, to provide a decent and healthy environment for all the people and good jobs at decent wages for all who are willing and able to work. Another effort in this area was the recent creation of the Department of Urban Affairs of the AFL-CIO, charged with the responsibility of coordinating the federation's efforts in housing, urban renewal, manpower and other critical problems facing our cities. Here to question Mr. Evans, director of that department, about its goals, and the approaches it will take to achieve them, are George Riveire, staff editor of Construction Labor Report, a Bureau of National Affairs publication, and Stanley Levey, labor correspondent for the Scripps-Howard Newspapers. Your moderator, Frank Harden.

And now, Mr. Levey, I believe you have the first question?

LEVEY. Yes. Mr. Evans, just what is the Department of Urban Affairs and what will its function be?

EVANS. I think it is quite obvious that the AFL-CIO, for many years, has had a good many programs that confront various urban problems. I think that the move made by the organization is recognition of the fact that the whole nation is gearing up for an attack on the urban crisis. And, it is a recognition, really, that we are going to coordinate some of our programs, more directly focus on a campaign to confront the urban crisis, and to come up with elements that will deal with housing, with education, with crime, with safety, with health—with a good many of the components.

But, what I would like to emphasize is that we are really trying to come up with a coordinated program which will confront the urban crisis.

RIVEIRE. Mr. Evans, the mandate of the Urban Affairs Department, which was established last September, as I recall, is about as broad as anything could be. It's to help solve the whole range of problems entailed in the urban crisis—jobs, housing, education, poverty, health services, equal opportunity and so on. You obviously can't do all of these things at once. What priorities have you established? Where are you going to concentrate first?

EVANS. Well, it's quite a temptation when you undertake the organization of something like this to want to write a white paper that addresses itself to all of the problems on the urban horizon, and to try to come up with programs to solve all of these problems. We are proceeding in another direction. We have concentrated on two elements, at the outset.

One—under the Human Resources Development Institute—a program dealing with job opportunities, with training, and with general manpower concerns. Two, a housing program that is based upon the accumulation of union funds into a mutual fund which will finance low-cost housing programs.

We believe that proceeding from these two areas—jobs and housing—we will encounter a good many other things that will flow out of these two areas of concentration. For example, the problems of people in inner-city areas—transportation getting to jobs, the problems of education that will allow inner-city residents to compete with the rest of the population, for instance. So we are, at the moment, focused on jobs and housing. We'll proceed from that to other areas.

LEVEY. Well, Mr. Evans, isn't there a great deal of duplication between what you are trying to do as part of the labor movement and what a great many other public and private agencies are already doing—like the Urban Coalition, the federal Housing and Urban Development Department and many citizen committees devoted to the same thing? What justification is there for yet another group like yours?

EVANS. Well, your question is pertinent to our original decision not to issue a white paper—which many organizations are doing and which, incidentally, are very helpful. But, if anything is pointed up by all this activity on the urban scene, it is the fact that there are problems that need solving. And there is certainly no great competition in action programs that are accomplishing goals that can be measured. That's why we would like to step in, particularly in the housing field, and rather than issue statements about what we are going to do, launch right into programs that will show a certain number of units accomplished each year.

So, I certainly wouldn't denigrate the activities of many of the organizations in the urban field. I think that every bit of research that is going on is helpful.

But, if anything is needed at the moment it is an organization—particularly one of the size as our organization—with members

throughout the country to jump into programs that can be accomplished over a very short period of time, and show accomplishments—in the number of units built, for example.

LEVEY. Is there any truth to one charge that I have heard that labor's interest in these programs is primarily to see that labor participates as an equal partner and under trade union conditions, in these vast new programs?

EVANS. Well, I don't know that that is a charge. I think it is a legitimate goal that we have—that we would maintain the program that we are offering, I believe, to the great benefit of the country.

With our resources, I think we are going to have to be included and active, if national goals are to be met.

I don't regard it as a defensive posture. I regard it as a responsibility of an organization that represents millions of American citizens. I do think that there is an element of self-interest in it, and I think that's a healthy situation.

But, I think that it is quite obvious that representing the number of people that we do, we have massive responsibilities throughout the country to help in these urban areas.

RIVEIRE. Now, Mr. Evans, I understand the Urban Affairs Department operates a mortgage investment trust to provide financing for low-cost housing in ghetto areas, and that its first investment has been directed into a St. Louis project to rehabilitate 300 housing units in the slum section. How was this trust funded, and, what other investments are in the offing?

EVANS. The fund is actually not a brand-new fund, Mr. Riveire, it has been in operation for several years. But, with passage of the Housing Act of 1968, the AFL-CIO felt that now there were new mechanisms that justified widely-expanded use of this trust fund. We have made some investments in the mortgage market, based, most generally, upon pension and welfare funds, and, with the participation of some international union funds.

What we are looking to now is some means to interest local groups throughout the country—local pension and welfare funds—their trustees—in accumulating investments from their own area. We would then, if they were of such a size to justify the projects—we would ask them to invest money in our trust fund. We would then turn over to them the resources that we'd have for examining project feasibility and planning projects, and then take the money that they have invested and build projects in the area where that money comes from.

So, we offer our union members not only the opportunity to engage in a socially worthwhile program, we offer them an investment at a reasonable rate of return for their money for the protection of their pension funds. It's a secure investment, because we are limited to FHA and VA loans. And, it also generates new job activities throughout many of these areas.

We are now kicking off a campaign to interest both international unions and labor-management pension and welfare funds in investing in programs in their own areas, through our resources, which will give them a reasonable rate of return, offer security and a certain amount of liquidity. If they want to get out of the fund, they can do so, upon a certain amount of notice, which they could not do if they themselves invested in these mortgages.

LEVEY. What kind of goal have you set for these investments? How much money are you going to try to put into this work?

EVANS. Well, very frankly, we are talking about \$1 billion. That's a staggering amount of money to conceive of. It's a very ambitious goal.

However, my research into pension and welfare funds leads me to believe that if we

can mount an effective sales program, the money is potentially there.

LEVEY. That brings me to my next question. You indicated before that this program is not new—that it has been in existence, I think, since about '63 or '64, isn't that right?

EVANS. 1965.

LEVEY. Yet, in the three or four years since it was first formed, the record has not been very good. The mortgage investment trust has not been very successful, to any great extent, in inducing affiliated unions of the AFL-CIO to invest any large sums of money. What makes you think that you are going to be any more successful now than you have been in the past? What added inducements have you got?

EVANS. Well, for one thing, I think the urban crisis itself is so apparent and the potential revolutionary nature of the people who are locked up in these ghettos, that I don't have to go to groups and explain to them the necessity of rebuilding the American inner-city. They understand that, first of all.

But, the second thing is, the present yield of mortgages, which is now at a fairly high rate and perhaps may even go higher, competes very successfully with the yield on many other investments.

When we started our program, we were then, obviously, receiving the yield on mortgages at the market rate at that time. Banks, insurance companies and many others invested at that time, and at that rate. They are in the same position we are. I wouldn't want to get into specific yields at the moment, because they change day-by-day. As a matter of fact, they change according to the amount that we currently have invested. But union trustees of pension funds have made every effort to make secure investments. But, in some cases we find that some unions even have a considerable amount of money in checking accounts in banks, which is delivering no interest at all. Others have certificates of deposit in banks and government securities. All of these things are very valid. We are not trying to talk them out of this kind of activity. Even though our fund started several years ago and was based, at that time, on the yields of the mortgage market at that time, today, our yield based on that early investment, is considerably higher than areas where many funds are now placed.

So, we believe that if we have an effective, active, aggressive sales campaign throughout the country, that based on these social dimensions we discussed a moment ago, plus the fact that we have highly secure investment here limited to FHA and VA mortgages, that we have a very attractive proposition. After all, if you go out and explain to local labor movements that they can invest their money at a reasonable rate of return and promote jobs for their own community at the same time, I can't imagine anybody who has a more attractive story to tell.

LEVEY. Kind of a program of enlightened self-interest?

EVANS. It seems so to me, yes.

RIVEIRE. You started in St. Louis. What other target areas are in the immediate offing? Any at this particular time?

EVANS. There has been an agreement negotiated—a model cities-type agreement—in the Boston area between the unions and the Associated General Contractors. We are hoping to engage in some activity up there shortly. We are also discussing potential investment areas in California, in Chicago, in Gary, Indiana, and in Baltimore.

In each one of these areas we are discussing with the local labor movement the possibility of investing their funds in the kind of situation that I have described.

RIVEIRE. Are these investments from the trust fund limited to low-cost housing in slum areas, or, can they be broader than that?

EVANS. No, they are not limited to low-cost housing. They are limited to FHA and VA mortgages. But, as you know, FHA—for example, under Urban Renewal—offers the possibility of investment in projects which are not low-cost housing.

Now I would like to point out that in some instances—particularly low-cost housing—we would like to be able to produce below-market-rate interest for those groups sponsoring low-cost housing. Now, if we are going to do that, we obviously have to maintain other investments of a market-rate yield, so that we can attract money and offer our investors, at the same time, a reasonable rate of return.

So, we are planning a balance investments in FHA projects which are not low-cost housing and which are put out at a market yield that will bring in the kind of money to permit us to do low-cost housing for a below-market-rate situation.

LEVEY. In other words, you are going to be running into, quite frankly, the same problem that every entrepreneur who has thought about going into the field of low-cost housing has run into. You cannot get the money for it, by-and-large. Isn't that right?

EVANS. I think we can get the money for it, because we've got something to offer that the investor that you have spoken of does not have to offer. In other words, we are coming in and saying, "invest with us and we will not only produce a yield but we will produce jobs." And we will then help them put these projects together in specific instances so there are jobs there.

LEVEY. You talk about a \$1 billion fund. How many jobs do you think—well, let me ask you two questions: how many housing units do you think \$1 billion will produce, and, how many jobs do you think it will produce?

EVANS. Mr. Levey, I don't think I could give you a specific answer at this moment. We are trying to help the country achieve the 26 million housing unit goal over the next 10 years that has been advanced for the country.

Our \$1 billion would be translated into a number of different types of activity. For example, we could very easily get into activities which are not housing. Nursing homes might be an instance. Government-insured neighborhood centers might be another instance. It would be difficult for me to tell you how many housing units we might get into, because of the varying nature of the kind of investment we would make.

But, I would think that \$1 billion would represent a very sizable investment. It would produce a great many new units of housing and a great many new jobs.

RIVEIRE. Mr. Evans, meeting the nation's massive need for new housing units during the next ten years probably will require extensive use of mass production techniques, such as the installation of prefabricated components. Yet, to some unions, prefabrication is still regarded as a threat to be resisted, if possible. Is the Urban Affairs Department doing anything to change union attitudes on that score?

EVANS. I would like to turn that situation around a little bit, because I think there is a great deal of public misunderstanding on the attitude of unions toward new technology and industrialized building systems.

I think that one place that a number of bodies have made a serious mistake in the last few years is in their investigation of the production of housing. It's very easy to become enamored of a new technology system and European-style production methods, and still not get to the heart of the matter. The problem in this country, I think—in the area of housing—is in the assembly of markets that are big enough to justify adequate expenditures for both research and actual appropriation of money. That means that the government's financing pattern is going to have to be such that we can see a certain market for housing over a certain number of years. I don't think that there is any

great fighting of the concept of new technology in the building trade unions, provided we can see a market that justifies expansion of the work-force. And, at the moment, I think you have run into many instances when the so-called industrialized building system cannot at present compete for price with what might be called standard construction.

For example, in the modern American city, if you go and look at the large commercial buildings being erected, you find many elements of an industrialized system—many panel systems and pre-cast concrete forms that are used.

So, I think what is going to help produce mass housing is a concentration or assembly of an adequate market. Whatever methods are then necessary to get volume will automatically find their place. They will not be met with great obstructionism on the part of the building trade unions.

LEVEY. Mr. Evans, the basic government program to rehabilitate the urban slums and to re-house urban slum dwellers is a product of a Democratic administration. And indeed, your program was actually formulated during the period of the Presidency of Lyndon Johnson. Now, we've got a new President—President Richard Nixon. We've got new Republicans in charge of these basic programs. How do you think that change is going to affect, one, the basic objective of the government, and two, your objectives within the trade union movement?

EVANS. I think it is a little early to say. We're going to spend a great deal of energy toward encouraging the Administration to appropriate the necessary money to implement the Housing Act of 1968. I don't think that the Administration could, politically—or perhaps even desires to—change the legislation that was enacted last year. I think that we're not going to be hampered a great deal by any legislative changes. What is obviously necessary is the accumulation of money in a private market to finance these things. And, of course, that is one of the things that we are trying to do with our mortgage investment trust.

But, I don't think the Administration could possibly look to cutting back on what is such an obvious need in the modern American city.

LEVEY. Well, isn't there a difference in philosophy on the part of the present leaders of the government, compared with those of the past Administration? George Romney, for example, the head of the Housing and Urban Development program. Is he as sympathetic, let's say, to your objectives, as Secretary Robert Weaver was?

EVANS. From everything I have read of Secretary Romney's pronouncements up-to-date, he's thoroughly sympathetic with the housing goals that have been set and talks about the need for increased housing. We may have some differences of opinion about the methods by which this is going to be accomplished. But, I don't think there is any serious difference of objectives between this organization and the statements that he has already made.

RIVEIRE. Could you briefly describe the Department's efforts in your second area of major interest—manpower programs providing jobs for the disadvantaged and hard-core unemployed. I understand you have a Human Resources Development Institute and you have programs going right now in nine cities and intend to expand the efforts to 50 cities, eventually.

EVANS. We're placing union-trained manpower experts in 50 cities to do everything they can to, among other things, develop programs for minority youngsters to take their place in the work-force. This will involve extension of our apprenticeship apparatus, it will involve training in general, it will involve the development of new job opportunities.

But, the main thing is to get a full-time staff man available to every community to promote new job opportunities.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was John Evans, director of the AFL-CIO's Department of Urban Affairs. Representing the press were Stanley Levey, labor correspondent for the Scripps-Howard Newspapers, and George Reveire, staff editor of Construction Labor Report, a Bureau of National Affairs publication. This is your moderator Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL-CIO, produced in cooperation with the Mutual Radio Network.

JONATHAN WINTERS REVEALS HIS LOVE AFFAIR WITH AMERICA

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES
Monday, March 10, 1969

Mr. FANNIN. Mr. President, many Americans have laughed at the TV antics of one of our foremost comedians. His characters have become almost a fixture on the American scene.

About the man himself, there is less known—until recently in an interview printed in TV Guide magazine, he revealed how he feels about America in words which I think every American deserves to hear. Mr. Winters says about America:

The Lord knows we have many problems . . . But this country is still the greatest place on earth to live, to exist, to work together, to die together. I believe in this country. If it doesn't work here, it won't work anywhere.

Mr. Winters expresses in this interview some of the reservations, the fears, he has had about being a political conservative in the midst of a dominantly liberal profession, but he says:

The time has come to stand up and be counted, to get into the arena.

It is my opinion that this statement will make for Mr. Winters a host of new friends, and even among those who do not accept his views there will be heightened respect for a man who has convictions and the courage to express them. I commend Jonathan Winters for his forthrightness, for his stand in favor of the ideals that have made America great, and I commend this interview to the reading of my colleagues.

Mr. President, I ask unanimous consent that the interview of Mr. Jonathan Winters, published in the March 8, 1969, issue of TV Guide magazine, be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

JONATHAN WINTERS COMES OUT OF HIDING
(By Edith Efron)

Despite the disappointing ratings on his current TV series—which has been undergoing a salutary loosening up of format—Jonathan Winters is almost universally hailed as one of the most gifted comedians in this country. His pungent characterizations have become a form of secondary American folklore. Friend Jack Paar, who discovered the Ohio-born Winters in a New York night club, says of him: "He is a true genius." and friend

Rod Steiger, himself an outstanding dramatic artist, says of him: "He is one of the most gifted improvisatory minds in existence."

About Winters, the man, there is less clarity.

For many years he has been described in the press as an anxiety-ridden comic who was "always on"—in the compulsive form of one or another of his brilliant characterizations. It has been equally compulsively said, by observers, that there is no "real" Jonathan Winters.

His friends loathe this comment. Explodes Paar: "This business about there being no 'real' Jonathan is nonsense! Of course, there's a real man there! A sensitive, brilliant, idealistic man. One of the reasons he has been so guarded is that he's been afraid that his political attitudes might get him into trouble professionally." And Steiger says: "He's a serious and a highly intelligent man. I admire him because of his courage, his almost heroic attempt to maintain his self-respect and his standard of performance."

For all these years, Jonathan Winters has been concealing himself from the public—but in this interview he decided to come out from hiding. . . . to reveal the serious and intense man known only to his friends and family. What he says about his characters, their relation to himself and his vision of life will come as a moving surprise to millions of Americans.

Q. You have been written about a great deal, but nobody outside of your very private life seems to know what you are really like—or even if there is a "real" Jonathan Winters. Why?

A. Most of it is my fault. In most of my interviews I was on the run. . . . Of course, I think it's awfully difficult to find out what a person is like. And with the great majority of interviewers, there's never an opportunity to be serious. I think reporters feel seriousness won't make good reading, especially coming from a comedian. Then, in all fairness to them, a lot of actors are downright dull, when you meet them out of role. Many of us, I'm sure, hide in our characterizations.

Q. Hide?

A. Art is a way of hiding . . . Maybe a better way to put it would be—we express ourselves indirectly through art.

Q. Then you are saying something serious through your comic characterizations?

A. Oh, absolutely.

Q. How about taking your major characters and telling me what they stand for?

A. Probably the most famous character I do is Granny. Maude Frickert. She's a hip old chick, a kind of worldly gal. A little malicious, caustic, bitter. But there's a lot of love in her, in a wild way. She loves life. She refuses to adjust to age. She's a kind of DAR type, but not all the way. There's a tremendous pioneer spirit. She's a fighter.

Q. What's she fighting?

A. In a way, she's putting down a weaker generation. She's saying, "let's shape up." She hates to miss out on anything, but she draws the line at the "living-it-up" attitude; the acid, the grass. She's against that.

Q. She has a certain contempt for modern decadence?

A. Yeah. She's a fun person but she's grass-roots. Down deep inside she's a Puritan. She's the Plymouth Rock, "The Star-Spangled Banner," Valley Forge—she's American history. She's the gal on the white horse, and yet there's a lot of the Tom Sawyer and Huck Finn in her. She shoots out of church because she can't stand the preacher—he's a bore. She has a place down by the stream and she may fish or just lie around and go skinny dipping.

Q. She's tough in some way?

A. Yes. She sees modern life as soft. She's a kind of tough pioneer woman. What she's saying to people in essence is: "What's happening here? What's happened to the spirit of '76?"

Q. OK, what about your character called Elwood P. Suggins?

A. Elwood? Elwood is trying to better himself. He represents some kind of fundamental common sense—you're laughing at him, but with him at the same time. He's a square—an innocent guy—a diamond in the rough.

Q. Does he have anything in common with Granny?

A. Oh, yes. Not superficially—Suggins hasn't got the aggression that Granny has. He's much more sentimental. But he's the same type of guy. He's just as American as she is. He's grass-roots. He's '76. Same type, essentially.

Q. Let's go to another one.

A. Howard Ganglinger. He represents a combination of Kiwanis, Masonic, Lions—all organizations wrapped into one. He's Mr. Convention. He always has the plastic badge on. Basically he's a weak man. He's a conformist.

Q. You don't respect him as you do Granny and Suggins?

A. No. He's given up.

Q. On what?

A. On America. Granny and Suggins have never given up on America—never for a minute. They think they can salvage it. This guy believes it's the fall of the Roman Empire. It's over.

Q. What battle has he lost?

A. He feels that Americana has been sold out. That's it in a nutshell. He's bitter and it shows. He's constantly telling people what's wrong with the country.

Q. Give me another character.

A. Another is Maynard Tetlinger. Maynard is an old man—about Granny's age. He's an old Walter Mitty—not senile, though, by any manner of means. Again, he's just as much Americana as Suggins and Frickert and Ganglinger. He's kind of a lost soul. He tends to wander.

Q. What aspect of "Americana" does he represent?

A. He's in the same bag as Granny. He's a pioneer type of guy. He came up from nothing the hard way. He's the type of guy that still gets up—as old as he is—at a baseball or a football game and sings "The Star-Spangled Banner." There's still something that goes through him when the band passes on the Fourth of July.

Q. All of your basic characters—are they in some way an expression of what you call "Americana"?

A. Yes.

Q. Now, all these are imaginary people—this is obviously you talking. What are you really saying under all these disguises?

A. I'm expressing a deep love for my country. I'm an American all the way. When I saw the American flag being burned in New York and in San Francisco, I wrote to my senator, for the first time. I sat down and I wrote a long letter. I said in it: "What's happening? Why is this being allowed? My flag means something to me. What does it mean to the other people?"

Q. What does it mean to you?

A. Perhaps this is going to sound very corny, but I'm at a stage when I don't care. The flag represents what I still believe: freedom of speech, freedom of religion, freedom. It's the Constitution. It's the Declaration of Independence. I sit here and listen to people saying we've got to make changes in the Constitution. I don't know. I still think it's some kind of wild great document. It's being picked away here and there. So, perhaps, is the Declaration of Independence. Maybe, tonight in Washington, they're taking it out of the frame and looking at it and saying, "I don't know. Maybe we should erase 'We the People' and just say 'A Couple of the People.'" But it's "We the People." I still get choked up when I read it—and when I read the Gettysburg Address. Wow!

Q. Contemporary problems don't shake your idealism?

A. No. The Lord knows we have many—the race problem is the worst. The war is terribly upsetting. But this country is still the great-

est place on earth to live, to exist, to work together, to die together. I believe in this country, if it doesn't work here, it won't work anywhere. It's got to work here.

Q. You spoke of Granny and Suggins as believing that America can be "salvaged"—and Ganglinger as feeling that all is "lost." What's being "lost"?

A. There's a definite lack of patriotism. Pride is going, pride in America; 200 million people are told they're guilty of everything; that our whole democracy doesn't amount to a row of beans.

Q. But what, precisely, is being "lost"?

A. It's hard to put it into exact words. . . . Let me quote something Theodore Roosevelt once said: "It is not the critic who counts, or how the strong man stumbled and fell, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, who knows the great enthusiasms, the great devotion, and spends himself in a worthy cause; and if he fails, at least falls while daring greatly, so that he'll never be with those cold and timid souls who know neither victory nor defeat."

Q. I see you love that. Why did you learn it by heart?

A. Because it pins medals on people that are in the arena. People should be in the arena. . . . The big thing is that phrase, "spends himself in a worthy cause." That says an awful lot.

Q. This passage represents your personal philosophy?

A. Yes.

Q. Does it in some way represent the spirit of America to you?

A. Yes, it certainly does.

Q. You feel this is being "lost"?

A. No question about it. . . . Of course, I'm not a guy that's throwing the towel in. I'm not a defeatist. I'm trying in my own way to remedy the situation on a daily basis without sounding . . . corny . . . square . . .

Q. That quote from Roosevelt—is that what you mean by square?

A. Yeah, I guess so.

Q. Your comedy does not hit out directly at the things that really agitate you, does it?

A. No. And I'll tell you why. I don't want to lecture. There have been satirists, comedians, who have crossed over—and it's no longer comedy. I could go on and comment about a number of social and political areas—but I question how funny it would be. I might think it was funny, you might think it was funny, and some of my friends. But I question the over-all reaction across the 50 states.

Q. You're saying that you're not sure that your conservative political humor would be accepted?

A. Yes.

Q. Why?

A. I must be honest. I'm not sure. Maybe that's insecurity on my part.

Q. How is it that, in all these years, you've never said anything like this before?

A. Maybe, if for no other reason, because I wasn't approached in this way.

Q. What way?

A. Through my characters.

Q. You said you were "hiding" in them. Why? Are you afraid of expressing your values directly?

A. That may be true. . . . I look across the country. . . . I see the tearing down of flags. . . . I see revolutionaries. . . . I see freedom under attack, free enterprise under attack. . . . I see people mixed up. They're coming to a stage where they're wondering: should we accept democracy or should we accept socialism; should we accept Communism?

Q. Why has this silenced you?

A. It seems to me that I am outnumbered. I find as I look around me that I'm in a minority with my views.

Q. And this depresses you?

A. I'm somewhat depressed. Today, to be patriotic . . . in the eyes of many people—especially in the entertainment business—you're considered a terrible right-winger. . . . You're labeled a John Bircher. . . . I've thought it could harm me professionally to speak out. . . . But, by the same token, you might ask: why is this coming out now?

Q. All right—why is it?

A. Because you've asked me many things that very few people in the press have ever asked me—dug deep inside of me to find out about my characters, and really define them, and put them up here and really take a look. . . . I suddenly realized—they're some kind of a crutch. . . . I've suddenly decided: I'm through running scared. I don't have to run frightened, regardless of what happens in the country.

Q. What you're saying is that you're braver today about being a political conservative in a dominantly liberal profession. What has brought this about?

A. I've had a couple of emotional diseases that I've had to shake. . . . You see, some years ago, I spent eight months in a hospital. I had eight months to think about me. . . . It taught me an awful lot. . . .

Q. Then this is the "real" Jonathan Win-ters? He's out in the open now?

A. Yes. The time has come to stand up and be counted, to get into the arena. . . . That's it. That's everything.

THE NIXON ADMINISTRATION AND OCEANOGRAPHY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, last week the Oceanography Subcommittee of the Merchant Marine and Fisheries Committee conducted hearings on a bill that would extend for 1 year the life of the National Council on Marine Resources and Engineering Development. That Council was established by Congress in 1966 to promote a badly needed national oceanographic policy and bring some sense of order and coordination to the proliferation of marine science activities now being conducted in 23 departments, agencies, and bureaus of our Government. The Council is to be commended for the excellent job it has done thus far and I would hope, when the time comes for floor action, that we will authorize its continued existence.

One of the priority items facing the Council will be consideration of the recommendations made by the Commission on Marine Science, Engineering, and Resources which was also established under the 1966 legislation. The Stratton Commission report, entitled "Our Nation and the Sea," is a thoroughgoing study of marine problems and addresses itself to the solution of those problems. One of the recommendations which the Commission urged be given immediate attention was the establishment of a permanent National Oceanic and Atmospheric Agency. I expressed my support for this in the February 5 CONGRESSIONAL RECORD.

Although I am not a member of the Merchant Marine and Fisheries Committee, I have been following these develop-

ments with keen interest because of my sincere conviction that the ocean holds the key to meeting many of our future needs. But the ocean will not automatically yield the solutions and resources. If we are to properly exploit its potential we must have a national policy and program aimed at guiding and coordinating research and development of our oceans' depths.

At last Friday's hearing, Dr. Edward Wenk, Executive Secretary of the National Council on Marine Resources and Engineering Development, pointed out that this should not be compared with our space program. This has not been a crash program, and it should not be. It has not been an exclusively Federal program, and it should not be. Marine research and development work is being conducted not only by the Federal Government, but by State and local agencies, universities, and private industry. This should continue to be the case. But at the same time it is essential that these activities should be properly defined and coordinated according to a national policy if we are to fully meet the challenge presented.

The Nixon administration has already stated its dedication to this goal. This was eloquently spelled out by Vice President AGNEW in a speech given to the American Management Association on February 24, 1969. In no uncertain terms, the Vice President stated:

This Administration will implement the full terms of the Marine Resources and Engineering Development Act. We are reviewing goals and programs of the prior Administration. We are examining the Commission findings. And we will be developing a clear program of our own for the future.

At this point in the RECORD I would like to insert a copy of the Vice President's speech:

OCEANOLOGY: THE CHALLENGE TO INDUSTRY (Speech by the Vice President at the American Management Association briefing session, February 24, 1969, New York City)

A turn of the century writer defined the ocean as "a body of water occupying about two-thirds of a world made for man, who has no gills." With all the millions of words written about the ocean and its fathomless allure, this precisely, if irreverently, reaches to the root of our problems.

Our nation, its history and greatness are inextricably linked to the sea. Ninety percent of our international commerce is transported by ships; seventy-five percent of our population lives in coastal areas. Fifty million people look to our coastal waters for recreation. All two hundred million Americans depend upon the ocean and its resources for life. Our national power, security, and defense require mastery of the sea. At the same time advances in international cooperation in the peaceful development of resources furthering the prosperity of all nations, can be achieved by unlocking the secret treasury that is the sea.

Millions of years ago life first emerged from the oceans. Now—to flourish—life shall return there. America has always looked to the sea and found success. Now it is time for fresh vision.

As chairman of the National Council on Marine Resources and Engineering Development, I welcome the opportunity to serve at this moment when we stand on the threshold of penetrating present mysteries of the deep and tapping the ocean's rich potential.

The Council, established by Congress in 1966, has a broad mandate to promote fuller

realization of the sea's promise. The 1966 Legislation assigned a leadership role to the Federal government but anticipated a full partnership with state and local governments, and with industry and universities.

The fact that the American Management Association has devoted this briefing session to oceanology indicates private leadership's recognition of this important subject. I hope it also implies your readiness to participate in vital oceanographic programs.

The rich agenda for this conference reflects many of the facets of our national interest in the sea and underscores the importance of industrial involvement in all phases of our broadened ocean endeavors.

Last fall President Nixon stated that an integrated and comprehensive program in oceanography would receive priority attention by his Administration. And as recently as last week, he urged that we now move forward to develop specific policies and programs. We recognize the key role of industry in marine affairs—in providing the necessary entrepreneurship, in developing the unique and complex tools that are needed, in harvesting marine resources—and I can assure you that this Administration is interested in a public-private partnership whether it concerns land, sea or air.

The development of a comprehensive oceanography program first requires coordination. The scope of marine science affairs delineated by Congress encompasses national security, foreign affairs, fishing, recreation, resource development, pollution abatement, transportation and trade, scientific research and exploration. Numerous federal agencies are involved.

The National Council on Marine Resources and Engineering Development will serve as the focal point and forum for this extraordinary range of important interests. All reports from both Republicans and Democrats give the Council high marks in mobilizing our resources, focusing attention on major policy issues, and stimulating ideas and action in all sectors of the marine community.

The President has explicitly requested the Council to provide advice on our ocean policies and programs—and where we go from here.

In response to that assignment and in accordance with its statutory responsibilities, the Council will continue to develop a comprehensive program of marine affairs; clarify agency responsibilities where they overlap; carry out long range policy studies; and coordinate a program of international cooperation.

The President is deeply interested in firmly establishing America as a first-rate maritime power.

We intend to build on our existing technological readiness—the arsenal of ships, research submersibles, buoys, laboratories, instruments, and manpower developed since World War II—to the fullest extent.

We intend to rely upon our talented scientists and engineers.

We intend to blend together the wide and varied interests and capabilities of our states, our industrial and academic communities, and our Federal establishment.

We intend to use the science of oceanology to serve the pressing needs of our society. The knowledge of the seas must be used to serve the cause of world peace.

And we shall pursue these policies—as the Nixon Administration shall pursue all national policies—with an emphasis on realism and a reliance upon the technological genius of our nation.

More than a decade of study and analysis has passed since Congress initially recognized the importance of a national marine program. In 1970 the International Decade of Ocean Exploration will begin. The past years have been a time of preparation, the present year should be one of organization, so that

the next decade can be one of cooperation climaxing in realization of the sea's promise.

Yet, even as we explore the depths of the open sea in concert with other nations, we shall complement this effort with a decade of coastal development. Here our goal is to balance economic development with conservation of irreplaceable national resources.

As advisor to the President, the Council on Marine Sciences will give first consideration to recommendations of the Commission on Marine Science, Engineering and Resources. This Commission was composed of distinguished Americans from many different areas—industry, banking, science, state governments. It had a set of Congressional advisors of both parties. It is to be commended for looking at our ocean interests in the broad perspective of the nation's stake in the sea and for adding a further dimension to our understanding of needs and opportunities. While some of the recommendations are controversial, there are cases where bold steps are needed to take advantage of emerging opportunities in this field.

However, apart from the particular points of controversy, the report provides a revealing balance sheet of what we know and what we need to do if America is to enjoy a leadership position in marine science.

We know that the world's ocean contains a storehouse of food critically needed in developing areas where malnutrition rages.

We need improved processes for manufacturing fish protein concentrate (FPC) and the development of marketing and distribution systems. For FPC can make significant contributions toward bringing these vast unused resources into the diets of protein deficient populations.

We know that the oceans provide an indispensable commercial highway with traffic growing at an ever-increasing rate. We know, too, that our existing ports and harbors cannot accommodate the larger and deeper draft ships that are rapidly entering service.

We need to incorporate new technology into our port system, and we need to integrate this system into the transportation needs of the entire nation. The Federal government must work closely with local and regional port authorities and industrial interests to achieve this goal.

We know that the seabed, and particularly the continental shelf, contains a reservoir of fuel and minerals for our expanding economy. At the same time, many of these resources are presently uneconomical to recover. Also, the recent oil spill near Santa Barbara was a grim reminder of related environmental hazards that we still do not completely understand, nor are fully able to control.

We need more knowledge in these areas and we need to develop sound national policies balancing environmental and economic interests.

Delay in this area could be devastating. Consequently, the Administration is now re-evaluating the government's offshore leasing policy for fuels and minerals and, with the assistance of industry, we will seek to develop a framework for managing this resource for the benefit of all of our citizens.

We know that the oceans provide us with a deterring shield to protect our country. However, we have no monopoly on Naval technology.

Improved capability to operate in the deep oceans, developed jointly by the Navy and industry, is needed for our national security.

We know that the nation's future in the sea depends on an adequate supply of trained specialists, particularly ocean engineers and technicians, for the technological development of marine resources in the 1970's.

We need an expanded Sea Grant Program to assist in fulfilling this need.

We know that the world's ocean has an important influence on global weather patterns. New technology is at hand to extend

our capabilities to obtain the extensive observations required to understand and predict environmental conditions.

We need to continue our work with industry toward the development of buoys, spacecraft, and other platforms to collect oceanographic and meteorological data.

While particularly emphasizing these areas, I wish to point out that the Administration is not unaware of many other aspects of marine affairs which deserve attention. The legal regime of the oceans and seabeds, the decline of our domestic fishing industry, the need for more adequate protection of life and property on the water and along the shores—these and many other problems will receive our earnest consideration.

Finally, I would like to turn to that part of marine environment which I know best—the coastal zone.

As past Governor of Maryland, I claim considerable experience with the blessing and curse of coastal land. Maryland, as you know, is almost bisected by the Chesapeake Bay. The Bay is 195 miles long and up to 40 miles in width, and covers more than 4,000 square miles. It receives fresh water from the Susquehanna, Potomac, Rappahannock, York, James and many other rivers, mixed with salt water tides from the Atlantic Ocean.

The shores of the Bay are homes to 4 million people. It supports a commercial fishery resource valued at more than \$65 million annually, one which provides a livelihood for 20,000 persons. It is a thoroughfare for more than 100 million tons of waterborne commerce each year and provides a prime location for industry, with easy access to markets, labor and transportation. It is a first class tourist attraction and recreation retreat for tens of thousands from all levels of our society. They flock to the Bay to enjoy swimming, boating, fishing or sightseeing. Some 60,000 sport boats use its waters.

At the same time, the Bay is the final repository of wastes from all these people and all these industries. Its shorelines are eroding at an alarming rate and some of its islands have disappeared within my memory. Its wetlands are being transformed to accommodate the needs of a growing population. Sediments washed from the uplands and excavated from navigation channels cover thousands of acres of the bottom of the Bay.

We do not know in detail the effects of any of these activities, much less the complex interactions which occur. But we do know that the Bay, and the rest of the Nation's coastal zone, cannot continue to accommodate all of the diverse demands being imposed upon it at random and at an increasing rate, as it has in the past.

During my tenure as Governor of Maryland, we developed and saw enacted the most massive pollution abatement program in the state's history. Even this program—which more than tripled all past efforts—is just the beginning of what must be done.

The problems of Maryland may be applied equally well to many of the bays, sounds, estuaries, and shorelines of all the coastal and Great Lakes states. The total resources of the coastal zone must be better managed. A system of management is needed that permits each use to be considered in its own right, but subordinate to the total economic, social, esthetic, and cultural needs of the people as a whole.

Over two years ago the Council began to examine the coastal zone, using the Chesapeake Bay as a case study. Congress has taken a number of initiatives to examine estuarine conservation and development. And the Marine Commission took a sharp look at the coastal zone and submitted many recommendations for improved management.

All of these considerations can contribute to a sound system of coastal management which takes into account national, regional, and local interests. Such a system should of

course recognize the appropriate role of the states and private enterprise—seeking a harmony of compatible uses for the nation's sake. We will seek to put the Federal house in order by strengthening coordination of Federal programs in the coastal zone, by eliminating the conflicts and unnecessary overlaps resulting from the fragmentation of responsibilities and programs among more than a dozen departments, agencies, councils and committees. We hope to increase public awareness of the need for wise management of coastal lands and waters. We will examine steps as to responsibilities of the individual states in the development of their coastal zone resources, and provide for closer collaboration between state and federal agencies.

In conclusion, I want to underscore that this Administration will implement the full terms of the Marine Resources and Engineering Development Act. We are reviewing goals and programs of the prior administration. We are examining the Commission findings. And we will be developing a clear program of our own for the future.

I leave with you the words of an old Welsh proverb: "Three things are untamable: fools, women and the salt sea."

This is a great moment for civilization—we stand at the threshold of taming the sea. Taming fools and women may take a bit longer.

EXECUTIVE PAY INCREASES WERE UNWISE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, March 10, 1969

Mr. CHURCH. Mr. President, when the Senate debated the matter of increasing the salaries of Members of Congress, Federal judges, Cabinet members, and other Government executives, I expressed the view that this was not the time for such action.

The Lewiston Morning Tribune, long noted for its perceptive editorials, sums up the congressional approval of these pay increases as being "one of the most shameful episodes in this unfortunate period of war, social turmoil, and mounting inflation."

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ETHICS AS HIGH AS THE PAY SCALE

It is asking for trouble to underpay public servants in positions as influential as those held by members of the American Congress. Nations that still underpay such officials find their governments riddled with graft, influence peddling, and conflicts of interest, as ours once was.

But the massive 41 per cent pay increase Congress let go through this week in the midst of an inflationary crisis is the grossest hypocrisy.

There is still some hanky panky in the American government, to be sure, but it is nothing compared with the last century or the early part of this one. For a couple of decades now a new morality has been sweeping across the American political scene. Public servants today—whether in Congress, the state legislature or city hall—are generally far more honest than they once were.

It would be pleasant to imagine that a spontaneous higher ethical standard in the

government halls of America is the sole reason for this greater financial honesty. But it is only a part of the reason. Unfortunately, another part is that government salaries have been greatly improved during the last decade. Government officials are more comfortable financially and perhaps therefore somewhat more immune to temptation. They can afford to be more ethical.

Consider the time only 14 years ago when a U.S. senator was paid \$12,500 per year. The expenses of the office alone could require nearly that much. Almost all round trips back to the home state came out of that salary. The entertainment of visiting constituents in the Senate cafeteria came out of the senator's pocket (and still does). In other words very little of the \$12,500 salary was left over for the senator's personal use. To serve in the Senate then you had to be either wealthy or . . . shall we say, resourceful.

So it was a step forward when in 1955 the pay of senators and representatives was raised to \$22,500 and again in 1964 when the pay was raised to \$30,000. One might even stretch a point and concede that the \$42,500 per year to which congressional pay ascended this week is not out of line for positions involving as much responsibility as these.

But the timing and the method of this latest congressional pay increase constitute a national scandal. The method is based on a new procedure under which a congressional pay raise proposed by the President automatically becomes effective, unless vetoed by Congress. President Johnson proposed the increase before leaving office. And President Nixon magnanimously sent word to Capitol Hill that he supports the measure.

Thus, we have a bi-partisan, back door raid on the treasury, led, to their shame, by the outgoing and incoming presidents of the United States.

If Johnson and Nixon don't know why the pay increases—although otherwise justified—are grossly irresponsible at *this particular moment*, who is there to draw the line? It was first Johnson, and now Nixon, who have had to cope with one of the most frustrating problems of our time—inflation.

The need to bleed some of the heat out of the economy has prompted a tax increase and sharp cuts in too many health and education programs among others. When it came to carving up the health and education budgets and drawing the line on spending for the young, the old and the poor, Congress measured up to the challenge. When it came to getting by on \$30,000 annually for a couple more years until the economic situation improves, Congress and two presidents ran out of concern.

The pay raise is one of the most shameful episodes in this unfortunate period of war, social turmoil and mounting inflation. Congress cannot measure up to the same standards of frugality it has imposed upon the rest of the populace in the interest of this nation's economic health. Thus, Congress, Johnson and Nixon resemble very much at this moment a drunken temperance lecturer.

It is too late apparently to reverse this excess in self-interest. But it is not too late to insist upon some new standards. If this nation is going full tilt into handsomely compensating its legislators, then nothing less than the most stringent restrictions on conflict of interest can be accepted.

If men like Senate Minority Leader Everett M. Dirksen are going to parade their contempt for the electorate by defending the pay increases with his incredible comment that "senators have to eat, too," then the other half of a well-paid legislative branch is in order. If Dirksen is going to eat so well at our expense, he can no longer be permitted to wage his normal fight against such ethical reforms as full disclosure of congressional sources of income.

If Congress thinks the public outrage at this 41 per cent pay increase is fierce, wait

until it sees what happens if full disclosure and other ethical reforms are once again tabled by members who still cling to the old secrecy policy on conflicts of interest.

As long as we are going to have the best public servants that money can buy, the public should be accorded the courtesy of seeing that it is only the electorate that is buying them.—B. H.

TWENTY HOUSE MEMBERS CALL FOR INVESTIGATION OF MAGAZINE SUBSCRIPTION SALES PRACTICES

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am reintroducing today with a number of my House colleagues as cosponsors, a resolution to authorize and direct the House Interstate and Foreign Commerce Committee to investigate magazine subscription sales practices in the United States.

Every day that we delay in taking steps to curb the fraudulent sales tactics of these organizations literally thousands of additional Americans fall victims.

Within the past 2 weeks I have made statements in the Chamber and inserted letters and newspaper articles in the RECORD to demonstrate how vicious these subscription sales practices have become. I will have a great deal more to say in the days ahead.

I have begun to receive consumer complaints from around the country. I have received letters from some individuals who have been subjected to the opening telephone sales pitch but had not yet been contacted by the followup man who makes a personal appearance to get a signature on a contract.

The practices of the companies in the field are despicable. The fact that effective steps have not been taken by the industry's self-regulating agency, Central Registry, to crack down hard on these practices is equally despicable.

And outside the jurisdiction of Central Registry are many more subscription sales companies who have neither subscribed to the industry voluntary self-regulatory code nor made an effort to use honesty and frankness in their sales practices. Their business activities likewise deserve the label, despicable.

I am pleased that a number of my colleagues share my concern that the consumer must be protected against fraudulent sales practices. I am pleased that they have joined today in cosponsoring the resolution to authorize thorough investigation of the magazine subscription sales industry.

Joining Congressman ROONEY in cosponsoring the resolution are: Mr. PODELL of New York; Mr. SCHNEBELI of Pennsylvania; Mr. BROWN of California; Mr. MIKVA of Illinois; Mr. SCHEUER of New York; Mr. MOLLOHAN of West Virginia; Mr. JACOBS of Indiana; Mr. EILBERG of Pennsylvania; Mr. REES of Cali-

fornia; Mr. CLARK of Pennsylvania; Mr. THOMPSON of New Jersey; Mr. RONAN of Illinois; Mr. HOWARD of New Jersey; Mr. BYRNE of Pennsylvania; Mr. WILSON of California; Mr. GILBERT of New York; Mr. ADDABBO of New York; Mr. BRASCO of New York; and Mr. DADDARIO of Connecticut.

VOLUNTEER WOMEN SPARK ORT,
THE CHARITY TO END CHARITY
THROUGH VOCATIONAL EDUCATION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mrs. GRIFFITHS. Mr. Speaker, it is heartening that in this world which is so beset by war, poverty, violence, ignorance, disease, and hunger, over 80,000 women volunteers in the United States devote great energies, through Women's American ORT, to promote vocational training and education for the underprivileged and the impoverished in 22 countries and on five continents. Women's American ORT—Organization for Rehabilitation Through Training—is a charity to end charity, because its objective efforts are directed to teaching people skills by which they may support themselves in dignity and self-respect.

Recently, the past president of WAO Washington region, Mrs. Ruth Indritz, made a stirring address highlighting ORT's accomplishments, stressing that our most precious resources are the human beings whose potentialities can be realized through training in vocational skills. I believe her speech was very inspiring, and I include it at this point in the RECORD:

THE ORT SABBATH ADDRESS

(By Mrs. Ruth Indritz, past president, Washington region, Women's American ORT, at Har Tzeon Synagogue, Wheaton, Md.)

It is a privilege to be here tonight with Rabbi Brandries and all of you. I sincerely appreciate the Rabbi's relinquishing his sermon time to me. I know I can not bring you a message such as he brings to you. I feel like the visiting Rabbi who served a Congregation for a summer while its own Rabbi was touring in Israel. The visiting Rabbi noted, during three successive sermons, that Mr. Cohen, one of the *balabatim*, or lay leaders, of the community, invariably closed his eyes and drooped his head. Finally, the Rabbi said to him: "Mr. Cohen, I don't know how to say this, but it seems to me that when I'm preaching, you are sleeping." "So," replied Mr. Cohen, "would I sleep if I didn't trust you?"

I have yet to earn your trust, but if I might have an advance on the trust, I'll do my best not to put you to sleep.

ORT, the Organization for Rehabilitation Through Training, was born in 1880. ORT was established as a fund to aid needy Jews. ORT opened trade schools, sponsored courses for apprentices, and granted loans. For only through the acquisition of a skill could the Jews escape from poverty.

When local pogroms and wars forced Jewish people to leave their homes, ORT followed them, trained them, found work for them, and helped them to open cooperative workshops.

But when the Russian Civil War, and more widespread pogroms, shattered whole Jewish communities, ORT found itself without means to help them.

In 1921, ORT representatives gathered and founded the World ORT Union. Six years later, its American child, WAO, was born. The ORT program, this program with vision, a global overseas program, now operates over 660 schools in 22 countries in 5 continents.

Let me take you abroad, to take a look at ORT today. Let's stop first in Iran, a place where tigers still threaten villages, where the only wheeled objects are millstones, and shepherding is still a major occupation. Conducive to higher learning? Hardly. Yet the first prize for a scholarship to the University of Teheran among 2300 applicants was awarded to an ORT student, Aroni Karimi. When Aroni entered the ORT school at 15, he had a stone age mentality. After 4½ yrs. at the ORT school, this new man stood erect and composed before the Shah of Iran, while the Shah pinned a national medal on his lapel. This is what ORT can and is doing for our people today!

In 1967, 3500 Jews lived in Libya. Many could trace their settlement back to Biblical times. Overnight, history was eclipsed and destroyed by mob hatred. Weeks of nightmare were ended for 3000 persons when they were brought to ORT Italy. Refugees from persecution, forced to leave their homes of generations, they are truly a people of whom we may say, "emergency, no other resource."

Immediate problems of food and shelter had to be solved. Problems of language, problems of culture, problems of vocational training. ORT Italy is quickly becoming the third largest country of refuge for our people. Does ORT Italy need our help? Yes, ladies and gentlemen, these are our people.

France and Israel contain ORT's largest concentration of schools. French Jewry has doubled from 250 thousand to over 550 thousand in the past ten years. Most of these people were refugees, who, like the refugees in Italy, may correctly be described, "emergency, no other resource." Last summer was particularly difficult, when 250 to 300 individuals were arriving daily, each requiring immediate aid, each one an emergency without any other resource.

To add to the problems of food, housing, education, there is the major cultural problem of direct confrontation between the naive, unsophisticated, patriarchal, father-centered, disciplined, religious, even superstitious, society of North Africa—and the free, child-centered, permissive society of France. The Results are shocking and traumatic.

We can be proud of WAO's contributions to ORT France. But we are saddened that for every student accepted, three are turned away, although these refugees from fear who found a haven in France are our people!

No one can yet foretell the consequence or full implication of France's recent monetary crisis, or President De Gaulle's attitude toward Israel. Each day brings new demands, each day brings new challenges. And ORT must answer these needs—ORT must accept the challenge—for these are our people.

There are now 20,000 students in ORT Israel, and over 50,000 graduates of ORT Israel. The State of Israel has many problems. The serious political situation requires that Israel not neglect its defense, not for one moment. Yet all other demands for development must be met simultaneously, even though the country has meager natural resources. There is also the problem that 50% of the elementary school population are from Moslem or European cultures and need to be integrated to preserve the democratic culture of Israel.

The 55,000 students in ORT schools today were represented at our recent ORT national

board conference in Cleveland, Ohio, by 16 yr. old Itzhak Buncel, one of the 1200 students now attending one ORT center in Tel Aviv. He is one of the 20,000 students now in ORT Israel. His parents are refugees from Czechoslovakia. Itzhak, a tall clean-cut Sabra, has finished 2 years of study in electronics and looks forward with enthusiasm and eagerness to the 3 more years yet to come. Speaking of his school, which he attends daily from 8 to 4, Itzhak said, "It has beautiful rooms, a laboratory, and a gym." Simply and sincerely, with eyes shining, he said, "I think it is the best school in Israel."

As Itzhak spoke, my eyes turned to the face of Mr. Michael Avitzour, the deputy general of ORT Israel, who was also at the conference. No father could be prouder of a son. This is the relationship between the ORT student and the ORT professional. As I looked at the faces of Itzhak and Mr. Avitzour, my 20 years in ORT compressed into a moment of deep understanding. Now I saw it. The human being, the human spirit; these, our people, are our most precious resource!

Yes, Israel has meager natural resources when it comes to water, land, minerals. But there is no element stronger, no element more filled with possibility, none more precious, than the human being, the human spirit: our most precious resource!

This belief has been the propelling factor in the growth of ORT for the women of ORT are women with a mission.

They believe that to have a meaningful life a man must maintain his individuality and his dignity: that to maintain these he must be a productive, useful and independent person able to help himself.

The women of ORT believe that ORT is the charity to end charity because it seeks to free people from charity by giving the greatest gift one can give a man: the opportunity to build and live his own life in dignity.

In many countries where ORT schools flourish, there are local chapters of ORT. Recently I was privileged to meet Mrs. Vilma, the President of ORT Jerusalem. She is a wife and a mother, with 2 sons, one a gunner and one a paratrooper, in the Israeli Army, both of whom served in the 6-day war in June 1967.

The Jerusalem chapter had spent most of its last meeting recruiting volunteers to help some of the children in the ORT schools with their reading. As she put it, "we have a group of 14 students who somehow managed to finish the 8th grade without learning to read. We had to find 14 women to work with them, to teach them to read, and we did." The human being, the human spirit, the same everywhere—everywhere—our most precious resource!

When Mrs. Vilma spoke of her sons' experiences, she held her head high. She concluded: "We shall fight to the last man, the last woman, the last child. All we ask is that you give us the best trained technicians. This only you can give us!"

Truly, these, our people, are our most precious resource.

Several weeks ago, Mr. Jacob Oleiski who served ORT for 40 yrs. visited us in Washington and spoke to a gathering of ORT members and their friends. He personified the spirit of ORT. Born in Lithuania, educated in Germany as an agronomist and a chemist, he returned to Lithuania to found a Jewish agricultural school operated jointly by ORT and the Jewish public schools of Kovna. He directed all ORT activities in Lithuania, until 1941 when the Jewish people were transferred to the Kovna ghetto. There he founded the ORT school where the children were given the vocational training required to remain within the protection of the ghetto rather than be sent to labor gangs. But within 3 years the ghetto was stripped of its protec-

tion, liquidated, and replaced by the horrors of a concentration camp.

When he was liberated from living death, Mr. Oleiski thought not of himself, but of the people he could help. He began vocational courses for displaced persons and supervised all 60 centers in the American zone, until he went to Israel where he was director of ORT Israel for 18 years.

Mr. Oleiski's warmth, understanding, and love for the ORT student defy description. They penetrate the heart and the soul. The Talmud tells us, "the soul is the Lord's candle." We must keep the candle lit, for truly, people are our most precious resource.

This truth was forcibly brought home to me, when, after Mr. Oleiski's visit, we had a call from a man who had seen the article in the Jewish Week about Mr. Oleiski's speech. He had been a child in the Kovna ghetto. Now he lives just a short distance from my home. He was an ORT student under Mr. Oleiski. He lived thru the concentration camp with Mr. Oleiski. After the war he studied auto mechanics in an ORT school. I've met him and his lovely wife and their 3 fine children. There is no doubt, the human life, the human spirit is our most precious resource!

Let us not delude ourselves that persecution of our people is a thing of the past. Continuing dislocation, new waves of emigration, new anti-Semitic manifestations in at least a dozen countries of the world, have come in the wake of the 6 days' war.

Today, masses of Jews numbering in the thousands, in the many, many thousands, are in flight. Are they not our responsibility?

In St. Thomas, the Virgin Islands, I visited a synagogue built in 1795, almost 100 yrs. before ORT was born. Standing there alone, I gazed at the floor and saw it was covered with sand, a reminder of the wanderings of our people in the desert. Do we need to be reminded? I think we do.

Not long ago there perished in European concentration camps over six million Jewish men, women and children, as many as all the Jews now in the United States, 6 million Jews. Do we need to be reminded?

Rabbi Rosin, the chief rabbi of Rumania, has today in his library a strange book. A book which has in it not pages, but 4 cakes of soap, made of the bodies of 4 human beings. Four cakes of soap which he uses to serve as a reminder of the past.

Many years ago, I was privileged to have dinner with the First Lady of the World, Mrs. Eleanor Roosevelt, a magnificent woman with the ability to examine a complicated problem, to extract the essence of the problem, and to find its solution. Succinctly and without equivocation, she said: "The children of the world are in need, we must not allow this to be."

That past is now the present, and "we must not allow this to be."

Today, many thousands of our people look to us, the richest community in the world. What is our responsibility?

The crisis in the inner city has broadened ORT's role. ORT's task continues to be its overseas program. In addition, the needs of the American community command ORT's attention, ORT's experience, and ORT's organization.

The recent ORT national board conference reaffirmed and extended the resolutions adopted by ORT conventions and conferences since 1962 in regard to the overwhelming and dire problems of American life. Poverty, racism, and anti-Semitism are not confined to any time or place. They are alive. They are growing. They are abroad. They are here in our community today.

In this direction, ORT women are working through the national organization, in the Head Start program and other Federal and municipal programs and groups in a concerted effort.

ORT women are translating their under-

standing and knowledge of the ORT program to meet the crisis, to help resolve it, and to help restore equilibrium.

ORT women are supporting measures and legislation to establish and extend social justice to all of our citizens. For all citizens are our people.

We cannot be an island of safety in a sea of uncertainty. If we close our eyes to truth, we may never see again.

I remind you what Hubert Humphrey, who, but for a few votes, would have been the 37th President of the United States, said, "To be indifferent is the worst evil of all."

A woman of ORT cannot be indifferent. The philosophy of ORT and the philosophy of Judaism are the same. No one stands alone.

Let us remind ourselves how fortunate we are not to be on the receiving end. Let us remind ourselves that it is our privilege to extend our hand to help our brothers to live their lives in dignity and self-respect. Let us remind ourselves that we have the power to build the stairway to the future for our people—our most precious resource.

THIRTY-CENT WAGE LURES FIRMS ACROSS BORDER

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. DENT. Mr. Speaker, despite the low statistical level of unemployment, millions of men and women who need jobs are unable to find them. Millions of others are forced to work for wages that provide less than decent living standards. Americans, I believe, are increasingly determined to meet these problems. Public and private efforts to provide decent jobs at fair wages for all who are willing and able to work are growing in every part of the country. But I am particularly disturbed—and I think most Americans would be too—about the concerted effort of a group of Tucson businessmen to lure industry south of the Mexican border to exploit shamefully low wages there. Every Member of this House should be alert to this scheme and others like it. Therefore, having received permission, I insert in the CONGRESSIONAL RECORD an article which appeared recently in the AFL-CIO News, as follows:

THIRTY-CENT WAGE LURES FIRMS ACROSS BORDER

TUCSON, ARIZ.—Mexico's "inexhaustible inexpensive labor market" is being touted as a 30-cents-an-hour gold mine for U.S. businessmen willing to invest in plants on both sides of the border.

"You don't have to go to Hong Kong, Taiwan, South Korea or Japan for low cost easily trainable foreign labor," says the official publication of DATE—Development Authority for Tucson's Expansion, which describes itself as a "nonprofit corporation representing a broad cross section of the Tucson community."

"It's available right here . . . along the Mexico-Arizona border for as low as 30 cents an hour in virtually inexhaustible numbers," DATE proclaims in glowing Chamber of Commerce prose.

"Mexican labor is competitive with foreign labor—easily recruited, quickly trained and equally as productive."

Tucson businessmen headed by J. Karl Meyer, DATE's executive director, point to the "advantages" of "cooperative U.S.-Mexi-

can border operations such as low absenteeism and a proud, cheerful attitude toward work . . . under the Twin Plant concept."

That concept is described in these words: "Components are manufactured in Tucson, assembled in Nogales, Mexico, and returned to Tucson for final inspection, and packaging and shipping. . . . Duty is imposed only on the added value of the assembly."

Tucson is only one of the Southwest's border towns promoting the "cheap foreign labor" concept. Among the first to tap the new lode was Laredo, Tex., which induced the Transatron Electronics Corp. of Wakefield, Mass., to move its non-union operations into a new plant with a small work force.

Across the border at Nuevo Laredo, Mexico, within walking distance of Laredo, is a Transatron plant with 1,400 workers, all Mexican nationals. Under the twin plant formula, Transatron may use its small U.S. work force to manufacture products and its large Mexican force to assemble them.

Wage rates in the U.S. are \$1.60 an hour and up. In Nuevo Laredo the rate is a reported \$2.16 a day.

DEFENSE CONTRACT

The U.S. plant has started work on a \$1.7 million contract to make telephone cables for the Defense Dept. The contract is for a one-year period, but the Army Electronic Command awarded Transatron an additional contract on its bid of \$1.1 million, and the Economic Development Administration procured a grant of \$28,000 in U.S. funds to "train 15 or 20 persons in the electronics field" at the Transatron plant in Laredo. A subsidiary, Phalo Corp., got the contracts and the grant.

The hands-across-the-border concept got a jolt, however, when the Mexican workers cast off the "proud, cheerful attitude toward work" extolled by the tubthumping U.S. businessmen and stopped work for three weeks at the Nuevo Laredo plant.

The walkout was not an official strike, sanctioned by the ruling powers, but it forced Transatron to ship some of the quartz crystals used in its production processes to another company subsidiary in Kansas City, Mo. The workers finally went back when the governor of Tamaulipas state stepped in and the State Labor Board agreed to hear the dispute—over wages promised but not paid for lunch "breaks."

Last year an AFL-CIO Executive Council subcommittee urged joint action by American and Mexican labor movements and governments to change the immigration and tariff laws. It cited unfair competition by low-wage border-jumping plants and "green card" tourists who cross the border freely to take jobs in agriculture, often at the expense of union farm workers.

GHANA'S 12TH ANNIVERSARY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. DIGGS. Mr. Speaker, on March 6 Ghana celebrated the 12th anniversary of its independence. On behalf of the Subcommittee on Africa, I am very pleased to extend to General Ankrah and to the people of Ghana, congratulations and every best wish for the future.

We have watched with warm approval the last 3 years of reconstruction in Ghana and have noted the National Liberation Council's plans for a return of civilian government in Ghana this

year. We can now see that Ghana is well on the path to realizing the great promise it showed on the historic day of its independence on March 6, 1957.

I recall with pride being a member of the official U.S. delegation to that historic event and that the chief of our delegation was the Honorable Richard M. Nixon.

WHAT WOULD HAPPEN IF EVERY BLACK TURNED WHITE TONIGHT?

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. VANDER JAGT. Mr. Speaker, under leave to extend my remarks I ask unanimous consent to have printed in the RECORD a column by Paul Harvey that appeared in a recent edition of the Muskegon Chronical. The contents of the column follows:

WHAT WOULD HAPPEN IF EVERY BLACK TURNED WHITE TONIGHT?

(By Paul Harvey)

If every black turned white tonight, tomorrow morning we would find most of our problems unresolved.

Statistically, we would have less crime—but we would still have much too much. The percentage of whites committing crimes is about five times greater than the white population increase.

We would still have unemployment in the midst of plentiful jobs, because 40 per cent of the unemployed are white.

We would still have mothers bearing illegitimate children to make themselves eligible for increasing welfare handouts.

We would still have unwon wars overseas and resultant domestic restiveness.

Many Americans have been allowing themselves to adopt the ancient scapegoat concept, imagining that we can absolve ourselves of our own sins by blaming everything on the blacks. We can't.

Indeed, the black-white relationship in the United States, in perspective, amounts to a very commendable amalgamation.

Historically, many of the world's diverse cultures have not been able to pull as close together in 2,000 years as our black-white cultures have in 200 years.

Britain, for all her centuries of involvement with Africans and Asiatics, is "less close" to them than we Americans are to one another.

That we have domestic black-white strife involving fractions of our black-white populations should not be nearly so surprising as the larger fact that we have come so far so fast in providing equality of opportunity and mutual social acceptance.

I do not intend to try to defend the so-called "black militants."

It is too obvious that many of them have a chip on their shoulder, resenting their own blackness—and that they use blackness as a catalyst for mobilizing resentment, restiveness and rebellion.

They are as wrong to blame all their troubles on their color as we are to blame all our troubles on them.

That's why I say every black could turn white tonight and tomorrow morning we would still have legions of lazy Americans demanding more for working less.

We would still have young Americans burning our flag because they resent the maladministration of some of our foreign affairs and foolishly blame our ism. . . .

We would still have rebellious youths growing long hair and wearing dirty clothes

in rebellion against a generation of parents who drink and say "don't" and smoke and say "don't" and who denounce the misuse of sex while they misuse it themselves.

If every black should turn white tonight, we'd still have too many too hungry and unenlightened: Mexicans, Indians and shantytown whites.

We'd still have public nudity, lurid movies and putrid magazines feeding carnal appetites of corruptible Caucasians.

We would still have large segments of our college and university populations going to "pot" . . .

So most of what ails us is not so simply dismissed as a matter of black and white.

If every black turned white tonight, tomorrow morning we would still have most of our problems.

And so would they!

THE NATION'S CRYING NEED FOR TRAINED WATER QUALITY CONTROL MANPOWER

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CRAMER. Mr. Speaker, during the recent hearings held by the Committee on Public Works, we were appalled to learn of the incredible shortage of personnel trained in the field of water quality control. This shortage of trained personnel is to be found at all levels, from operators of sewage treatment plants through postgraduate engineers and scientists. We were equally distressed to learn, Mr. Speaker, that the Water Pollution Control Act is not achieving the purpose which Congress intended, in great part because of this lack of personnel.

Unless this sounds overly dramatic, I would point out that we can build all the sewage treatment plants that we are capable of constructing, yet without the operators to rake bar racks, to clean the grit chambers, to skim the settling tanks, to operate the digestors, to regulate operation in accordance with flow and season, to draw off sludge, to run the laboratory tests necessary to determine control, and the thousand and one other tasks that a treatment operator must supervise, these plants will be useless. Testimony before our committee indicated that there are many now that have been closed down because of lack of personnel and many others that are operating it far below design efficiency because of lack of training of the personnel now on duty.

It has become clear to us that determined action should be taken to provide the Nation with personnel capable of carrying out the programs that Congress has concluded are necessary if we are not to drown in our own filth. We must act to provide these personnel at all levels as quickly as possible. Accordingly, Mr. Speaker, I have attempted to determine the causes of this problem. While they are complex, it is clear that in order to have trained personnel active in the field, aid must be made available to those who might be inclined to enter this field.

There are certain statutes now in ef-

fect, which, to a very great extent, help the institutions that have been developed for the training of water quality control personnel. My investigation, for example, has revealed an area in which help is necessary immediately. Those who would become sewage treatment plant operators and supervisory personnel find themselves unable to attend the institutions which have been developed, and which are now being developed, dedicated to the teaching of this art. The reason is that they cannot afford to take the time to go to school because they have no other sources of income. This bill would provide for stipends where necessary to be paid to these individuals when properly certified by approved institutions, and, in this manner, would encourage those who have an interest in the field to complete the studies necessary.

Further, it provides assistance for those individuals who wish to study technical aspects of water quality control—engineers, ecologists, bacteriologists, and technicians who now turn their eyes toward more profitable areas of endeavor by helping them obtain the training in this field.

Mr. Speaker, this is but a very necessary first step in making available to the Nation the corps of trained citizens without whom all the authorizations, appropriations, and acts of Congress would be meaningless; for if we do not have the people who can do the work, our words here have little significance, and our actions in this Chamber playacting. Therefore, Mr. Speaker, I urge all the Members of this body to consider this measure among the most important to the well-being of every citizen of our country and to lend their support to this bill for, indeed, I am convinced that without it we will expire in our own excrement.

MR. NIXON AND THE ABM: A TIME FOR DECISION IS HERE

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. PODELL. Mr. Speaker, Mr. Nixon must decide shortly on whether to construct an ABM system or not. America is entitled to an answer. America is entitled to a rational response—one which will halt this monstrous surge toward an open-ended weapons system known to be utterly useless as far as defending the United States against missile attack. Our scientific community has rallied against this proposal. Many military people have little faith in it. City after city has opposed it. Millions of Americans have expressed vehement opposition to it.

This outrageous military boondoggle is designed to enrich profit-swollen military contractors, who give us nothing in return. Adoption of the ABM will eventually inflict an annual military budget of \$100 billion upon this Nation. It would endanger our major cities, surrounding

them with land-occupying base facilities, studded with multimegaton warheads—more a menace to those being defended than potential aggressors.

Once military contractors and their military apologists thrust a foot in our Treasury door with a "thin" system against the Chinese, it is but a side step to a "thick" system supposed to defend against the Soviet Union. I give little credence to their financial estimates. A recent Brookings Institution report starkly reveals how defense contractors' estimates of the past decade proved to be so many fairy tales. We eventually paid from 300 to 700 percent more for weapons systems of the 1950's. When Pentagon figures turn out to be true, bathtubs will gallop.

We wasted \$5 billion on Nike-Ajax, Nike-Zeus, and Nike X. After 5 years, we would have an ABM, which could defend against low-grade, unsophisticated Chinese missiles. The Russians already have missiles which would laugh their way through our proposed ABM. And what about the Red Chinese in the interim? For if the Pentagon says we will build the ABM system in 5 years, we can count on it taking at least 7 years—witness the disaster of the TFX and our new battle tank.

A rising chorus of condemnation and resistance has come from both parties in both Houses of Congress. It would be an unconscionable outrage against the American people to construct this system against the expressed will of the people. It would also be a gruesome joke, for we would obtain nothing in return for our money. Equipped with the Sentinel system, America would be a star-spangled ostrich with its head imbedded in the sand—like the imbecile dashing into a rainstorm waving an umbrella without fabric, like a gaping, howling fool.

Mr. Speaker, President Nixon has already stated that the Sentinel system was not designed as a permanent limited defense against any possible Chinese attack. He knows how nonsensical arguments in its favor really are. I pray he has the courage, for all our sakes, to stand up to the modern robber barons of the defense industry and their military satraps. If he wishes to attack domestic problems, he can begin by preventing the throwing away of billions on this gargantuan fraud called the ABM.

TAX INEQUITIES

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BINGHAM. Mr. Speaker, the inequities contained in our Federal tax structure have long been a matter of concern to me and to many of my colleagues. Over the past year, they have increasingly become a matter of open concern to the millions of Americans of low and moderate income on whom the burden falls most heavily and most un-

justly. And in recent weeks, they have become a matter of immediate concern to the Committee on Ways and Means, which is holding hearings on a number of proposals aimed at bringing to the tax structure a greater measure of the equity which it has so long lacked.

But inequities in taxation are not a matter of concern solely at the Federal level. For State and local tax systems often contain their own measure of inequity—sometimes locally legislated and sometimes simply carried over from the Federal structure in order to achieve conformity of tax returns.

Both these problems have appeared in my own State of New York, and were recently pointed out by the distinguished minority leaders of the State senate and assembly, Senator Joseph Zaretski and Assemblyman Stanley Steingut. These two legislative leaders, in a statement late last month opposing a proposed increase in the State sales tax, called for "a sweeping reform of the State's tax structure" in terms closely paralleling those heard here in the House with regard to the Federal tax structure. They set two goals for their reform effort: First, to insure that the burdens of government costs are equitably distributed among all our people; and, second, to obtain the greatest possible revenues for the State, without imposing greater burdens on those already overtaxed.

Senator Zaretski and Assemblyman Steingut commented that one of the principal sources of inequity in the existing State tax structure arises from the decision made in 1959 to adopt the tax policies of the Federal Government, in order to achieve conformity of tax returns. They pointed out:

In so doing we have willy nilly adopted all the loopholes and all the special tax privileges incorporated in the Federal tax statutes. . . . Conformity of taxes means that the burden of tax costs is unequally distributed among State tax payers in the same degree as under the Federal laws.

The taxpayers of a number of other States undoubtedly suffer the same double inequity system. Indeed, in localities where city or county taxes are superimposed as a percentage of State tax returns, taxpayers may even suffer from a system which is triply unjust.

Mr. Speaker, this is just one additional argument for the comprehensive reform of our Federal tax structure which a number of us have long sought. By introducing such reforms, we cannot only help the millions of Americans of low and moderate income who file Federal tax returns each year, but we can also offer a helping hand to progressive legislators like Senator Zaretski and Assemblyman Steingut who seek to remove inequities at the State level.

Mr. Speaker, I believe the statement issued by Senator Zaretski and Assemblyman Steingut will be of interest to all my colleagues who are concerned about this problem. The full text is as follows:

ZARETZKI AND STEINGUT FIGHT SALES TAX HIKE—URGE TAX REFORM

Senator Joseph Zaretski and Assemblyman Stanley Steingut, Minority Leaders respectively of the State Senate and Assembly,

announced today that they will oppose Governor Rockefeller's proposal for a 50 percent hike in the State sales tax, from two to three percent, and press instead for tax reform.

In a joint statement, the Legislators said: "We will oppose Governor Rockefeller's proposal to impose a 50 percent increase in the State sales tax, from two to three percent, to finance what the Governor describes as an austere budget. We will oppose this proposal, because a sales tax bears most heavily upon low and middle income families who already are contributing more than their fair share to the cost of government operations.

We cannot in good conscience vote for a proposal that will compound the difficulties confronting our people by enactment of an economically regressive tax to finance a socially regressive budget.

We consider it imperative, instead, to examine the budget for State purposes with the finest microscope to eliminate every ounce of fat from the budget. We are in the process of doing just that at this very moment. We will detail our findings and our views shortly.

We deem it equally imperative to undertake a sweeping reform of the State's tax structure to accomplish two urgent needs. One is to insure that the burdens of government costs are equitably distributed among all our people. The other is to obtain the greatest possible revenues for the State; without imposing greater burdens on those already overtaxed.

We have been informed by Commissioner Joseph H. Murphy, President of the State Tax Commission, that for the year 1967, the number of tax returns on which no State income tax was due were as follows:

New York adjusted gross income:	
\$25,000 to \$49,999	200
\$50,000 to \$99,999	75
\$100,000 to \$199,999	26
\$200,000 and over	19
Total (no tax)	320

We have also been informed by Commissioner Murphy that there are "several hundred" tax payers at the higher income levels "paying relatively small amounts of tax."

Since 1959, the first year of the Rockefeller Administration, the State has adopted the tax policies of the Federal government, in order to achieve conformity of tax returns. In so doing, we have willy nilly adopted all the loopholes and all the special tax privileges incorporated in the Federal tax statutes.

There is a myth that those whose earnings exceed \$50,000 a year pay a greater percentage of their income in taxes than those with smaller incomes. The blunt fact is, according to Federal statistics, that those earning \$25,000 a year and more pay on the average just 28 percent of their incomes in taxes, while those in the \$5,000 to \$7,000 category pay 33 percent; those in the \$7,000 to \$10,000 bracket pay 32 percent; and those in the \$10,000 to \$15,000 bracket pay 31 percent of their income in taxes.

Conformity of taxes means that the burden of tax costs is unequally distributed among State tax payers in the same degree as under the Federal laws. Moreover, it means that the people earning more than \$25,000 in 1967, who incurred no State tax liability, similarly incurred no Federal tax liability. And if they live in New York City, they also escaped liability for payment of City income taxes.

Obviously such variations in tax burdens are no longer tolerable by those who bear the lion's share of the cost while earning the lower levels of income. We are focusing our attention sharply on the urgent needs for tax reform, and plan to make public within the next few days detailed proposals for moving in that direction.

STUDY OF CRIMINAL USE OF
FIREARMS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BUSH. Mr. Speaker, located at Sam Houston State College in Huntsville, Tex., is a remarkable organization known as the Institute of Contemporary Corrections and the Behavioral Sciences. Under the direction of George G. Killinger, Ph. D., the institute has sought to discover the sources of criminal conduct, delving into such challenging areas as chromosome abnormalities.

Recently, the president of Sam Houston State, Dr. Arleigh B. Templeton, informed me of a special study undertaken among inmates of the State prison—also located in Huntsville—which probed the use of firearms by felons. This study, entitled "The Guns Criminals Use," was prepared by Dr. Charles M. Friel, director of research at the institute. I am inserting the major portion of a letter written to me by Dr. Friel in which he outlines the compelling results he obtained.

Before citing Dr. Friel's work, Mr. Speaker, I would like to make a few observations of my own based upon it.

First, it is freely admitted that these findings apply only to inmates of the Texas prison system and do not necessarily reflect the entire body of criminals in the United States at large—although there is no evidence to suggest the contrary.

Second, it is to be noted that only a minuscule number of firearms were obtained through the mails: never as much as 2 percent of the cases interviewed. Far larger sources were from pawnshops—approximately 24 percent of handguns, 11 percent of rifles, and 7 percent of shotguns—and from theft—24 percent of handguns, 12.5 percent of rifles, and 15 percent of shotguns. The study also suggests the marginal value of the registration of all firearms as an effective crime-fighting measure.

Third and last, I do not mean to imply by means of Dr. Friel's excellent research that the legislation we passed last session was a mistake. Inasmuch as it may serve to prevent undesirable people from obtaining weapons with which to commit crimes, the so-called gun-control law must be deemed proper, despite the widespread inconvenience and embarrassment it has caused law-abiding citizens. But if the Sam Houston State study demonstrated anything to us, it is that much more must be done at the State and local levels to curb illicit purchases of firearms, particularly if upward of half these weapons are obtained through theft and pawnshops.

I Join Dr. Friel in his conclusion that existing anticrime laws must be firmly enforced and that our State and Federal prisons be modernized with an aim toward true correction of the criminal—who, we must always remember, is the true evil doer, not the firearm. Further, I recommend that every State legislature

end the practice of easy sales of weapons to felons and potential felons at pawnshops.

On a national scale, I trust the Department of Justice will join the States and localities in effecting these recommendations—a joint response to a crisis which demands resolution on all levels of government.

The letter from Dr. Friel follows:

SAM HOUSTON STATE COLLEGE,
Huntsville, Tex., January 14, 1969.

HON. GEORGE BUSH,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BUSH: The study was conducted during the summer of 1968 at the Diagnostic Unit of the Texas Department of Corrections. All men received by Texas Department of Corrections are held initially for 30 days at the Diagnostic Unit to be debriefed and interviewed. During this time, with the cooperation of Major Ballard of the Diagnostic Unit and Mr. Kutach, Assistant Director for Treatment, 389 men were interviewed on a volunteer basis regarding their purchase and use of firearms.

The interviews were conducted by trained interviewers of Texas Department of Corrections using a standardized format. It should be noted that although inmate participation was voluntary, very few inmates refused to participate in the study. This was probably a function of the fact that the inmates were advised that their names would not be recorded nor would any of the information be used against them. The sample was taken without any selection bias as to race, age, offense, prior criminal record, etc.

Summarizing the results, it was found that the 389 felons admitted to having possessed a total of 1122 handguns since they were 13 years old, 922 rifles, and 447 shotguns.

With respect to possession of handguns, it is interesting to note that only 38.05% of the felons admitted to never having owned a handgun, while 61.95% claimed to have possessed one or more handguns. Approximately one out of eight inmates (12.83%) admitted to having owned 6 or more handguns, while a few inmates confessed that they had owned a total of more than twenty handguns (3.08%).

Although we do not have any data to show that felons have possessed more handguns than citizens in the community, examination of the data on how the inmates obtained their weapons is most revealing. Of the handguns owned by the inmates, 23.95% were stolen, 24.23% were purchased from pawn shops, 0.70% were mail-ordered, while only 9.52% were purchased from commercial and sporting goods stores. The remaining 41.60% were inherited, borrowed, won by gambling, found, homemade, etc. This suggests that laws prohibiting the mail-order purchase of handguns will have virtually no effect on the criminal in Texas and that regulations affecting legitimate sources of handguns (such as commercial stores and sporting goods stores) would affect only about 9.5% of the guns owned by felons. However, tighter regulations and control of the pawn shop sale of handguns would affect practically one out of every four handguns (24.23%) that come into the possession of felons in Texas.

The data also revealed that one out of every six felons sampled admitted to having sold/given/loaned a handgun to persons with a known criminal record, while one out of twenty five admitted to having sold/given/loaned 5 or more handguns to persons with prior records.

While relatively few offenses by definition involve a weapon (e.g., armed robbery, possession of a prohibited weapon, assault with a weapon, etc.), practically one out of every

four inmates sampled admitted to having a gun on his person at the time he committed the offense for which he was convicted. Although this percentage is higher in the cases of individuals convicted of armed robbery, murder with and without malice, and aggravated assault, it should be noted that 20.00% of persons convicted of narcotics charges, 11.19% of persons convicted of burglary, 21.43% of persons convicted of auto theft, and 40.00% of persons convicted of rape by force, had weapons on their person when they committed their respective crimes.

When asked the question "Did you ever obtain a gun with the intention of using it for criminal purposes", approximately one out of seven answered yes while one out of ten refused to answer. This observation is even more significant when it is considered that 68% of the inmates sampled had prior felony convictions, with 9.6% having 5 or more prior felony convictions.

The data on handguns also revealed some interesting statistics on the calibers of guns owned by convicted felons. By far, the most common caliber reported was the .22 caliber, which comprised 34% of the reported guns. Other popular calibers were the .38 cal. (22%), .32 cal. (13%), .45 cal. (9%), .25 cal. (8%), and the .357 cal. (3%). The other 11% of the reported handguns were .44 cal., .30 cal., 6.35 mm., 9 mm., P.38, .41 cal., .303 cal., air guns and blank starter pistols.

The study was not solely devoted to handgun traffic. Information was also gathered as to the traffic in rifles and shotguns. As mentioned above, the 389 inmates admitted to having possessed 522 rifles. Of those sampled, 43% admitted never having owned any rifles, while 6.40% admitted to having owned 6 or more. Again, it is of interest to note how these weapons were obtained. One out of every eight rifles was stolen while one out of nine was purchased at a pawn shop. Only one out of five rifles was found to be purchased from a commercial or sporting good store. In regard to mail-order purchase of rifles, it was found that only 1.53% of the reported weapons were obtained in this manner. It is of further interest to note that 16.49% of the rifles were borrowed, 15.33% were gifts and 13.79% were bought from a private owner. The remaining 8.23% were won gambling, inherited, homemade, etc. Better than half (55.66%) of the reported rifles were .22 cal. Other popular calibers were .30-30 (12.09%), .30-06 (9.79%), .30 cal. M-1 carbine (4.42%), .303 (4.22%), and .25 (2.11%).

The inmates also admitted to having owned 447 shotguns. One half of the sampled admitted never having owned a shotgun, while of those who admitted possession of shotguns, 7.45% admitted possessing in excess of four weapons.

Again the pattern of how these weapons were obtained is not dissimilar to that reported above. Fifteen per cent were stolen, 6.84% were obtained from pawn shops, 17.38% were purchased from commercial or sporting goods stores, 0.57% were mail-ordered, 17.38% were borrowed and 15.39% were received as gifts.

Approximately one-half (51.57%) the reported shotguns were 12 gauge, while 22.53% were .410 cal., 12.89% were 16 gauge, 10.89% were 20 gauge, 2.01% were 10 gauge and 0.29% were 28 gauge.

In light of the data reported above, existing and proposed restrictions on mail order sale of firearms will have virtually no effect on the felon in Texas. It should be remembered that legislation regulating the mail order sale of weapons, though it is well intended and relatively easy to enforce, may have little to do with the firearm purchasing patterns of most felons. The results of the present study certainly support this conclusion with respect to the State of Texas.

In a *Life* magazine editorial dated May 10, 1968, it was suggested to "... tighten controls on sales of antitank guns, bazookas, mortars, grenades and other highly destructive weapons." Although such legislation may be desirable, the results of the present study suggest that action of this kind does not address itself to the problem. Assuming that the data gathered in this study is reliable, only 0.58% of the reported weapons were machine guns, which was the only fully automatic weapons reported by the inmates. Furthermore, the most common weapon reported by the inmates was the .22 caliber handgun, not the exotic, imported, high-powered weapons. This is understandable since .22 cal. weapons are inexpensive, easily concealed, and cheap to repair. The ammunition for such weapons is likewise inexpensive and readily available.

In another editorial appearing in *Life* magazine dated June 28, 1968, the author called for "... registration of all guns now owned or bought in the future". The ineffectiveness of this proposal is evident from the following considerations. First, the serial number on a firearm is not necessarily unique to that weapon. For example, the .22 Derringer usually has only a three digit serial number. This means that every one thousandth gun manufactured has a redundant serial number. Considering that far in excess of one hundred thousand of these weapons have been manufactured, the problem of registering them is obvious. Similarly, Harrington & Richards manufactures eight different models of a .32 cal. handgun. Based on the serial number configuration used for the eight models, there is no way to identify a given weapon as a unique model.

Another problem in registration of weapons is that the part on which the serial number is etched is interchangeable within the same make, model and caliber. Finally, it is a fair assumption that the criminal population, who admits that one out of every four handguns they have owned was stolen, is not likely to formally register these weapons, or probably any other weapons they have obtained from legitimate sources.

In making these comments, I do not want to appear as opposed to any form of gun legislation or in particular a supporter of the N.R.A. lobby. Rather, I feel that such legislation should be based on material fact, addressing itself to the heart of the problem, not the periphery. Firearms are not a cause of crime; they are a means used in the commission of a crime. The criminal is the agent who commits the crime, not the weapon.

Based on the fact that one out of every four felons admitted to having a gun on his person when he committed his respective crime suggests that the legislative effort should be put on removing the felon from society, not the weapon. This is particularly noteworthy when it is recalled that 68% of the inmates sampled had been convicted of a felony in the past, with practically every tenth one having 5 or more prior convictions. The Texas Penal Code provides that "whoever shall have been three times convicted of a felony less than capital, shall on such third conviction be imprisoned for life in the penitentiary" (Article 62, Texas Penal Code). Based on a study conducted in March of 1968, only 0.58% of convictions in the Texas Department of Corrections were for habitual or subsequent offenses. This is an extremely small percentage, relative to the number of cases in which the habitual and subsequent statutes might have been employed. Although, there is admittedly a need for more stringent legislation regarding possession of a prohibited weapon and use of a weapon in the commission of a crime, prosecutors should prosecute under such statutes and not simply use them as a legal wedge to pressure the defendant to "cop-out" and negotiate the plea.

If society on the one hand demands more stringent legislation to remove weapons from

the hands of the criminal and on the other hand is reluctant to use the full extent of such legislation, the effort will be a failure.

Based on the results of the present study, the majority of weapons owned by convicted felons in Texas have been obtained either illegally or from sources extremely difficult to regulate. This suggests that gun control laws are not the only answer to the problem. What is pertinent, aside from gun control legislation, is more rigorous employment of existing statutes and a greater investment by society in our correctional institutions to assist in the rehabilitation and restoration of the offender to society,

Sincerely,

CHARLES M. FRIEL, Ph. D.,
Director of Research.

TAX REVISION AND TAX EXEMPT GROUPS

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. UTT. Mr. Speaker, I would like to include in the Extensions of Remarks today the testimony of David R. Jones, executive director, Young Americans for Freedom, Inc., on the subject of tax revision and tax exempt groups, before the Committee on Ways and Means on February 21, 1969. I feel that this statement deserves wide attention.

TESTIMONY OF DAVID R. JONES, EXECUTIVE DIRECTOR, YOUNG AMERICANS FOR FREEDOM, INC., ON THE SUBJECT OF TAX REVISION—TAX EXEMPT GROUPS

Mr. Chairman and Members of the Committee: My name is David R. Jones and I am Executive Director of Young Americans for Freedom, Inc. with national headquarters located at 1221 Massachusetts Ave., N.W., Washington, D.C. 20005. I am appearing today before your Committee as a representative of the national board of directors of YAF. I wish to express the appreciation of our organization and its members for the privilege of being heard on the important matter of tax exempt organizations.

Young Americans for Freedom, founded in 1960, is the nation's largest conservative youth organization. Nearly 30,000 young Americans have joined YAF since January 1966. Our members include high school and college students as well as young graduates in many careers and professions.

As a national political action and political education organization we are honored to have many Members of Congress, governors of several states and many leading conservatives serve on our National Advisory Board. I think I can say that YAF has built a national reputation for responsible representation of the conservative viewpoint among students and other young Americans.

The purpose of my testimony today is to relate to your Committee our organization's intimate experience with tax exempt foundations and organizations which have sought to influence student and youth affairs, often in the most blatantly political manner. This experience, extending over more than eight years, has convinced us that there is a dire need for amendments to the Internal Revenue Code to prevent tax exempt groups from exploiting and controlling youth and student activities, particularly on college campuses. We have no doubt, as my testimony will prove, that much of the student unrest and violence which has disrupted colleges and universities in all parts of the nation has many of its origins in large amounts of money

granted by tax exempt foundations and expended by the major tax exempt student organization, the National Student Association.

1. THE NATIONAL STUDENT ASSOCIATION (NSA)

NSA is a national organization of student governments at various colleges and universities which join by the payment of annual dues. Individual students do not have membership in NSA, although the organization constantly refers to itself as representing "millions" of American students.

Of the several thousand American colleges and universities, only about three hundred currently are affiliated with NSA.

In May of 1961, the National Student Association claimed a total membership of 399 colleges and universities. Although actual membership in the Association has fluctuated considerably since the organization was born in August of 1947, NSA has experienced an increasing number of disaffiliations in recent years. The mass exodus of member schools prompted a lengthy debate at the Seventeenth National Congress concerning the Association's political entanglements which many student leaders believed were detrimental to the Association's ability to function as a service organization, but a resolution which sought to limit NSA's political activism was defeated and, by October of 1965, NSA's total membership had plummeted to below the three-hundred mark. Since that time, the membership has fluctuated between three hundred and three hundred fifty as schools continue to withdraw while others are induced to join or re-join.

2. TAX STATUS OF NSA

The National Student Association enjoys a tax exempt status under Section 501(c)(3) of the United States Internal Revenue Service Code of 1954. This section allows tax exemptions for "corporations . . . organized and operated exclusively for . . . educational purposes . . . no substantial part of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate, or intervene in (including the publishing or distributing of statements) any political campaign . . ." The Code further provides that any organization which engages in prohibited activities will lose its tax exempt status and be taxed in full.

The history of NSA's tax exempt status is rather interesting. NSA first applied for tax exemption as an educational organization in 1949. In a letter dated April 25, 1950, the Commissioner of Internal Revenue refused the requested exemption on the grounds that NSA did not qualify under the law. The ruling held that NSA was not operated exclusively for educational purposes and that "a substantial part of its activities consisted of attempts to influence legislation." To get around this, the 1954 NSA president, James M. Edwards, again wrote to the Commissioner on March 26, 1954. Edwards pleaded that "students" had prepared the previous request for exemption "without the assistance of counsel" and that they "were not familiar with the Internal Revenue Service procedure on such rulings." Once again, he requested exemption, but this time he submitted a carefully selected stack of NSA publications all of which emphasized NSA's educational activities and ignored the political activities which the previous Commissioner had found as legal ground to refuse exemption. Bending over backwards to make his point, Edwards told the Commissioner:

"As a practical matter the resolutions (which concern legislation and are adopted by the NSA annual Congress) have not been implemented by any substantial activity on the part of the Association or its officers. Although in the summer of 1953, the Congress, without the advice of counsel, concluded that the Association should register as a lobbying organization, in the fall of 1953 the Staff considered this question, concluded that they

and the Association did not engage in lobbying. . . ."

Edwards then included, in his rather lengthy letter, a resolution which was apparently passed especially for the benefit of the Commissioner of Internal Revenue. The resolution, dated March 4, 1964 said:

"Resolved, the United States National Student Association was organized exclusively for the educational purposes stated in the preamble of its constitution and no substantial part of its activities may constitute influencing or attempting to influence legislation by propaganda, lobbying or other means. The President and Vice Presidents of the Association shall have the duty of enforcing this resolution."

Apparently, Edwards' letter, which was part of the sworn statement submitted by the National Student Association under penalty for perjury, was sufficiently convincing and, within a few months, the tax exemption was granted. The benefits of such a status become increasingly evident when one realizes that one of the principal sources of NSA funds is the tax exempt foundation which could not legally contribute to the Association if NSA, itself, did not continue to maintain its tax-free status. Beginning in 1953 when NSA first filed an annual statement with the IRS under the provisions then applicable (Section 101(6) of the IRC of 1939 governing tax exempt organizations) a number of tax exempt foundations have poured millions of dollars into NSA which, after 1954, was itself tax exempt.

These tax exempt foundations have included the Ford Foundation, the Fund for the Republic, the Catherwood Foundation of Bryn Mawr, Pa., The General Mills Foundation, the Clara Buttenweiser Unger Memorial Foundation, The Asia Foundation of San Francisco, the Edward W. Hazen Foundation of New Haven, Conn., the Edward John Noble Foundation of New York City, and a number of "Foundations" which subsequently turned out to be tax exempt fronts formed by and controlled by the U.S. Central Intelligence Agency.

A full examination of the tax returns for the National Student Association covering the years 1953 through 1960 and 1963 leads to the conclusion that NSA may well have received their original tax exemption from IRS at the behest of the CIA, rather than on their merits as a student educational group.

It is a matter of record that at the same time that NSA received tax exemption as an educational corporation, the officers of NSA also incorporated under the laws of the State of New York another corporation known as "United States National Student Association Educational Travel, Inc." This corporation also applied for and received IRS designation as a tax exempt corporation. It too received hundreds of thousand of dollars from tax exempt foundations, including CIA funds.

3. NSA AND THE CENTRAL INTELLIGENCE AGENCY

In February of 1967, the National Supervisory Board of the NSA, its governing body, released a statement to the press after several days of frantic meetings in Washington. The statement said in part: "During the past fifteen years the Association (NSA) has received considerable funds from the Central Intelligence Agency, which at one point provided as much as 80% of the NSA budget. . . ." The Board statement also admitted that CIA funds were not limited to use for international activities of NSA but "general support" was also provided, including administrative grants and occasional donations to cover NSA budgetary deficits incurred by both the National and International departments of the Association."

Whether the CIA's conduct promoted the best interest of the United States, which is supposedly their assignment, the CIA was able to create a series of tax exempt foundations with offices in various parts of the

nation which in many cases were only one man operations, presumably by CIA agents. These foundations were granted full tax exemption by the IRS but I know of no public revelation as to whether or not the IRS acted with the knowledge that they were aiding the CIA. It is difficult to believe that someone at IRS did not know what was going on.

The CIA-front foundations included the Foundation for Youth and Student Affairs located in New York City. This was the principal tax exempt foundation which funneled hundreds of thousands of taxpayers' dollars in NSA, often making up the NSA deficits which occurred as a result of the sloppy management provided by the students running its national office in Philadelphia.

Other CIA foundations used were the San Jacinto Foundation of Houston, Texas, and the Independence Fund of Boston. This latter tax exempt group paid for the national headquarters building of NSA in Washington plus its furnishings and gave NSA a 15 year lease, rent free.

So cozy did the arrangement between the CIA, NSA and the IRS become that NSA did not even bother to file the required annual reporting forms 990-A. When Young Americans for Freedom requested copies of these annual reports in 1963, the District Office of the IRS in Philadelphia, where they would normally have been filed, reported that NSA had filed no forms for the years 1959, 1960, 1961 and 1962. As a result of our demand for the forms, the IRS apparently contacted NSA and on August 15, 1963, NSA sent in their forms for 1957 and 1960. To this day I do not know whether the other forms were filed. The two that did come in four years late were crudely lettered in handwriting and did not even approach fulfilling the legal informational requirements of form 990-A.

Young Americans for Freedom believes that it is an exceedingly dangerous policy for the CIA or any other government agency, whatever their purpose, to secretly subsidize private organizations. This practice is of direct pertinence to your Committee's inquiry especially when such secret government subsidies take the form of large amounts of money passed through sham foundations which have official IRS sanction to be tax exempt. Added to this is the fact that the recipient of the funds was another tax exempt organization and a subsidiary state corporation which also had tax exemption.

4. THE PROHIBITION AGAINST LOBBYING AND POLITICAL ACTION

As you well know, the provisions of the IRS prohibit any tax exempt foundation or group from engaging in any activities which can be considered political action or lobbying. This provision surely applied to NSA, but just as surely has never been enforced.

Each summer the NSA has had a meeting of its annual Student Congress at some large university campus, usually in the Midwest. Each year the Congress has been the scene of massive political exhibitions which consist of the passage of numerous resolutions directly dealing with political issues, many of them seeking to influence the Congress of the United States in one way or another.

These are some of the controversial policies which were adopted over the last several years by the delegates to the National Student Congress of NSA, acting as the "representatives" of the American student community; NSA:

Has condemned the U.S. government for acts of "aggression against the people of Vietnam;"

Has called for the "liberation" of all Black people in America "by any means necessary;"

Has strongly urged that the House Committee on Un-American Activities be abolished;

Advocates the admission of Red China to the United Nations;

Views Student power as following the line of Columbia and Berkeley;

Has urged cessation of military and/or economic assistance to Spain, Portugal, Republic of South Africa, Nicaragua, Haiti, Paraguay, Guatemala, Peru, Argentina, and Iran.

Condemned the U.S. government for sponsoring the Bay of Pigs invasion of Cuba in 1961.

Condemned the U.S. for use of "military force" in putting down the riots in the Panama Canal in 1964.

Urged opposition to the proposed constitutional amendment which would have permitted non-denominational prayers in public places.

I do not have the time to enumerate the many past political and lobbying activities of NSA, a tax exempt group. It is enough to note that the IRS never lifted a finger to enforce the law against them.

5. THE PRESENT NSA TAX STATUS

In spite of daily national publicity in 1967 concerning NSA and the use of tax exempt foundations as funding fronts for CIA, to this day IRS has never taken any action to revoke NSA's tax exemption. Nevertheless, now that NSA has supposedly parted company with the CIA, it has become far more radical in its political actions. It has also manifested a public nervousness about its tax exempt status.

In August of 1968, the 21st NSA Congress meeting at Kansas State University adopted what can only be termed a blatant attempt to create a tax dodge for future NSA activities. On Aug. 30, 1968, TIME magazine reported that "In its one substantive act, the congress took the first step toward breaking NSA into two corporate groups; one would retain NSA's tax-exempt status and carry out its present "educational" functions; the other would pay taxes and remain free to lobby for legislation approved by NSA's annual congress."

If your committee desires, I can provide you with copies of the new incorporation papers of the two corporate entities which TIME mentions. Both were filed last year in the District of Columbia and in essence they provide for two separate corporations governed by the exact same officers and governing board. One will continue, NSA hopes, with its original tax exemption granted in 1954, the other will openly engage in political and lobbying activities.

The half of NSA which retains tax exemption is to be known as the National Student Institute. The incorporation papers and bylaws do not provide single membership for any schools joining NSA. They must join both the tax exempt NSA and the now avowedly political NSA. For all intents and purposes there is no separation of the two entities.

This conclusion is strongly reinforced by a report written by Jim Graham, campus affairs vice president of NSA, which was issued last November, 1968, to various student leaders. The report states as follows:

"Through a series of rather complicated legal measures, the National Student Association Congress approved what is known as the "Dual Corporation Proposal" which divided NSA into basically two separate corporate entities. In the past, the Association was limited by the Internal Revenue Service prohibition against "carrying on propaganda, or otherwise attempting to influence legislation or intervene in any political campaign." While NSA previously was limited in political activity, its favorable tax status allowed grants from private foundations without jeopardizing the foundation's own tax-exempt status. In addition, U.S. Government agencies—the Office of Economic Opportunity, the Office of Education, the National Institute of Mental Health—are reluctant to fund organizations which lobby for legislation. Therefore, for these and other reasons (including money for admin-

istrative expenses gained from foundation grants and financial transfers from NSA's subsidiary corporation, the National Student Travel Association), it was and is important to retain our old C-3 tax status as a non-political corporation.

Up until the 21st National Student Congress this past August, there existed no national organization which concerned itself with student political interest. The Congress, at that time, approved a proposal which established a new corporate for the purpose of lobbying on those issues under a C-4 corporate status. This corporation, which includes and is supported by the services division, will become, in name, the U.S. National Student Association. The traditional funded programs of NSA will retain their favorable tax status and will be known as the National Student Institute. The new C-4 NSA, will also be financially supported by National Regional dues and publication sales.

The dues for the new Association, which include automatic membership in the institute, will remain the same. The 'services' of the institute would be available only to the members of the National Student Association, and there will be no separate membership offered.

In essence, but quite legally, the two corporations are 'governed' by the same people, i.e., the National Supervisory Board of NSA is the board of directors for the institute and the officers of NSA are the officers of the institute."

In passing, I would like to raise the subsidiary issue that is presented by the fact that the CIA has long given U.S. Treasury funds to NSA, and further, by the series of grants to NSA amounting to hundreds of thousands of dollars from other Federal government agencies including the O.E.O. (\$376,000 in 1967-68), the State Department, and the National Institute of Mental Health.

The question is, did the parties to these grants act in violation of the law which prohibits the use of Federal funds for lobbying on legislation pending before Congress? Since NSA has continued to take part in lobbying on any number of legislative matters, there is no doubt in my mind that any Federal grants to NSA, for whatever purpose, may well be spent for lobbying.

6. NSA BECOMES MILITANT

With the public break between NSA and the CIA in 1967, NSA has launched itself on a new course of radical left wing militancy which I believe has directly fomented many of the campus disorders in the last two years. (Bear in mind once again that the following events which I will describe are conducted by a tax exempt organization with tax exempt funds granted by other tax exempt foundations.)

In November of 1967 NSA held its "First National Student Power Conference" at the University of Minnesota. There NSA president Ed Schwartz (one of the incorporators of the new dual corporations) presented a "working paper" which was an NSA blueprint for revolution on every college campus in America. Among other things it called for:

(1) "Gradual escalation" which meant "students must be weaned gradually into revolutionary fervor" on college campuses.

(2) "Non-Negotiable Tactics," NSA instructed student revolutionaries that "the goal is to create a dialectical situation in which the administration is forced to reject seemingly reasonable requests for change in such a manner as to alienate the entire campus." The reason given for avoiding negotiations, such as would take place if reform rather than revolution was the goal of these students, is that "as soon as the first proposal appears negotiable, for followers will be lost." What this adds up to is that

the radicals want college administrators to become immoderate or reactionary and to alienate the entire student body.

3. "Administration Fury." NSA stresses the importance of maneuvering the president of the college or the regents into reacting angrily and slurring the character of the campus groups. The NSA president declared, "Even if your first proposal is not acceptable to many students, the administration's reactions will outweigh their reservations. A slur on the character of any student group within reasonable bounds of respectability is an indirect slap at the entire campus. That should be made clear."

4. "Campus Response." Student workshops are advised by NSA, "if the first move appears too inflammatory, the students may feel that the administration's response is justified. If you can get a few campus 'respectables' or even invulnerables like honor students and Woodrow Wilson winners, you will have a better chance of success."

The NSA Paper admits frankly that the goals of revolutionary campus movements are basic changes within the universities, such as "resignation of the president, abolition of the board of trustees, elimination of classes."

According to Life magazine of October 20, 1967, the NSA Congress mapped out ways "to bring any university which won't cooperate with our desires to a grinding halt." At least 40 campuses were selected as targets for revolutionary fervor—including Northwestern, Columbia University, the University of Colorado and Stanford.

In late 1967 NSA, using Federal funds granted by the National Institute of Mental Health, held a three-day conference on student use of drugs. One participant, Jaron Summers of Brigham Young University in Utah, wrote into the drug problem and youth, the entire three days were devoted to statements made by student drug addicts about the allegedly beneficial aspect of drug use, including LSD and marijuana. The only warning given by NSA leaders at the conference was to watch out for the Federal narcotics agents they presumed to be present at the meeting.

In January 1969, the NSA filed as a friend-of-court in the U.S. Supreme Court case of Timothy Leary, known as the high priest of drug addicts. What did the tax-exempt NSA ask the Court to do? Strike down all Federal laws prohibiting the use of marijuana!

Four days ago the Washington Post reported that NSA President Bob Powell has announced a massive NSA national effort to unite black militants on campuses all over the nation. Toward this end Powell said that his organization had already hired three black organizers who had started their work.

Said Powell: "Most of the universities in the South are sitting ducks for black militants," indicating that NSA would do its best to organize and encourage black militants to make demands on such schools. These are the same kinds of demands which have led to riots on other campuses.

Now listen to this quotation from the Post article of Feb. 18, 1969: "According to (NSA president) Powell, the bulk to NSA's \$850,000 budget for 1968 come from 'clean' government agencies such as the Department of Labor and foundations such as Ford and the Stern Family Fund."

Powell also announced a national NSA drive to accomplish the following objectives:

Court challenges to the laws past by Congress last year which require colleges to cut off Federal funds to students convicted of campus disruptions.

A National campus drive to abolish academic grading systems.

A decentralization of NSA's staff members so that they can get out onto to college campuses.

For your committee's information, I should

note that the Ford Foundation has recently granted NASA \$315,000 supposedly to be used by the tax exempt half of NSA now called the "Center for Educational Reform." It has been reported that the grant, which was made last fall, so far has not been fully employed by NSA, but will eventually go for "the establishment of training schools where promising students can sharpen their skills, not only in curriculum reform, but also in leadership, organizing other students, and the tactics of dealing effectively with faculty and administrators."

This quotation above comes from the "Student Organization News" an independent publication in New York run by former NSA officials. While its words sound pleasant, I have no doubt the Ford Foundation money will be used, based on NSA's past record and present announced intentions.

7. LEGISLATIVE RECOMMENDATIONS

Members of the Committee, I have read and do endorse the several legislative recommendations made before you today by the American Conservation Union.

In addition, based on the facts I have related today, Young Americans for Freedom would also like to advocate the following amendments to the Internal Revenue Code:

(1) A strict prohibition against any secret Federal subsidies to any private tax exempt organizations.

(2) A prohibition in the IRC which will effectively prevent any "double corporations" which are used as a means to circumvent prohibitions which apply to tax exempt groups. There is little point in having legal prohibitions against lobbying and political action by tax exempt groups, if such groups can establish parallel corporations with interlocking directorates which accomplish the same results.

In addition we would hope that your committee will amend the IRC so that in the future the gross abuses of the tax exemption statute which have been perpetrated by NSA and other tax exempt groups cannot again occur.

ADDRESS BY I. W. ABEL, PRESIDENT, UNITED STEELWORKERS OF AMERICA

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. DENT. Mr. Speaker, boosting unemployment to slow the economy makes neither social nor economic sense. To even consider such a course when profits are welling into corporate treasuries in record amounts is ludicrous. AFL-CIO Vice President I. W. Abel, president of the United Steelworkers of America, put it bluntly to a group of business executives in St. Louis recently. He labeled the idea of trading misery for profits a "callous disregard" for human suffering. I agree with Mr. Abel, and I think the points he made in that speech should have the full consideration and study of every Member of this House. With unanimous consent, I insert his speech in the CONGRESSIONAL RECORD, as follows:

ADDRESS BY I. W. ABEL, PRESIDENT, UNITED STEELWORKERS OF AMERICA

Officers of the Purchasing Management Association of St. Louis, distinguished guests and ladies and gentlemen:

When Glenn Otten, your First Vice President, extended the invitation to be with you this evening to say a few words, he was

thoughtful enough to enclose some background information about your banquet and your Association.

I learned that your Association is made up of individuals who hold responsible positions on what we refer to as management's side of the table. I also learned that I would be speaking at what is known as your Annual Executive Banquet—a title with a definite management ring to it. In addition, I am informed that this is the designation because this is the night members of the Association bring along executives of their companies.

Despite all this, I was assured that someone from the trade union movement was the person you really wanted at your Annual Executive Banquet.

However, you must forgive me if I feel that the circumstances of my appearance here tonight gives me some indication of how the early Christians must have felt when the Romans asked them to the Colosseum.

I must say, though, that your invitation is both an act of tolerance and act of courage. Tolerance because I cannot bring you the sharp insights of a scholar or a statesman. I am a steel worker by trade—only less than four years ago elevated to the profession of an International Union President. An act of courage because any view of mine almost certainly will bring some distress. In fact, many steel company executives say I distress them all the time.

Seriously, though, I know you invited me to say a few words because you are genuinely interested in hearing what a labor official might have on his mind these days. And so I thank you for your kind invitation and this opportunity to be with you this evening.

I feel fairly confident that I have on my mind these days perhaps the same questions and hopes that are on your minds. These questions and hopes concern the new Administration in Washington and President Nixon.

What, for example, will be his foreign policy? Will he bring the Vietnam peace talks to a successful conclusion? What kind of domestic programs will be advocated? Will he provide the kind of leadership that a confused, troubled Nation obviously is yearning for?

And what about our hopes? As Americans we all certainly hope that Mr. Nixon will pursue programs and policies that will bring us a sense of unity. As Americans we all certainly hope that he will inspire a sense of determination to solve the complex problems confronting this Nation. And, of course, as Americans, we all hope he succeeds in providing us with that sense of peace, progress and unity.

As an official of the trade union movement I will not only be looking to the new Administration in the way I have just described, but more specifically I will be concerned about policies affecting workers. In addition, as a trade union official with an interest in economic and social justice, I will be concerned with Mr. Nixon's policies as they relate to an equal sharing of our Nation's ever-increasing affluence.

This, of course, takes us into many areas—labor legislation, tax policy, appointments to government agencies, consumer protection legislation, and so forth. It would be wrong and unfair to forecast Mr. Nixon's actions in these areas or to attempt in any way to pre-judge such actions.

But I would like to get specific this evening about an area which has come in for increasing speculation and discussion as Mr. Nixon assumes the office of the Presidency.

This is the area defined as "inflation"—prices, wages, profits—who is the culprit in the inflationary spiral—and what do we do about it?

So, recalling that I already have praised your courage for asking me here because—as I said—any view of mine almost certainly will cause some distress, permit me to cite a few facts about inflation.

In the period from 1960 to the January-March quarter of 1968, after-tax profits of corporations increased 95.5%.

Dividends to stockholders in the same period rose by 73.1%.

Corporate cash flow—the amount of money available to a company for actual use—rose by 84.7%.

Now, how did workers in non-supervisory jobs make out over the same period? Not nearly as well.

The after-tax earnings of such workers went up only 26.6% in the same period between 1960 and the January-March quarter of 1968. After allowing for increases in the cost of living, such workers were really only 9.6% better off.

These figures I have just cited come from information made available by the U.S. Department of Commerce and the Bureau of Labor Statistics of the U.S. Department of Labor.

I trust that figures from such sources are not suspect to anyone. In any event I will now cite another source. The source is the Wall Street Journal which, like Caesar's wife, must be beyond suspicion by the business world.

The Wall Street Journal of August 5, 1968, for example, carried a surprising but welcome story—to labor at least—on who was to blame for today's inflation. It was a rather long, analytical story but I believe some brief quotations will give you the main thrust of the story.

In attempting to fix the blame for today's inflation, the story said the attempt should not be limited to a consideration of labor costs because the blame belongs in many places. And now I want to quote the next few paragraphs:

"A major culprit may be corporate profits. A glance at the economic history of the post-World War II era certainly suggests that inflation has been just as much 'profit-push' inflation as 'wage-push.' Consider a few facts about the post-War era—the story continued.

"In the past 20 years, there have been three distinct periods in which factory prices climbed substantially over a prolonged interval.

"In each instance, labor costs per unit of factory output were *declining* when the price climb began and these costs continued to decline for a considerable period after the price rise was under way.

"In each case—the story noted—corporate profits began to increase sharply well before the price climb started."

The article then quoted the president of a New York consulting firm, Peter L. Bernstein of Bernstein-Macaulay Inc., as saying that such facts make the pattern clear enough.

"Instead of labor costs pushing prices up," Bernstein told the Journal, "what we see instead is a sort of profit push. Profits are already well on their way up before prices begin to rise, and prices are well on their way up before wages begin to rise faster than output."

James Tobin, a professor of economics at Yale University and a member of President Kennedy's Council of Economic Advisers, was also quoted in the Journal story. He said that there's no question that excessive labor costs add fuel to inflation "but if you want to put first things first, you have a look at the role of profits."

The story then detailed what happened in each of the three periods in the last 20 years when factory prices climbed substantially over a long interval. The most recent period—which is still going on—began in 1965.

The article pointed out that profits started rising in this period long before prices and that unit labor costs actually were declining when the price rise got under way.

There's an old saying, "Never let go of a good thing." In the case I am making this evening, the Wall Street Journal is a "good thing" and I'm not going to let it go just yet.

Shortly after the Journal story of August 5 on the role of profits in inflation, a story on the role of price increases in inflation appeared in the Journal of October 22. This story cited chapter and verse to show, in effect, that unions were not guilty of causing large price increases.

Contrary to the view that the current inflation is fueled mainly by union demands for higher wages, the Journal story asserted, many economic analysts say that the "biggest price increases are coming where unions are weak or where labor costs are not even a major consideration."

For example, it noted that few businesses are more strongly unionized than the auto industry. Yet, the Government's consumer price index puts new car prices, on the average, at about the same level as 10 years ago.

On the other hand, it added, few fields are so little unionized as medicine but doctors' fees have jumped almost 40% on the average in the last 10 years.

I also call your attention to the following comment in the story by Victor B. Fuchs, an economist at the National Bureau of Economic Research:

"The stereotype of big unions commanding big pay increases and causing, ultimately, big price boosts, just doesn't jibe with the facts."

Instead, the Journal noted, "The economic record shows that the biggest price increases are coming where highly skilled professionals are needed to meet sharply rising demand, or where it's difficult to offset higher wage rates with automated equipment, or where factors are involved that have little at all to do with labor costs."

The story then went on to list the different areas where significant price increases have occurred for the past 10 years. It showed that prices have increased 101% over the last 10 years for what it called "daily hospital service"—70% increase in movie prices—48% for maid service—44% for auto insurance rates 42% for postal rates—36% for property insurance rates.

In a second table, the paper listed some items whose prices actually declined in the last 10 years, taking quality improvements into consideration:

Radios down 23%; TV sets down 20%; Refrigerators down 17%; and Washing Machines down 14%. The industries that manufacture items in this second table are highly unionized, the story pointed out.

And then, in a follow-up editorial on its articles on inflation, the Wall Street Journal stated that it was more accurate to say that rising consumer prices cause rising wage demands than to say that rising wage demands cause rising consumer prices.

"In this post-election period—the Journal concluded—inflation remains a clear and present danger. And it won't be diminished one whit by efforts to put the blame solely on the labor unions."

I have referred to these statistics from the Government and the articles in the Wall Street Journal to make two points:

One—Workers have not been sharing equally in the increasing prosperity of the country.

Two—The blame for the current inflation cannot be placed on the trade union movement; but more on rising prices and rising profits.

Having made that part of my case though, does not solve the problem of inflation. And that is one of the major problems confronting the Nixon Administration.

We are all aware, I am sure, of the running discussion in the news media and Government about the proper course to follow in preventing runaway inflation.

What I have been reading and what I have been hearing has disturbed me very much. I am certain it has disturbed my colleagues in the labor movement. It is disturbing because the burden of the discussion and debate seems to completely ignore the facts of inflation, as I have just pointed out, but more so because they amount to a callous disregard of the human factor. This is what I mean—

Back in October, in the plush resort setting of Hot Springs, Virginia, the Business Council—made up of executives of large corporations—held one of its periodic meetings with Government officials to discuss policy issues.

During the discussions, the members of the Business Council agreed that the Nixon Administration should take swift steps to halt inflation even if such steps meant an increase in unemployment to as much as 5½%.

Ralph Lazarus, chairman of Federated Department Stores, Inc., and chairman of the Business Council's committee on the domestic economy, told the press it was their feeling that if unemployment is the price for ending inflation—and I quote—"it must be paid."

The Chase Manhattan Bank, in a recent newsletter, had this comment to offer on the issue of inflation:

"Over the long run, the economic challenge for the new Administration is to develop fiscal and monetary policies that will keep unemployment within socially acceptable bounds and maintain price stability."

I am just as confident, as you are, that it is little comfort to an unemployed worker with a wife and children to support, to be told that his unemployment is within socially acceptable bounds. The fact of his unemployment—to him—is that it is a depression, not a recession. And it's not the least bit acceptable.

It seems to me that everyone assumes that there must be some kind of a trade-off in higher unemployment in return for a slowing down of increasing inflation.

Columnist Sylvia Porter, for example, started a recent column this way: "Of course the Nixon Administration will be willing to trade off a higher rate of unemployment in return for a slower rate of rise in prices."

Eileen Shanahan in the New York Times of December 8 put it this way: "The issue is simply how much unemployment should the Nation be willing to accept (or trade off) to maintain reasonably stable prices?"

Paul McCracken, new chairman of Mr. Nixon's Council of Economic Advisers, will play a key role in the Administration's approach to the inflation problem. So his thinking in this area is vitally important.

In a speech last September to the National Industrial Conference Board, Mr. McCracken said, "We must learn to live with an uneasy compromise between inflation and unemployment."

He also has said that we must first get the price level down to a 3% rate of increase and this means "unfortunately, we'll have to accept the consequences in somewhat higher unemployment."

In all fairness, though, Mr. McCracken has since expressed the "hope that we can, by very careful management of economic policy, cool down the price level without having adverse effects of unemployment."

Yet, Mr. McCracken expressed only a "hope"—not a determination or a pledge—only a "hope" that such can be done without increasing unemployment.

However, the point I want to make clear by these statements I have just cited, is that in all the discussion and writing about halting inflation there is no talk about a "trade-off" in profits—no reference to a "trade-off" in prices—no reference to the

fact that the official policy of this Nation on employment is a policy of full employment; not a little unemployment or 4% unemployment or any level of unemployment. Our Government, under legislation enacted by the Congress of the United States, is directed to pursue a policy of full employment. There is no escape clause in the law allowing the Government to ignore it in periods of inflation, or at the pleasure of any national Administration.

In all the talk and all the writing I have not seen a single reference to a trade-off in any area of the inflation picture except to a trade-off in unemployment.

Now I ask this question, in view of who's been receiving a larger share of the profits and who's responsible for our inflation:

Why should those who have not been sharing fairly in the Nation's prosperity, and those who are not primarily responsible for the inflation, be made to bear the burden of stopping the inflation?

Why should the worker, who has been trying to catch up and stay even with prices, now be expected to accept unemployment as the cure for inflation?

Why should the worker, who is not the primary cause of the inflation, be made to suffer some hardship to stop the inflation?

It's one thing for a steadily-employed economist or columnist to write about a trade-off in unemployment as a price for halting inflation. But it's quite another thing when it's your job at stake.

To bring it home a little closer: Would any of you accept calmly the necessity of going without a job—and that means no income—for four or five months as your contribution to halting inflation? You know what they say: When the other fellow is out of work, it's a recession; when you're out of work, it's a depression. Just as there is no such thing as a little pregnancy for the individual concerned, there is no such thing as a little unemployment for the fellow out of work.

Look at it from the worker's viewpoint. He reads in the paper that corporations continue to ring up record profits. General Motors sets a record and then raises prices. He sees prices and profits going up all round him. Yet everyone seems to be pointing the finger at him, blaming him for high prices and saying he must be willing to be laid off so things can slow down a little.

It just doesn't make sense to him, and rightfully so. Unemployment means hardship, privation and perhaps some suffering. The state of joblessness is not something that a worker can look at with detachment, or in the cold analytical manner of an economist or a writer. So he has a right to expect—yes, a right to demand—that another way be found to harness inflation.

He has a right to ask the question: Is there any real suffering if General Motors or Ford or AT&T or U.S. Steel make a few million dollars less a year? Is there any real denial of the necessities of life if corporations hold the price line when they enjoy fat profits?

He has the right to ask: Why shouldn't corporations share their affluence with consumers through steady prices and with their workers through wage adjustments instead of charging what the market will bear?

He has the right to ask: Is the business of this country business—as Calvin Coolidge said—or is the business of this country people, as is often expressed but not always practiced?

I say it is wrong—as a trade unionist and as a person concerned with the human and humane aspects of economics—to make the worker pay the price for slowing inflation.

Instead of talking so freely about trading off unemployment for more stable prices, we should be expressing a resolve to make our economic system distribute its benefits equally and without penalty to any sector.

Can it be done? If a Nation can land a man on the moon, it can keep a man on his feet

on earth. If a Nation can produce machines to write checks at the rate of 10,000 an hour it can come up with an answer to inflation that doesn't involve unemployment.

A starting point, I might suggest, is a willingness by all concerned to search for a solution that would not require making people jobless. There must be an end to the unchallenged assumption that the Steelworker or marginal worker must suffer unemployment as the most likely and logical way to halt inflation. The profit record breakers must become less record conscious and be more willing to share with consumer and worker.

The Government should also look at those areas where the real rapid price increases have occurred and do something about them. For example, medical costs and services are rising too fast and are out of line with what hospital workers are paid.

Additionally, the President should be given discretionary tax authority so he can adjust taxes in times of threatening inflation and thereby nip inflation in the bud. This was recommended by both President Kennedy and President Johnson but Congress remains wedded to doing things the old and impractical way and did not grant such authority. If the President, for example, had had such authority in 1966—when there should have been tax action—the present inflationary situation would not have developed. Such action two years ago would have curbed the capital goods boom and slowed the unprecedented rise in corporate profits that helped perpetuate it.

Remember, it was in 1966 that Gardner Ackley, Chairman of the President's Council of Economic Advisers, told a meeting of the U.S. Chamber of Commerce:

"Now that profits after taxes . . . are providing the highest sustained rate of return on owners' equity in our modern history, it is time to ask whether a further rise in the share of profits in the national income is in the interest of the health of the Nation's Economy or in the interest of business itself."

Also, there should be established some kind of a mechanism for reviewing prices and price increases, particularly in those industries where prices tend to be administered prices and where the law of supply and demand was repealed long ago.

There should be more effective anti-trust action to halt the unhealthy trend to the creation of larger and ever larger corporations—the conglomerate, where we see companies in unrelated fields merging into a single giant. I say it is wrong for a company such as Kennecott Copper—largest copper company there is—to merge with Peabody Coal—the largest coal company there is. So did the Federal Trade Commission but the two companies merged anyway. The matter is now in the courts and we can only hope that the FTC is sustained.

There also must be more effective legislation in the area of consumer protection so consumers are guaranteed a fair shake and price-gouging is stopped.

But the major factor, as I see it, is general resolve and recognition to search and find a way to bring stability and equity to the economy without making the worker the fall guy.

Of one thing you can be sure, though: The labor movement will continue to demand—as it consistently has—that this kind of search be undertaken and that the only correct policy regarding employment is one of full employment.

As I said at the beginning of my remarks, I think you invited me because you genuinely wanted to hear what was on the mind of at least one labor official in these somewhat troubled times.

I also warned that my views almost certainly would bring you some distress. I have stated, quite frankly, some of the things

that are on my mind, so I trust I did not misread the purpose behind your invitation. And I also sincerely trust that I have not caused too much distress.

Someone once said that a speech must not be eternal to be immortal. In keeping with that advice, I will close my remarks with another sincere thank you for asking me to be with you. Thank you.

BATTLE ON LIMITING U.S. FARM PAYMENTS LIKELY TO BE REVIVED BY AGENCY PROPOSAL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CONTE. Mr. Speaker, I have for some time been interested in limiting farm payments. Last summer I supported an amendment to H.R. 17126 which placed a \$20,000 limitation on the total amount of all payments combined that could be made to any one individual or any one farming operation. A most interesting article on the subject of farm payments appeared in the Wall Street Journal on March 3, 1969. Because of the importance of this subject, I recommend that this article be included in the RECORD.

The article follows:

COMMODITIES: BATTLE ON LIMITING U.S. FARM PAYMENTS LIKELY TO BE REVIVED BY AGENCY PROPOSAL

(By Burt Schorr)

WASHINGTON.—The ceiling on Government payments to farmers could be set as low as \$5,000 per crop program and \$10,000 per farm "without serious adverse effects on production or on the effectiveness of production adjustment programs."

That's the gist of a proposal worked up by Agriculture Department Democrats a few weeks before they left office. It's likely to revive a heated wrangle over limiting Government payments to farmers.

The proposal never got beyond a draft policy statement polished by then Under Secretary John A. Schnittker. The reasons: White House enthusiasm for a payment-ceiling study apparently evaporated after the November election, and Mr. Schnittker's boss, Secretary Orville Freeman, found it difficult to reverse his prior public position that payment limitations would destroy the supply-management effectiveness of major crop programs.

But the draft is currently being read with interest in Congressional and Executive Branch offices here and seems to offer the sharpest blade yet for Capitol Hill liberals bent on cutting back big crop payments to well-off farmers. The case for payment lids seems likely to get far wider attention if, as expected, Mr. Schnittker is called as a Congressional hearing witness later this year.

BREAKDOWN BY CROPS

For one thing, a table appended to the draft statement supplies the department's first payment breakdown on producers getting \$10,000 or more under each of the cotton, feed-grain and wheat programs. Federal payments to individuals of \$5,000 and up from all the programs combined have been available for two years. But a breakdown by crops—considered an essential step in limitations planning—had been lacking.

In 1967—the year on which the Agriculture Department's calculations were based—cotton payments exceeding \$10,000 each went to

nearly 8,200 growers, who accounted for almost half of total U.S. cotton production. The overall cotton payments in excess of the hypothetical \$10,000 ceiling amounted to \$262 million, or more than five times the excess for wheat and feed grains combined. Among the recipients was Sen. Eastland; the Mississippi Democrat and members of his family collected a total of \$211,000 in crop payments that year, mostly for cotton-program participation.

By comparison, only 850 wheat growers, producing a mere 1% of total U.S. wheat in 1967, received more than \$10,000 each in wheat payments. Similarly, fewer than 4,600 producers of feed grains (primarily corn and grain sorghums), with about 10% of overall U.S. production, got more than \$10,000.

Based on the findings of this new computer analysis, the Schnittker draft concludes that a payment ceiling as low as \$5,000 per program and \$10,000 per farm could be imposed. But it suggests that a limit of \$10,000 per program or \$20,000 per farm is a more realistic objective.

Budget savings of perhaps \$300 million annually could be expected on the more than \$3 billion Uncle Sam currently pours into direct farm payments, the Schnittker draft contends. Advocates of payment limitations envision money saved in this manner being reallocated to fatten Government food aid to the poor or to job training and land retirement for low-income farmers.

As might be expected, top Republican newcomers at the Agriculture agency are reserving judgment until the Nixon Administration has time to investigate payment ceilings on its own; nonetheless, one of them confides that if limitations worked as touted, "we could all be heroes." Even if benefits from such a program don't live up to expectations, one department economist believes a limit on payments would be an important transitional step toward reduced Government intervention in commodity marketing—a long-term objective of the new Administration.

A HANDY TARGET

Whatever the practical arguments, fat Federal payments, particularly to big cotton and sugar planters, clearly have become a handy target for those who charge that farm subsidies make the rich richer and don't do enough for poor rural residents. There already is a \$2,500 ceiling on conservation payments, while the sugar program has a sliding scale weighted to smaller growers, but no top limit. Of the five payees receiving more than \$1 million from Uncle Sam in 1967, two were in the sugar program and three in cotton.

Last summer, liberal Republicans and Democrats in the House joined forces to tack a \$20,000 payment ceiling on the bill extending major crop legislation for one year. The Amendment later was eliminated from the final House-Senate version, but leaders in the ceiling fight made it plain they will raise the issue again. When they do, the Schnittker draft policy and the crop-by-crop payments breakdown it discloses are bound to be wielded as one of their biggest weapons.

Supporters of the Schnittker draft contend a \$10,000 ceiling would affect so few wheat farmers that there wouldn't be any significant harm if some of them dropped out of the program to produce their crop without regard to Government acreage restrictions. The threat of a surplus buildup resulting from ceilings for feedgrains payments is somewhat greater, but proponents of the \$10,000 limit contend this can be offset by sweetening acreage-diversion inducements for smaller growers.

To make payment limitations as painless as possible under all three programs, the draft suggests imposing them gradually over a three-year period. Wheat and cotton producers also might be allowed increases in their acreage allotments commensurate with

their payment decrease, while feed-grain producers could be permitted similar reductions in land diversion required, under the Government program.

Mr. Schnittker believes that, given such an opportunity, producers of high-quality cotton in the Mississippi River delta, Arizona and California, where farms tend to be big and efficient, would elect to expand acreage.

This is sharply disputed by payment-ceiling foes. Horace D. Godfrey, former Agriculture Stabilization and Conservation Service administrator who now is Washington representative for domestic sugar cane growers, asserts total cotton production costs simply are too high for this to happen.

The counter argument for some department economists is that such calculations are distorted by inflated cotton land values; they say operating costs, which include fertilizer, seed and labor, would be a better guide—a view bolstered by continuing pressure from Western growers for increased cotton acreage allotments.

What both sides agree on is that intensive computer studies are needed to determine what cotton growers would do when faced with a ceiling—turn to livestock, perhaps causing still more rural unemployment; switch to alternative crops like soybeans or vegetables, and maybe soften prices for those commodities; or remain in cotton.

One Government cotton expert believes there would be a tendency for big landowners to lease or sell their cotton tracts to bring payments within any ceiling. Others predict more troublesome methods of avoiding the ceiling's effect would develop. Even a \$20,000 limitation would produce an "absolute administrative monstrosity," warns Mr. Godfrey, who as ASCS chief oversaw compliance with crop programs. One of his predictions: Landowners who lease cotton acres to tenants and take the Federal payments as rental might instead opt to give each tenant the Government cash—thus keeping individual payments within the ceiling—and take all fiber raised as rental.

The Schnittker draft acknowledges that ceiling-evasion tactics would present "serious administrative problems." Any ceiling "would need to be backed up by a firm policy against such farm-splitting," it adds. "There would need to be strict, uniformly administered regulations to back up the law. As much as one-third to one-half of the potential savings might otherwise be lost," the draft warns.

Even without such calculated evasion, farmers who serve on the ASCS committees in each county might be hard-pressed to determine bona fide changes in family farm partnerships and small corporations. "It would be impossible for Washington, for a state administrative committee, and especially for a farmer-elected county committee to distinguish changes for causes other than those which would be a direct result of payment limits," the draft states.

But the draft concludes that such problems aren't decisive and "are not good reasons for opposing payment limits."

THE NATIONAL DEBATE OVER HOT WATER GETS HOTTER

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ROBISON. Mr. Speaker, America stands on the threshold of a new era in the production of electric power. As our Nation grows, and as its peoples' standard of living improves, we can expect to

see the demand for electricity continue to double at least every 10 years.

At present, the waste heat—called a thermal discharge—produced by the cooling systems of steam powerplants affects something over 7 percent of all the available fresh water runoff in the 48 contiguous States, a figure that is projected to rise to more than 16 percent by 1980 and on to about 50 percent by the year 2000, if conventional once-through cooling procedures would still be generally employed at that time.

Even if the waters of our lakes and streams scheduled to receive these discharges were as clean as they should be, it is obvious that this prospect poses an environmental and ecological challenge of tremendous proportions.

In an effort to avoid the damage to our aquatic environment which would result wherever the adverse effects of these discharges on those receiving waters turned out to be thermal pollution—in the sense that such large quantities of hot water added to a lake or stream upsets nature's ecological balance—the Committees on Public Works of both the House and Senate have been holding hearings on a variety of pending bills dealing with this subject about which all too little is yet known.

My interest in what is clearly a fast-developing national problem, stems from a utility company plan to construct a nuclear-fueled steam powerplant on the east shores of Cayuga Lake—a plan that, as one magazine recently noted, has set off "one of the major conservation battles of the nuclear age." With the thought, Mr. Speaker, that my colleagues might find a background description of the issues in that dispute of value to them against the day when they may be called on to consider legislation in this area of concern, I now include—under leave granted—the text of my statement on all this as recently submitted to the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works:

STATEMENT BY REPRESENTATIVE HOWARD W. ROBINSON, 33D CONGRESSIONAL DISTRICT OF NEW YORK, AS SUBMITTED TO THE SUBCOMMITTEE ON AIR AND WATER POLLUTION OF THE SENATE COMMITTEE ON PUBLIC WORKS ON MARCH 5, 1969

Mr. Chairman, and Members of the Subcommittee:

The lead paragraph in an article entitled "A Battle Rages Over a Nuclear Plant," as published on February 3, 1969, in "The National Observer," reads as follows:

"Cornell University nestles into the steep hills overlooking Ithaca (New York) and commands a dramatic view of long, narrow Cayuga Lake, the largest of New York's Finger Lakes. And it is here—'Far Above Cayuga's Waters'—that one of the major conservation battles of the nuclear age is being fought."

Mr. Chairman, I deeply appreciate this opportunity to appear before you and this subcommittee to comment briefly on this localized "battle"—which is being fought out largely in the Congressional District I am privileged to represent—and then to go on from there to address myself to the larger, national issues therein involved.

I have appended to the original copy of my remarks, today, a copy of the "Observer" article since it provides us with a clear and, I would say, fairly objective description of

the Cayuga Lake dispute and, in the interest of saving time, I would appreciate it if the text of that article—which is not overly long—could here be incorporated into the record as a part of my statement:

"FAR ABOVE CAYUGA'S WATERS: A BATTLE RAGES OVER A NUCLEAR PLANT

"ITHACA, N.Y.—Cornell University nestles into the steep hills overlooking Ithaca and commands a dramatic view of long, narrow Cayuga Lake, the largest of New York's Finger Lakes. And it is here—'Far above Cayuga's Waters'—that one of the major conservation battles of the nuclear age is being fought.

"Nearly three dozen Cornell professors have begun a no-surrender fight to force New York State Electric & Gas Corp. (NYSEG) to alter its design for an 830,000-kilowatt, nuclear-fueled power plant that the utility intends to build on Cayuga's eastern shore 16 miles north of here.

"It's hardly a localized situation. Already, there have been angry confrontations between conservationists and utilities in Oregon, Florida, and Connecticut, and over plants being proposed near New York City.

"And there are sure to be many more as the construction of huge third-generation reactors, requiring great quantities of cooling water, spreads inland from what is now a seaboard concentration.

"The Atomic Energy Commission (AEC) says that 13 nuclear power plants, many of them small and experimental, are now operating in the United States. But there are 44 under construction and 42 more being planned. While nuclear power generated only 1 per cent of the nation's electricity in 1967, it will generate an estimated 37 per cent by 1980 and 50 per cent by 2000.

"Jumps in the demand

"The nation's demand for electricity is increasing even faster than its population. Electrical demand doubles every 10 years, and the only feasible way to meet future demands is with plants whose capacity is in the 750,000-kilowatt class. The bigger the plant, the cheaper the per-unit cost of generating electricity.

"But the bigger the plant—whether it's nuclear-fueled or fueled by coal, oil, or natural gas—the more water required to cool it. NYSEG's plant here on Cayuga Lake, for example, would circulate through its cooling system an estimated one-quarter of Cayuga's volume of water each year. Nationally, it is estimated that by 1980 the electric industry will require for cooling purposes one-sixth to one-fifth of the nation's entire annual supply of fresh runoff water.

"And this, say the conservationists, could create devastating problems if not planned for stringently and carefully.

"The professors and the citizens' group they helped to organize—the Citizens Committee to Save Cayuga Lake—are not objecting to the plant here just because it's nuclear, instead, they say, they are objecting because its hot-water discharge will cause thermal pollution that might well radically and irreversibly alter Cayuga Lake's ecology—its life system.

"The opposition also questions the utility's intention to release minute amounts of radioactive wastes into the lake regularly. No one knows what these wastes would do to the lake's aquatic life, they argue.

"A way out

"They say that they are not intransigent. Everything, they argue, would be solved if NYSEG would simply build cooling towers and filters that would add only \$5 a year to each of the utility's 500,000 customers' electric bills.

"Except for the \$5 figure, which is the utility's own, the company disputes its opponents down the line. It says it would never

do anything to harm the environment and that the professors and the committee are making hasty inferences from incomplete knowledge. NYSEG has put up \$500,000 for ecological studies, now under way, of the plant's effects on Cayuga. If these studies show pollution is likely, the utility says, it will install whatever equipment is needed to prevent it. Until then, NYSEG adds, there is no point in spending unnecessary money.

"The utility's opponents here—pretty much like conservationists everywhere—don't think there's anything hypothetical about the problem.

"Fresh-water runoff, they explain, replenishes the nation's streams and lakes, whose living creatures are highly dependent upon water temperature. Trout, for example, require that water be 48 degrees or colder.

"But, for many conservationists, it's not solely a matter of protecting trout or the crustaceans that trout eat. It's a matter of preserving a balance in nature. No one knows, these conservationists say, what the ultimate consequences of turning nature upside down may be.

"Lakes are especially vulnerable; they can't carry off as much heat as swift-moving rivers. Lakes have what is called a flushing time—meaning the time required for an 'average' drop of water to move through them—a few years to a few hundred years. If lakes are big enough, hot-water effluent may have a negligible effect. But if they're too small to cope with the discharge, trouble may develop quickly.

"Heat stimulates biological activity in lakes and quickens a process that ecologists call eutrophication. Like all natural systems, those of lakes have evolved over millennia and achieved a delicate balance between the water and the life forms that inhabit it.

"When man intervenes, nature's processes often are overwhelmed. Industry dumps in its waste; cities add their sewage; and run-off water leaches fertilizer residues and insecticides from farms and carries them into the lake. Some additives kill the aquatic life and others—nutrients—stimulate growth so that algae proliferate. These range from green algae to the stinking blue-greens, so potent that their noxious stench can peel the paint off a house. The result, as the saying goes, is water that is too thick to drink and too thin to plow.

"Of such nightmares was the battle against New York State Electric & Gas Corp. born.

"It began early last year, about nine months after NYSEG announced its plans to build Bell Station, \$170,000,000 nuclear power plant, on an 815-acre site adjacent to its 290-megawatt, coal-fired Milliken Station plant on Cayuga Lake. The man who started it all was Dr. Alfred W. Eipper, an associate professor of fishery biology at Cornell.

"Professor Eipper does not have the appearance of a man who tackles power companies. Slight of build and soft of voice, he does not smoke, he eschews a predinner cocktail, and he utters no word of profanity during a four-hour discussion of the Cayuga question. He is altogether professional, with one exception: He doffed his academic robes and donned the gloves when NYSEG's explanation of its plant's effects on Cayuga Lake did not satisfy him.

"Writing a pamphlet

"Sixteen other Cornell professors soon joined him. With Professor Eipper as chairman, they wrote last May a pamphlet titled 'Thermal Pollution of a Lake by a Proposed Power Plant.' The authors included limnologists, biologists, fishery specialists, conservationists, a geologist, and experts in water-resources engineering and aquatic studies.

"The Citizens Committee to Save Cayuga Lake was Professor Eipper's brain child. Formed last August, the committee is chaired by Mrs. Cornelia Hill of Ithaca. Its working head is its executive director, David D.

Comey, a research associate in Soviet studies at Cornell and director of the Research Institute on Soviet Sciences, private consultants. Mr. Comey, 33, is independently wealthy, drives a hot Porsche Super 90, speaks fluent Russian, and has the wherewithal to devote the time required to make a committee like this work well.

"He quickly lined up a gilt-edged list of initial members and added to it a newspaper publisher, two state legislators, local politicians, and other community leaders. Though he says the committee has had only \$2,000 in donations, it is well-organized and efficient. It recently put together a 199-page loose-leaf handbook of public hearings and published reports concerning NYSEG's plant. 'I had some of the wealthiest people in Ithaca on their hands and knees on my living room floor putting together the pages for that,' he says.

"The Elpper paper and the committee's formation were followed last Nov. 22 by another paper, written by 12 Cornell professors headed by Dr. Clarence A. Carlson, Jr., an assistant professor of fishery biology. It was titled 'Radioactivity and a Proposed Power Plant on Cayuga Lake,' and it, like the Elpper pamphlet, challenged NYSEG's assertions—set forth in NYSEG's application to the AEC for a permit to construct the plant—that the plant's discharges of hot water and radionuclides would be well below levels deemed harmful.

"Therein lies the difference between the people opposing NYSEG and the groups that customarily are found in the thick of such hassles. The authors of the Elpper and Carlson pamphlets were not little old ladies in sneakers or irate housewives with much umbrage and little knowledge. They were all experts with credentials, men who had studied Cayuga Lake for years and were professionally competent to make judgments.

"Whether their judgments are too quick-triggered remains to be seen. 'It is unfortunate,' says William A. Lyons, NYSEG's president, 'that some individuals are already jumping to conclusions before the facts are in. If premature assumptions such as have been made were conclusive, it certainly would be needless for us to be expending research funds of the magnitude we are devoting to this most comprehensive study ever made of any of the Finger Lakes.'

"Moreover, the utility's vice president and chief engineer, Albert D. Tuttle, says that power plants' designs take shape right up through construction and that Bell Station employs the 'flexibility concept.' Does this mean the utility would build what its critics are demanding if its research studies show pollution is likely otherwise? 'That's not only implied,' Mr. Tuttle replies, 'that's the whole thing. If it became apparent that the cooling towers were required, we would build them.'

"If Cayuga were a larger lake and Bell Station's water requirements were proportionately smaller, there might be no argument. But Cayuga is the smallest lake on which a large nuclear plant has ever been planned, and it is a most unusual lake. Thus the controversy.

"Nub of the argument

"Cayuga is long (38 miles), narrow (1.7 miles average), and very deep (435 feet maximum, 179 average). Its flushing time is nine years. From May to November it is thermally stratified. That is, its cold lower layer and warm upper layer mix into one only when cold weather cools the upper layer, makes it denser, and lets it sink. This mixing replenishes the lower layer's oxygen supply. The trout and other cold-water life forms live the rest of the year on the oxygen brought down from November to May.

"The nub of the argument is NYSEG's plan to pump cold water from the always-cold lower level into the plant, pass it through a condenser cooling system, and discharge it at

the lake's surface at 65 to 70 degrees Fahrenheit. NYSEG's critics say the added warmth would delay the start of Cayuga's layer-mixing in the winter and prolong the onset of stratification in the summer.

"They say this would prolong the lake's growing season at both ends. Prolonging stratification would mean increased biological production in the upper layer and less oxygen available in the lower. The critics also say that microscopic food forms would be killed by the sudden rise in heat as they passed through the condenser.

"The Elpper group says the net effect would be disruption of Cayuga's natural balance and, eventually, the lake's destruction. NYSEG officials think differently, of course. They cite studies of their own that predict imperceptible effects from the discharge. Anyway, they add, they'll continue studying the lake after the plant starts up, and make whatever corrections are indicated.

"The question of danger from radioactive wastes is, if possible, even more debatable.

"Bell Station will use a General Electric Co. boiling-water reactor. Its heat turns water to steam, which spins a turbine and generator, passes to a condenser, is converted again to water, and is pumped back into the reactor in a continuous water-steam cycle. Before long this water becomes highly radioactive, containing radionuclides of strontium, cesium, iodine, and the like.

"GE experts say 99.99 per cent of these radionuclides, gases and liquids, will be filtered out, collected, sealed, and eventually shipped off and buried. The fraction left over, some of it from water drained off from leaks and cleaning operations, will be routinely released into the condenser water's outflow of 500,000 gallons per minute, which will dilute it before it reaches the lake.

"More study needed

"NYSEG and GE say the discharges will total only one-tenth of 1 per cent of the maximum permissible concentrations (MPCs) allowed by the AEC. The Carlson group argues that 'no one can accurately predict the effects such accumulations might have on aquatic organisms' because the problem hasn't been studied enough.

"The Atomic Energy Commission is responsible for enforcing standards of reactor safety and radioactive emission from nuclear plants, but it is not legally bound to consider thermal pollution. It has advised NYSEG to heed Federal standards set up by the Federal Water Pollution Control Administration, but its role is only advisory.

"In 1967 the AEC ruled out of order state witnesses from Vermont and Massachusetts who sought to protest thermal pollution of the Connecticut River by a proposed nuclear plant at Vernon, Conn. Gov. Philip H. Hoff of Connecticut later testified before the Senate Subcommittee on Air and Water Pollution, headed by Sen. Edmund Muskie, Maine Democrat, that 'we were dismayed during the Vermont Yankee [Power Co.] hearings when the AEC decided that thermal pollution was none of its concern.'

"I would submit that this decision removed the AEC as an objective governmental agency responsible to the public interest,' Governor Hoff said.

"The AEC is charged both with the regulation of atomic energy and with promoting its use,' adds Cornell's David Comey. 'Thus it has a conflict of interest built right into its enabling legislation.'

"An equally controversial situation involves the New York Health Department, from which NYSEG must obtain a permit to discharge water into Cayuga. In a letter to one committee member regarding departmental policy, an official wrote that 'the Health Department is concerned with protecting the waters of the state but reasonable use of the waters of the state must be allowed in order to encourage industrial development.'

"Thus the state's Health Department must balance environmental threats against economic benefits of nuclear powerplants. The New York health commissioner, Dr. Hollis S. Ingraham, two months ago became chairman of the New York State Atomic Energy Council, whose aims include development of atomic energy.

"The broad issue, for Cayuga Lake and the nation, may have been stated before a legislative committee hearing in Ithaca last fall. Lawrence Hamilton, professor of conservation at Cornell, said this:

"After we have argued costs, safety factors, algal growth, fall turnovers, planned releases of radionuclides, after we have heard one protagonist say that no harm will result from our present plans and heard others say that the lake environment will be seriously impaired, the issue, the decision, is a political one.

"With noise, smog, garbage, sewage, industrial waste, junk autos, billboards, drab and depressing urban sprawls, highways and pesticides, we have fouled some of our most desirable natural environments. We have eliminated species of plants and animals and thus diminished the wonderful biotic variety of life on earth. On the strength of our knowledge of nature, we have set ourselves above nature and now presume to alter the environment for any living creature at whim or for short-term profit. . . . Are we playing environmental Russian roulette?"

"From the testimony here in Ithaca, there's no easy answer. It would be nice to know just what the answer is.—JIM HAMPTON"

Mr. Chairman, J. F. Hogerton has written: "The problem of balancing risk against benefit is perhaps the oldest problem in human experience."

It is a problem with which all of us, as representatives of the people, are fully familiar, but I do not envy you your task as you turn your attention to the vexing problem of the impact of waste heat on water quality—an area of concern where, as it has been stated, ". . . the unknowns still far exceed the knowns in water quality requirements—even to the experts!"

Despite that fact, certain statistics—that I assume have also become familiar to you—dictate a considerable amount of urgency in your search for legislative safeguards against the growing environmental threat of what some call "thermal effects" but which others stoutly denounce as "thermal pollution."

Whatever the outcome of that semantical debate, we know that the nation's demand for electricity is increasing even faster than its population. It is a demand that is doubling every ten years and, as a result, large power plants with enormous cooling water requirements will become commonplace.

I understand that the proposed Cayuga Lake nuclear-fueled power plant will circulate an estimated one-quarter of that lake's body of water through its cooling system each year, but that matter of local concern needs to be translated into such national concerns as the estimate that, by 1980, our electric power industry will be requiring about one-sixth of all the total available fresh-water runoff of the nation for cooling purposes!

Taking into consideration the further fact of the strong trend within the power industry towards nuclear-fueled steam power plants which, as presently designed, waste about 2.25 units of heat as compared to the fossil-fueled plant's average of about 1.5 such units for each equivalent unit of useful energy output, it has further been estimated that the power industry would, by the year 2000—if conventional once-through cooling procedures were still then generally employed—be using about half of our supply of fresh-water runoff for cooling purposes!

Even if our nation's waters were as pure as they should be, it would seem obvious that

this eventuality poses an ecological threat of massive proportions.

And it would seem equally obvious to me, as we consider the knowns and the unknowns in this equation, that (in the words of last year's report sponsored by the Energy Policy Staff of the Office of Science and Technology, and entitled "Considerations Affecting Steam Power Plant Site Selection"), it would be "... only prudent that great care be exercised so as to avoid damage to the aquatic environment rather than to plan to correct gross problems after the power industry is heavily committed to the use of facilities which provide little or no control over the effects of their activities on the environment."

Mr. Chairman, S. 7—as introduced by the distinguished Chairman of this Subcommittee (Mr. MUSKIE) and others of the Senate, and of which I am a sponsor in the House—seeks to address itself to this problem, and it does so in what I believe to be a constructive fashion.

Suppose, for a moment or two, we endeavor to apply its tentative provisions in this respect to the Cayuga Lake situation:

Of glacial origin, Cayuga Lake is about 38 miles long, with an average width of only 1.7 miles, and it is very deep—with a 435 foot maximum and a 179 foot average depth. Because of those depths, its waters are cold as any former Cornellian (like Senator MUSKIE) who has ever swum in them can attest, and this is one of the reasons why the New York State Electric & Gas Corporation (NYSE&G) has chosen it as the site for its proposed nuclear-fueled power plant.

Although the proposed plant's opponents—or some of them—wish another site had been chosen, there were other logical reasons behind NYSE&G's decision; it already has, for instance, a fossil-fueled steam power plant at the same location and substantial acreage around it as required for nuclear safety regulations. The heavy reactor casing for the plant could be transported to this site by water, since Cayuga Lake is connected to the Barge Canal, and the site is near the geographical center of NYSE&G's system, an integral part of the electric industry's overall plan for spending an estimated \$50 billion over the next 20 years to meet the Northeast's swelling demand for power.

However, despite the prospect that a substantial part of that overall investment might be made in their area, adding to their local tax-base and providing a substantial addition to their community's work-force, a good many of the leading citizens living in the communities near the lake have banded together to oppose the project unless "adequate" safeguards against "thermal pollution" and the possibility of hazardous radioactive wastes are incorporated into the plant's design.

Naturally enough, the question of what is "adequate" in these respects has become and remains a subject for on-going—and often hot—debate.

You will note, Mr. Chairman, that this debate centers around two separate and distinct concerns—the first related to that question of "thermal pollution" and, in this instance, revolving around the issue of whether or not the plant ought to be provided at the outset with "cooling towers" or some such device for lowering the temperature of its discharge waters, and the second related to the discharge of radioactive liquid wastes from the plant into Cayuga Lake, which is a question of considerable technological complexity in any event but is here made even more so by the fact that Cayuga would be the first, relatively small, "slow-flushing" lake in the nation on which a commercial nuclear power plant was built.

Mr. Chairman, unless the Subcommittee wishes otherwise, I will not attempt any

comment in detail (I doubt I am technically competent to do so in any event), on that latter question, even though Section 14(b) of S. 7 would seem broad enough in both language and intent to cover this water-pollution-control aspect of Federal licensing procedures despite the fact that Mr. MUSKIE—in his remarks to the Senate on January 15th—when he introduced S. 7 referred specifically only to the problem of "thermal pollution" and, in passing, to the Atomic Energy Commission's responsibilities in that connection as a licensing agency.

This is not to say—by so passing over this aspect of the Cayuga Lake problem—that the responsibility for protecting our citizens from radiation hazards, whatever their nature may be, is an exclusive AEC responsibility for, until I have seen an authority to the contrary, I would assume that the New York State Department of Health, or any comparable State agency in other instances, could if it wished adopt such water-quality-standards criteria as would be reasonable and proper in this area as well as in the area of thermal effects.

However, to get back to S. 7 and the Cayuga Lake thermal effects dispute, NYSE&G—whose application for a construction permit is now pending before the AEC—declares that it is no less interested in the protection and preservation of the lake than any of the plant's more-outspoken opponents, and one of its spokesmen has been quoted as saying that "... if it became apparent that ... cooling towers were required, we would build them."

In a preliminary effort to determine whether or not such a device will be required, NYSE&G has financed some research—mostly using Cornell University people—into the possible effect of an "open" cooling system on the ecology of the lake. At the same time, the opponents of the plant have conducted some largely-volunteer research into the same question—with here and there an interesting overlap of technicians—but it seems doubtful to me, at this point, whether the sum total of such research will produce any better answer prior to the AEC hearing than some variation of: "We simply aren't sure what the thermal effects of the plant will be, yet, and more work needs to be done!"

Meanwhile, Mr. Chairman, since you will wish and need to know if S. 7 should be enacted, what the States might do, you will be interested to learn that the New York State Water Resources Commission has begun public hearings throughout the State on its proposed new criteria governing thermal discharges.

In those proposals, the standard for thermal discharges into the waters of the State is declared to be "... none alone or in combination with other substances or wastes in sufficient amounts or at such temperatures as to be injurious to fish life ... or impair the water for any other best usage."

"Best usage" in this context is based on the principle of multiple use of waters, and an attempt to classify them "... in accordance with consideration of best usage in the interest of the public."

A "thermal discharge" is defined in the proposed new criteria as "... one which is at a temperature greater than 70° F., it being further stated that "... a discharge at a lower temperature will also be a thermal discharge if it results in a temperature rise of the receiving water above the permissible temperature rises ..." listed for various categories of bodies of water, it being stated that for "LAKES—the water temperature at the surface of a lake shall not be raised more than 3° F. over the temperature that existed before the addition of heat of artificial origin, except that within a radius of 300 feet or equivalent area from the point of discharge,

this temperature may be exceeded ... (while) ... in lakes subject to stratification, the thermal discharges shall be confined to the epilimnetic (surface) area."

It is further stated that the Commissioner of Health may impose limitations in addition to the stated criteria where he determines, in the exercise of his discretion, that such additional limitations are necessary to maintain the quality of the receiving waters for their "best usage" classifications. And it is further stated that the Commissioner may authorize a modification of such criteria upon application, but only after consultation with the Federal Water Pollution Control Administration, the burden being on the applicant in such instances to establish to the satisfaction of the Commissioner that one or more of the stated criteria are unnecessarily restrictive in his case, and any such modification is then conditioned upon actual operational experience.

In proposing these tentative criteria, Mr. Chairman, our State Water Resources Commission would seem to be following the recommendation made, in this respect, on April 1, 1968, by the National Technical Advisory Committee on Water Quality Control to the FWPCA—reference being had to the booklet entitled "Industrial Waste Guide on Thermal Pollution," as issued by the FWPCA in September of 1968.

Now, of course I have no way of predicting whether or not these proposed new criteria will be adopted by my State without change, or when final action might come. Nor am I able to state what the effect of their adoption might be on the design for the Cayuga Lake plant; for the question of whether or not that design should incorporate "cooling towers" or some such device from the outset then becomes an engineering question that I am not competent to judge. However, I offer this information, Mr. Chairman, to you and the Subcommittee as evidence of the fact that the States, once they understand the problem, can and probably will be responsive to the problem of thermal discharges, even as they have in other water-quality areas of concern where our present knowledge is substantially broader.

If this does prove to be the case, then by enactment of the "14(b)" provisions of S. 7 we will have moved forward to close an existing loophole in the regulatory framework for water-quality control we have been developing, and we will have done so within the philosophical framework of the Water Quality Act of 1965 that struck a careful balance between State and Federal interests in this field of concern. I believe it is important to maintain that balance if we can—and I believe the situation that I have outlined for you indicates that we can do so.

The "14(b)" provisions of S. 7 should be enacted as soon as possible—perhaps even as separate legislation if there is a chance that something else in S. 7 runs into a legislative roadblock—and I say this because, with 44 nuclear power plants moving towards construction and 42 more in the planning stage, action is fast outrunning our ability to apply reasonable environmental control and safeguards.

I might say that I have been in rather close communication with the AEC as to its attitude on this overall question, and with respect to some such legislation as that now before this Subcommittee, and I was therefore gratified to note that, earlier this week, a spokesman for the AEC did give its endorsement of the "14(b)" procedure.

As that spokesman may or may not have told you, however, even if the "14(b)" procedure became law there would still seem to be one remaining "loophole" in our regulatory framework in that—as pointed up in the Energy Policy Staff's "sitting" study—no

Federal license is required for a fossil-fueled generating plant. I believe we ought to try to avoid putting special burdens on the nuclear side of the developing power industry since, if the demand for electricity that is foreseen is going to be met it will largely have to be met through nuclear-fueled plants. At the same time, I do not think it would be advisable for the Federal Government to attempt to license fossil plants, so I suppose we must hope, here, that by elevating State control procedures over thermal effects in the nuclear field as will be the result of enactment of the "14(b)" provisions, we will simultaneously stimulate State action regarding the thermal effects of fossil-fueled plants as well.

Mr. Chairman, it would be appreciated if you would permit me to make a few more personal observations in conclusion.

As you might have anticipated, there have been substantial pressures on me to take a public position either "for" or "against" the Cayuga Lake plant.

I have resisted that because I have not seen my true responsibilities in as simple a light as that, which is why I have sought to address myself, in these remarks, as much as possible to the broader national issues highlighted by the Cayuga Lake dispute.

However, on the local level I must say that I do regret the aura of suspicion that has come to surround NYSE&G's efforts to move forward with this project in the minds of some of my constituents. As a recently-adopted Tompkins County Board of Supervisors resolution reminds us, NYSE&G has, for many years, been a "good neighbor" to those of us who have been its customers, and we are all indebted to it for its willingness to make the investment represented by the Cayuga Lake plant in an effort to meet our own future demand for the cheapest-possible electric power.

All of us want "progress"—and the better things in life—but we at the same time seem to want the benefits of "progress" without the less-pleasant aspects of it ever touching our lives. Power plants are not pretty things, yet—like the thief in the chicken house—"everybody's got to be somewhere!"

And one of the real anomalies about this entire situation for me has been the fact that so many of my constituents who have become so deeply disturbed about the prospects of "thermal pollution" or radiological pollution of our lake—concerns I understand because I share them—have nevertheless, in the recent past, either tolerated or been unaware of the fact that our beautiful lake is already polluted from many sources, so badly so, in fact, that the once popular swimming beach at Ithaca, New York (where Cornell is situated), has been closed to bathers for several summers now because of the bacterial content in the water and dense growths of plankton that limit its transparency.

In addition to which, a recent State Health Department report lists some 132 locations around Cayuga Lake that are classified as "polluted" for human bathing purposes, of which 92 are identified as being "grossly polluted."

Mr. Chairman, I do not cite these facts with any sense of pleasure—indeed, they shame me as much as anyone—but only for the purpose of trying to put our Nation's environmental and ecological problems in some better perspective.

For the great challenge we face in this respect, Mr. Chairman, is not just one posed by certain faceless industrial "ogres" bent heedlessly upon the destruction of our environment, but one posed by the past actions and attitudes of all of us toward the great natural resources with which God, in abundance, has showered us—and the successful meeting of that challenge similarly now depends upon the response and the responsiveness of all of us!

EFFECTS OF MERGERS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. KEITH. Mr. Speaker, 6 weeks ago I submitted House Joint Resolution 315, which calls for a study by six Federal agencies of the effects of conglomerate mergers on the transportation and communications industries, the securities markets, and interstate and foreign commerce. Since then, merger activity in both regulated and nonregulated industries appears to be accelerating. By the time we authorize and complete such a study, or see the fruits of those already undertaken by various agencies, we will face a situation similar to that of the barn door being shut after the horses have escaped.

To forestall takeovers which may be contrary to the public interest, at least in the field of transportation, I am today introducing a bill which has two major purposes: first, to accelerate the study contemplated by House Joint Resolution 315; and second, to provide for a moratorium on mergers involving the air and ground transportation industries. The latter section of the bill would prohibit the takeover of certain carriers by a person not engaged primarily in the business of transportation or in a business which is reasonably incidental or economically necessary or appropriate to the operations of such a transportation company. This restriction would remain in effect until 6 months after the authorized study is completed. In turn, the study must be completed within a 6-month period after passage of the act.

I have added these specifications regarding time to the bill so that the President and the Congress are given ample opportunity to act upon whatever legislative recommendations are forthcoming from the study. It is also intended to prevent the subjection of carriers and their would-be controllers to a permanent freeze on their merger operations should the study give them a clean bill of health.

The moratorium would be effective today—March 10, 1969. This provision is designed to put on notice noncarriers presently contemplating takeovers that, if and when this legislation is enacted, they will be required to make showing before the appropriate regulatory agency that: First, they are engaged in an allied business; or that, second, the takeover is necessary for the continued functioning of the carrier.

Mr. Speaker, a quiet revolution of potentially profound significance for the nature and direction of the American economy is well underway. We cannot wait to see where it is carrying us before we attempt to control it. It is time that the conglomerate phenomenon be held in check, at least in the key area of transportation, until its implications can be analyzed and fully comprehended.

It is to this end that I have submitted this bill today. The Congress may wish

to expand it to include other conglomerate mergers such as in the field of communications, or it may wish to restrict the scope of the bill or make other appropriate modifications. In any case, Congress should act upon it quickly so that we can begin now to develop a comprehensive national policy.

NIXON'S IMAGE IS REMARKABLE
AFTER FIRST MONTH IN OFFICE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to call the Members' attention to an article which appeared in the Aurora, Ill., Beacon-News on Sunday, February 23, 1969, by Dumitru Danielopol.

As Mr. Danielopol indicates, the record of achievement and the successes of the first weeks of the new administration clearly show how uniquely and wisely prepared was our new President at the time he assumed the highest office of this Nation. He is indeed "just the man for the job."

The article follows:

NIXON'S IMAGE IS REMARKABLE AFTER FIRST MONTH IN OFFICE
(By Dumitru Danielopol)

WASHINGTON.—President Nixon's image after a month in office is remarkable. Even his erstwhile critics are using terms like "relaxed, sure of himself, articulate."

He has put "his best foot forward," said one Washington editorial.

It should not be a surprise to anyone who has watched Mr. Nixon's activities in the last few years.

He worked hard for the presidency. Few men have been better prepared.

Just as one cannot ask Jack Nicklaus to win the Masters after a few rounds of golf, or Nathan Milstein to play a Stradivarius in Carnegie Hall on his first attempt on the violin, one cannot be adequately equipped for the presidency if he starts to learn on Jan. 20.

Mr. Nixon knew the magnitude of the task. After eight years as vice president, he knew that the man in White House has in his hands not only the fate of his country but that of the whole world.

On his decisions depend the life, the freedom and the happiness of millions of human beings.

Mr. Nixon wasn't taking any chances.

He had undertaken the grinding work to prepare himself for the toughest job in the world. He worked systematically, methodically and with great determination.

He travelled extensively abroad. He talked to the top political figures in the free world and many of the Iron Curtain countries.

He criss-crossed the nation time and time again, appearing and speaking at a multitude of Republican and other functions.

He kept abreast of foreign and internal problems.

"I think I am ready," Mr. Nixon told this correspondent in his Broad Street law offices in New York, in October 1967.

He buttressed this in an appearance before a formidable array of editors in Washington last April.

He spoke without notes, answered every difficult question competently and conducted

himself with a poise that won plaudits for "the new Nixon."

This isn't a "new Nixon," this is an "old pro."

Old friends recognize it, even if new friends are surprised.

An eminent Swiss colleague, Drago Arsenjivic, of the Tribune de Geneve, in Geneva, listened to Mr. Nixon at a Republican dinner in Arlington last June and reported that "Nixon's success is indisputable."

After only one month in the White House it gradually becomes evident that Mr. Nixon has brought a new dimension to the presidency.

I would call it "expertise."

One already senses a sure touch, a dexterity, that marks the top executive of a large organization who has made his way through the ranks and has learned the business.

He is, without any doubt, the best prepared man to enter the White House since World War II.

His opposition is already worried.

"There is a dark suspicion growing among Democrats that Richard Nixon stole off to charm school in his years out of power and he may in 1972 look too strong . . ." writes Mary McGrory in the Washington Evening Star.

The President's expertise will no doubt be tested. His meeting with high caliber political figures during his trip to Europe provide an early yardstick.

But the free world is hungry for a competent spokesman and leader. No one is equipped like a President of the United States.

The way is open, and Mr. Nixon looks like just the man for the job.

TWO MARINE CORPORALS KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. LONG of Maryland. Mr. Speaker, Cpl. Billy H. Best and Cpl. Paul A. Cumberland, two fine young men from Maryland, were killed recently in Vietnam. I wish to commend their courage and honor their memory by including the following article in the RECORD:

CITY, COLLEGE PARK MARINES ARE KILLED IN VIET FIGHTING

Two Marine corporals, one from Baltimore and the other from College Park, have been killed in action in Vietnam, the Defense Department announced yesterday.

They were:

Cpl. Billy H. Best, 18, of Baltimore, who was killed Monday near the An Hoa combat base in Quang Nam province by enemy small-arms fire while on patrol.

Cpl. Paul A. Cumberland, 19, of College Park, a squad leader in the 3d Battalion, 26th Marine Division who was killed February 27 by enemy fire while on a search-and-clear mission in An Hoa, Quang Nam Province.

Corporal Best, who was born in Wilson, N.C., had lived in Baltimore since he was 12 years old.

He attended Calverton Junior High School and was in the Job Corps for several months before he enlisted in the Marines in August. Corporal Best arrived in Vietnam three weeks before he was killed.

Corporal Best is survived by his mother, Mrs. Minnie Ruffin, his stepfather, Chester Ruffin, and a brother, Kenneth Earl Best, all of Baltimore.

Corporal Cumberland attended parochial school in College Park and was graduated from St. Anthony's High School in Washington in 1967. He was a member of the College Park Boys' Club.

After graduation, Corporal Cumberland was a storekeeper in the Capitol Building for the Chesapeake and Potomac Telephone Company.

Corporal Cumberland enlisted in the Marines in January, 1968, and had been in Vietnam since July.

He is survived by his parents, Mr. and Mrs. Francis D. Cumberland of College Park; two sisters, Mary and Nancy Cumberland, and five brothers, Daniel F., Matthew T., Stephen W., Jeffrey P. and Francis D. Cumberland, Jr., all of College Park.

TRIBUTE TO LAWSON B. KNOTT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. PICKLE. Mr. Speaker, after nearly 34 years of Federal service, one of the most capable men in Washington has retired. Lawson B. Knott, the sometimes unsung but always untiring Administrator, will be missed by his friends. I sure know that I will miss his rapt attention to duty, his efficient manner, and his warmth.

Lawson is a professional with the human touch. He has to be. As Administrator for GSA, he directed the activities of 39,000 employees. The scope of his agency stretched across the Nation. His wide range of responsibilities included construction and daily operation of thousands of Federal buildings, procurement and distribution of common-use supplies, drafting procurement regulations, operation of the National Archives and Federal records centers, use and disposal of surplus property, management of stockpiles of strategic and critical materials for use in national emergencies, and transportation and communications management. He guarded and dispersed a budget that ran into the billions of dollars.

This native son of North Carolina was well backgrounded and extremely well qualified for this high position that he earned. A graduate of Duke University, he came to GSA from the Department of Defense in 1956, after 21 years of Federal service in various legal and administrative positions relating to property management.

From 1959 until he was appointed Deputy Administrator of GSA, Mr. Knott served as Deputy Commissioner, Public Buildings Service. Former GSA Administrator Boutin resigned in 1964, and Lawson Knott was the logical man to serve as Acting Administrator until President Johnson made it official by appointing him Administrator in 1965.

Mr. Knott and his wife live in Arlington. He has promised her a leisurely vacation. She, too, has earned one.

I wish to thank the both of them for services to the people of this great Nation. I wish them well in their next adventure. And there will be one; Lawson is yet a young man to have compiled such

outstanding credentials. I await anxiously to learn what the future holds for him.

Mr. Speaker, Lawson Knott is able, as attested to by his own record. But he is more than that, Mr. Speaker. He has the quality of integrity that a public servant must have, and Lawson Knott has it in abundance. And even more, he has great loyalty—loyalty to friends who have seen him tested and proven, and loyalty to his job and country. As one Congressman I want to express my personal appreciation of his loyalty to our beloved former President Lyndon Johnson, and to tell him again that we in Texas will always remember with affection the help and friendship of Lawson Knott.

SILENT WEAPONS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. SIKES. Mr. Speaker, the reawakening of controversy about the place and the need for chemical and biological weapons in defense tends to obscure the significance of the contributions made to the Allied cause by chemical weapons during the current conflict. These contributions, which should be the subject of much wider interest than has been shown, are set forth in the Army Digest for November 1968 in an article titled "Silent Weapons," I submit it for reprinting in the CONGRESSIONAL RECORD:

SILENT WEAPONS

They don't kill or even wound. They weren't intended for battlefield use. Yet today they are emerging as a major new development in combat support in Vietnam.

What are these agents?

One is the newly battle tested (but far from newly developed) riot control powder known as CS—an agent much more effective and much less dangerous than the older CN type. The other is the use of chemical defoliants to deprive the Viet Cong of cover for ambushes and covert movement of their troops and supplies.

CS is not a gas. Neither is it a toxic chemical agent under the standard definition. It is a white crystalline powder which in finely ground form is disseminated by mechanical dispensers or explosive grenades, or in coarser form by burning type grenades.

Effects of CS on humans are pronounced and instantaneous—coughing, severe burning of the eyes, tightness of the chest, acute discomfort.

These effects are very much the same as CN which has long been used by civil law enforcement agencies in riot control situations. But CS acts much faster, and has been proven extremely safe. It is temporarily disabling but nonlethal. Those exposed to it quickly lose their aggressiveness and seek only to reach fresh air quickly, where the effects disappear within 10 to 15 minutes, with no after effects.

CS compound takes its name from two American chemists, B. B. Corson and R. W. Stoughton, who first reported its preparation in 1928. The British further developed the compound and compiled data on its potentialities in riot control. For the scientifically-minded, it is known as ortho-chloro-benzalmalononitrile.

Because it is so effective and fast acting, some people believe that CS must therefore

be more dangerous than CN. Actually, CS is much less toxic.

In the many tests using troop volunteers and in actual riots and battle, there has never been a fatality attributed to CS.

USE IN VIETNAM

As a newcomer to the battlefield in Vietnam, CS initially encountered considerable skepticism as to its effectiveness in combat support. This, coupled with unfamiliarity with its use and absence of proven field techniques, posed problems. But these were swiftly overcome as experience was gained. New uses and novel methods of disseminating the agent have rapidly developed. Commanders now find it a valuable weapon in combat situations when it is apparent that explosives are not the sole or best answer.

Viet Cong have frequently forced women and children to accompany them as hostages; they do not hesitate to use them as protective shields against anyone seeking to clear their tunnel hideouts.

In such situations, CS quickly proved its value. Labyrinthine tunnels no longer guarantee snug sanctuaries to VC snipers. At first, explosive grenades were simply tossed into tunnel openings. These proved ineffective, since some tunnels consist of as many as six levels, covering extensive areas.

A handy solution to the problem was a small, commercially produced blower known as Mity Mite, often used on farms to disperse insecticides. CS grenades are set off in the tunnel opening and the powder-like substance—very much like the talcum powder that is used in training to simulate the real thing—is forced in by blower.

In one reported operation, 17 Viet Cong and some 400 non-combatants being held as hostages were forced from a tunnel complex by CS, with nobody wounded on either side. Again, 43 armed Viet Cong were captured with no friendly losses and one enemy killed when he tried to break away.

CS quickly forces those hidden in caves or tunnels to find their way to fresh air. If civilians emerge, they are escorted to VC suspect enclosures. If military emerge without firing, they are captured swiftly. Reports from Vietnam state that greatly increased intelligence, plus more cooperation from both noncombatants and prisoners, have resulted. Lives are frequently saved on both sides.

DELIVERY METHODS

When more tunnels are located than can be destroyed quickly, CS is used to deny use of the complex until supporting engineer troops can be brought up to destroy it efficiently. Often, smoke is forced into the tunnel to locate all exists. After an airing, the complex is inspected for intelligence information. Then CS powder is blown into the tunnel.

CS also can be forced in by connecting bags of the powder to an explosive charge, which renders the tunnel uninhabitable for at least a week and a waterproofed CS gives promise of extending this to several weeks. In routing the dug-in enemy, infantrymen usually lob in a CS grenade, then toss in a fragmentation grenade after the first one has exploded. This dispenses a cloud of CS into the tunnel.

CS has proved extremely effective when delivered by helicopter onto a suspected enemy area. VC scamper out, even from well camouflaged locations, gasping and seeking fresh air. As a result, U.S. forces often are able to move into large areas totally unopposed.

Dispensing the powder by helicopter effectively clears a village quickly. Inhabitants running for fresh air don't have time to hide weapons and munitions. Reports from Vietnam credit the agent with saving lives in reconnoitering villages—and it also works very well in discouraging sniper fire.

Usually psywar leaflets and loudspeakers are used to warn villagers that CS will be

used if sniping persists. In one case, sniping stopped in the entire surrounding area as well as in the village under surveillance.

In one major operation the 1st Cavalry Division used CS to flush VC from fortifications, suppress automatic weapon fire and put down preparatory fires on an objective area and a whole village. Eighty VC suspects were taken with virtually no resistance.

TACTICAL USE

As part of their field tactics, the VC often move in close to U.S. troops in order to escape air and artillery attack. The tear agent is coming into wide use lately to force them to break contact.

In one operation, helicopters dropped CS grenades to blanket a small patch of jungle believed to be a fortified VC headquarters. After the area was blanketed with CS, airborne troops with protective masks were set down by helicopter and took over the area with almost no resistance.

Another use of the agent is in perimeter defense of fixed installations. CS booby traps are placed around the area, to be exploded by unwary VC trying to penetrate the defense. Sometimes an even simpler method is used—powdered CS is simply sprayed on foliage along trails.

Coughing, gasping enemy infiltrators are located easily as they seek to retreat.

Patrols operating some distance from friendly lines spray CS behind them to prevent ambush patrols from following them down a trail. In one reported instance, a CS grenade tossed down the path gave the patrol time to set up a counter ambush.

In still another application in Vietnam, CS is disseminated preceding attack on strongly fortified positions. Entrenched areas that had successfully resisted both aerial and artillery fire have been reduced in an hour or two by combining the use of CS with maneuver and firepower.

BEER CANS AND BASEBALLS

Several methods are used to disseminate the tear agent. One type of grenade bursts. Another burns. The burning grenade (M7) resembles the ordinary 12-ounce beer can. It weighs about a pound, is armed with a quick burning fuse—one to two seconds—and the contents burn for up to 35 seconds. An alternative fuse is available to give it an 8 to 10 second delay. The grenade can be fired from a grenade launcher-equipped rifle, or from a grenade projector.

The baseball-size grenade (M25) is three inches in diameter, bursts within two to three seconds after the pin is pulled. It weighs about eight ounces. Its short fuse discourages the enemy from tossing it back. That same short fuse means that a grenadier can toss it high to explode in midair over a suspect area.

The Army also has dispersers designed to spray a finely-powdered form on a target larger than can be covered by several grenades. One can be man-carried, while another type is designed for mounting on vehicles or aircraft for large area coverage. Additional types of dispersers and munitions, including cluster munitions for delivery from helicopters, have been developed.

HERBICIDES SERVE TOO

Along with the use of the tear agent against the enemy in Vietnam, some chemicals currently in wide use on farms or lawns in the United States are being taken to war. These herbicides or common weed killers are the same chemical compounds that are on sale in this country at your corner grocer, hardware or agricultural support house.

Dense jungle, which is home to the Viet Cong, provides the enemy with effective ambush cover. Wooded areas along trails, roads, railroads, canals and power-lines have been a happy hunting ground for VC units until U.S. Air Force transport planes began to spread their loads of defoliating chemicals.

The planes have been flying at such low levels that many are pock-marked with red-metal patches—signs of bullets through wings and bodies.

Defoliants assist our forces in gathering intelligence by permitting a view below the jungle canopy for analysis of trail activity, storage site locations, and targeting. Removal of overhanging foliage exposes the ground area to intensive photographic surveillance and direct fire.

It is obvious, of course, that neither the riot control agents nor the herbicides alone can be expected to win a war. But as an added silent weapon in the Army's arsenal, they are helping to win battles, and to achieve military objectives.

RESOLUTION BY GOVERNORS COMMENDING PRESIDENT NIXON

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. LIPSCOMB. Mr. Speaker, under leave to extend my remarks I submit for inclusion in the RECORD a resolution commending President Nixon which was unanimously adopted at the recent National Governors' Conference.

The resolution, proposed by Governor Reagan of California, praises President Nixon for his recognition of the vital role of State and local government in providing public service to our Nation's citizens and urges continuation of this spirit of cooperation throughout the Federal Government. It expresses the resolve of the Governors to work to help assure the highest degree of intergovernmental cooperation.

Strengthening cooperation between the Federal, State, and local governments is important to preserving freedom and good government in our great Nation and I am sure the resolution approved at the Governors' Conference will be of interest to the Congress and the public. The text follows:

Whereas President Richard M. Nixon has from the start of his Administration recognized the vital role of state and local government in providing responsive and effective public service to the citizens of our nation; and

Whereas the President has specifically designated a former governor, Vice President Spiro T. Agnew, to provide top level leadership in maintaining liaison between state and Federal government; and

Whereas the Office of Intergovernmental Relations has been established under the direction of former governor Nils Boe to facilitate communication and cooperation between all units of government at all levels; and

Whereas the President has directed every element of the Federal government to work closely with state and local governments to improve coordination and to develop the best possible cooperative relationships to effectively serve all the people and to solve the many problems facing public officials throughout the nation; and

Whereas the confidence of the President in the leaders of state and local government has been reflected in the appointments to the Cabinet and to other high positions throughout the Executive Branch of the Federal government;

Now, therefore, be it Resolved that the National Governors' Conference expresses its

appreciation to the President and the Vice President for their recognition of the appropriate role of state and local governments in the total spectrum of public service; urges the continuation and expansion of this spirit of cooperation and effective communication throughout all elements of the Federal government; and expresses the commitment of the assembled governors to work closely with our national leaders to assure the highest degree of intergovernmental cooperation in solving the many and complex problems facing the people of our nation; and

Be it further Resolved that the National Governors' Conference wishes to express its deep appreciation to the President and the Vice President of the United States for their assistance and cooperation in making this a memorable meeting of the Conference. We also wish to express our special thanks to Members of the Cabinet and the Congress for their active participation in our activities and deliberations.

WASHINGTON REPORT

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CUNNINGHAM. Mr. Speaker, I periodically make a report to the people of the Second Congressional District of Nebraska, whom I have the honor to represent in the U.S. House of Representatives.

This will be my first report for the 91st Congress:

WASHINGTON REPORT: CONGRESSMAN GLENN CUNNINGHAM, SECOND DISTRICT, NEBRASKA

DEAR FRIENDS: The new Administration has not made dramatic changes as yet. It is being very careful and cautious. It does not envision spectacular headline grabbing like that put on by other Presidents when first elected, which more or less proved only that they wished to get into the headlines.

President Nixon, because of his studious and cautious approach, has been exceptionally well received by the newspapers, TV and radio reporters and columnists because he has done just the opposite of some previous Presidents.

A very intelligent man, President Nixon has given top priority to what he and the responsible authorities he has appointed to top positions believe to be the most pressing problem at this time—foreign relations.

I agree with the President's actions in his first few weeks in office, because so much of our nation's budget is tied up in national defense (which now accounts for 41 percent of the total national budget with another 13 percent devoted to Vietnam). Our foreign affairs which are now in a mess have to be put in order to end the war, restore trust with our allies, and reduce defense spending, so that we may then tackle the multitude of problems on the home front with the money available and bring about a reduction in taxes.

Mr. Johnson put his main emphasis on domestic issues when he became President. Of course, these rate high priority, but by so doing, Mr. Johnson found his foreign affairs policies had gotten out of hand. Urgent domestic problems were then neglected and confused because he could not follow through on them due to the deteriorating international problems.

You know what happened!

There was escalation in Vietnam and this focused the President's attention on where it should have been in the first place. This resulted in failure to follow through, perfect

and make workable the multitude of domestic programs which the previous Administration initiated. That is the reason domestic programs were so ill-prepared and so poorly administered.

THE PUEBLO AFFAIR

I have spoken out many times regarding the handling of the Pueblo affair. You can be certain I will not rest as long as there is any chance that the ship's captain and crew may not receive fair treatment. I have received hundreds of letters from Nebraskans and others who feel the present proceedings have the appearance of an attempt to let Commander Lloyd Bucher and his men take the rap for higher officials who sent him out on a mission with an ill-equipped vessel and without proper contingency planning.

We in Nebraska claim Commander Bucher as our own—one who has overcome many obstacles to gain command in the United States Navy.

In addition to Commander Bucher, an orphan who was raised and schooled at Boys Town and graduated from the University of Nebraska, there was another Nebraskan aboard the Pueblo—Charles Sterling, son of Mr. and Mrs. James Sterling of Omaha.

I was astounded to learn, as the testimony unfolded at Coronado, California, that no American forces—either ships or planes—were available to aid the Pueblo when it was hijacked in international waters off North Korea on January 23, 1968. This is but one of the many areas where those responsible failed Commander Bucher and his men. Neither I nor the House Armed Services Committee intend to stand idly by and let these outstanding Americans become the goats for others.

THE 91ST CONGRESS

The opening days of the 91st Congress and President Nixon's Inauguration are now history. It was, as it always is, a thrill for me to be sworn in a seventh time as your Representative in Congress. Members of my family were in attendance, and my wife Janis and the youngsters also attended the Inauguration on January 20th.

Effective representative government requires a continuing two-way communication between a Congressman and the people who elected him.

It is for this reason that I will again use these periodic reports from Washington to keep the people of Nebraska's 2d Congressional District—Burt, Cass, Sarpy, Douglas and Washington Counties—informed about Congressional activities and other national and international problems and developments. I give this to you straight, as I see it, and I try to keep you from being misled by reporters, columnists and those who deliberately try to confuse you.

If you have any reason to write me in Washington, just address your card or letter to: Congressman Glenn Cunningham, House of Representatives, Washington, D.C. 20515.

As you well know, I also maintain a full time office in Omaha, located in the New Federal Building, Room 3412, 215 North 17th Street. The phone number is 221-4631.

MY LEGISLATIVE RECOMMENDATIONS TO THE CONGRESS

I am continuing my fight to rid the mails of smut—the material that poisons the minds of the young (and some not so young). I have introduced another anti-obscenity bill (H.R. 6200) which would eliminate second, third and fourth class rates for those who send pornographic material through the mails. (You know of my successful effort of last Congress in gaining passage of legislation which provides a means of having your name removed from the mailing lists of smut peddlers soliciting you to purchase.)

The American people are not obligated to support with their hard-earned tax dollars subsidized mail rates for items of an obscene

nature sent through the mail. Mail permits are a privilege, not a right. If the conditions of the permits are not fulfilled, the permit should be withdrawn.

Among other bills I have sponsored in this session of the Congress are the following:

H.R. 7170.—increases to \$3,000 the amount Social Security recipients can earn without penalty.

H.R. 50.—raises the personal tax exemption for a taxpayer and his dependents from \$600 to \$1,200.

H.R. 162.—calls for seat belts on interstate buses.

I am continually working on other legislation which will be introduced as the session progresses.

Sincerely,

GLENN CUNNINGHAM.

AN APPROPRIATE RESPONSE IN VIETNAM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BINGHAM. Mr. Speaker, when President Nixon last week warned North Vietnam that continuation of its current offensive in the South would bring an "appropriate response," he carefully left undefined the form that response would take.

As he considers the question, I hope that President Nixon will bear in mind what he himself said in a campaign statement last August:

This new kind of war is not primarily a military struggle in the conventional sense. It is primarily a political struggle.

As such, it requires a political solution, a solution which can be attained only through recognition by both sides that the only hope for avoiding further death and destruction lies in a renewed commitment to the negotiating process now so frustratingly stalled in Paris.

Mr. Speaker, both the Washington Post and the New York Times yesterday spoke out editorially against any fresh resort to a stepped-up military effort in Vietnam. Both these great newspapers echoed Ambassador Harriman's judgment that the North Vietnamese-Vietcong offensive is "essentially a response to our actions." Both urged patience on the military front and new efforts in Paris as the only course which can lead to eventual settlement. And, just to make the case even clearer, the Washington Post also carried a thoughtful news analysis by George C. Wilson, who pointed out that the military options available to the President at this time are all relatively unpalatable and concluded:

A diplomatic appropriate response would thus seem to be more tempting than a military one at this moment.

For the benefit of my colleagues who may have missed these three items, their texts are as follows:

[From the New York Times, Mar. 9, 1969]

THE PRESIDENT'S VIETNAM TEST

The challenge confronting President Nixon in the current Vietcong offensive is to resist the Lyndon Johnson tendency to react, in the words of one high official of the old Ad-

ministration, "as if his manhood were at stake."

The sudden doubling of American casualties in South Vietnam is a bitter new indication of the high price of this dismal war, one that makes clearer than ever the necessity for ending it with maximum speed. That endeavor will not be aided by another rash of self-defeating responses dictated by frustration and anger.

In his foreign policy news conference last week, President Nixon confirmed that the Communist attacks in South Vietnam have been "primarily directed toward military targets." Only "technically," in his phrase, do they contravene the American warning that attacks against major cities would make it impossible to maintain the bombing halt.

Several factors need consideration before an Administration decision on what to do about the present attacks. The first is that experience at all stages of the war indicate that Communist offensives soon run out of supplies and that their duration is not significantly affected by bombing North Vietnam.

Before President Johnson ordered the halt last Nov. 1, it had become abundantly clear that attempts at aerial interdiction of supply routes through North Vietnam were incapable of stopping the tortuous flow of arms and equipment into the South. Nor has the punishment and economic damage inflicted on the North ever visibly shaken Hanoi's will to fight.

The most predictable effect of precipitate resumption of the bombing would be to alienate world opinion again and hamper negotiations on Vietnam and other critical issues with the Russians. It certainly would halt the Paris talks, prolong the war and escalate the fighting, thus increasing instead of reducing the ultimate cost in American casualties.

Moreover, as former Ambassador Harriman last week told James A. Wechsler of the New York Post, the present Vietcong offensive is "essentially a response to our actions rather than a deliberate, reckless attempt to dictate the peace terms or torpedo the talks." General Abrams after the Nov. 1 bombing halt was instructed by Washington to maintain "all-out pressure on the enemy" in South Vietnam.

Pentagon figures show that from November to January the number of allied battalion-sized operations increased more than one-third, from 800 to 1,077. Of these 919 were South Vietnamese, 84 American and 74 combined. Meanwhile, the North Vietnamese pulled all but three of their 25 regiments in the northern sections of South Vietnam back across the borders. This freed more than a full division of American troops to join in maximum military pressure further south as a means of maintaining morale there and encouraging Saigon to get into the Paris talks.

American spokesmen had heralded successes on the battlefield and in renewed pacification efforts as improving both the allied bargaining position in Paris and the Saigon Government's chances for surviving a peace settlement. There have even been repeated claims that an allied military victory was ripe for the taking.

The United States simply cannot have it both ways. It cannot demand the right to press the fighting with increased vigor itself while charging doublecross whenever the Communists do the same. The sad fact is that the Paris talks have been left on dead center while Ambassador Lodge awaits a White House go ahead for making new peace proposals or for engaging in private talks out of which the only real progress is likely to come. Everything has been stalled while the Nixon Administration completes its military and diplomatic review.

Now that the Communists have responded with a new military offensive in South Vietnam, the United States will simply have to grit its teeth and see the battle through.

Hanoi as well as Washington and Saigon must once again learn the hard way that military victory is an impossibility for both sides, that the sole real hope lies in ending the drift in the peace talks. Anything either side does to retard progress there simply condemns more life and treasure to destruction in the bottomless pit that is the Vietnam war.

[From the Washington (D.C.) Post, Mar. 9, 1969]

THE OFFENSIVE

There ought to be no mistaking the seriousness of the latest Communist offensive in South Vietnam. In the week ending last Thursday, 453 Americans and 522 Vietnamese soldiers were killed; more than 2000 Americans were wounded. The shelling of Saigon on Thursday took the lives of 25 civilians, many of them women and children; there was an attempt on the life of Premier Tran Van Huong that failed, and one on the life of a Saigon University dean that succeeded. The offensive, according to the best estimates, is not equal to the one the Communists mounted a year ago; but because the targets are mostly military installations, the enemy has "managed to kill significantly more American soldiers this year while losing half the men he lost last year," to quote a briefing officer in Saigon.

These are the events the President said "will not be tolerated" without "some kind" of "appropriate" response. Secretary Laird, in Saigon yesterday, echoed the phrase as did Vice President Ky (whose departure from Paris is probably as much a personal desire to leave the fenced-in fishbowl of the Bois de Boulogne as any diplomatic ploy). Ambassador Lodge, in a statement vague even by his standards, declared to Hanoi and the National Liberation Front: "The consequences of these attacks are your responsibility."

There is not much doubt that the attacks constitute a violation of the curious "understanding" which produced the bombing halt and the expanded talks in Paris. Further, it should be noted that the "understanding" is just that, and no more; it is not an agreement. American negotiators asked the North Vietnamese if they "understood" that if we halted the bombing, there could not be gross violations of the DMZ or shelling of South Vietnam's major cities. The details were left deliberately imprecise, and in due course the Soviet Union—requested by the United States to act as an intermediary—reported that Hanoi "understood what we were saying," in the words of a Johnson Administration official closely involved in the October discussions. They did not necessarily agree to abide by the American interpretation; but they "understood" it.

It ought to be noted that there were no other agreements: the war would proceed as it had before, with the full paraphernalia of B-52 strikes, search-and-destroy missions and harassment and interdiction artillery fire on our side; shellings and ground attacks on military installations, ambushes and political assassinations on theirs. The offensive war would continue, with both sides using the means available to them. The killing would not stop.

It is a measure of the madness now upon us that somehow there is a political distinction between a dead American in a command post at Dakto and a dead South Vietnamese child in a market place in Saigon. There may well be a distinction in morals, but there is none in warfare; in warfare there is killing, and all manner of innocent people die. Hanoi has embarked on its latest offensive probably with the intention of serving notice on the Nixon Administration that it is not supine, still less defeated. Hanoi probably wishes to demonstrate that her cadres in the South remain resourceful, energetic—and everywhere. If the United States wishes to proceed

with the talks Hanoi is saying, it must recognize the Communists as equals. Or at least that is as rational an explanation as any.

"Deadlock" properly describes the situation at the Hotel Majestic, and deadlock it will probably remain until both sides recognize that in a political war there can be none other than a political solution. Meantime, there is the problem of what can be the "appropriate" response to the Communist offensive. Is the understanding that led to the bombing halt and the expanded talks being violated in a serious way—that is, in a deliberate pattern damaging enough to cause us to abandon the talks, and embark on a new round of escalation, the resumption of the policy that proved futile in the past? On the evidence so far, our judgment would be no.

[From the Washington (D.C.) Post, Mar. 9, 1969]

VIETNAM OPTIONS ARE LIMITED—NO APPROPRIATE RESPONSE IN SIGHT FOR NIXON

(By George C. Wilson)

President Nixon, in looking for an "appropriate response" to the enemy's offensive in South Vietnam, has few appealing military options right now.

His recognition of the practical limits may be behind the sudden revision and extension of remarks by Defense Secretary Melvin R. Laird.

Mr. Nixon on Tuesday said that enemy attacks on South Vietnam's cities "technically" could be a violation of the U.S. understanding with Hanoi which led to the bombing halt.

But when Laird landed in Saigon on his first inspection visit Thursday he called "indiscriminate assaults" against civilians "an ominous violation" of the understanding.

The very next day, reporters in Saigon were called in and heard a revision of those remarks. A high U.S. official—who would not let his name be used—went back to the narrower interpretation that the understanding barred attacks on major cities like Saigon, Danang and Hue.

The same official was quoted as saying: "On the basis of what has happened so far, I would question whether we would be able" to resume bombing North Vietnam—although he did not rule this out for the future.

There is, of course, military support for resumption of the bombing. But such options being discussed at the Pentagon and elsewhere must be looked at in the light of political and military realities:

Resumption of bombing—Some military leaders see selective bombing as an "appropriate response." The idea is to pick out a military target in North Vietnam, smash it with a small number of planes and make clear the raid was in retaliation for a specific enemy act.

Civilian opponents contend this scheme would return the United States to the tit-for-tat strategy. Begun in 1964 with a bombing strike against North Vietnamese torpedo boat bases in retaliation for their runs against American destroyers in the Gulf of Tonkin. The tit-for-tat kept going up the ladder of escalation, resulting in the present commitment of 541,500 American troops to South Vietnam.

In a larger sense, going back to bombing of the North would appear to be a return to the quest for a military solution in Vietnam—rather than the political one sought in Paris. The same goes for shelling the North from American warships.

Nixon, as a Presidential candidate, said on Aug. 1 that "this new kind of war is not primarily a military struggle in the conventional sense. It is primarily a political struggle . . ."

Unleashing South Vietnam—This option, publicly advocated by South Vietnamese Vice President Nguyen Cao Ky, is to let the South

Vietnamese Air Force bomb the North if the Americans will not.

One look at the airplanes available to South Vietnamese pilots shows how unsound this idea really is. The South Vietnamese have about 30 F-5 jets and 100 A-1 propeller driven Skyraiders available for such bombing missions.

Once loaded with bombs, however, these planes would have too short a range to make any meaningful raid against the North. The loaded F-5 would have a combat radius of only about 300 to 400 miles, the A-1 slightly more. And the South Vietnamese have not been trained in refueling their aircraft in flight—essential for long-range operations.

An Israeli-type commando raid against the North by South Vietnamese troops has been discussed as an "appropriate response." But the record of past covert attempts in this direction is not encouraging. And American support of such a raid would still amount to resuming the attacks on the North.

U.S. counter-thrust—This option would amount to stepping up the American military campaign in South Vietnam in response to the enemy's own offensive. A series of battalion operations could be announced as one big offensive.

Of course the American troop ceiling for South Vietnam could be lifted for a stepped up campaign. But Nixon, pledged to end the war, hardly would find that option appealing.

Attacking sanctuaries—Enemy sanctuaries in Laos and Cambodia could be attacked. But bombing of Laos increased when planes were released from bombing the North. And past proposals for sending troops into either country for quick thrusts have been rejected. New possibilities are thus distinctly limited.

Sweeping the DMZ—Sweeping both the southern and northern portions would clearly violate the announced U.S. interpretation of the understanding. The six-mile no-man's land between North and South Vietnam, Johnson Administration officials made clear, was to be demilitarized in fact as well as in name. Each side, however, has charged the other with violations there.

All this does not mean President Nixon has no military options at all; only that there is no easy choice for the new President. A diplomatic "appropriate response" would thus seem to be more tempting than a military one at this moment.

ESTONIAN INDEPENDENCE DAY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. VANIK. Mr. Speaker, I join my colleagues in the House of Representatives in celebrating the 51st anniversary of the Estonian Declaration of Independence. Although Estonia is one of the smaller Baltic States, comprising 18,000 square miles, it established one of the strongest Baltic governments after declaring independence. Proof of the ability of a free and inspired people to successfully govern themselves came in 1924 when the Republic of Estonia successfully put down an abortive coup d'etat.

Learning and culture flourished in the climate of individual freedom during the years of the republic. Even though the free people of Estonia displayed strength and spirit far in excess of their size, the Estonian Republic was ended by the world tragedy of 1939.

Since that time, the Estonian American people have continued to demonstrate the advantages of liberty through their contributions to American culture and society. Their inspiration and accomplishment are continuing proof of the superiority of democratic government.

ABM FALSE SECURITY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. DORN. Mr. Speaker, today I sent the following wire to President Richard M. Nixon:

THE PRESIDENT,
The White House,
Washington, D.C.:

Respectfully urge rejection of ABM system as inadequate defense and outdated. Such defense psychology would provide false security and become America's Maginot Line. It would cost many billions, add to inflation and provide no real security. U.S. space flight renders ABM obsolete. Offensive power and control of space is America's best defense.

WM. JENNINGS BRYAN DORN,
Member of Congress
from South Carolina.

Mr. Speaker, in 1967 I placed the following statements and articles in the CONGRESSIONAL RECORD. I believe these articles are even more timely today, and I commend them to the attention of my colleagues:

ABM OBSOLETE?

(Extension of remarks of Hon. WM. JENNINGS BRYAN DORN, of South Carolina, in the House of Representatives, Monday, October 16, 1967)

Mr. DORN. Mr. Speaker, British Defense Secretary Denis Healey several days ago referred to the proposed ABM defense system around the United States as obsolete.

The following story about the Secretary's reference to the ABM system appeared in the Washington Post on Tuesday, October 3:

"ABM OBSOLETE, BRITISH DEFENSE CHIEF SUGGESTS

"SCARBOROUGH, ENGLAND.—Defense Secretary Denis Healey said last night that the projected U.S. antiballistic missile system could prove obsolete even before it is deployed against a possible Red Chinese attack.

"Healey said there is no evidence that any ABM system now conceived could produce meaningful defense against a major nuclear attack.

"He said the system being planned by the United States could provide only 'marginal and temporary' protection and, further, that it poses the danger of an accelerated arms race between East and West.

"McNamara, in announcing the \$5 billion ABM defense, said it was intended as an answer to the intercontinental ballistic missile system China is expected to have in the early 1970s.

"Healey spoke to a meeting of the Fabian Society after the opening of the Labor Party convention here."

ABM SYSTEM SEEN OUTDATED

Mr. DORN. Mr. Speaker, Gen. Billy Mitchell was right. I keep his picture in my office in the Rayburn Building as a constant reminder that our leaders were wrong—military and political leaders.

If the Western World leaders and the Congress had listened to Billy Mitchell there

would have been no Pearl Harbor and, I believe, no World War II with 25 million dead.

I greatly fear that a thin ABM system around the United States will lull us into a feeling of false security.

I believe we could provide more security for our people by spending these vast billions on a future offense system and thus prevent world war III altogether.

The following article appeared in the Columbia State on October 9:

"ABM SYSTEM SEEN OUTDATED

"NEW YORK.—Pressure from Congress and the joint chiefs of staff for a heavy antiballistic-missile (ABM) system oriented to defense against Soviet attack reflects an old military weakness: preparing to fight the previous war.

"Technology has overtaken the ABM. The United States already has developed an effective antidote to it—sophisticated multiple warheads for the new offensive missiles, Minuteman II and Poseidon, which are to be ready in the early 1970's. Official estimates indicate that the Soviet Union can do the same in five to seven years.

"Whatever the case for a 'light' ABM defense against primitive Chinese missiles, arguments for either superpower to build a \$40 billion missile defense to protect its cities against the other are now as outdated as the Billy Mitchell bomber-vs-battleship controversy.

"A hitherto-secret four-letter acronym, MIRV—multiple independent re-entry vehicles, and the key word is 'independent'—describes an advance in nuclear weaponry that will enable the offense to penetrate any defense now foreseeable.

"Both our missile defense system and (Russia's) were designed before MIRV's came along as a serious possibility," Secretary McNamara has acknowledged.

"One MIRV missile will be able to carry ten or more hydrogen warheads that can separate in flight, change trajectory several times and fly independently to ten or more pre-selected targets. Equipped with MIRV, America's 1,700 strategic missiles could carry 17,000 or more separately targetable warheads, dwarfing the widely discussed Soviet increase this past year from 300 to about 450 single-warhead intercontinental ballistic missiles (ICBM's).

"Early in the ABM debate, Secretary McNamara predicted that the Soviet Union and the U.S. each would respond to the other's ABM installations by improving the offensive capabilities. 'All we would accomplish,' the defense secretary said, 'would be to increase greatly both their defense expenditures and ours without any gain in real security to either side.'"

NEW CRIME STATISTICS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ROGERS of Florida. Mr. Speaker, FBI statistics on crime during 1968 were released today, and the picture is a grim one. Nationally, crime was up 17 percent over the previous year. In the Northeastern part of the country, it was up a staggering 21 percent.

Of particular concern, armed robbery offenses increased a sharp 34 percent. And aggravated assaults involving firearms reflected a 24-percent increase.

Crime is not just a big city problem, the new statistics show. Crime increased 16 percent in cities of over 1 million resi-

dents, but was up 19 percent in cities of only 25,000 to 50,000 people. And in suburban areas, an increase of 18 percent was recorded.

The FBI also stated that the police were successful in clearing only 20 percent of the crimes reported, a decline of 9 percent from the clearing rate for the previous year.

And during 1968, police arrests for all criminal acts rose only 4 percent, compared to the 17-percent overall rise in crime.

Crime is clearly a nationwide problem requiring action at every level of government from the Federal level down to the States, counties, cities, and towns. These new FBI statistics serve to point up the dimensions of the crime crisis. Every State should review its own laws and enforcement procedures, and especially its courts. Congressional committees should immediately do the same.

DEPARTMENT DENIES HOOVER RETIREMENT

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. KING. Mr. Speaker, many Americans heaved a sigh of relief when it became known officially that J. Edgar Hoover does not plan to retire as Director of the Federal Bureau of Investigation. Mr. Hoover has a tremendous record, one which many of us feel will never be equaled again in our history. We all wish him continued good health, for while he is on the job we feel we can rest at night. The Copley News Service printed the denial, which I am pleased to quote:

PLANS TO CONTINUE: DEPARTMENT DENIES HOOVER RETIREMENT

WASHINGTON.—The Justice Department Wednesday flatly denied reports that J. Edgar Hoover plans to retire next Jan. 1 as director of the Federal Bureau of Investigation.

The report has been published in various newspapers and syndicated columns in the past week.

"There is absolutely no truth to it," said a spokesman for Atty. Gen. John Mitchell.

"There is no understanding between Mr. Hoover and the attorney general concerning any resignation or retirement. Mr. Hoover has not indicated any such plans to the President or the attorney general.

"President Nixon asked Mr. Hoover to continue in his position as director and he agreed. That is the simple situation."

One published report, it was disclosed, was traced to "a cocktail party conversation." The man who wrote it did not check with the Justice Department, officials said.

Speculation about Mr. Hoover's future has flared from time to time for several years in Washington.

The director is 74 years old. He will be 75 next Jan. 1. He entered the Justice Department in 1917, became special assistant to the attorney general in 1919 and was appointed assistant director of the old Bureau of Investigation in 1921. He became director of the bureau in 1924 and began building the FBI.

Associates describe Hoover's health as "excellent."

"I have a hard time keeping up with him," confessed one aide many years his junior.

WHAT NEXT FOR COMMANDER BUCHER?

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CUNNINGHAM. Mr. Speaker, today, Comdr. Lloyd M. Bucher is scheduled to testify for the last time before the Naval Court of Inquiry in Coronado, Calif.

But last week the man who commanded the *Pueblo* was in a different atmosphere. The orphan who overcame many obstacles to gain that command was enjoying two of the things he loves most—his family and the sea.

Washington Post staff writer, George C. Wilson, recorded this poignant return to the sea of the man whom we in Nebraska are especially proud. He is one of ours—a graduate of Boys Town and the University of Nebraska.

Mr. Speaker, I comment to my colleagues Mr. Wilson's account which appeared on page 1 of that paper's Sunday, March 9, edition, as well as the Parade magazine story, "What Next for Commander Bucher?" of the same date:

[From the Washington (D.C.) Post, Mar. 9, 1969]

BUCHER RETURNS TO THE SEA

(By George C. Wilson)

"I'm about ready to go to sea again," Cmdr. Lloyd M. Bucher of the *Pueblo* said as he felt the sloop rising with the swells from the open sea.

Point Loma—holding the Pacific back from San Diego Bay—was dead ahead. Once past the point, Bucher would be free again—free of the oppressive atmosphere in that tiny hearing room in Coronado, Calif., where five admirals are trying to decide what to do about this skipper who gave up the ship.

But on this day, the courtroom was well astern of the graceful Kahala, a 29-foot sloop chartered for the day. And "Pete" Bucher was feeling a helm for the first time since Jan. 23, 1968, when his ship was captured by North Koreans off Wonsan.

It felt good. His wife, Rose, said she could tell. "Pete wants to go to sea again," she said even before the commander himself announced it from the bow. And Rose—though separated from her husband for 11 harrowing months while he was imprisoned in North Korea—did not try to fight it.

She was enjoying the sail, taking the tiller herself occasionally and grateful the whole family was together at last.

The Buchers' sons—Michael, 16, and Mark, 14—were aboard, accompanied by a friend. They worked the jib sheets and tried the tiller when their skipper-father relinquished it.

Bucher's eyes roved the shoreline. He spotted the unmistakable shape of the type of vessel he still loves most—a submarine. He headed the Kahala right for the base where the sub was tied up.

He got close enough to read the numbers. And there beside the sub he had first spotted lay the Ronquil, a submarine he knew inside and out. He had served as her executive officer before getting command of the *Pueblo*.

Easing the sloop alongside the nearest sub, Bucher asked permission to tie up. The sub's executive officer came on deck and welcomed the fellow submariner and his family aboard.

"Welcome home, captain," said a sailor standing atop the long black hull of the sub. An officer told Bucher: "I plastered my car with Remember the *Pueblo* stickers."

Bucher and his family retired to the Bal-

last Tank—a club near Point Loma which submariners built. He met a few old friends there and relived the days before the *Pueblo*.

Then it was back to the sloop and back to Coronado. On Monday he is scheduled to testify for the last time before the Naval Court of Inquiry there. Then maybe—a big maybe—it will be back to sea.

WHAT NEXT FOR COMMANDER BUCHER?

(By Lloyd Shearer)

CORONADO, CALIF.—Last month, the U.S. Navy's court of inquiry, investigating the North Korean capture of our spy ship *Pueblo*—the Navy prefers to call it an Auxiliary Oceanographic Environmental Research Craft—got into gear.

It is the most publicized hearing of its type in the 194 years of American Naval history, which began in 1775 when George Washington ordered officers and men from his Army to man five schooners and a sloop to prey on inbound English supply vessels.

The *Pueblo* court of inquiry was covered by every major radio and television network in this country, plus 68 journalists representing the domestic and foreign press.

One result of this intensive press coverage and almost daily TV exposure is that Comdr. Lloyd "Pete" Bucher, skipper of the *Pueblo*, is today, in the eyes of the public, the best-known and most identifiable man in the U.S. Navy.

If you doubt that statement, stop any ten pedestrians or as many as you like, ask them if they can identify two prominent Navy officers, one named Moorer, the other named Bucher.

Adm. Thomas Moorer, Chief of Naval Operations and a member of the Joint Chiefs of Staff, is the Navy's highest ranking officer. But publicity-wise, he is understandably enough, no match for Pete Bucher.

FLOOD OF LETTERS

Like it or not, and he doesn't particularly, Bucher at 41 but looking 55, has become a public idol. Circumstances have launched him into a celebrity orbit where he is trying to maintain a "standard" bearing—standard is one of his favorite adjectives—in what is for him a strange environment of congratulatory telegrams, supportive letters, and admiring phone calls, all numbering in the hundreds.

He is also, via his civilian attorney Miles Harvey, the recipient of many lucrative offers for books, articles, TV, radio and club appearances, none of which he can presently accept without Navy clearance.

His wife, Rose, has already received \$27,500 from *McCall's* magazine for an article, largely ghost-written, describing her wifely and frustrating efforts to free the *Pueblo* and its crew. While Bucher, if he resigns from the Navy, can easily, in the opinion of one top Hollywood agent, "earn a million bucks or more from the film rights to his life story."

"Bucher's biography," claims agent Red Hirschorn, "has all the ingredients for a great motion picture: adventure, humor, tragedy, love, danger, and, best of all, a happy ending."

"What I would like to see him do is to play the leading film role himself. I'm sure he can do it. He's intelligent, articulate, photogenic. As an actor, he could lend authority to the part. Even more important, we could probably get him a percentage of the profits, which I feel would be more than sizable. If lucky, he might earn as much as \$2 million."

Pete Bucher has 18 years of Navy service to his retirement credit. He can retire at the end of 20 or 30 years. The choice is his. If he retires at the end of 20 years, he draws 50 percent of his salary or about \$503 a month. If he retires at the end of 30 years, he draws two-thirds of his commander's salary.

There is little doubt that Bucher can probably earn more money outside the Navy than inside. But if there was a man who lived

the service with unflagging dedication it's Pete Bucher. Friends say it would take more than money for Bucher to resign his commission. "A bum rap," says an old shipmate, "a serious reprimand by higher authority might do it. Otherwise, I'm sure Pete will pull his 20 or 30 years."

Bucher has described the Navy as "my whole life," and has reportedly requested a submarine command. But he probably will have a lengthy wait before he learns of his next assignment.

The court of inquiry, studying thousands of pages of transcript, will first send its findings and recommendations unannounced to Adm. John J. Hyland, Commander in Chief of the U.S. Navy in the Pacific, who originally ordered the court to convene.

Admiral Hyland's review and recommendations will then be bucked along to Admiral Moorer in Washington. Moorer in turn will pass his recommendation to Secretary of the Navy John Chafee.

That ends the Navy's immediate chain of command. But Secretary of Defense Melvin Laird will probably take a good, hard, close look at the findings and then pass them along to President Nixon, who has declared publicly that he will review the entire Pueblo affair, not only on the basis of innocence or guilt of Bucher but on the basis of preventing any other such ship loss.

In addition, the Pueblo skipper will have to testify before the Senate Armed Forces Committee, and will probably submit to further questioning by Deputy Defense Secretary David Packard, also charged with investigating the *cause celebre*.

"I LOVE, ROSE"

In fact, Bucher is likely to spend most of this year responding on a number of occasions to the same questions put to him by Capt. William Newsome and the five scrupulously fair admirals who conducted the court of inquiry. He answered these questions in detail—honestly, forthrightly, factually, with a minimum of melodrama until that memorable, emotion-charged Thursday morning when his brown eyes welled up with tears and a lump formed in his throat. It was the morning during which he told the court in cracked voice of how, when he thought the North Koreans were about to blow out his brains, "I repeated over and over again a phrase, 'I love you, Rose.' I thought this would keep my mind off what was going to happen."

The two questions the public as well as Bucher are most interested in at this point are (1) will he be court-martialed for having violated Navy regulations, Article 0730? It states: "The commanding officer shall not permit his command to be searched by any person representing a foreign state nor permit any of the personnel under his command to be removed from the command by such person, so long as he has the power to resist." (2) Will he be given command of another U.S. Navy ship?

During the course of the Pueblo court of inquiry, I polled four separate groups on these two questions. They consisted of 38 journalists covering the hearing, 18 retired Navy officers, 30 enlisted Navy men on the amphibious command base, and 12 Navy wives.

These groups agreed almost unanimously, for a variety of reasons, that Comdr. Lloyd Bucher would never again command a Navy ship. And of the 98 persons questioned, only 11 thought that the admirals of the court of inquiry would recommend a court-martial for the Pueblo commander.

Most thought he would be exiled to a safe, non-controversial shore job in some quiet, out-of-the-way Navy installation rarely visited by journalists. There he would be permitted to languish until retirement.

"My guess," said one Navy wife, "is that Pete Bucher will be assigned to a weather station in Key West, Fla."

"My feeling," cracked a reporter, "is that they will send him back to Boys Town to head the Navy ROTC there."

A yeoman second class suggested possible transfer to the U.S. Embassy in Bolivia as our Naval attache.

NO SCAPEGOAT

Despite what some people may think, the Navy is not attempting to make Commander Bucher a scapegoat. He remains sure that the sins of his superiors, if any are revealed, will not accrue to him. The upper echelons of the Navy are staffed by professional, fair-minded, and humane men, not bloodless martinets, and they will not permit Bucher to suffer for the bad luck or incompetency of others. Even if a few admirals were thusly inclined, President Nixon, a former Navy man like his two presidential predecessors, would not countenance it.

The Navy operates on the traditional, helpful, and valid doctrine of accountability. A captain in command of a ship and a ship's company is held accountable for his decisions. If he loses his ship, he must explain its loss before the proper authority and be prepared to accept praise or condemnation.

In the exercise of this doctrine the Navy's motivation may be partially punitive—after all, punishment serves as a deterrent to carelessness and irresponsibility—but it is also motivated by a constructive search for truth to remedy faults in equipment, control, command, and tactics.

The Pueblo was not lost in vain. The Navy has since taken steps to increase the armament of its intelligence ships and to provide them with destruct systems, secret weapons, and rapid scuttling devices.

The crew of the Pueblo had to use sledgehammers to destroy secret gear and tin cans in which to burn secret papers. It had no quick way of scuttling. But its two sister ships, the Banner and Palm Beach, have already been improved 100 percent in those departments.

Moreover, the Navy has re-examined the vital questions of how, where, and when intelligence ships should operate, what captains and crews should do in the case of harassment, and how communications between command and control forces can be bettered.

Even more important, the general public as well as Navy hands now know that according to terms of the U.S.-Japan security treaty, the U.S. is not permitted to launch an attack from any base in Japan unless Japan is being attacked or will grant permission for the strike. This treaty comes up for renewal next year, and Leftist elements in Japan do not want it renewed. They want no U.S. bases, Air, Army, or Naval, on Japanese soil for fear they will be involved in a war not of their making.

Several Japanese editors have been quick to point out that if aircraft from the Enterprise, 600 miles away from the Pueblo on Jan. 23, 1968, had been ordered to rescue Bucher and his men, North Korean MIG's would have flown out to meet them. An air battle would have ensued. Eventually Japan might have found herself under air bombardment from North Korea.

Bucher testified at the court of inquiry that he was expecting U.S. assistance of some sort from American forces in Japan, South Korea or at sea. "How about a little help out here?" the Pueblo radioed. "These guys mean business."

When no help was forthcoming, Bucher decided that hemmed in as he was by North Korean torpedo and gunboats, he had no alternative but to stall the enemy while his crew destroyed as much secret gear as possible.

To fight back with two .50-caliber machine guns and hand arms, he decided, would have meant the loss of his entire crew.

What would Bucher have gained if he had fought back to the last man, losing his com-

pany of 83 men, and in the process creating 38 Pueblo widows and causing 68 children to become fatherless?

A large segment of the public believes that in losing both his ship and men in addition to possibly involving the U.S. in a resumption of war with North Korea, Commander Bucher would have gained nothing but tragedy.

Several veteran Navy officers, however, believe that by resisting, Bucher would have gained honor. He would have been true to the Navy tradition of "don't give up the ship." He would have done his professional duty. He would have shown the North Koreans that they could not violate international law and pirate an American ship without paying some price. He would have added to the prestige of the nation and inspired our soldiers and sailors all down the line.

GO DOWN FIGHTING

A representative of such thinking, Adm. Arleigh Burke, former Chief of Naval Operations, says, "A man has to die sometime, and he should die proud. A ship is, after all, a part of your country. A captain doesn't give it up easily. He should go down fighting."

Adm. William Raborn, Jr., formerly in charge of the Polaris missile project and later chief of the Central Intelligence Agency, is not so sure.

"When I was first asked," he says, "what I would do if I had been in Bucher's shoes, I said, 'I would've shot the hell out of them. I would've made those North Koreans pay a high price.'"

"But now in retrospect," Raborn asserts, "I think I shot my mouth off. The more I read about the capture of the Pueblo, how Bucher was ordered to lay low, to play it cool, not to be aggressive, the more I realize that no man can truly realize how he would act under those same conditions. I would rescind my previous statement and say that Bucher may have done the right thing. I am not in any position to know, and I do not want to generalize in a spirit of bravado how I would have fought gallantly to the last man."

FOUR MARYLAND MARINES DIE IN VIET WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Arnold Hilb, Pfc. Robert H. Trail III, 1st Sgt. Warren R. Furse, and Pfc. John T. Hare, four fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

FOUR MARYLAND MARINES DIE IN VIET WAR
Four more Maryland marines, including two from Baltimore, have been killed in Vietnam, the Defense Department announced yesterday.

Listed as dead were:
Pfc. Arnold Hilb, son of Mrs. Klara Hilb, of 5613 Cross Country boulevard, who died February 27 from wounds received in a mortar explosion near Quang Tri.

Pfc. Robert H. Trail 3rd, ward of Mr. and Mrs. Eli F. killed in a skirmish with enemy troops February 26 in Bien Hoa province.

First Sgt. Warren R. Furse, husband of Mrs. Arrie A. Furse, of 811 Surly road, Aberdeen, Md., who died February 28 in a field camp 6 miles northeast of An Hoa.

Pfc. John T. Hare, son of James E. Hare, of 206 Elder street, Cumberland, Md., killed in action February 25.

Private Hilb had served in Vietnam for just under three weeks when he was wounded.

The 20-year-old marine, who visited his mother's home in Baltimore only last December, was sent to Vietnam January 6 after duty at Camp LeJeune, N.C.

Described as a quiet, somewhat studious youngster, Private Hilb apparently developed "a deep pride" in the Marine Corps after he was inducted early last April, according to his family.

"The Marine Corps made a man out of him," his mother said. "He was proud of being a marine."

Until he joined the service, Private Hilb had lived in Puerto Rico with his father, Franz Hilb. The youth had planned to marry and settle in Baltimore when he returned, his mother said.

Besides his parents, his survivors include a brother, Army Pvt. Max E. Hilb, stationed at Fort Bragg, N.C.; and two sisters, Misses Karen Regina Hilb, of Baltimore, and Monica Kate Hilb, of Puerto Rico.

Private Trail, 19, was reared in Baltimore. He served for several years as a fireman and oiler on merchant vessels.

He became interested in the Vietnam war as a result of the trips he made there aboard United States supply ships, his family said, and "got so enthused that he couldn't wait to get over there as a marine."

He enlisted in the Marine Corps in April and was assigned to Vietnam after completing basic training at Parris Island, S.C. He was to return home in September.

Private Trail is survived by his parents, Mr. and Mrs. Robert H. Trail, Jr., and a sister, Sarah, all of Seattle.

Sergeant Furse, 37, was scheduled to leave Vietnam Monday, when his tour of duty would have been up, his family said.

A native of Summerton, S.C., he was a veteran of 17 years in the Marine Corps.

In addition to his wife and children, Sergeant Furse is survived by his mother, Mrs. Ruth Furse, of Summerton, S.C., and a brother, Harold Furse, of Manning, S.C.

ELECTORAL REFORM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BINGHAM. Mr. Speaker, a sane view of the electoral reform problem was stated in a letter to the New York Times on Sunday, March 9, 1969, by a distinguished citizen of New York, Mr. James I. Loeb, of Saranac Lake, publisher of the Adirondack Daily Enterprise. Mr. Loeb served on President Truman's White House staff, and later as Ambassador to Peru and to Guinea under Presidents Kennedy and Johnson. He has been actively involved in a number of presidential campaigns and served for many years as executive director of Americans for Democratic Action.

I commend Mr. Loeb's letter to my colleagues and other readers of the RECORD:

FOR ELECTORAL REFORM

To the EDITOR:

As your excellent editorial of Feb. 22 suggests, President Nixon's recommendations for electoral reform confirm the worst fears of those of us who have long advocated reform, namely, that the rising demand for change will be used to effect an electoral system far worse than the dangerously inadequate system we now have.

The President's recommendations are retrogressive in the following respects:

The allocation of the electoral votes of each state on a proportional basis to "more closely approximate the popular vote" constitutes a clear effort to minimize the voting strength of the urban centers and the state in which they are located.

The allocation of electoral votes as suggested by the President would undermine our two-party system, since a plethora of minor parties would reduce the possibility of any candidate receiving a majority, or even 40 per cent, of the electoral votes. At present, minor parties receive electoral votes only when they gain a plurality in one or more states, as in the case of George Wallace in 1968.

The suggestion that the direct election of the President and Vice President be used only in run-off elections would employ that system only in close elections where the direct election would be confronted with its most serious problem, namely, a possible recount of some eighty million votes in a very close election.

If the President cannot find the courage to support Senator Birch Bayh's proposal for a direct election of our two highest national officers, then the simplest reform would be to eliminate the Electoral College and the electors; to maintain the present system of allocating the electoral votes of the several states, and to provide for a run-off election, using the same system in the event that no candidate receives 40 per cent of the electoral votes.

In general, this relatively simple alternative has been proposed by Representative Jonathan Bingham of New York.

JAMES I. LOEB,

SARANAC LAKE, N.Y., February 24, 1969.

A MAN'S WORD IS HIS BOND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RARICK. Mr. Speaker, I include a most timely editorial from the Manchester Union Leader, Manchester, N.H., of February 7, 1969, regarding the Nuclear Nonproliferation Treaty for the attention of our colleagues:

[From the Manchester (N.H.) Union Leader, Feb. 7, 1969]

A MAN'S WORD IS HIS BOND

The ratification of the Nuclear Nonproliferation Treaty at this time would "in effect say that the United States doesn't care what the Soviet Union did to Czechoslovakia. That is one way we can use our moral influence with the Soviets to indicate to them that while we do want to have negotiations with them, while we do want to have friendly relations, that we must make it very clear that we also have a concern for the 150,000,000 people that live in those Eastern European countries. My purpose in delaying the signing of the Nuclear Nonproliferation Treaty, of course, is that the Soviet Union at the present time, having just violated not only the treaty it had with Czechoslovakia, but the whole sense of treaties generally and the U.N. Charter, which has some language with regard to violating the borders of other countries, having done all that, for the United States then to precipitously put its arms around the Soviet Union in signing a nuclear nonproliferation pact, I think would be widely misunderstood. . . . What we have got to make clear to the Soviets is that we will engage in negotiations, we are glad to agree

whenever their interests and ours are reciprocal, but, on the other hand, we are not going to ignore on their part a complete breach of a treaty and then sign one with them."

So spoke candidate Richard Milhous Nixon during the recent presidential campaign.

Most of the 31,134,760 Americans who voted for him accepted his word in good faith.

To state the matter bluntly, they have been betrayed.

On Wednesday, Feb. 5—two weeks and two days after he was sworn in as President of the United States—Nixon reversed himself completely and asked the Senate to approve the nonproliferation treaty with the Soviet Union in the interest of "negotiation rather than confrontation."

Forgotten was his campaign promise to oppose ratification "as long as Soviet troops are on Czech soil."

Forgotten was his promise to bring "moral influence" on the Soviet Union and "make it very clear that we also have a concern for the 150,000,000 people that live in those Eastern European countries."

Forgotten was his exhortation of the Soviet Union's violation "not only of the treaty it had with Czechoslovakia, but the whole sense of treaties generally and the U.N. Charter."

Forgotten was his campaign pledge that the United States, under his administration, would not "precipitously put its arms around the Soviet Union in signing a nuclear nonproliferation pact."

Forgotten was his solemn commitment that "we are not going to ignore on their part a complete breach of a treaty and then sign one with them."

More than any act he has performed as President, more than any controversial appointment he has sponsored, this single act of President Nixon on Wednesday will disillusion and anger those who gave him their support and defended him against critics who insisted that he would not make good on his campaign promises.

NOT YOURS TO GIVE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. BROWN of Ohio. Mr. Speaker, one of my constituents recently sent me a special issue published by the Foundation for Economic Education, Inc. It was my thought that this article, "Not Yours To Give," taken from "The Life of Col. David Crockett" compiled by Edward S. Ellis, Philadelphia: Porter & Coates, 1884, would be of interest to my colleagues.

The article follows:

[From "The Life of Colonel David Crockett," compiled by Edward S. Ellis (Philadelphia: Porter & Coates, 1884)]

NOT YOURS TO GIVE

One day in the House of Representatives, a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. Several beautiful speeches had been made in its support. The Speaker was just about to put the question when Crockett arose:

"Mr. Speaker—I have as much respect for the memory of the deceased, and as much sympathy for the sufferings of the living, if suffering there be, as any man in this House, but we must not permit our respect for the dead or our sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will

not go into an argument to prove that Congress has no power to appropriate this money as an act of charity. Every member upon this floor knows it. We have the right, as individuals, to give away as much of our own money as we please in charity; but as members of Congress we have no right to appropriate a dollar of the public money. Some eloquent appeals have been made to us upon the ground that it is a debt due the deceased. Mr. Speaker, the deceased lived long after the close of the war; he was in office to the day of his death, and I have never heard that the government was in arrears to him.

Every man in this House knows it is not a debt. We cannot, without the grossest corruption, appropriate this money as the payment of a debt. We have not the semblance of authority to appropriate it as a charity. Mr. Speaker, I have said we have the right to give as much money of our own as we please. I am the poorest man on this floor. I cannot vote for this bill, but I will give one week's pay to the object, and if every member of Congress will do the same, it will amount to more than the bill asks."

He took his seat. Nobody replied. The bill was put upon its passage, and, instead of passing unanimously, as was generally supposed, and as, no doubt, it would, but for that speech, it received but few votes, and, of course, was lost.

Later, when asked by a friend why he had opposed the appropriation, Crockett gave this explanation:

"Several years ago I was one evening standing on the steps of the Capitol with some other members of Congress, when our attention was attracted by a great light over in Georgetown. It was evidently a large fire. We jumped into a hack and drove over as fast as we could. In spite of all that could be done, many houses were burned and many families made homeless, and, besides, some of them had lost all but the clothes they had on. The weather was very cold, and when I saw so many women and children suffering, I felt that something ought to be done for them. The next morning a bill was introduced appropriating \$20,000 for their relief. We put aside all other business and rushed it through as soon as it could be done.

"The next summer, when it began to be time to think about the election, I concluded I would take a scout around among the boys of my district. I had no opposition there, but, as the election was some time off, I did not know what might turn up. When riding one day in a part of my district in which I was more of a stranger than any other, I saw a man in a field plowing and coming toward the road. I gauged my gait so that we should meet as he came to the fence. As he came up, I spoke to the man. He replied politely, but, as I thought, rather coldly.

"I began: 'Well, friend, I am one of those unfortunate beings called candidates, and—'

"'Yes, I know you; you are Colonel Crockett. I have seen you once before, and voted for you the last time you were elected. I suppose you are out electioneering now, but you had better not waste your time or mine. I shall not vote for you again.'

"This was a sockdolager . . . I begged him to tell me what was the matter.

"'Well, Colonel, it is hardly worth-while to waste time or words upon it. I do not see how it can be mended, but you gave a vote last winter which shows that either you have not capacity to understand the Constitution, or that you are wanting in the honesty and firmness to be guided by it. In either case you are not the man to represent me. But I beg your pardon for expressing it in that way. I did not intend to avail myself of the privilege of the constituent to speak plainly to a candidate for the purpose of insulting or wounding you. I intend by it only to say that your understanding of the Constitution is very different from mine; and I will say to you what, but for my rudeness,

I should not have said, that I believe you to be honest. . . . But an understanding of the Constitution different from mine I cannot overlook, because the Constitution, to be worth anything, must be held sacred, and rigidly observed in all its provisions. The man who wields power and misinterprets it is the more dangerous the more honest he is.'

"I admit the truth of all you say, but there must be some mistake about it, for I do not remember that I gave any vote last winter upon any constitutional question.'

"'No, Colonel, there's no mistake. Though I live here in the backwoods and seldom go from home, I take the papers from Washington and read very carefully all the proceedings of Congress. My papers say that last winter you voted for a bill to appropriate \$20,000 to some sufferers by a fire in Georgetown. Is that true?'

"'Well, my friend; I may as well own up. You have got me there. But certainly nobody will complain that a great and rich country like ours should give the insignificant sum of \$20,000 to relieve its suffering women and children, particularly with a full and overflowing Treasury, and I am sure, if you had been there, you would have done just as I did.'

"'It is not the amount, Colonel, that I complain of: it is the principle. In the first place, the government ought to have in the Treasury no more than enough for its legitimate purposes. But that has nothing to do with the question. The power of collecting and disbursing money at pleasure is the most dangerous power that can be intrusted to man, particularly under our system of collecting revenue by a tariff, which reaches every man in the country, no matter how poor he may be, and the poorer he is the more he pays in proportion to his means. What is worse, it presses upon him without his knowledge where the weight centers, for there is not a man in the United States can ever guess how much he pays to the government. So you see, that while you are contributing to relieve one, you are drawing it from thousands who are even worse off than he. If you had the right to give anything, the amount was simply a matter of discretion with you, and you had as much right to give \$20,000,000 as \$20,000. If you have the right to give to one, you have the right to give to all; and, as the Constitution neither defines charity nor stipulates the amount, you are at liberty to give to any and everything which you may believe, or profess to believe, is a charity, and to any amount you may think proper. You will very easily perceive what a wide door this would open for fraud and corruption and favoritism, on the one hand, and for robbing the people on the other. No, Colonel, Congress has no right to give charity. Individual members may give as much of their own money as they please, but they have no right to touch a dollar of the public money for that purpose. If twice as many houses had been burned in this county as in Georgetown, neither you nor any other member of Congress would have thought of appropriating a dollar for our relief. There are about two hundred and forty members of Congress. If they had shown their sympathy for the sufferers by contributing each one week's pay, it would have made over \$13,000. There are plenty of wealthy men in and around Washington who could have given \$20,000 without depriving themselves of even a luxury of life. The congressmen chose to keep their own money, which, if reports be true, some of them spend not very creditably; and the people about Washington, no doubt, applauded you for relieving them from the necessity of giving by giving what was not yours to give. The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay moneys, and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution.

"So you see, Colonel, you have violated the Constitution in what I consider a vital point. It is a precedent fraught with danger to the country, for when Congress once begins to stretch its power beyond the limits of the Constitution, there is no limit to it, and no security for the people. I have no doubt you acted honestly, but that does not make it any better, except as far as you are personally concerned, and you see that I cannot vote for you.'

"I tell you I felt streaked. I saw if I should have opposition, and this man should go to talking, he would set others to talking, and in that district I was a gone fawn-skin. I could not answer him, and the fact is, I was so fully convinced that he was right, I did not want to. But I must satisfy him, and I said to him:

"'Well, my friend, you hit the nail upon the head when you said I had not sense enough to understand the Constitution. I intended to be guided by it, and thought I had studied it fully. I have heard many speeches in Congress about the powers of Congress, but what you said here at your plow has got more hard, sound sense in it than all the fine speeches I ever heard. If I had ever taken the view of it that you have, I would have put my head into the fire before I would have given that vote; and if you will forgive me and vote for me again, if I ever vote for another unconstitutional law I wish I may be shot.'

"He laughingly replied: 'Yes, Colonel, you have sworn to that once before, but I will trust you again upon one condition. You say that you are convinced that your vote was wrong. Your acknowledgment of it will do more good than beating you for it. If, as you go around the district, you will tell people about this vote, and that you are satisfied it was wrong, I will not only vote for you, but will do what I can to keep down opposition, and, perhaps, I may exert some little influence in that way.'

"'If I don't,' said I, 'I wish I may be shot: and to convince you that I am in earnest in what I say I will come back this way in a week or ten days, and if you will get up a gathering of the people, I will make a speech to them. Get up a barbecue, and I will pay for it.'

"'No, Colonel, we are not rich people in this section, but we have plenty of provisions to contribute for a barbecue, and some to spare for those who have none. The push of crops will be over in a few days, and we can then afford a day for a barbecue. This is Thursday; I will see to getting it up on Saturday week. Come to my house on Friday, and we will go together, and I promise you a very respectable crowd to see and hear you.'

"'Well, I will be here. But one thing more before I say good-by. I must know your name.'

"'My name is Bunce.'

"'Not Horatio Bunce?'

"'Yes.'

"'Well, Mr. Bunce, I never saw you before, though you say you have seen me, but I know you very well. I am glad I have met you, and very proud that I may hope to have you for my friend.'

"It was one of the luckiest hits of my life that I met him. He mingled but little with the public, but was widely known for his remarkable intelligence and incorruptible integrity, and for a heart brimful and running over with kindness and benevolence, which showed themselves not only in words but in acts. He was the oracle of the whole country around him, and his fame had extended far beyond the circle of his immediate acquaintance. Though I had never met him before, I had heard much of him, and but for this meeting it is very likely I should have had opposition, and had been beaten. One thing is very certain, no man could now stand up in that district under such a vote.

"At the appointed time I was at his house, having told our conversation to every crowd

I had met, and to every man I stayed all night with, and I found that it gave the people an interest and a confidence in me stronger than I had ever seen manifested before.

"Though I was considerably fatigued when I reached his house, and, under ordinary circumstances, should have gone early to bed, I kept him up until midnight, talking about the principles and affairs of government, and got more real, true knowledge of them than I had got all my life before.

"I have known and seen much of him since, for I respect him—no, that is not the word—I reverence and love him more than any living man, and I go to see him two or three times every year; and I will tell you, sir, if every one who professes to be a Christian lived and acted and enjoyed it as he does, the religion of Christ would take the world by storm.

"But to return to my story. The next morning we went to the barbecue, and, to my surprise, found about a thousand men there. I met a good many whom I had not known before, and they and my friend introduced me around until I had got pretty well acquainted—at least, they all knew me.

"In due time notice was given that I would speak to them. They gathered up around a stand that had been erected. I opened my speech by saying:

"Fellow-citizens—I present myself before you today feeling like a new man. My eyes have lately been opened to truths which ignorance or prejudice, or both, had heretofore hidden from my view. I feel that I can today offer you the ability to render you more valuable service than I have ever been able to render before. I am here today more for the purpose of acknowledging my error than to seek your votes. That I should make this acknowledgment is due to myself as well as to you. Whether you will vote for me is a matter for your consideration only."

"I went on to tell them about the fire and my vote for the appropriation and then told them why I was satisfied it was wrong. I closed by saying:

"And now, fellow-citizens, it remains only for me to tell you that the most of the speech you have listened to with so much interest was simply a repetition of the arguments by which your neighbor, Mr. Bunce, convinced me of my error.

"It is the best speech I ever made in my life, but he is entitled to the credit for it. And now I hope he is satisfied with his convert and that he will get up here and tell you so."

"He came upon the stand and said:

"Fellow-citizens—It affords me great pleasure to comply with the request of Colonel Crockett. I have always considered him a thoroughly honest man, and I am satisfied that he will faithfully perform all that he has promised you today."

"He went down, and there went up from that crowd such a shout for Davy Crockett as his name never called forth before.

"I am not much given to tears, but I was taken with a choking then and felt some big drops rolling down my cheeks. And I tell you now that the remembrance of those few words spoken by such a man, and the honest, hearty shout they produced, is worth more to me than all the honors I have received and all the reputation I have ever made, or ever shall make, as a member of Congress.

"Now, sir," concluded Crockett, "you know why I made that speech yesterday."

"There is one thing now to which I will call your attention. You remember that I proposed to give a week's pay. There are in that House many very wealthy men—men who think nothing of spending a week's pay, or a dozen of them, for a dinner or a wine party when they have something to accomplish by it. Some of those same men made beautiful speeches upon the great debt of gratitude which the country owed the deceased—a debt which could not be paid by

money—and the insignificance and worthlessness of money, particularly so insignificant a sum as \$10,000, when weighed against the honor of the nation. Yet not one of them responded to my proposition. Money with them is nothing but trash when it is to come out of the people. But it is the one great thing for which most of them are striving, and many of them sacrifice honor, integrity, and justice to obtain it."

A TRIBUTE TO OSCAR V. ROSE, SUPERINTENDENT OF SCHOOLS IN MIDWEST CITY, OKLA.

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, along with many of my colleagues, I was shocked and grieved on January 29 to learn of the death of Oscar V. Rose, superintendent of schools in Midwest City, Okla.

As a new member of the Education and Labor Committee in 1965, I learned to know and respect Mr. Rose as an effective and articulate spokesman for the Nation's school administrators. I found him a never-failing source of information on Federal programs for aid to education.

I recently received a letter from Dr. William Simmons, deputy superintendent of schools in Detroit, who was a mutual friend of both mine and Mr. Rose. Dr. Simmons and Mr. Rose had worked together for many years to keep Congress informed on educational needs.

Dr. Simmons' letter is an excellent tribute to Oscar Rose from a friend who knew him well. Under unanimous consent I submit the letter for inclusion in the CONGRESSIONAL RECORD, as follows:

DETROIT PUBLIC SCHOOLS,
Detroit, Mich., February 4, 1969.

Hon. WILLIAM D. FORD,
House Office Building,
Washington, D.C.

DEAR BILL: I carried your message of sympathy to the family of Oscar V. Rose, Superintendent of Schools in Midwest City, Oklahoma. It was greatly appreciated, for the family knew the value he placed on his personal relationships with the members of Congress.

His untimely passing in the Congressional during the early morning hours of January 29 was a great personal loss to me. Our association covered a period of eighteen years, and our last efforts together in behalf of "his" legislation, P.L. 815 and P.L. 874, continued until just a few hours before his death. I can't help but feel that Oscar, the ageless warrior, had he been consulted, would have wanted to conclude his relentless battle right on Capitol Hill as he did. His smiling, familiar face will be sorely missed by all who watched him charge from place to place in support of the Impacted Area Program.

The educational career of Oscar Rose was one of the real success stories in American education. He began his fifty-year teaching career at tiny Quasada School in Okfuskee County, Oklahoma, in 1922 and served as teacher, coach, principal, superintendent, and even had to "sweep the floors and light the stoves" in the early days. In 1943 he assumed the superintendency of the fledgling Midwest City-Del City school system and inherited two country school buildings, five

teachers, and 125 students, along with all the problems that came with the rapidly expanding Tinker Air Force Base. Today, the number of students has skyrocketed to almost 20,000, with 800 teachers in three high schools, five junior high schools, fourteen elementary schools, and one vocational technical school. A junior college for the district was one of his last efforts. He was proud of the fact that approximately 53% of his graduates started college.

The progress and excellence of the system have been reported in Life, Newsweek, and other national publications. At the same time, he spread his ability to become a major figure in the development of all areas of civic life in Midwest City.

Midwest City paid tribute to him by designating "Rose Day" on May 3, 1953, and naming the high school football field after him. On the occasion of Midwest City's Silver Anniversary in 1967, thousands honored Oscar Rose on another "Rose Day" by wearing roses and attending a dinner in his honor. I had the pleasure of speaking at the last Rose Day, along with Senator Mike Monroney, Congressmen Carl Albert and Tom Steed, and a number of other officials, and at that time I remarked that it was most unusual for a school superintendent to command such a tribute after thirty-five years in a community by the sheer force of continuous dynamic leadership.

Washington has known Oscar as the originator and protector of the Impacted Area Program. He worked tirelessly on both the authorizing and appropriation legislation. He was the moving force in the passage of P.L. 815 and P.L. 874 in 1950, following a successful operation with the prior war defense programs. The millions of dollars expended for the education of boys and girls across the country under these programs made him known as "Education Oscar." The good these programs have done and will continue to do are a tribute to his genius and energy. Really, as you know, he supported all federally supported education programs and was proud to have the Elementary and Secondary Education Act amended into "his laws." It is difficult to find a hearing record on educational legislation since 1943 where his name does not appear.

Speaking personally, Oscar was a friend second to none. His support had no bounds. He was a real gentleman and was liked by all. His mission in life was the spreading of knowledge and happiness for all, with little regard for personal cost. He was truly my choice for the "Most Outstanding Character I Have Known." I'll miss him.

This is a long message, but I know that you as a personal friend of Oscar's would want some kind of a review from one of his closest friends. I have included a number of news clippings reporting his passing and the funeral that give all the details of his family and his outstanding career.

Sincerely,

WILLIAM SIMMONS.

RESERVE OFFICERS ASSOCIATION ANNUAL AWARD

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. SIKES. Mr. Speaker, the Members of this body on both sides of the aisle share pride in the honor which recently came to our distinguished and beloved Speaker when he was selected by the Reserve Officers Association of the United States for its annual award as

"The citizen who has contributed most to national security in these times." It is significant that the presentation was made on the eve of the birthday of our first President, George Washington, on February 21, 1969.

It is also meaningful that this presentation on behalf of ROA was made by a former Member, an outstanding leader among our Republican colleagues during his service here, and a great American who is now the Secretary of Defense, the Honorable Melvin Laird. His designation for the important post which he now holds reflects much credit on this entire body and, in particular, upon his creditable contributions as a Member of Congress.

Mr. Laird's remarks in making this presentation are quoted herewith as a matter of significance and interest in the House:

Secretary LAIRD. Mr. Speaker, General Lewis, distinguished guests from the Congress, the military services, and our Nation's citizen defenders. I deem it a high privilege to act in behalf of the Reserve Officers Association as we honor the Speaker of the House of Representatives this evening.

The Reserve Officers Association, in extending public recognition for great service to this country to the man and to the lady that we are honoring tonight, I believe shows its true worth.

Few citizens in the history of our country have contributed so much while serving in the Congress of the United States, as a representative of a free and enlightened people, as the guests we honor tonight, a member of the House of Representatives for four decades, a leader and a molder of public opinion, a manager of legislation, which has preserved and which has protected our freedoms and advanced our principles upon which these freedoms are based.

It has been my privilege to serve in the House of Representatives during this past sixteen years with this great man, this great gentleman who sits here tonight to receive the annual highly prized award of the ROA.

When I was appointed to the Defense Appropriations Committee sixteen years ago, the Speaker of the House of Representatives, then the Majority Leader, gave me some good advice. He said, "Mel, you are serving on an important committee, the Defense Appropriations Committee. If you ever err in the appropriation of funds on that committee, in any decision that you make on that committee, I want you to err on the side of the safety of the people and the security of the people of the United States of America."

(Applause.)
That advice served me well as a member of the Appropriations Committee, and that advice of Speaker McCormack serves me well tonight, as Secretary of Defense.

(Applause.)
John McCormack is the Speaker of the whole House. He is held in deep and sincere affection by all members of the House of Representatives, on both sides of the aisle, because he is a great leader, he is a great American, a warmhearted friend, and a genuine humanitarian.

Yes, my friends, I know this man. I love this man. I admire this man. I respect this man. He is the Speaker of the House of Representatives, but he is a Representative of all the people of this Nation.

(Applause.)
I know that the people in the district in Boston that he represents, the people of the Commonwealth of Massachusetts are proud of him and his service, and justly so. I know that you that are gathered here this evening pay tribute to him and to Mrs. McCormack do so in the highest sense of tribute. He does

us all honor in coming here to accept this award.

I consider that he has done us great honor and served us all well for over four decades as a great Representative in the United States Congress. And I am proud at this time to present to him this citation, this award from the Reserve Officers Association.

I would like to read this citation to all of you.

To the Honorable John W. McCormack, whereas throughout more than forty years of service in the House of Representatives of the United States, his devotion to the highest concepts of duty to country, the courage and independence of his leadership for adequate preparedness which is necessary to national security, the steadfastness of his dedication to the citizen-reservists tradition, the clarity of his judgment to insure strength, effectiveness and high morale to our Nation's military forces have given confidence to his generation, inspiration to posterity and safety to this Nation's institutions and ideals.

Therefore, be it resolved in recognition of this great service to the United States, this association proudly recognizes him as the Citizen of 1969 who has contributed most to the national security shared by every American citizen in these times.

The Reserve Officers Association of the United States, 21 February 1969.

Mr. Speaker, we honor you here tonight and it gives me great pleasure to present this citation to you.

(Applause.)

Mr. Speaker, on this same outstanding occasion when Mr. McCORMACK received ROA's annual Minute Man Award, the Vice President of the United States, the Honorable SPIRO AGNEW, made an appearance, both on his own behalf and in behalf of the President of the United States, to deliver messages to the Speaker. His remarks were extemporaneous but very significant, and he warmed the hearts of his great audience with his sincerity.

I consider this a deserved tribute to a great American and I am happy to include for the RECORD here the text of the message which he presented at that time from the President of the United States, Mr. Nixon:

Vice President AGNEW. Thank you very much, ladies and gentlemen. Thank you very much.

General Lewis, Mr. Speaker, many distinguished guests here from the military, the Diplomatic Corps, the Congress and the Cabinet, members of the Reserve Officers Association. I can't tell you how much the President wanted to be here. As a matter of fact, he had intended to come up until the very last minute when it became necessary for him to attend some very important briefings that were connected with his trip overseas, a trip that is taken in the interest of every one of us, and I am sure you will understand his absence.

He did ask me to relay to you a personal message, which I would like to read with your permission:

"It is personally satisfying to join the Reserve Officers Association in honoring Speaker McCormack as the American citizen in these times who has contributed the most to national security.

"All Americans know the Speaker as one of the Republic's most beloved leaders. All are grateful for his strong humanitarianism manifested over many years, through legislation concerning the well-being of our citizens. But here there is also recognition of another great attribute of the Speaker, his long dedication to keeping our defenses strong. Repeatedly, the Speaker has cleared

the way for legislation vital to our security, and he has championed many measures beneficial to the men and women of the services and their families.

"I claim a small part in this award tonight as a member of the ROA since the end of World War II. Already, when I joined the ROA, John McCormack was a senior member of Congress, and even then he was respected by Congressmen of both parties. It is, therefore, an honor for me tonight to have a part in saluting this distinguished American, who has so well and so long served the United States.

"Signed, RICHARD NIXON."

(Applause.)

And through the President's tribute, Mr. Speaker, I would like to add my own. I have watched you and admired you for a long time. And I think it is a measure of the man when you look at the people who turn out to honor him here tonight. I think also it is a measure of the honor that is being given to the man when you take a good look at the organization that is making the award. The Reserve Officers Association is such an organization to make every American very proud.

At a time when some people are seeing fit to deny to those young men who would seek to carry on the traditions of the military service on the campuses of our colleges of accreditation, I find it particularly significant that we are honoring a man who is interested in vitally protecting America as we know it today.

(Applause.)

Mr. Speaker, there are some who claim that the teachings of the military on a college campus are not relevant. Frankly, I can't think of anything more relevant to Americans than to preserve, protect and defend the Republic.

(Applause.)

And I would just like to close with quoting the cautionary words of John Philpot Curran in 1790, when he said, it is the common fate of the indolent to see their right become a praise to the action. The condition upon which God has given liberty to man is eternal vigilance, which condition if he breaks, servitude is at once the consequence of his crime and the punishment of his guilt.

As long as we have people on the American scene like Speaker McCormack, I am not too worried about the implementation of that quotation.

(Applause.)

Mr. Speaker, the Members of this body are aware of the many honors achieved by our Speaker, the beloved statesman the Honorable JOHN W. McCORMACK. They are deserved. There are few citizens in the United States whose selfless dedication to public service and whose wisdom based upon his considerable experience has meant so much to the security of this Nation.

One of the inspirational privileges of the service of most of us in the House is that we have been able to benefit from the wisdom and counsel of our beloved Speaker. It was my privilege to sit with the Speaker, along with a very large number of other of my colleagues, leaders of the military services, and other distinguished citizen-leaders of the United States, when on February 21, the Reserve Officers Association of the United States gave recognition to Mr. McCormack as "the citizen who has contributed most to national security in these times."

The Speaker's response upon that occasion was a moving address which stirred a throng of more than 1,700, representing every section of our country. It was noted that on 18 occasions during this address, he was interrupted by tre-

mendous applause and that upon conclusion he was given a standing ovation by all those in attendance.

Speaker McCORMACK's speech, as he delivered it, is presented herewith for the inspiration and edification of all concerned:

Speaker McCORMACK. Thank you.

My dear valued friend and former colleague, but always a colleague, Secretary of Defense Mel Laird, reverend clergy, General Lewis, my distinguished colleagues of both branches of the Congress, distinguished members of the military, of the Diplomatic Corps who are here, and distinguished ladies and gentlemen, not only at the head table but who are attending this splendid dinner, and my own splendid dear Mrs. McCormack.

(Applause.)

I have had many honors conferred upon me in the journey through life, and there is none that I am more grateful for than the honor that has been conferred upon me by the outstanding organization.

I am deeply touched by the personal message of the President of the United States, delivered by the Vice President of the United States, and I value very much the personal remarks made about me and the character of service I have attempted to render, particularly when the national interests of our country are concerned, made by Vice President AGNEW.

To receive such words of praise places me in the position where it is most difficult to answer. But all I can say, ladies and gentlemen, is that from the day I first entered Congress, those were days of crisis. I have lived through practically forty years, one way or another, confronting our country.

One uppermost thought in my mind was to always do what I thought would be for the national interest of the United States.

(Applause.)

It is very kind of the Secretary of Defense—and I congratulate President Nixon in selecting him. I mean that.

(Applause.)

It is very nice of the Secretary of Defense to refer to an observation that I made to him some years ago. I know he did not think that I was presumptuous on that occasion when we were chatting. The observation that I made to him was one that has been one of my main guides as a member of the Congress, and one that I do not apologize for, but makes my conscience happy. If I am going to err where the national defense and the national interests of my country are concerned, I prefer to err on the side of strength than on the side of weakness.

(Applause.)

As I stand here—and I am departing from my prepared remarks—I feel better when I'm talking extemporaneously—my mind goes back to 1940, when I was first elected to leadership in the House of Representatives. I attended all of the top level meetings called by the President of the United States, not a Democratic President or a Republican President, but the President of the United States.

(Applause.)

Over and above everything, one might be elected to the Presidency, but I am elected to the House of Representatives as a Democrat or Republican, but once elected the President is, in my opinion, in the minds of all Americans, as it should be, the President of the United States. And if I have occasion to refer to his party affiliation, I always say "the President who was elected as a Democrat or elected as a Republican."

(Applause.)

And I never felt, as a member of Congress, that while I am a party man—and I am proud of my party—

(Applause.)

I was elected to be the Congressman of my district, to vote as my judgment and my conscience dictated, not only on domestic

matters but on matters concerning the national interests of our country, that I was a Representative of the people, not the Democrats of my district or the Republicans, but of all the people of my district. As I say I am proud of my party but every man elected—and I felt that I was—occupies a representative position. If I voted wrong the people could take care of me two years later or the next election but it was my duty and my obligation, living with my own conscience, to vote in accordance with my own conscience, no matter how politically difficult it might have been or will be at a particular time.

(Applause.)

As a native of the State of Massachusetts, the Commonwealth of Massachusetts, I feel—

(Applause.)

I see there are some here. I feel extra personal pride in receiving this award, the Minuteman statue which stands at the entrance of your beautiful new memorial building is a replica of the original in Minute-man National Park in Concord, Massachusetts, the unveiling of which took place on April 19, 1875, one-hundred years after the historic battle of Concord, and built in commemoration of the citizen soldiers, those citizen soldiers who in 1776 stopped the British regulars and drove them in full retreat to Boston.

(Applause.)

That battle might well be termed, as it has been said, to have altered the course of world history. In any event, it altered the course of American history.

It represents the first significant resistance by force to British rule in the then Thirteen Colonies and opened the military phase of the Revolutionary War.

In the words of another native of Massachusetts, Ralph Waldo Emerson, it was at Concord where they fired the shot that was heard round the world.

Although the battle of April 1775 was the most famous in which the most men engaged, the ready military concept had been developing in some of the Thirteen Colonies. The origin of the ready reserves idea goes back to the early colonial days. The Founders of the Massachusetts Bay Colony, for example, believed that all able-bodied men should bear arms in the common defense.

(Applause.)

It has been recorded that in 1645 the Massachusetts Council had ordered that each militia company have 30 per cent of its men—and I quote—"ready at a half-hour's notice warning upon any service they shall be put to by their chief military officers."

Massachusetts became, as you know, the first colony to draw up a concerted plan of military action in case the British precipitated a crisis. A provincial congress was held in Concord in 1774. That congress provided for the creation of a Committee of Safety which was given the power—mind you, in 1774—was given the power to raise an alarm and muster the militia at any time they deemed necessary. It also provided a sound plan for organization and training of the militia under the conditions that existed in those days.

My reference to Massachusetts is not to expound its history, rather I think it contains valuable lessons in which all Americans should be reminded today. These include the importance of our national defense being ever ready, ever vigilant and ever prepared.

(Applause.)

It also points up the defense for a fully trained army and equipping the nation's citizen soldiers. And fortunately, for the greater part of its history, the United States did not heed these lessons. Now the advice of George Washington, that the best way to preserve peace is to be prepared for war. Too many times this Nation paid a terrible price in lives and property for this failure.

As a result of my service in World War I, I had impressed upon me the importance and the necessity of adequate military preparation. The experience of that war had a similar effect upon the men who founded the Reserve Officers Association in 1922. The American Army that entered the First World War was largely untrained, and had it not been for the thousands of reserve officers which the Nation called upon to serve at the beginning of the Second World War, the end of that war might have been prolonged with greater loss of life and property and greater calculated risk involved to our country.

(Applause.)

General George C. Marshall, a great man, later praised the reserves in these words, and I quote:

"Just what we could have done in the first phase of our mobilization and training without these men I do not know. I do know that our plans would have been greatly curtailed and the cessation of hostilities on the European front would have been delayed accordingly."

While I am mentioning the name of General Marshall, I think I can refer to probably one of the most important meetings that took place at the Capitol. Sometime in 1944, my mind is going back, because I sat in at that meeting. Sam Rayburn, my beloved predecessor (applause) asked me to be in his office at 11:00 o'clock the next morning, with Joe Martin, who was then the leader of the minority party. And at that meeting there was the three of us, General George Marshall, Henry Simpson, the Secretary of War, and Vannevar Bush.

I had heard some rumors about some activity in the field of research, military research, but I didn't know what it was until I attended that meeting. When I refer to calculated risk, we could have lost the war, and that meeting showed, conveyed to me forcibly that fact, that we hadn't looked ahead.

At that meeting General Marshall and George Simpson told us that Hitler, the Hitler government had started an experiment on a missile, on a bomb, that they know that they had started it before we did. They did not know how many laboratories, research laboratories they had. If the Nazi government, the Hitler government completed the bomb before we did, we could lose the war overnight.

Those were the words given to Sam Rayburn, Joe Martin and John McCormack by George Marshall and Henry Simpson. And their mission up to see us was to raise \$1.6 billion to \$2 billion during the next two fiscal years to continue what was, I then found out for the first time, known as the Manhattan Project. And at that time Vannevar Bush told me they had perfected the bomb of about 10,000 tons destructibility. But the secret was not in the claim of the bomb but how to carry it to the target, to protect it so it could be carried to the target.

And that time he said the potential development of a bomb was 100,000 tons. Just imagine, the scientist could not see any bomb that would go beyond 100,000 tons, even with what we have today.

And, as they told us that we could lose the war overnight if the Hitler government perfected the bomb before we did, their heads were down on their shoulders. I thought I had to go along. There was nothing else to do. There was no doubt in my mind.

And one of them said, it might be throwing \$1.6 billion or \$2 billion down the drain. I knew what they meant by that, it might be a failure. I said to myself—I can tell you now—I said to myself, "Well, McCormack, if that is a failure you are going to be involved in the damndest scandal the United States has ever saw because it is going to be a \$2 billion scandal. And I know that I am going to be tried after the fact and not before the fact."

So I refer to that to show that we had better be eternally on our guard, we have got to be eternally vigilant. And in deciding the questions, most of these questions, you had better look into the future. And those meetings I attended, decisions were made applicable to the future. I did not know if my contribution was correct. I hoped it was. I prayed it was.

But I know that if we made a decision there was calculated risk in action, but also know that if we failed to make a decision we could make a decision with the calculated risk of inaction. And I found from experience during the thirties, particularly coming across the horizon, I found as a result of my experiences during the thirties that the calculated risks of inaction were more dangerous than the calculated risks of action.

(Applause.)

For I saw Hitler permitted to take the Sudetenland and I hoped he would be satisfied. I might have known he wouldn't have been. And I saw him take Austria. They should have known he wouldn't have been satisfied, but they didn't. We had Chamberlain as Prime Minister and his was a voice in the wilderness to the people, warning them, the British people. And as this Austria came—you know it, ladies and gentlemen, just as well as I do—then the rest of Czechoslovakia was just a slow walk, then came the peace for all time at Munich and then came Poland.

And in our own country there was intense feeling of isolationism. We tried to get an appropriation through for arms. This means war. And I introduced the lend lease—this means war. Those who fought for defense were war-mongers, but in the end it proved that those who really were the warmongers were the appeasers.

(Applause.)

I do not say they intended it, but it was the results of their thinking, the failure to do something when the national interests of our country calls for doing something, brought about a chain of events. Time passes. The law of maximum consequences applied, calculated risk that I have referred to. Because as you and I are sitting here tonight, history is being made that will be applicable tomorrow.

We see, for example, the invasion of Czechoslovakia. What does that mean? What does that mean in terms of evaluating those who control the Soviet Union in the Kremlin?

We also see the warnings, the ultimatums of West Germany, in their duly elected officials traveling to West Berlin to elect their new President. What does that mean in terms of evaluation of the state of mind in the Kremlin?

We also read in the paper—I don't know what it means to you, I know what it means to me—that in the Soviet Union they are bringing back the image of Stalin whom Khrushchev threw into the ash can, so to speak. And when you bring back the image of Stalin you bring back the spirit of Stalin. And what was the spirit of Stalin when he was alive? So many things I could refer to, but one—little Hungary, the ruthless suppression of the aspirations and the hopes of the people, the cruel suppression of the hopes and aspirations of the people of Hungary, to gain not full liberty but a small degree of liberty.

And today there are 80,000 Hungarians who have vanished. No one knows where they are. They are prisoners somewhere, if they are alive.

Now, when you bring back the image of Stalin, you are bringing back his spirit. And whatever value my judgment might be worth, I am entitled to my judgment, international communism is still bent on world domination. I know about Red China and the Soviet Union, ten or fifteen years from now there might be—the Soviet Union might have seri-

ous problems. But I am thinking of today, the national interests of my country.

And I know that no matter how—there is no such thing as a soft force in the Kremlin, as they appear to their intent to dominate the world, either directly or indirectly. Their purpose is the same. Their tactics might change, due to expediency or necessity.

I believe in negotiating. I believe in not negotiating. But I believe in being eternally on our guard. And when I see this return of the spirit, the image of Stalin, I say there must have been quite a fight recently in the Kremlin, and the hard forces must have prevailed. It is well for us to be well prepared, because history shows that our objectives in the field of diplomacy are more effectively carried out if those we are negotiating with know we have the military power and strength to back our commitments.

(Applause.)

I am just an individual taking the journey of life, like you are, elected some years ago to Congress and in the journey of life elected as leader of my party and now the Speaker. I have definite views. I know that the contest is between the forces of love and the forces of hate. I am not talking about all the people of the Soviet Union. I mean the ideological Communists, the dedicated Communists, and it is becoming—it is only with a lot of courage that one refers to that in America today. It is pretty hard to say a good word for America today.

(Applause.)

I can remember in '34 we had pretty much the same state of mind, apathy. We have got to be eternally on our guard. We have got to be powerful militarily, not for war, but to be prepared, if necessary, powerful militarily for peace. And in the event of war we are able to preserve our country, because we receive that mandate from past generations of Americans. And it is our duty to preserve what the past generations gave to us. It is our duty to strengthen it in our lifetime and to pass it on to succeeding generations, America, a free America, an America where government is the servant and not the master of the people.

Thank you very much.

(Applause.)

HOW TO THROW AWAY \$500 MILLION IN ONE EASY LESSON—BY SECRETARY OF DEFENSE MELVIN LAIRD

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. PODELL. Mr. Speaker, according to numerous verified reports in the press, there have been 13 crashes of the F-111A in the past 26 months. Yet the air is filled with soothing phrases and rhetorical vaseline from the Pentagon and the plane's contractor to the effect that it is the safest craft ever built. Their statistics fill the air like confetti at a carnival. Somehow their unique logic escapes my poor powers of comprehension. If the F-111 possesses the finest safety record, I would be intrigued to discover what the crash record is of our worst plane.

All authorities are agreed that this wondercraft has been beset with severe problems, to say the least. Even its professional apologists are forced to admit its situation is disturbing in the extreme.

I have called for grounding of all these planes pending a major, thorough con-

gressional investigation. These are not unreasonable requests. In fact, they would be in our best national interest.

Yet, on Friday, March 7, it was announced that the Pentagon was preparing to ask Congress for money to purchase about 70 more F-111 models. Barring last minute budgetary revisions, about \$500 million for the F-111 program will go into the proposed fiscal 1970 defense budget revision. It is estimated that these new funds would bring F-111 production to around 500 planes. Mr. Speaker, I do not want to see another penny of public money thrown to the winds on this aircraft.

Britain has canceled its TFX order. The Australians signed an open-ended contract for the planes, which have now more than doubled in price. Even now, their experts are examining it in order to make it conform to Australian requirements. Australia's defense is in danger of being compromised because of the nonperformance of the plane. Limited training flights have resulted in disaster. This craft was begun in the very early sixties. After expending billions, we have not even obtained a testable craft. It was committed to Thailand and Vietnam, failed miserably, and was pulled back in desperate, confused panic. Its intrinsic worth is questioned, and now Mr. Laird orders more of them.

Are we in attendance at the Mad Hatter's tea party? Are we observers as the walrus romances the oysters before devouring them? Certainly we are groping through some never-never land where the bizarre and grotesque mingle in an obscene embrace impossible to untangle.

Perpetration of such a national outrage should elicit passionate, defiant outcry. Is this why lower and middle income taxpayers everywhere are being squeezed dry of income like so many lemons? Is this why skyrocketing taxes are driving millions to the financial wall? So the military-industrial defense complex can perpetrate such an atrocity for its financial gain and America's eventual detriment?

Mr. Speaker, further purchase of F-111's not only outrages ordinary decency and national interest, it assassinates common horse sense.

SOME FRESH FACTS ON FLUORIDATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RARICK. Mr. Speaker the heavily financed bandwagon that pushed fluoridation over the disapproval of those who would have preferred to have more complete information on the subject, and to have freedom from forced fluoridation, now has cause for sober reflection.

Current evidence shows that there is sufficient cause to warrant a moratorium in the addition of fluoride to water to allow a deeper scientific study to be made to prevent further unnecessary danger to an unwary public.

Mr. Speaker, I include an editorial by Columnist James J. Kilpatrick, and an article entitled "New Facts on Fluoridation," which appeared in the March 1 issue of Saturday Review, following my remarks:

[From the Washington (D.C.) Evening Star, Mar. 2, 1969]

SOME FRESH FACTS ON FLUORIDATION

If it were possible to put a copy of the current *Saturday Review* in the hands of every newspaper editor and member of a city council in the country, a blow for freedom might be struck in the matter of the fluoridation of public water supplies. Some fresh facts have come in.

John Lear, the magazine's science editor, has stuck his neck out in returning to the issue. Proponents of fluoridation, notably the U.S. Public Health Service, have done an excellent job of brainwashing the public and smearing the critics. As a consequence, any person who raises an objection runs the risk of being tagged as a quack, food faddist, or plain nut.

Yet the philosophical and medical objections that have been raised against fluoridation, from the inception of the program nearly 20 years ago, have an enduring validity.

Philosophically speaking the program simply is incompatible with the principles of a free society. These principles hold that in the field of public health, compulsory measures should not extend beyond protection against contagious disease and the prevention of tragic social burdens. The reduction of tooth decay in children falls in neither of these classifications.

When sodium fluoride is added to a public water supply, everyone in the community, as a practical matter, is compelled to take the stuff into his system. The highly toxic chemical is not like chlorine, which treats the water itself; sodium fluoride is added to the water to treat human beings. There is no longer much question that it does improve children's teeth.

But what else does sodium fluoride do? Skeptics have been urging that medical question for years, and have been brushed aside for their pains. The promoters of fluoridation, determined to impose their own notions of good dentistry upon everyone, have insisted that sodium fluoride is utterly harmless—that its side effects are nil. Is this true?

In a long article, Lear summarizes some recent research in the field. Persuasive evidence is beginning to pile up, both in the United States and in Canada, that sodium fluoride may have far more serious effects upon kidneys and bones than the promoters have believed.

One especially significant finding is credited to Dr. Donald R. Taves and his colleagues at the University of Rochester. They discovered that once it enters the body, fluoride takes not one form, but two. Most of the fluoride stays "bound." About 15 percent appears as "a free ion, able to enter into any number of potential reactions." When fluoride is added artificially to a public water supply, "the rise in total blood fluoride concentration is approximately 36 percent; but the rise in free fluoride is 250 percent."

The findings of Dr. Taves in Rochester, and of Dr. Gerald Posen in Montreal and Ottawa, have been fully reported to learned societies. Dr. Posen's sobering paper on the dangers of using fluorinated water in the dialysis baths of artificial kidneys was presented late in January to the Royal Canadian College of Physicians and Surgeons in Vancouver.

These reports are important to every editor and city councilman concerned with the fluoridation issue. They revive all the old philosophical questions. Granted, for the sake of argument, that sodium fluoride is good for children's teeth: Is it therefore wise and necessary that every citizen be compelled to ingest it?

Almost 4,000 American communities, comprising 72 million persons, now are adding sodium fluoride to their public water supplies. In the view of old-fashioned conservatives, the practice is plainly an intrusion upon personal freedoms. Put that aside. Is artificially fluoridated water also an intrusion upon the bones and kidneys of susceptible persons compelled to drink it?

[From Saturday Review, Mar. 1, 1969]

NEW FACTS ON FLUORIDATION

(By John Lear)

(NOTE.—The Royal Canadian College of Physicians and Surgeons has received a medical science research report from Ottawa General Hospital, where a group of patients whose lives depend on artificial kidneys has developed bone disease recalcitrant to treatment. The kidneys use artificially fluoridated water. Similar cases were reported earlier in the United States. Are there implications for people with kidney ailments who drink fluoridated water every day?)

When the first edition of *SR's Science and Humanity Supplement* appeared in March 1956, fluoridation of public drinking water already had been a subject of raging controversy for more than a decade. People and agencies involved in the fight soon were piling the science editor's mail basket high with arguments for and against fluoridation. The letters had one point in common: He had an obligation to analyze the issue and report his findings. The argument was so much more emotional than logical that a very long time was required to sort the information from the noise. But five years ago [*SR*, Dec. 7, 1963; Jan. 4, 1964], he totted the opposing data and published the following conclusions:

Although the evidence was not considered valid by all scientists, there was preponderant experimental support for the view that addition of sodium fluoride to drinking water conferred a certain resistance to tooth decay in a large percentage of children in the age bracket characterized by maximum physical growth.

Very little was known about the side effects of fluoridated water in the human body apart from the teeth.

Especially neglected by medical investigators were the side effects of fluoridated water in victims of metabolic disorders, such as those of the kidneys, the liver, the cardiovascular system, and the skeleton.

The United States Public Health Service and individuals dependent on grants of public money from USPHS had failed to weigh reports of unfavorable side effects of fluoridated water impartially against claims that no such effects occurred if the water supply was maintained at a ratio of 1 part of sodium fluoride to 1,000,000 parts of water.

A potential threat to the health of an undetermined number of individuals was thus being masked by insistent profluoridation pressure applied with the declared purpose of guarding the public health.

Reader reaction to these conclusions was tumultuous. It dominated the *LETTERS TO THE SCIENCE EDITOR* pages for months afterwards [Feb. 1, Feb. 15, Mar. 7, Apr. 4, May 2, July 4, 1964; Jan. 2, Apr. 3, May 1, June 5, Oct. 2, Nov. 6, Dec. 4, 1965]. Angry spokesmen for USPHS and a number of its grant recipients denied any attempt at censorship of information unfavorable to the fluoridation cause. Assurances were given that the public would be promptly informed of discoveries suggestive of dangers hidden in fluoridated drinking water.

In the subsequent five years, no public warnings of fluoridated water's side effects in general or in special cases or under particular circumstance have issued from USPHS.

Yet, one year after the USPHS attitude was challenged in these columns, there began to unfold a series of events that USPHS was committed to notice. The first event was publication, in the *Archives of Internal*

Medicine issue dated February 1965, of a clinical science report entitled, "Use of Fluoridated Water in Long-Term Hemodialysis."

Hemodialysis is the substitution of an artificial kidney for the natural kidneys to remove from the blood wastes normally disposed of through the urine. The artificial kidney is essentially a coil of plastic tubing immersed in a water bath and connected to the main blood vessels that lead into and out of the natural kidney. The tubing does not accomplish all the subtle transfers performed by the tubules of a natural kidney, but it does alleviate uremia by shunting the body's blood supply outside the body, bypassing impaired kidneys, and carrying impurities from the blood across the plastic membrane into the water bath, then returning the purified blood to the body. At the same time that the impurities are passing through the membrane from the blood into the water, osmotic pressure is moving minerals in the water across the membrane in the opposite direction, from the water into the blood.

Part of this return transfer—passage of fluoride from the water into the blood and thence into the metabolic systems of the body—was what the above-cited *Archives* report concerned itself with. Artificial kidneys were still new and experimental in June 1961, when the subject of the report—a fortyish Rochester, New York, female nurse who had been afflicted with a mild kidney impairment (proteinuria) for twenty years, higher than normal blood pressure for a decade after birth of a child, and periodic urinary tract infection for six years—suffered kidney function failure and consequent accumulation of wastes in the blood. Repeated hemodialysis for periods of four to six hours every two to three weeks kept her alive until May 1962, but did not decisively change her chronic uremic condition. Autopsy was performed, but the findings were not disclosed in the *Archives*. Cause of death, if precisely determined, was not stated. The *Archives* report discussed only the amount of fluoride that could be estimated to have entered the woman's body through the public drinking supply.

"Except for a period from 1952 to 1957, her household water had less than 0.2 ppm of fluoride," the report said. "During the period from 1952 to 1957, it was approximately 1 ppm. Subsequent to 1957, she worked in a hospital that had fluoridated water, where it is known that she drank two cups of coffee a day. Other dietary history is unavailable."

In other words, before she was hemodialyzed with an artificial kidney bathed in the artificially fluoridated water of the city of Rochester, the nurse's exposure to fluoridated water had been relatively slight.

Since the dialysate bath in the artificial kidney contained 100 liters of water, and since the bath water was changed once during each dialysis, the total volume of the water used in one dialysis was 200 liters. A liter weighs 1,000 grams; 200 liters therefore weigh 200 million milligrams. Given a ratio of 1 part of fluoride to 1,000,000 parts of water, the bath water used in one dialysis would contain 200 mg of fluoride.

Exactly how much of this fluoride actually moved out of the bath water into the nurse's blood could not be determined because hemodialysis had been performed on two occasions before the water was sampled for fluoride content. Estimates based on sampling of subsequent dialyses would not be dependable because the earliest sampled dialyses transferred much more fluoride from the water into the blood than the later dialyses did. But for what the figures were worth, the *Archives* reporters measured the actual loss of fluoride from the bath water in all of the seven sampled dialyses and came up with an average loss of 5 mg per bath, or 10 mg per dialysis. By assuming a regular pattern for the two unsampled dialyses, and arbitrarily assigning a fluoride

content to the water the nurse drank during her stays in the hospital, "a total dose of about 150 mg" was arrived at.

According to all the rules of fluoride behavior then known to medical investigators, this total amount fell far short of explaining the concentration of 5,500 ppm of fluoride discovered in the skeletal bones of the nurse at autopsy. "At least 4 grams of fluoride [more than twenty-six times 150 mg] would have to be present in the bones to produce a concentration" of that intensity, the *Archives* report observed, adding: "This suggests that she was ingesting and retaining more fluoride than usual for some time." How ingestion could have been greater than indicated in the case history was not explained. A greater retention might have been due to the kidney impairment. On that point, the report declared: "The question of increased retention of fluoride in patients with kidney disease has not been resolved." However the condition had come about, the mineral content of the bones was dissolving at a high rate at the time of her death. As the *Archives* report put it: "There was excess bone breakdown."

The concentration of fluoride in the nurse's blood was also elevated. Whether or not the elevation was detrimental "cannot be answered with finality," the *Archives* report said, concluding with the following paragraph: "It is possible that extra fluoride was beneficial for this patient's bone . . . so further experimental work would seem justified. However, where no effort can be made to learn more about its possible effects, it would seem prudent to use non-fluoridated dialysate baths for long-term hemodialysis."

The initial signer of the *Archives* report was University of Rochester Assistant Radiation Biology Professor Donald R. Taves, M.D. His co-authors were three fellow members of the Rochester faculty: Pathology Professor R. Terry, M.D.; Associate Radiation Biology (Toxicology) Professor F. A. Smith, and Technical Associate D. E. Gardner. The research reported on was financially supported in part by a USPHS grant. But USPHS did not disseminate the report to the lay public.

The University of Rochester is one of the strongest pro-fluoridation centers in American academia. As a community, it did not enthuse over this *Archives* departure from orthodoxy. But Professor Taves, possessed of an independent mind and courageous spirit, would not abandon his thesis that the side effects of fluoridated water works through artificial kidneys needed further investigation. In 1968, he reported on the subject again, this time in a paper he read at a spring meeting of the American Society for Artificial Internal Organs in Philadelphia.

After a prefatory note that "many cities add fluoride to their water supplies to reduce dental decay, but there is little known about the implications of fluoride for those who are dependent on hemodialysis for life," the Philadelphia paper proceeded to describe what had happened to seven patients under treatment with artificial kidneys bathed in fluoridated water. Some of the patients were from Rochester, others from Seattle in Washington state. Some had been treated with one type of artificial kidney, some with another type. To varying degrees, the seven shared a common experience: The level of fluoride concentration in their bloodstreams rose after each dialysis and fell in the interval between dialyses. Taves commented:

These results demonstrate that when the dialysate is prepared with fluoridated water, fluoride moves from dialysate to blood at a rate comparable to the movement of solutes in the opposite direction. . . .

The only two significant means of clearing fluoride from the body fluids are renal excretion and incorporation in bone. Since residual renal function was minimal to non-existent in these patients, the decrease in serum concentration [of fluoride] between

dialyses was primarily due to clearance [absorption of fluoride] by bone. . . .

Little data are available that correlate serum fluoride levels [of fluoride] with therapeutic or toxic effects in man. . . . These data suggest that the serum fluoride values seen in these patients [the seven Taves was reporting on] are likely to result in altered bone formation. Further studies will be needed to rule out the possibility that more generalized effects are occurring. . . .

Like Taves's earlier work, the research that stood behind his second report had also been financed in part by a USPHS grant. But if USPHS did anything to disseminate the new facts dug up by the research, the lay public that foots the bill for fluoridation of public drinking water never heard of it.

Among the scientists who attended the Philadelphia meeting at which Taves spoke was a young Canadian, Dr. Gerald Posen. Dr. Posen had studied at Johns Hopkins in Baltimore and had gone from there to Montreal to join the staff of the Montreal General Hospital. There he did clinical research with artificial kidneys. It was commonplace for patients aided by artificial kidneys to be attacked by blood and bone discomforts, but these problems were just as commonly dissipated by supplementing the patient's supply of calcium, phosphorus, and Vitamin D. The experience at Montreal encouraged Posen to take on a bigger assignment and he went to the Ottawa General Hospital in Canada's capital city to take charge of that institution's artificial kidney unit. There he encountered much more severe manifestations of the same types of bone problems he had found and successfully combated in Montreal. But he discovered to his dismay that the treatments he had used in Montreal would not work in Ottawa. No matter what massive therapeutic dosages he prescribed, the bone deformation in his artificial kidney patients grew worse instead of better.

Posen went to the meeting of the American Society for Artificial Internal Organs in Philadelphia to learn something helpful in alleviating the suffering of the people in his charge. By chance he sat beside Taves at a dinner party. He told Taves his troubles. Taves asked him whether the possibility of fluoride involvement had been considered. Posen said it had not. Taves asked whether the public drinking water in Montreal was fluoridated. Posen said it was not. Was the public drinking water of Ottawa fluoridated? Posen did not know. The question agitated him so much that he walked to the nearest telephone and called Ottawa. Was Ottawa's public drinking water fluoridated? Yes, it had been since November 1965.

Posen made an immediate decision. He would set up a definitive experiment to determine what, if any role, fluoride might be playing in the suffering of his artificial kidney patients in Ottawa. He asked Taves whether Taves would make analyses of the blood of the patients. Taves was happy to do so, for he had recently made a discovery that may revolutionize the entire study of side effects of fluoridated drinking water.

The discovery was that, insofar as effects within the body are concerned, there is not one form of fluoride in the blood but two. One of the two is tightly bound to protein soon after it enters the body. By definition, this form is not free to combine and cause trouble. The second form is a free ion, able to enter into any number of potential reactions.

The free form makes up somewhat less than 15 per cent of the total amount of fluoride entering the body. The implications of this small percentage to study of fluoride's side effects become evident when the percentage is applied to the fluoride level of normal blood in a community without an artificially fluoridated water supply. The fluoride content of such blood is 0.14 ppm, of which only 0.02 ppm is in free ionic form.

If the drinking water of that community is thereafter fluoridated at the standard 1 ppm level, the fluoride concentration in the blood of the community's citizens can jump to 0.19 ppm, of which 0.07 ppm is free to react inside the body. The rise in total blood fluoride concentration is approximately 36 per cent; but the rise in free fluoride is 250 per cent. In this context, the possible relationships between addition of small amounts of fluoride to water and the side effects of fluoride take on quite different proportions than seemed reasonable before Taves separated the bound from the free fluoride.

The availability of this precise new tool of fluoride measurement, in the skillful hands of its discoverer, speeded the initiation of Posen's crucial experiment. His next step was to assure a continuing story of what happened to fluoride from the artificial kidney bath water after the fluoride entered the blood. To do that, he had to match the fluoride concentration in the blood of his patients against the concentration of fluoride in their bones.

He asked Taves to recommend an expert bone analyst. Taves recalled that Dr. L. F. Belanger, of the Department of Histology, University of Ottawa, had reviewed a widely discussed *Archives of Environmental Health* state-of-the-art report on fluoride pathways to bone [see SR, Jan. 4, 1964]. Posen called for help from Belanger, who referred the challenge to one of the three authors of the state-of-the-art report: John Marier, a chemical analyst associated with Dr. Dyson Rose, an internationally reputed chemist on the staff of the National Research Council of Canada. Marier agreed to analyze bone for Posen if Rose would approve. Rose approved, on the grounds that Posen's project was an important public service worthy of NRC's respect. All that remained to make the experiment foolproof was for Posen himself to record his patients' clinical symptoms in fine detail.

At intervals thereafter, samples of blood went to Taves and samples of bone (mostly biopsied from the iliac crest, the bony vestige at the base of the spine where evolutionists say pre-man once had a tail) to Marier. The samples were identified only by number. Neither Taves nor Marier knew the names or physical conditions of the patients they were observing. Only Posen had the identities and clinical records that fit the numbers.

In the half year that followed the Philadelphia meeting, Posen accumulated enough data to reach several solid conclusions. He incorporated these facts into a paper and took it to Washington, D.C., in November 1968 to read at a meeting of the American Society of Nephrology. Expecting a small audience, he was appalled to find that he had been assigned the biggest conference room available. "I will be deafened by the echoes," he said. When the time came for him to speak, however, the big room was not only filled but overflowing. Hundreds of kidney specialists were attracted by his subject. Posen did not disappoint them. The facts he recited thoroughly confirmed what Taves had hinted at three years before—fluoridated water should not be used in the dialysis baths of artificial kidneys because of the side effects it wreaks in the bones and perhaps in other parts of the patients' bodies.

If any account of Posen's report ever has been published in a newspaper or magazine or on a radio or TV broadcast, SR's science editor is not aware of it.

The reaction of the medical scientists who applauded Posen's pronouncements is an instructive commentary on the power of the USPHS fluoridation dogma. Scores of kidney specialists buttonholed him afterward, but not one of them raised the question whether fluoridation of public drinking water ought to be discontinued, or whether proposals for further extension of the practice should be subjected to vigorous scrutiny. The only question they asked was: Where can our hos-

pitals buy dependable filters to remove fluoride from the dialysis baths of our artificial kidney units?

Posen was in fact relieved that no one put the larger question because he didn't feel he could give an answer, one way or the other, that would stand up under scientific analysis. He went home to Canada, located a fluoride filter manufacturer in the town of Hamilton, Ontario, and ordered a set of demineralizers to attach to the dialysis baths of artificial kidneys in the Ottawa General Hospital.

Now one of the archaic principles that governs the practice of modern medicine says no physician is really expected to be better than average. As long as a doctor does what most of his colleagues in his neighborhood do, he is safe from criticism. Improvements in treatment of any kind are therefore slow to achieve acceptance. But once a method or a technique is commonly adopted, inertia acts to hold it in operation far beyond its period of true worth. Nevertheless, so many physicians share an inner compulsion to surpass average performance that medicine is carried forward almost in spite of itself, in individual spurts related to each other through an incredibly intricate network of informal feedbacks. Somehow this patchwork system of communication penetrated the silence surrounding the Posen project and placed Posen's name on the list of speakers for a meeting of the Royal Canadian College of Physicians and Surgeons at Vancouver, British Columbia, late in January 1969. Marier was asked to speak to the Canadian Society for Clinical Investigation, which met at the same time and place. And for the first time since original mention of the problem in a medical journal four years before, the side effects of fluoridated water in the bodies of people whose survival depends on artificial kidneys became news to the daily newspapers.

The Canadian Press correspondent who covered the Vancouver meetings sent CP member editors a dispatch that began:

The artificially-fluoridated water supplies of certain cities may cause unexpected complications in the use of kidney machines to keep alive patients with kidney failure, two Ottawa doctors reported. . . .

Their work in spotting the problem and examining its effects has resulted in a decision in the Ottawa General Hospital not to use the city's fluoridated water in the kidney-machine treatment.

North American cities are being checked to determine whether other centres with fluoridated water experienced the same complications.

Southern News Services clients got a much longer report from correspondent Bob Cohen which opened with these paragraphs:

The fluoride in city water supplies may be aggravating bone problems in people with diseased kidneys who need to have wastes mechanically filtered from their blood every week.

An Ottawa study which describes the possibility was outlined here . . . at the annual meeting of the Royal Canadian College of Physicians and Surgeons.

Dr. Gerald Posen, head of the Ottawa General Hospital's hemodialysis unit, reported that fluorides in the Ottawa water supply apparently have had this aggravating effect.

He and colleague John Marier, an analytical chemist at the National Research Council, are now trying to determine whether other cities with fluoridated water supplies have had the same experience.

As so often happens in the United States when the impact of science on society is involved, the reporters at Vancouver apparently did not attempt to probe beneath the surface of events. Full texts of the Posen and Marier talks may not have been available, but abstracts were, and their authorship citations were explicit. Posen cosigned

Marier's paper, Marier cosigned Posen's, and both appended the names of Posen's boss at Ottawa General Hospital, Dr. Z. F. Jaworski (who was then on leave from Ottawa to serve as a consultant at Henry Ford Hospital in Detroit where the public drinking water supply is fluoridated and where allergies and neurological disturbances have been attributed to fluoride for years by Dr. George L. Waldrott) and of Taves, who remained in Rochester during the Vancouver meetings. Had the newsmen at Vancouver asked about Tave's role in Posen's experiment, they would have discovered what has just been recited here—that Posen's work was a confirmation of Tave's findings of 1965, and therefore already on a footing of international significance rather than being a prelude to coming significance.

In opening his remarks to the Royal Canadian College of Physicians and Surgeons, Posen mentioned sixteen cases in which artificial kidneys were used at Ottawa General Hospital since 1964. Later, in a long-distance telephone conversation with *SR's* science editor, he discussed fourteen of these patients, who had "minimal or no detectable bone disease" at the time treatment with artificial kidneys began. Four of the fourteen died before Posen could learn very much about them. The concentration of fluoride in the blood of all of the remaining ten patients rose to levels comparable to the levels that cause fluoride-induced bone disease in experimental animals. Alkaline phosphatase, an enzyme that circulates in the blood in amounts proportional to dissolution of bone in the body, also rose steadily in volume in all ten patients. By the end of a year of dialysis with fluoridated water, the ten patients had all developed bone disease. Nine of the ten complained of pain in their bones. Six were attacked by arthralgias—arthritic-like pains in the joints. Three developed calcific bursitis, a condition in which mineral crystals imbed in the shoulder muscles and saw at them from within. Muscles of five of the ten patients became weakened, and in three patients symptoms of irritation of the surface of nerves appeared.

X-rays meanwhile showed knobby growths on some bones, oversize crystals of mineral inside other bones, and disappearance of minerals from areas beneath the surfaces of still other bones. Progressive X-ray pictures revealed that as the period of dialysis with fluoridated water lengthened, dissolution of bone in all ten patients accelerated. In nine of the ten, the mineral substance of some bones became so depleted that the bones broke spontaneously. For example, ribs cracked under the pressure of breathing.

One of the ten patients died last summer, of causes that Posen says have not been determined although the body was autopsied. X-rays of that patient revealed first an area of bone from which the minerals were disappearing, then an associated fracture of the bone. The post-mortem confirmed occurrence of a metabolic disorder little understood by laymen. This phenomenon arises from the fact that the bones of the body are storehouses of minerals that the body draws upon in time of need. When the bones do not respond readily to the demand, the parathyroid gland sends a hormone through the blood to order the bones to act. If the bones still do not respond, the parathyroid assumes the hormone did not deliver the message. The gland thereupon exerts itself to send more hormones. Overexertion causes the gland to grow beyond its normal size. In the Ottawa patient whose death is under discussion here, the parathyroid gland was oversize. One explanation for this condition could be that the excessive fluoride in the bone had combined with and thus locked up an unusually large amount of calcium. As the parathyroid hormone carried its orders deeper into the bone, underlying calcium moved out in response to the instructions. By

that time, the enlarged gland had grown accustomed to crying "give," and it continued to call after the need for calcium had passed.

Posen characterized the influence of fluoride in his fourteen cases as "a complicating factor; we don't know enough yet to call it a cause." Marier, who found among his chemical analyses the highest concentrations of fluoride ever observed in human bone, concurred in the view that results of the experiments to date "make it difficult to pinpoint fluoride involvement. Nevertheless," he said in his report to the Canadian Society of Clinical Investigation, "we have observed a pattern of bone disease that does not respond to normal therapy, associated with high fluoride levels in [blood] serum and bone which strongly suggest fluoride involvement in this particular form of bone disease."

Of the nine surviving subjects of the study, four have received natural kidneys transplanted from other persons. Two are using artificial kidneys at home, and three remain in the hospital. "Currently," Marier told his professional audience in Vancouver, "the Ottawa patients are being dialysed with fluoride-free water, and we hope to report on the follow-up phase in the near future." Immediately after the switch from fluoridated to unfluoridated water, the condition of the patients improved. To what extent the improvement will continue remains to be seen. Marier wholeheartedly endorsed Posen's closing statement to the Royal Canadian College of Physicians and Surgeons: "We recommend that fluoridated water not be used for hemodialysis until the role of fluoride in renal osteodystrophy is clarified."

In its news dispatch concerning the Vancouver meeting, the Canadian Press quoted Posen and Marier as having told a press conference that "their findings have no implications whatever in the use of fluoridated water for drinking in those centers which add the chemical to the water supply as a tooth decay preventive." Questioned on this point by telephone afterward, Posen accepted responsibility for the statement but conceded he could not document it scientifically; nor, he said, could he document the opposite conclusion that fluoridation of public drinking water evokes side effects on a sufficiently broad spectrum to justify discontinuance of the fluoridation practice. "I don't wish to be a party to the fluoridation controversy," Posen said. "I wish only to continue my research and see where it takes me."

Marier agreed that Posen alone had made the statement quoted by CP. Marier's personal position was that Ottawa General Hospital's experience with fluoridated water in artificial kidneys, plus the Rochester-Seattle experience reported earlier by Taves, plus repeated reports in the medical literature of side effects caused by fluoride in water abroad, have clear implications for exposure to fluoride everywhere in the environment, and that these call for deeper research into the metabolic behavior not only of fluoride but of other trace elements in biology such as phosphate, magnesium, calcium, citrate, and cobalt. As man enters an era of profound concern over the totality of his environment, ignorance of small convergences may frustrate his understanding of larger consequences.

In presenting his observations to the Canadian Society of Clinical Investigation, Marier emphasized that side effects of fluoridated water moving into the body through an artificial kidney are not now being translated into predictions of side effects that will be brought about by fluoridated water taken by mouth. He reminded that the concentration of free ionic fluoride in the blood can be as low as 0.02 ppm, whereas the concentration of fluoride in artificially fluoridated water is 1 ppm. In other words, the amount of fluoride in the bath water of an artificial kidney can be proportionately as much as fifty times the amount in the blood that the plastic coil of

the kidney carries through the bath. The 50-to-1 gradient between the outer and inner sides of the coil membrane drives fluoride across the membrane from the water into the blood until an osmotic equilibrium is reached.

At the 50-to-1 ratio, fluoridated water produced bone disease in ten patients studied at Ottawa General Hospital within a year; in two and a half years, all ten patients were actively sick. As is recalled in Michael Wolan's brief history of fluoridation beginning on page 56 of this issue of *SR*, specialists in fluoride chemistry who opposed initiation of fluoridation of public drinking water years ago warned that fluoride was such a subtle enzyme inhibitor that its damaging effects would be a long while in exposing themselves; nevertheless, those specialists—several of them Nobel Prize winners—insisted that the effects would be inexorable. *SR*'s science editor believes there is now excellent cause to determine whether the protesting Nobelists were right or wrong. If water fluoridated at a concentration of 1 ppm can, by moving through an artificial kidney, cripple the body it enters within a year, it is time to discover whether water fluoridated at a concentration of 1 ppm can reasonably be expected to cripple the bodies of severe kidney disease victims who drink the water daily for ten to twenty or more years.

The question posed in these columns five years ago grows more pertinent with time's passage: Is fluoride's effect sufficiently selective? Does it protect the teeth without exacting penalties elsewhere in the body? To repeat a comment made here at that time:

Surely we have learned to respect this question. We have frightening examples from the past to justify it. Radium water was drunk by the glassful, with the approval of some of the most advanced physicians, until someone suddenly discovered that those who were drinking it were slowly disintegrating internally. Sulfa elixir was accepted as a cure-all for a while; when its full effects were realized, the drug laws of the United States were reformed as a consequence. X-rays were performed for every imaginable purpose in the belief that there could be no such thing as too much diagnosis; then the National Academy of Sciences in 1956 reported that X-rays were a greater immediate peril to health and life than any other form of radiation, and the use of X-rays dropped sharply almost overnight. Antibiotics worked wonders against some of man's toughest competitors among the bacteria; but overuse of antibiotics in a shotgun type of therapy alien to modern medicine brought the removal of the antibiotics division director of the U.S. Food and Drug Administration only a few years back, and today the medical profession exhorts its members continually to guard against the undesirable side effects of antibiotics.

Adequate protection of children's teeth against decay is not at issue. Such protection can be provided without indiscriminately dosing people of robust and frail health alike with fluoride. To pay out public moneys to fluoridate public drinking water and then pay out more public moneys to de-fluoridate water used in hospitals is hardly an exercise in economy when it is possible to confer fluoride's tooth decay inhibiting benefits on children who need it by simply adding fluoride pills to drinking water in the children's homes. USPHS could subsidize purchase and distribution of the pills. According to one of four letters on the subject published last January in *Science*, journal of the American Association for the Advancement of Science, the pills would cost only a fraction of the sums spent in fluoridating the water of a city. To repeat another observation made here five years ago:

A possible danger in the continuing effort of the U.S. Public Health Service to fluoridate public drinking water is that it runs counter to the personal responsibility of the citizen.

VIETNAM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RYAN. Mr. Speaker, despite the negotiations in Paris, the war in Vietnam rages on with increasing fury. In the week ending March 1, 453 American servicemen were killed in Vietnam and 2,593 were wounded. As of March 1, the total number of U.S. servicemen killed since 1961 totaled 32,376. At present casualty rates, the total number killed in Vietnam will soon surpass the total of 33,629 servicemen lost in the entire Korean war.

Almost one-third of the entire number of Americans killed in Vietnam—9,425—has been lost since the preliminary Paris peace negotiations began on May 10 of last year, and 2,319 lost their lives in the 3 months since South Vietnam joined the Paris talks on December 7.

These casualty figures make it clear that hostilities have increased, rather than decreased, since the Paris negotiations began. With speculation increasing that President Nixon may take some retaliatory action against the latest offensive by the North Vietnamese and Vietnam and thus initiate a new round of escalation and buildup, the hopes for an early negotiated end to the war are severely threatened.

The heavy casualties during the past 3 months are not unrelated to a step-up in offensive action on the part of the United States. Last December 14, a New York Times editorial warned that increasing U.S. military activity—coinciding with a decline in battalion-scale assaults by the North Vietnamese—was endangering the peace talks in Paris. The editorial cautioned that an upset in the balance in Vietnam in advance of a settlement "is bound to produce a reaction sooner or later" that could "wreck the chance for a negotiated peace."

A New York Times editorial on March 9 stated:

The United States simply cannot have it both ways. It can not demand the right to press the fighting with increased vigor itself while charging double cross whenever the Communists do the same.

Recently, I. F. Stone, in his February 10, I. F. Stone's Weekly reported an increase in the number of United States and South Vietnamese offensive military initiatives since the start of the Paris negotiations in December. Assessment of the intentions of the North Vietnamese is hindered, he says, by the Pentagon's "censorship" of figures on enemy-initiated actions.

In his column of March 7 in the New York Times James Reston argued that a settlement cannot be achieved until President Nixon makes clear his willingness to withdraw American troops from Vietnam.

So long as the enemy is in doubt about this critical point—

Reston says—

the chances are that the war will go on indefinitely.

Moreover, according to New York Post columnist James Wechsler, Ambassador

Averell Harriman, the chief Paris negotiator for the Johnson administration, has said that the present Vietnamese offensive is "essentially a response to our actions rather than a deliberate reckless attempt to dictate the peace terms or torpedo the talks."

I include in the RECORD the February 10 article from I. F. Stone's Weekly, the March 7 New York Times column by James Reston, and the New York Times editorial of March 9.

I urge President Nixon to heed these cautions and to realize that increased military pressure can only lead to increased casualties and a prolongation of the war which has already cost an unnecessary sacrifice of American and Vietnamese life.

The articles follow:

[From I. F. Stone's Weekly, Feb. 10, 1969]

WHY THE CASUALTIES RISE AS THE PEACE TALKS GO ON

President Nixon's dismissal of a cease-fire in Vietnam calls for close examination. It was sophistry to say that a cease-fire "may be meaningless" in a guerrilla war because of the difficulty in controlling it. Whatever element of truth this may contain as a general proposition, the history of past truces in the 9-year old Vietnam war shows that the other side has had little difficulty in enforcing a cease-fire on its own troops. Cease-fires have been broken by the other side on any meaningful scale only when they wanted to break it, as in the Tet offensive last year, or in defensive response to the aggressive patrolling which has been our military's own way of getting around cease-fire orders in holiday truces. Until the bombing pause the U.S. official line was to call for a cease-fire as the price of a bombing halt. The line has changed because we hope to exploit the present situation by "clean up" operations against the guerrillas in the South. That is why casualties still rise as the peace talks go on.

POLITICAL CENSORSHIP AT THE PENTAGON

A neat bit of censorship is helping to hide the truth. The Pentagon gives out figures on attacks initiated from our side but the figures on enemy-initiated attacks are "classified", an antiseptic word for censored. One of these censored figures came to light last December 14 when the *New York Times* in an editorial, "Endangering the Peace Talks", said "Since the bombing halt, the enemy has initiated only one battalion-sized assault. By comparison last month American troops mounted 63 battalion operations and South Vietnam staged 664 such campaigns." It said the purpose was "to extend South Vietnamese Government control over disputed areas and territory long controlled by the Vietcong" and warned that such an effort "to upset the balance in Vietnam in advance of a settlement in Paris is bound to produce a reaction sooner or later" and risk a flareup "that could wreck the chance for a negotiated peace."

In the wake of the Nixon press conference, we went over to the Pentagon to check the Times figures and bring them up to date. We found the tempo of offensive operations from our side had gone up about 25% in December over November. The figures on battalion-sized operations from our side in December were 824 South Vietnamese, 84 U.S. and 48 combined, or a total of 956 as against the 727 figure the Times gave for November. But when we asked for the figures on enemy-initiated actions of battalion size, we were told that all the figures on enemy-initiated actions were in classified tables. We went to two different sources and finally put in a formal question on why such figures were classified, but we're still waiting for an answer. The *New York Times* assertion was not

challenged. One officer explained that any paper with a man in Saigon who kept a sharp eye on the daily communiques could get figures on enemy-initiated attacks. Obviously the totals on enemy attacks do not keep any information from the enemy he does not already know. This is political not military censorship, designed not to confuse the enemy but to hide what is going on from the American public. We hope some members of Congress will insist that these figures be released.

The course in Vietnam becomes clearer if one compares it with U Thant's original 3-point plan for peace. At his press conference January 28 the Secretary General noted that two of the points had been put into effect—the bombing of the North had ended and talks among all the parties involved had begun. U Thant's third point was a gradual de-escalation of the fighting. Instead of de-escalation in response to the considerable de-escalation on the other side, we have been stepping up both ground and aerial action in the South, as we have the bombings over Laos.

Tacitly or explicitly, it is now becoming clearer. Johnson exacted a sharp price when he ended the bombing of the North. He imposed severe restrictions on enemy activity while making it possible for us to increase ours. The Nixon administration is carrying on the strategy of Johnson's. This strategy has two elements. The first is to threaten resumption of the bombing in the North if the other side should resume substantial forays or shellings from the DMZ or should attack the larger cities. The second is to take advantage of these military limitations on the other side to move considerable forces from the northern part of South Vietnam where they have been on guard against a possible invasion from the DMZ. These forces have been moved south, for "pacification" operations in the Mekong Delta. This has been a guerrilla stronghold since the earliest days of the uprising against the French. The aim is to reconquer the Delta for the Saigon regime.

THE SEMANTICS OF ACCELERATED WAR

The bombing of the North ended Nov. 1. The escalation from our side began at the same time. In the three months since more than 2,000 Americans have lost their lives. White House orders explain the rising casualty lists. Clark Clifford lifted the curtain on them last November 24 when he said "General Abrams has specific instructions to maintain constant and intensive pressure on the enemy." The fight-and-talk strategy was ours. Our Madison Avenue-minded military invented a new soap ad phrase to sell this accelerated warfare. They renamed it "accelerated pacification." Clifford added loyally that this was "the right psychology and the right strategy to follow now," but he expressed the hope that when "we begin to make progress in Paris" and agreement "in certain areas" was reached "then instruction could be given by Hanoi to their battlefield commanders, and instruction could be given here by President Johnson to General Abrams to withdraw from contacts with enemy forces." The enemy began withdrawing from contact and trying to evade battle months ago. But there has been no de-escalation on our side. Three weeks later on Face the Nation, Clifford (see p. 1 box) declared himself "inordinately impatient with the continued deaths of American boys in Vietnam" and urged a cease-fire. Neither Johnson nor Nixon seem to share this impatience. Nixon can cut the casualties any time he orders de-escalation and a defensive strategy, as proposed by Senator McGovern in a speech Feb. 3 to Clergy and Laymen Concerned About Vietnam.

The premise of negotiations is that neither side can win a military victory. If we are negotiating, why go on killing? If we hope to achieve our aims in South Vietnam by a

stepup in the killing, why negotiate? The cynical answer is that the negotiations serve as a smokescreen. Neither the U.S. military nor the Saigon regime ever wanted to negotiate. The Paris talks for them only make it easier to continue the war. There is a steady flow of optimistic stories from Saigon on how well the war is now going. One by Charles Mohr in the New York Times Jan. 3 put its finger on a crucial, though nonmilitary factor. "One important factor on which present optimism is based," Mohr wrote, "is the hope that a decision to continue to prosecute the war can be reconciled with the domestic American desire 'to ease the pain'".

REALITIES FEW NOTICE

Few notice the realities reflected in the last AP weekly casualty report from Saigon (Washington Post, Jan. 31). The report covered the week ended Jan. 18 (196 U.S. dead and 1277 wounded) and the week ended Jan. 25 (190 U.S. dead and 1224 wounded). Why are casualties still so heavy? The AP explained that while "there has been no sustained large-scale fighting since last Fall . . . thousands of U.S. and government troops carry out daily operations in search of the elusive enemy." It added that "pushes are also being made into areas long held by the Vietcong, and in these, even when no opposition is encountered, there are casualties from mines and booby traps." How long can these offensive operations go on without a counter-offensive from the other side? As we write, for the first time in three months, there have been three battalion size enemy attacks in the past few days. It is time to make the U.S. public aware of all this before fighting flares up again in full fury.

It is nonsense to say that you cannot have a cease-fire in Vietnam. Fighting ended in the first Vietnamese war when a cease-fire was negotiated at Geneva in 1954. Then it was part of the general settlement. The question is one of policy, not feasibility. The Viet Cong and Hanoi oppose a cease-fire until there has been a political settlement. The U.S. and Saigon don't want a cease-fire until there has been a military "settlement". They cling to the old hope that the war will end with the enemy "fading away", a favorite phrase of Henry Cabot Lodge whom Nixon resuscitated to be his chief negotiator at Paris. The U.S. military seem to be making their plans on the assumption that there will be no settlement in Paris. They plan a prolonged American occupation, though on a reduced scale. "From those most deeply involved in overall strategy" in Saigon and Washington, U.S. News & World Report Jan. 27 reported that our military foresee a slow reduction of U.S. forces in Vietnam to 200,000 men by the end of 1971. They set that level as "the basis for a long-haul, low-cost effort in Vietnam that could continue indefinitely." On such a scale "low cost" could still mean \$5 or \$6 billion. The military men U.S. News interviewed regard Korea as a precedent. There we still have 50,000 men 15 years after the shooting stopped. We also have no peace treaty, a continued trickle of casualties and the ever present danger that the war may break out again at any time. That is not a comforting precedent.

CEASE-FIRE AGITATION IN SAIGON

For the Vietnamese people the end of bombing in the North has meant an intensified terror from the skies in the South. B-52s are employed like buckshot, spreading destruction over wide areas, often on the edge of the cities, wherever we think a few guerrillas may be hiding. Nobody but the victims have any conception of what this horror means. It is not strange that in Saigon, despite press control and the thousands imprisoned for peace agitation, the cry for a cease-fire has been rising, though little reported in the U.S. press. Both *Le Monde* (Jan. 28-29) and *Le Figaro* (Jan. 29) report that elements which have hitherto strongly sup-

ported Thieu have joined the militant Buddhists in demanding a cease-fire. They quote Father Ca Van Lau, head of the Dan-Tien bloc in the Saigon Chamber of Deputies, as calling for a cease-fire now, as have two leaders of the Don Xa and the Grand Union Forces, organs respectively of the Hoa Hao sect and one faction of the Catholics. Both parties demonstrated last November in favor of Thieu. Now both parties have swung over to the Buddhist demand for an immediate cease-fire. In this, as in so much else, we are very poorly informed as to what ordinary Vietnamese think. To call for peace is still to risk jail in Saigon. The ungaged voice of popular sentiment may be better expressed in a manifesto issued in Paris (*Le Monde*, Jan. 30) of a Movement of the Free Forces of Vietnam, representing both civilian exiles and former Vietnamese officers who fought in the army organized by the French. It terms the present regime "nothing but a prolongation of the Fascist regime of Ngo Dinh Diem", which "governs by terror". It calls for its replacement by a provisional government which can negotiate in Paris with the Viet Cong and Hanoi.

This parallels the position taken by Hanoi and the NLF in the Paris peace talks. The NLF spokesman called for the formation of a broadly representative provisional government in Saigon which would organize "free general elections in South Vietnam" and be prepared to deal with the NLF in the Paris talks as an independent and equal party. (See texts in *Le Monde*, Jan. 28). "Although they speak of negotiations for peace," the NLF delegate to the Paris talks said, "the United States continues to intensify the war," and still does not wish to renounce their aggressive aims in South Vietnam." We are paying heavily in American lives in an effort to impose the Saigon regime by force on the South Vietnamese. That is why the casualties rise as the peace talks go on.

[From the New York Times, Mar. 7, 1969]

MR. NIXON AND THE VIETNAM CASUALTIES

(By James Reston)

In a few weeks, at the present casualty rate, more Americans will have been killed in Vietnam than in any other conflict in U.S. history except the Civil War and the two World Wars.

Last week, 453 Americans were killed in Vietnam and 2,593 wounded. This brought the total U.S. combat dead to 32,376—very close to the 33,629 total for the entire Korean War.

In the face of this terrible waste and killing, the urgent need for a new and creative effort to end the fighting is manifest. The negotiators are stuck in Paris. The new government in Washington is following the same old policies. The language of the war is lower but the cost is higher.

THE DEATH TALKS

In fact, 9,425 Americans have been killed in Vietnam since the preliminary peace talks began in Paris last May 13, and 2,319 of these have died since South Vietnam joined the enlarged talks last Dec. 7.

The carnage among the Vietnamese meanwhile is almost beyond comprehension. On the enemy side alone, according to the official U.S. command in Saigon, at least 457,131 Vietcong and North Vietnamese soldiers have been killed since the beginning of 1961 when the United States entered the war, and nobody has the heart to estimate the dead among the civilian population, North and South.

The reaction to all this is remarkably casual. Even expressions of pity are now seldom heard. The enemy continues his rocket attacks on Saigon. Ambassador Henry Cabot Lodge says in Paris that "the consequences of these attacks" are the enemy's responsibility. President Nixon says that if the attacks go on, he will make "some response

that is appropriate." And Secretary of Defense Laird says in Saigon: "We will not tolerate continued enemy escalation of the war."

There is not even any agreement on the terms of the Paris peace talks or on whether the enemy was first to step up the military pressure, or vice versa. Washington says it had an "understanding" that there would be no enemy attacks on the cities if it stopped the bombing of North Vietnam. Hanoi holds there was no such understanding. Hanoi says the U.S. kept up the bombing pressure and the search-and-destroy raids early this year; Washington says it did so in response to the enemy's increasing pressure.

Meanwhile, despite all the recent expressions of mutual understanding between President Nixon and officials of the Soviet Union and the Western European countries, the efforts of London, Paris, Moscow and even the United Nations to bring about a cease-fire have virtually ceased.

THE CRITICAL POINT

In this situation, it is fairly clear that President Nixon is not going to get a settlement without a shift in policy. He has apparently been hoping that by sounding reasonable toward both Saigon and Hanoi, the enemy will come forward with the compromise President Johnson could not get, but this is not forthcoming.

The sticking point for the enemy is his doubt that the United States intends to withdraw from that peninsula. Hanoi simply cannot believe that the United States would sacrifice over 32,000 lives and spend over \$30 billion a year in defense of a principle, then make peace and take its men back home.

In actual fact, there is reason for believing that if Mr. Nixon could get a negotiated peace, he would be willing to do precisely that, but he has not made the point clear, and so long as the enemy is in doubt about this critical point, the chances are that the war will go on indefinitely.

If this intention were emphatically stated instead of merely being discussed around the White House as a likely objective of U.S. policy, then it might be possible to bring the influence of the world community, including the Soviet Union, to bear on the Paris talks.

THE WISHFUL WAITING

But the President hesitates. He is still hoping the old policy will work simply because it is in new hands and is being expressed in different language. He is back on the brink again of one more military response to the enemy's attacks, though there is no evidence that the enemy, having lost over 450,000 men, will hesitate to keep on sacrificing until it is sure American power will definitely be removed as part of any settlement.

Sooner or later, Mr. Nixon will probably have to come to this decision, and the longer he waits, the harder it will be to make the switch, the greater the danger of one more round of escalation, and the higher the death tolls.

[From the New York Times, Mar. 9, 1969]

THE PRESIDENT'S VIETNAM TEST

The challenge confronting President Nixon in the current Vietcong offensive is to resist the Lyndon Johnson tendency to react, in the words of one high official of the old Administration, "as if his manhood were at stake."

The sudden doubling of American casualties in South Vietnam is a bitter new indication of the high price of this dismal war, one that makes clearer than ever the necessity for ending it with maximum speed. That endeavor will not be aided by another rash of self-defeating responses dictated by frustration and anger.

In his foreign policy news conference last

week, President Nixon confirmed that the Communist attacks in South Vietnam have been "primarily directed toward military targets." Only "technically," in his phrase, do they contravene the American warning that attacks against major cities would make it impossible to maintain the bombing halt.

Several factors need consideration before an Administration decision on what to do about the present attacks. The first is that experience at all stages of the war indicate that Communist offensives soon run out of supplies and that their duration is not significantly affected by bombing North Vietnam.

Before President Johnson ordered the halt last Nov. 1, it had become abundantly clear that attempts at aerial interdiction of supply routes through North Vietnam were incapable of stopping the tortuous flow of arms and equipment into the South. Nor has the punishment and economic damage inflicted on the North ever visibly shaken Hanoi's will to fight.

The most predictable effect of precipitate resumption of the bombing would be to alienate world opinion again and hamper negotiations on Vietnam and other critical issues with the Russians. It certainly would halt the Paris talks, prolong the war and escalate the fighting, thus increasing instead of reducing the ultimate cost in American casualties.

Moreover, as former Ambassador Harriman last week told James A. Wechsler of The New York Post, the present Vietcong offensive is "essentially a response to our actions rather than a deliberate, reckless attempt to dictate the peace term or torpedo the talks." General Abrams after the Nov. 1 bombing halt was instructed by Washington to maintain "allout pressure on the enemy" in South Vietnam.

Pentagon figures show that from November to January the number of allied battalion-sized operations increased more than one-third, from 800 to 1,077. Of these 919 were South Vietnamese, 84 American and 74 combined. Meanwhile, the North Vietnamese pulled all but three of their 25 regiments in the northern sections of South Vietnam back across the borders. This freed more than a full division of American troops to join in maximum military pressure further south as a means of maintaining morale there and encouraging Saigon to get into the Paris talks.

American spokesmen have heralded successes on the battlefield and in renewed pacification efforts as improving both the allied bargaining position in Paris and the Saigon Government's chances for surviving a peace settlement. There have even been repeated claims that an allied military victory was ripe for the taking.

The United States simply cannot have it both ways. It cannot demand the right to press the fighting with increased vigor itself while charging doublecross whenever the Communists do the same. The sad fact is that the Paris talks have been left on dead center while Ambassador Lodge awaits a White House go-ahead for making new peace proposals or for engaging in private talks out of which the only real progress is likely to come. Everything has been stalled while the Nixon Administration completes its military and diplomatic review.

Now that the Communists have responded with a new military offensive in South Vietnam, the United States will simply have to grit its teeth and see the battle through. Hanoi as well as Washington and Saigon must once again learn the hard way that military victory is an impossibility for both sides, that the sole real hope lies in ending the drift in the peace talks. Anything either side does to retard progress there simply condemns more life and treasure to destruction in the bottomless pit that is the Vietnam war.

OTEPKA TO RECEIVE PRESIDENTIAL APPOINTMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ASHBROOK. Mr. Speaker, there is much justifiable elation over the recent news stories that Otto F. Otepka, the State Department security officer who had been demoted by former Secretary of State Dean Rusk, was to be offered the position of Commissioner on the Subversive Activities Control Board, a Presidential appointment.

Concerned about his good name and the stigma on his record of the State Department action, Mr. Otepka was fearful that his vindication of the charges would still be left in doubt. When assured that the Presidential appointment would wipe out any hint of wrongdoing on his part, the security evaluations officer accepted.

As a lawyer and by virtue of his long involvement in security and subversive matters, Mr. Otepka is well qualified to sit on the Board, a quasi-judicial agency which rules on subversive cases referred to it by the Justice Department. In the past there has been some misunderstanding concerning the function of the SACB. It has been overlooked by some people in high places that the Board cannot initiate action, but must wait for referral by the Justice Department before swinging into operation. The responsibility for any inaction on the part of the SACB in the past must be traced directly to the Justice Department under Attorney General Ramsey Clark. As the newsweekly, Human Events, points out, it is a new ball game as far as the SACB is concerned for "Attorney General John Mitchell has every intention of breathing new life into the Board."

Two publications which have worked long and hard in behalf of justice for Otto Otepka are the Chicago Tribune and the above-mentioned Human Events. Mr. Willard Edwards, Tribune's veteran newsman, has expended untold effort and time in bringing to public attention the many ramifications of the case. Human Events, and in particular its Capitol Hill Reporter Allan Ryskind, has likewise performed a journalistic service by helping the public keep abreast of this long and arduous case over the years. They are certainly to be commended for their efforts which at times must certainly appear to be all but futile.

I insert at this point the column "Otepka Vindicated," from the March 15, 1969, issue of Human Events and the story of Mr. Edwards in the Chicago Tribune of March 7, 1969, in the Record:

[From Human Events, Mar. 15, 1969]

OTEPKA VINDICATED

Intent on keeping his campaign promise to accord justice to Otto F. Otepka, President Nixon last week offered the former high-ranking State Department security officer an important position with the Subversive Activities Control Board (SACB). The board's main job is to search out Communist-front organizations.

The tender was an apparent rebuff to Secretary of State William P. Rogers, who, as early as January 21, it is now learned, had made up his mind that he did not want Otepka to work in the department. Two weeks ago Rogers formally notified Otepka he would not be reinstated in the security duties which have been his life's work.

Rogers, it seems, had fallen for the anti-Otepka line dished out to him by former Secretary of State Dean Rusk and did not want to antagonize current holdovers in the department—particularly Idar Rimestad deputy under secretary for administration, the man who would have been Otepka's superior had he been reinstated.

The proposed Presidential nomination to the SACB is regarded as a victory for Otepka in his five-year fight for vindication after he was constantly harassed, fired-pending-hearings, demoted and then stripped of security duties for telling the truth and demanding that the Kennedy and Johnson Administrations adhere to proper security procedures.

Otepka agreed to accept the nomination—which must be approved by the Senate—only after consulting Sens. Strom Thurmond (R.-S.C.), Barry Goldwater (R.-Ariz.) and Everett Dirksen (R.-Ill.). They assured him that a White House nomination would erase all the charges previously leveled against him by the State Department under Rusk.

Roger Robb, the skilled attorney who vigorously defended Otepka through his harassment, called it a "glorious vindication" and there is some indication that Nixon may make the announcement from the White House with Otepka by his side.

In accepting the offer, Otepka was assured by Dirksen that the SACB would become a vigorous arm of the government. Under the Johnson Administration, Atty. Gen. Ramsey Clark deliberately weakened the board by refusing to forward cases to it, but Atty. Gen. John Mitchell has every intention of breathing new life into the board.

Otepka's involvement in security matters may increase even further if the Senate, as Dirksen also promised Otepka, gets to work on S. 12, a special piece of legislation that would enormously enhance the powers of the SACB.

Sponsored by Sen. James Eastland (D.-Miss.), chairman of the Senate Judiciary Committee, this bill would create a special Security Administration for Executive Departments which would take over the task of conducting security checks on government employes working in such major departments as Defense and State. Currently, each of the departments conducts its own security checks.

Under the clear intent of the bill, the administrator of this new security panel would also be the Chairman of the Subversive Activities Control Board (now the very respected John W. Mahan). The other four members of the SACB would also be involved in helping out with the work of the new security panel.

Thus, if S. 12 becomes law, it is very likely that Otto Otepka will be involved in more security work than he had ever been in the State Department. To help Otto become fully vindicated, *Human Events* readers should now start asking what their lawmakers are going to do about S. 12.

[From the Chicago Tribune, Mar. 7, 1969]
SECURITY JOB FOR OTEPKA—NIXON OFFERS
SUBVERSIVE BOARD POST—DIRKSEN ADVISES
HIM TO ACCEPT

(By Willard Edwards)

WASHINGTON, March 6.—President Nixon tonight fulfilled his pledge to accord justice to Otto F. Otepka by offering him appointment to the subversive activities control board, one of top security posts in the government.

The proposed nomination was regarded as a victorious climax to Otepka's five-year fight for vindication against what a Senate subcommittee termed "calculated and extraordinary harassment" for conscientious performances of his duties.

Otepka, after consulting with Senators Dirksen (R., Ill.) and Barry Goldwater (R., Ariz.), said he was agreeable to the nomination which is subject to scrutiny by the Senate.

FIRE IN 1963 BY RUSK

He was assured by both that, in their opinion, the appointment canceled out all the charges previously leveled against him by the state department under secretary Dean Rusk.

Rusk fired Otepka in November, 1963, on charges of conduct unbecoming a state department officer. Four years later, Rusk was compelled to cancel the discharge but he substituted a severe reprimand and a demotion which cut Otepka's salary as chief of evaluations, office of security, from \$20,000 to \$14,000 a year.

ADVISED TO ACCEPT

If confirmed as a member of the SACB, Otepka will receive a \$36,000 salary. The board has jurisdiction over all cases involving communist organizations and individuals forwarded by the attorney general for rulings.

Otepka carefully considered the appointment before agreeing to accept it. He was prepared, if necessary, to reject it and appeal to the courts but members of the Senate and his attorney, Roger Robb, persuaded him that a Presidential nomination was the equivalent of a court opinion clearing him of all charges alleging misconduct.

At a Senate hearing on his nomination, it was noted, a record can be made which will emphasize his clearance.

Dirksen also assured him that he was not being appointed to a board which will be ineffective. Under the Johnson administration, Atty. Gen. Ramsey Clark made an attempt to weaken the board by not forwarding cases to it. Dirksen said he had been informed by Nixon's attorney general, John Mitchell, that the board will be a vigorous branch of the government.

In naming Otepka, Nixon was keeping a promise he made during his Presidential campaign to see that "justice is accorded to this man who has served his country so long and so well."

ROGERS WAS RELUCTANT

Secretary of State William P. Rogers, however, was reluctant to reinstate Otepka, in the state department as chief security officer.

Rogers informed Otepka's attorney that he could not see Otepka performing a useful service in his old post because holdover officials, hostile to him, would be his superiors. Rogers had been warned that a House appropriations subcommittee would slash his spending funds if he fired one of these officers, Idar Rimestad, deputy undersecretary for administration.

Otepka agreed that his position under these circumstances would be untenable. He continued, however, to demand reinstatement and a letter stating, in effect, that he had been wronged by false charges. If this was done, he said, he would seek suitable means to retire.

DIRKSEN NOTES VACANCY

As the deadlock continued, letters began to pour in on the White House, state department, and Congress, protesting that the President had not kept his campaign pledge. The heat, as one aid put it, was on.

Dirksen noted a Republican vacancy on the SACB [Otepka is a Republican] and suggested Otepka's appointment might serve the dual purpose of placing him in a high post and wiping the slate clean of all the allegations previously made against him.

The President and his secretary of state welcomed this solution. Goldwater talked

to the President and called Otepka, urging him to accept the nomination. Senators Strom Thurmond [R., S.C.] and James O. Eastland [D., Miss.], chairman of the Senate judiciary committee, also agreed that the appointment could be regarded as a complete vindication for Otepka.

They were joined in this urging by James Stewart, head of the American Defense fund, Palatine, Ill., which had raised \$27,000 for Otepka's legal expenses during the long battle and was prepared to raise more money if needed to finance a court appeal.

Otepka after talking it over with his wife, said his doubts were resolved. The arrangement was made final after a talk with Dirksen late today.

HOPES TO CLEAR RECORD

Otepka said he hoped the appointment, the subsequent Senate hearing, and floor debate, would make clear that the charges against him were false.

The Senate judiciary committee will consider the nomination. It is the parent of the Senate internal security subcommittee which called Otepka six years ago and called upon him to testify frankly about lax security in the state department. He responded and his troubles began.

Otepka's ordeal had started even earlier when he was called by Rusk and the late Robert F. Kennedy, then attorney general, in December, 1960, and asked to waive security investigations for a number of state department appointees then under consideration by President-elect Kennedy.

WOULDN'T BREAK RULES

He refused to break the rules. In the next two years, he was demoted, isolated, and put under surveillance and his telephone was tapped. Two state department officers, caught lying under oath in the Senate inquiry, were forced to resign.

When Rusk fired him, Otepka appealed under civil service regulations. The case dragged on for four years before most of the charges against him were dismissed and the discharge retracted. He continued to fight, however, taking leave without pay. He had to borrow from relatives and subsist on his wife's salary as a school teacher.

"I hope all my friends are right and that my record will be wiped clean of all stigma in the proceedings attending this nomination," he said. "The major issue here was a government employe's right to testify truthfully before a congressional committee. If this point has been made, I feel it was all worthwhile."

BRIDGES TO THE SUN—THOUSANDS
ENJOY INNUMERABLE ATTRAC-
TIONS OF BEAUTIFUL FLORIDA
KEYS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. FASCELL. Mr. Speaker, recent publication of the ninth annual Sunshine Strip edition of the "Florida Keys Keynote" again calls attention to one of the most beautiful places on earth—the Florida Keys. I congratulate the Keynote on its big new edition, which is packed with interesting and informative news, photography, and advertising concerning the Florida Keys.

I wish I could insert the entire edition in the CONGRESSIONAL RECORD, for I am sure that my colleagues would greatly enjoy seeing this colorful and fascinating

publication. It is so large, however—88 pages, the biggest Keynoter ever—that this is impractical. Especially at this time when the wintry winds are blowing their hardest in Washington, D.C., readers of the RECORD would be cheered by the Florida Keys atmosphere of sunshine, warmth, and relaxation conveyed in the pages of this edition.

The "Conchs," as native residents of the Keys are called, say that it never even frosts in the Florida Keys. Each time I have the pleasure of visiting this part of my congressional district, I marvel at the natural beauty of the water and island environment that stretches from the mainland to Key West, the southernmost tip of the east coast. There are 42 bridges on the famous overseas highway that carries thousands of delighted visitors each year through this fabulous spectacle of ocean and sky. They are truly "Bridges to the Sun," which is the theme of this special Keynoter edition.

At one time the Keys were among the most inaccessible parts of the United States, but that was before the bridges and highway were built. Now the Keys boast a variety of parks, wildlife refuges, and recreation areas that provide many delightful moments for the thousands of visitors who come each year to marvel and enjoy.

One of the most unusual and fascinating parks in the world is found in the Keys—the John Pennekamp Coral Reef State Park, the only undersea park in the continental United States. Here, glass-bottomed boats carry visitors over a spectacular panorama of multicolor coral reefs and the hulls of sunken ships which went down in rough seas centuries ago. Covering 75 miles lying in the Atlantic Ocean off Key Largo, this incredibly beautiful reef is a combination of State lands and Federal holdings that were preserved because they contain the only living reef formation along the North American coast. Forty of the 52 species of coral found in the Atlantic reef system are located in park waters, and these colorful submarine growths provide spawning grounds for millions of rainbow-colored tropical fish, sharks, barracudas, eels, turtles, and a fantastic variety of sea life. Not surprisingly, some 1,168,670 people have passed through the gates of John Pennekamp Park since it was opened in August 1963, and the annual number of visitors is expected to reach 500,000 in the next 5 years. It is named for a Miami editor active in conservation.

About 500,000 persons already come each year to a less spectacular but just as worthy Keys attraction—the National Key Deer Wildlife Refuge on Big Pine Key. I am proud to have had a part in the establishment of this refuge, whose purpose is to protect the miniature Florida Key deer. This charming species had almost died out by 1947 through overhunting, poaching, and loss of environment to housing developments. Fortunately, visitors can now see Key deer in this protected sanctuary. Two other refuges are the Great White Heron Refuge, which was set up in 1938 on Big Pine Key and overlaps the Key Deer Refuge, and the Key West National

Wildlife Refuge which includes an area 15 miles wide extending 25 miles west of Key West.

Even further west of Key West, and not connected with the other Keys by highway, are the seven Dry Tortugas Islands in the Fort Jefferson National Monument. The islands have long been famous for bird and marine life, as well as for legends of pirates and sunken gold. The century-old Fort Jefferson, largest of the 19th Century American coastal forts and one-time "key to the Gulf of Mexico," is the central feature. It was here in 1865 that Dr. Samuel A. Mudd was interred following his having treated John Wilkes Booth, Abraham Lincoln's assassin.

Another park greatly favored by visitors is the Bahia State Park, Florida's southernmost park. It is located on Bahia Honda Key where coconut palms frame white, sandy beaches lapped by both the Gulf of Mexico and the Atlantic Ocean. Skin and scuba diving, deep sea and shore fishing, boating, camping, and just lazing in the sun are among the prime pastimes. This is one of the most beautiful and popular parks in all of the Keys.

While fishing, swimming, sightseeing, boating, and just plain relaxing are the principal lures which attract so many Americans to the Florida Keys, it should be pointed out that such tourism is by no means the only source of growth and financial input for the Keys. The impressive range of advertisements in the "Keynoter" reflects a solid base of permanent population and business enterprise. At Marathon, for example, the population has grown 140 percent in the last decade.

The upper Keys, too, are coming in for their share of the population and building boom. They are expected to get about half of an estimated \$10,000,000 in new building construction during 1969 in the middle and upper Keys. Work has already started on one multimillion-dollar motel-inn complex in Islamorada where at least two other resort installations have or will undergo \$500,000 or more in expansion. New home construction is also at an all time high.

Currently, the Keys are enjoying one of their finest periods of growth and economic activity. This winter, more visitors than ever before are pouring in; the bustle of commerce and tourism attests to the growing popularity of the Keys as a prime vacation attraction.

The Keynoter editorializes:

Records for most businesses are showing an increase again this year. There are more businesses in the Keys today than ever before, with more being added and the old ones pushed to expand to take care of the influx of visitors.

More and more people are finding that the Keys are nice for more than just a brief respite from the snow and cold back home. Often beginning with a few days or perhaps a couple of weeks, many visitors are working toward a full-time residence.

It's not a "retirement village." New people of all ages are moving in. Young couples with their families. If you don't believe it, just check the bulging sides of schools in the Keys. It's a job to keep expanding the schools to keep ahead of the increase in students.

Keys growth isn't of the boomtown style with accompanying honky-tonk. Growth is steady and solid. Chain stores and motels are

moving in and many others are looking for locations.

So from famous Key West, the largest and most well-known Keys city, to the mainland, the Keys are embarked on a development boom that I believe will surpass even the most optimistic expectations of their current residents. I will be delighted to watch this growth as it occurs, and do all that I can to bring even greater prosperity to the Keys.

On the cover of the special "Keynoter" edition is a color photograph of a glowing Florida Keys sunset and the shadowing piers of Indian Key Bridge, where a lone fisherman enjoys the beauty of the water and sky. Everywhere in the Florida Keys are such fabulous spots of natural beauty, which delight and enchant the beholder. As a Member of Congress, I am fortunate indeed to represent this unique and fascinating area. I congratulate the Florida Keys as they continue their remarkable trend of growth and progress.

FARMERS—UNITE OR PERISH

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. O'KONSKI. Mr. Speaker, 4 years ago I inserted a speech in the CONGRESSIONAL RECORD emphasizing the importance of and need for the collective-bargaining program of the National Farmers Organization. Today the problems confronting the farmer are even more acute, and I believe that the NFO program is still the only answer.

I am therefore updating that speech because I believe it has even more merit today.

NECESSARY STEPS TO BE TAKEN FOR SUCCESSFUL BARGAINING IN AGRICULTURE—NFO IS MAKING PROGRESS

Mr. Speaker, this is a detailed and comprehensive study covering the marketing of agricultural products. Information and data included in this study is based on U.S. Department of Agriculture statistics and reports, studies, and information gathered from colleges and universities, information compiled by an NFO Research Committee, and on an analysis prepared by this committee. The NFO Research Committee was made up of NFO leaders with varied backgrounds and experiences, including men with degrees from some of the Nation's leading colleges and universities.

FARM PROBLEM GETTING WORSE

It has become quite apparent in the last 12 years that general economic conditions in agriculture are worsening.

The Nation's economy has made tremendous growth in the last 20 years. The national gross product has made spectacular gains almost without interruption. Agricultural producers are the only major segment of the economy that have not shared in this continually increasing prosperity of the Nation.

Every farmer, through his own personal experience, is familiar with the fact that the price of the products he has to sell has been steadily decreasing with

the exception of an occasional upturn, while the prices of the products he has to buy in order to continue farming in a modern agriculture have been continually rising. This condition cannot continue to exist without serious repercussions for all farmers.

The percentage of parity received by farmers is at the lowest level since 1939. If farmers lived in an industrial area they would be considered in the poverty class if they did not receive \$3,000 per year moneyed income, or in other words, spendable income. By these standards, 47.1 percent of all the farmers are in the poverty class. The following table points at the percentage of farm families in major agricultural States that were in the poverty class in 1963—this means families with below \$3,000 moneyed income:

	Percent
Colorado	34.4
Illinois	38.9
Iowa	44.8
Indiana	34.1
Kansas	40.1
Kentucky	58.5
Minnesota	48.5
Missouri	53.7
Nebraska	46.1
North Dakota	43.1
Ohio	35.3
Oklahoma	45.1
Michigan	31.5
Pennsylvania	32.6
Tennessee (1.2 percent are colored farmers)	62.0
South Dakota	52.5
Wisconsin	38.4
Wyoming	30.6

National average: 47.1 percent of all the farmers in the poverty class. Forty-six percent of all families in rural America are in the poverty class, this includes the farmers and all small towns of 5,000 and under.

Comparison of per capita farm income with nonfarm income

Per capita nonfarm income.....	\$2,181
Per capita farm income from farming	903
Off farm income.....	473
Total farm income from both sources	1,376

The \$903 per capita farm income from farming is only 41.4 percent of the \$2,181 per capita nonfarm income.

The above documented figures should make any farmer who feels he is a good businessman stop and think. These conditions did not just happen. There had to be a reason or reasons.

How did these conditions come about? Certainly not because farmers do not produce a needed product. Food and fiber produced on the farms of America are the most essential commodities in the Nation. On the producing end, the agricultural industry is the most efficient industry in America. This means something must be wrong in the pricing of agricultural products.

The agricultural industry has changed from the horse and buggy days of 25 to 30 years ago to the modern automated industry it is today. But while this has happened the farm producers have done practically nothing about changing their marketing structure. Other segments of the economy have not only automated, they have also organized.

The industrial segment of the economy puts a price tag on its products. Labor bargains for fair wages. But the farmers go to the marketplace as individuals and ask the buyer, "What will you give me?"

As the economy becomes better and better organized, the groups that have organized get in a stronger and stronger position and the groups that have not organized get in a weaker and weaker position. The farmers have remained in the position of the unorganized.

GOVERNMENT PROGRAMS WILL DWINDLE

Many proposals have been advanced in the past to meet the problems of agriculture. These proposals can really be considered in five categories: Government programs, use of cooperatives, increasing efficiency, reducing the number of farmers, and depending on the law of supply and demand.

The depression of the early thirties brought about a general realization that low prices had been a part of the beginning of the depression. Government farm programs were then initiated and farmers turned to these programs to meet their critical problems. At the same time, labor stepped up its organizational efforts and soon started bargaining successfully. Industrial corporations got larger and stronger and soon were successful in establishing profitable price levels for their commodities before the commodities were even manufactured. While the other segments of the economy started trying to meet as many of their problems as they could through their own efforts, farmers started relying almost entirely on Government farm programs.

This worked rather successfully until the early 1950's. Then the Government programs came under attack both from within and from outside of agriculture. The political power of farmers started diminishing as prices went down and more and more farmers were forced to leave the farm. It was probably a foregone conclusion that as farmers turned to more modern equipment, fewer farmers would be needed—but lower prices accelerated the movement of farmers from the farms.

Today, only a skeleton remains of Government programs. They are in disrepute because of two basic reasons—constant and, many times, unfair attacks and governmental costs which, in most cases, are given unfair publicity. Farmers cannot expect the Government to meet all their problems for them. This is not the function of the Government. Farmers, themselves, must first do all they can to meet their own problems. It is then the responsibility of the Government to assist the farmers in meeting any problems they have been unable to meet themselves. This, the Government has done for all other segments of the economy. The Government gave farmers the tools they need to meet many of their problems when the Capper-Volstead Act was passed in 1922. But farmers have never used their legal rights to any great degree.

Farmers can expect Government farm programs to continue to dwindle away in the near future. This fact is pointed out by reliable and informed publications such as the Kiplinger Letter. Be-

hind-the-scene observers also know this to be a fact. But despite this fact, farmers should support any legislative proposals or administrative policies that will assist farm income because all studies made by leading universities point out that there would be a drastic drop in farm prices without Government programs. But in the meantime, farmers should do everything possible to meet their own problems, because the political strength of farmers has reached an alltime low and they will soon be largely on their own. A congressional district is not considered a farm district unless 20 percent or more of the voters are farmers. By this standard, there were 251 farm districts 40 years ago; 165 farm districts 10 years ago; and today, an alltime low has been reached with only 53 congressional farm districts.

COOPERATIVES NOT ENOUGH

Farmers produce 100 percent of the food produced in America and their real economic power lies in this production. This economic power is worthless unless farmers use it together.

There are basically two kinds of cooperatives. There is the service cooperative and the marketing cooperative. The chief function of the service cooperative has been largely one of keeping prices in line on the products farmers have to buy. This is a worthwhile service but not one that can accomplish much more than it already has, and certainly it can do very little more about closing the income gap for farmers.

The marketing cooperative will vary somewhat by the commodity it represents. Marketing cooperatives have been formed more in the milk industry than in any other part of the agricultural industry. They were originally set up for several purposes, but mainly to develop an additional outlet for the sale of milk. And, of course, some were set up with the hope of bargaining for a fair price. These cooperatives have, however, developed largely into sales groups with practically no bargaining power, and since there are so many of them, they have become competitive with each other—thus dividing farmers' bargaining power. The milk cooperatives remain as a sales outlet for farmers but they have not changed their structure to meet very many pricing problems for farmers. This is proved by the prices dairy farmers receive for their products. No one should ever indicate, however, that the milk cooperatives do not perform important services in handling milk production, because they do. The time and efforts farmers have put into their cooperatives have not all been wasted. The experience farmers have gained can be very useful and the services the cooperatives perform must be used to a great extent.

Today, we do have several grain cooperatives, but they, too, have become largely competitive with each other; thus dividing farmers' bargaining power. Still, they do perform some necessary services.

Cooperatives in the livestock field have generally been small. Some packing plants have been started but with very little success.

In summing up, cooperatives do perform many necessary services, but their individual structures make it impossible for them to effectively compete with organized, volume buyers. No one can argue against the theory of cooperatives, but their fixed structures and lack of volume keep them from meeting modern day agricultural pricing problems.

FARM EFFICIENCY NOT ENOUGH

Farmers are applying new and more efficient methods to their operations and this they should. They must continually be on the alert for new and better, more efficient methods of production. The research done in various institutions and farm suppliers has added to the efficiency of the agricultural industry. To make the best use of new methods, it oftentimes becomes necessary to enlarge the farm operation. This is considered by many to be the solution to the farm problem.

Efficiency alone, however, will not give the farmers equal status with the rest of the economy, unless they also have a favorable margin of profit. Efficiency is necessary and it is an integral part of a successful agriculture picture—but alone, it has not brought a profit level to agriculture enjoyed by the other major business segments in our Nation's prosperous economy. Efficiency can be successful only to a point. For example—if a product is bringing a given price which is below the cost of production plus a reasonable profit, greater efficiency can help; but, after efficiency has been improved to the maximum and still a cost of production plus a reasonable profit price is not received, then something must be done about increasing the price of the product. Agriculture has already proven it is the most efficient industry in America. Still profit returns for the agricultural industry are far below the profit returns of other, less efficient industries.

A solution for the farm problem has been offered in the form of bigger and fewer farms. The object being, to raise the per capita income of farmers by having fewer farmers divide the net income of agriculture. The success of this approach, however, depends upon the disappearance from the scene of large numbers of farmers in order to insure the survival of the remainder.

This approach is based on the assumption that the profit level in agriculture will get so low that smaller farmers cannot live on their profit and will be forced to leave the farm. The fallacy in this reasoning is that a high percentage of the farmers already have outside income. Their farm income is secondary or, in plain words a sideline.

NO CHANCE FOR OUTSIDE INCOME

The larger the farm operation gets, the less chance a farmer has of subsidizing his income with outside work, because if he leaves his operation under the management of hired labor, he will soon be broke. His operation requires his management. When there is no profit left in his operation because of lower and lower prices and he starts losing money, the bigger the farm the more he loses and the quicker he is out of business. His neighbor, who has stayed a smaller oper-

ator subsidizing his farming operation with outside income, will be farming long after the bigger operator is broke. Any business, in order to remain sound financially, must sell its products for a profit. A good businessman will not stay with a business that does not return a profit on the investment, comparable to that of other businesses.

The law of supply and demand is advanced as a solution to farm problems. There was a time in agriculture back when buyers and sellers had almost equal strength, that supply and demand could determine a fair price for farmers, but by its very nature, this is no longer true. For the available supply and available demand to determine a fair and equitable price, no producer can be large enough to significantly affect the total supply and no one firm or source of demand can be large enough to affect the total demand for any given commodity. Of course, we still have this situation on the supply side, but no longer do we have it on the demand side.

EXAMPLE

Largest farmers: First, 5,000 acres—more or less; second, 50,000 cattle; third, and so forth, only fraction of percent of total supply.

Largest processors: First, handle 18 percent of total production; second, handle 12 percent of total production; third, and so forth.

The two are not similar. Must be for supply and demand to determine a fair price.

FREE MARKETS MEAN SURVIVAL OF THE FITTEST

Some say what agriculture needs is a free market; letting supply and demand correct any and all problems. This really means survival of the fittest. The theory behind this is when there is an oversupply the price will go down until it becomes unprofitable to produce the given commodity, and then production will be decreased and the price will come back to a fair level. The business segments of the economy threw the complete use of this theory out the window a long time ago. They manufacture, maybe, a 60-day supply ahead but this supply is kept in inventory either at the manufacturer level or retailer level, and, a fair price level is maintained. In other words, this means that the business interests control the supply and create the demand by letting on to the market only that amount of their production for which they can get their price. This gives business interests stability.

If agriculture is to operate with stability it must follow the same practice. Supply and demand, of course, must be a factor but not a sole price determining one. If agriculture is to use the theory of supply and demand to its advantage then a surplus disposal system must be set up to take care of any surplus that exists or develops. This would be using supply and demand factors to the advantage of the agricultural industry.

The present marketing system has kept the consumer supplied with food after the farmers have produced it. In the early history of our Nation, the buyer and seller met and bartered. Then as the population increased and the country

grew in size, the producers had to start delivering to centralized points. The buyers came to these points. Buyers increased in numbers and competition grew. The prices paid to agricultural producers generally lagged behind the prices paid to the rest of the economy, but still followed general prosperity to a great degree driving prosperous periods.

The present marketing system was developed largely for, and in many cases by, the buyers. Times and economic factors have changed, but the marketing system has not. New forces have appeared. The present marketing system is really only a distribution system. The services rendered are inefficient and costly to the producer.

CHAINSTORES RULE THE ROOST

Today, the chainstores rule the roost. They tell the processors the price they are paying. This means that when a farmer delivers his products, the price he is going to be paid has already been determined, and the buyers only reflect in their bids the price the chainstore is going to pay. This means the present marketing system does practically nothing about price. The producer has wasted his money when there are more delivery points than the farmers really need or any charges are paid for anything other than handling. The farmers, therefore, are the victims of many living off them by charging for services which are only a waste of time, money, and effort. The present marketing system only serves to allow the buyer to pit one farmer against another individual farmer. Small outlets are pitted against each other and the larger volume markets pit one area against another area.

The present marketing system is a buyers' market, with the buyers naming the price to be paid as the farmer delivers his products and says, "What will you give me?" Under the present marketing system, instead of marketing his product the farmer takes his product to the marketplace and pays the penalty.

The only answer to present-day agricultural problems must be a modern marketing system that will bring equity of income to agricultural producers and meet the marketing problems of the agricultural industry.

MARKETING SYSTEM IS THE KEY TO SUCCESS

Let us study the basic requirements for a successful modern-day marketing system. This system must make it possible for producers to establish bargaining power equal to or greater than the strength of the buyers. Until this is done the producers will continue to take the prices offered by the buyer. The producers must get in the position and be ready and willing to cut off their available supply to the buyers in order to back up farmers' bargaining power.

Bargaining between two strong economic forces is a battle between two giants. In a battle of this nature, you can expect strong disagreements to arise and these disagreements will not always be settled without a struggle. The producers cannot make their bargaining power felt and will always be forced to yield, unless they can and do cut off the available supply to the processor. This means the producers must be willing to keep their prod-

ucts on the farm until buyers are willing to bargain in good faith. This fact has been substantiated by some university studies on farmers' bargaining power. For example, the pamphlet from Purdue University, "Group Bargaining Power for Farmers," had this to say:

In order to secure beneficial results at the bargaining table, the group must have some degree of power with which it can force concessions from the opposing side in order to secure a favorable solution to the negotiation.

Buyers are strong and well organized. Some of the larger processors in each commodity have plants or facilities in all major agricultural producing areas. This means producers must have one centralized bargaining organization which bargains industrywide, or the buyers cannot be dealt with successfully. Any division of bargaining power only lets the buyers pit group against group. It is also necessary for one centralized bargaining organization to cover all major commodities. Otherwise, any gains made will soon be lost, because farmers will shift to producing the commodities for which the gains were made. However, if gains are made on all major commodities and these are gains kept in relative balance, then there will be no added incentive for producers to shift from producing one commodity to another commodity.

FARMERS MUST ORGANIZE TO SURVIVE

In order for producers to achieve the desired success in the bargaining field, they must first have an organization. The following statement taken from Special Report No. 10, entitled "Agricultural Bargaining Power: Some Factors To Consider," published by the University of Minnesota, points out this fact:

Apparently if farmers are to achieve greater bargaining power it must come about through group action, since the individual farmer has little or no bargaining power.

Bargaining cannot be carried out successfully unless the organization that represents the producers, has the proper structure. The organization must have stability of membership. This can be accomplished only through the use of membership agreements which are binding on both the organization and the producer. This membership agreement should cover the rights and obligations of the producer as a member, as well as the responsibility of the organization. There must be enough teeth in the membership agreement to make it possible for the organization to be able to make and carry out marketing obligations for its members. The membership agreement should clearly define the bargaining procedures so the rights of the members will always be protected. A program to take care of excess production must be authorized under the membership agreement. This is necessary because farmers must not only be concerned about getting fair prices for their products, they must also be willing and ready to meet all the marketing problems of the agricultural industry in order to be successful.

A careful balance of control must be maintained in the organization because an organization such as this would be very powerful. All major decisions on

marketing conditions and prices bargained for should always be made by the members—not by one individual or a board of directors, and these decisions should require a high percentage approval of the members affected.

There must be enough centralized control in the organization to build effective bargaining power industrywide, with the ability to combat organized and well financed opposition. Democracy must always be maintained within the organization so it will always work for the benefit of farmers.

The organization must be adequately financed. In the initial phases, dues will be necessary, but after the organization is in full operation there should be a percentage checkoff on all sales made in benefit of the members. This is the only fair way to finance the organization because this way, each member will pay his proportionate share based on benefits received.

ORGANIZE OR PERISH

The organization should have one goal and one purpose—meeting the farmers' marketing problems. If the organization is in business, then there is a conflict of interest. The leaders are likely to be more interested in making a profit on the business than in getting fair prices for farmers. This has caused the downfall of past efforts.

The organization must operate in such a manner that there will be close cooperation and understanding between the members and the leaders. The goals, objectives, and methods should be clearly understood by both so there will be the least possible wasted effort. A clear understanding of these points will also make it more difficult for organized opposition to divide the efforts of the organization.

Contracts with processors must be secured if prices are to be stabilized and marketing problems met. Contracts protect gains made and assure continuity of programs. A contract is necessary because this is the only method that can be used to spell out the obligations of both the processors and the bargaining organization.

EFFECTIVE PROGRAMS TO HANDLE EXCESS PRODUCTION MUST BE DEVELOPED

There must be an efficient system for supplying the processor and, in turn, the consumer needs.

The organization must be a dependable source of supply for the processors. This is the reason the membership agreement must have enough teeth so when contracts are signed with processors, the products will be delivered.

A continued educational program should be carried on to keep the consumers informed about the farmers' problems and to keep the farmers informed of the desires and needs of the consumers.

Price incentives should be paid for quality production. The producer who produces a quality product, should be paid accordingly.

The organization should be fair and always ready to listen to the problems of the processors and others. However, its prime responsibility is to meet the needs

of its members and this should never be forgotten.

Success of the organization will largely depend upon the cooperation and support of its members and the members must continually keep increasing the strength of their organization through the signing of new members.

This concludes the part of the study relating to the economic conditions of agriculture, the past proposed solutions, the advantages and disadvantages of the present marketing system, and the basic requirements of a successful modern day marketing system. We have sincerely tried to be unbiased in this frank analysis of what has been happening in agriculture as far as marketing is concerned. The points that we have made on the weaknesses of past efforts were not intended to be derogatory in nature. They were intended to be constructive in nature, so pitfalls of the past can now be avoided. It is our belief that the experiences of the past can be used to meet the challenge that American agriculture faces today. It seems to us that thinking farmers will agree with the basic requirements outlined for a successful modern day marketing system. We must forget the animosities of the past and build together, as producers, for the future.

NFO PROGRAM MEETS FARMERS' NEED

The structure of the NFO collective bargaining program meets all the basic requirements necessary to put a successful modern day marketing system into operation.

The NFO collective bargaining program was developed by farmers and offers all farmers the only opportunity they ever had to solve their pricing and marketing problems in a businesslike manner that will bring stability to their industry. There is a great deal of misunderstanding about the NFO collective bargaining program and the methods the NFO is using in its efforts to secure fair and stable prices for the American farmers. We want to take time to generally discuss the structure of the NFO, the progress it has made, the purpose and use of holding actions, the signing of contracts with processors and the job yet to be done.

The most misunderstood part of the NFO program is the purpose and use of holding actions. Therefore, we will have a thorough discussion on holding actions and on the organization's stand and policy concerning violence. The biggest unanswered question in the minds of many farmers concerning the NFO program is what will be done with surpluses when NFO is successful. Very few nonmembers realize that the NFO has a detailed plan that will prevent surpluses from developing in several commodities and has a structure ready to put into operation that will take care of any surpluses that may exist or develop in the other commodities. All of these points will be thoroughly discussed and a clear explanation will be given.

NFO—FOR FARMERS BY FARMERS

The NFO is made up entirely of farmers and run by farmers. Only producers of farm commodities can be members of the NFO. This means the NFO is truly

a farm organization. The bylaws of the organization prohibit it from going into business. Therefore, it is a service organization. It has only one service to offer farmers and that is the opportunity for farmers to join together to meet the one problem that has never before been met for farmers; a way in which they can start pricing their products at the marketplace using the same principles and methods that everyone else in the economy uses to price their products or services.

Farmers do not have a choice. They are either going to price their products together and meet the marketing problems of their industry, or they are going to continue to go to the marketplace and say, "What will you give me?" and let the buyers determine the prices that are going to be paid.

If farmers choose to sit back and do nothing about their marketing problems, then they can expect to receive lower and lower prices for their products. No one else will solve their problems for them. There may be an occasional upturn in price, but it will be short lived, and the next drop in prices will reach even lower levels. This has been the general price pattern for the last 12 years. Every farmer who has been farming since 1952 knows this to be true.

On the other hand, farmers do have the opportunity to meet their pricing problems through the NFO. NFO members and leaders honestly believe that almost every farmer who will take time to study the NFO collective bargaining program with an open mind, will join and will be an active member because he will realize he has nothing to lose and everything to gain.

The NFO has always stressed that the first and always the most important step farmers must carry out in order to price their products at the marketplace is to organize. Nothing can be substituted for strength at the bargaining table. Many farmers have been fearful of the NFO membership agreement. It is hard to understand why this has happened, because the membership agreement is written in plain, everyday language and is easy to understand. It very clearly points out the obligations of both the NFO and the member. The membership agreement must be used to unite farmers' bargaining strength under the NFO collective bargaining program and give stability to the organization.

The best way to get a clear picture of the meaning of the membership agreement is to pick out the most important points and study them. They are as follows:

When a farmer joins the NFO, he authorizes the NFO to be his bargaining agent for all the commodities marketed from his farm with the exception of those already covered by marketing contracts.

FARMERS MUST BE FREE TO MARKET

He is free to market as he chooses until such time as a contract is consummated with a processor, and the only way a contract can be consummated with a processor is by a two-thirds vote of approval by members attending a meeting for which they have been given a 10-day written

notice sent by first-class mail, giving the date, time, place, and purpose of the meeting. This is the greatest protection a member could have because two-thirds of the members will never vote to bind themselves to market under the NFO until they know the terms of the contract with a processor including price, delivery points, and all the marketing requirements expected of them.

The membership agreement is a legal and binding document. The member signs the membership agreement for a period of 3 years and agrees to pay \$25 per year for dues and fees. If, during this period of time, a contract is consummated with a processor and a member sells under this contract, then 1 percent of his gross sales will replace his membership dues and fees. This will be the cheapest marketing cost a farmer has ever paid and he will be getting a fair price for his products. The NFO is not saying "Pay 1 percent and we will get you a price." It is saying "We will get you a fair price and then you will have to pay 1 percent to keep the program operating in the future."

A member may terminate his membership in the NFO at the end of his 3-year period. In order to do so, he must give written notice of his desire to do so not more than 20 days nor less than 10 days prior to his expiration date. If no notice is given, then his membership will automatically be renewed for another 3-year period. This is the same type of termination clause that is carried in many marketing arrangements.

No contract or agreement can be effective unless it contains a penalty clause. Therefore, the membership agreement specifies that when a contract has been consummated with a processor covering a member's commodity and the member sells his commodity to a processor other than the one specified by the contract, the member shall be assessed 10 percent of the gross sale of the commodity for liquidated damages. This clause was put in the membership agreement largely to give assurance to processors that they will receive the supply they have contracted for when their contracts with the NFO are in effect. It is not expected that the penalty clause will ever have to be used against NFO members because, certainly, they will never give their two-thirds vote approval to put contracts with processors into effect until they know they are going to receive many advantages. Therefore, they should have no desire to market elsewhere.

Provisions are contained in the membership agreement for a surplus disposal program that can meet the problems of any surpluses that may exist or develop.

NFO BARGAINING ESSENTIAL

The other provisions of the membership agreement clearly establish the obligation of the NFO in bargaining—how it is to be done while keeping all the major pricing and marketing decisions in the hands of the members. The responsibilities of both the NFO and the member are clearly defined. The farmer joining the NFO does not sign a membership agreement that can be easily changed, because no changes can be made without the two-thirds vote ap-

proval method by the members, as has been outlined for ratification of contracts with processors. Certainly, the NFO membership agreement is democracy at its best. It makes it possible for NFO members to keep control of the organization and still bring their production together in an effective manner for the purpose of bargaining. The most any member could lose would be \$25 a year because he is completely protected through the two-thirds vote approval requirement. Twenty-five dollars a year is a small investment, indeed, to protect the large investment a farmer has in his business. A farmer joining the NFO has nothing to lose and everything to gain.

A member is bound to the organization by the membership agreement. The bylaws in the NFO cover the administrative end of the NFO. The rights and obligations of the members are spelled out in the membership agreement and cannot be changed through the bylaws. The only mention of the bylaws in the membership agreement has to do with the processing of complaints and payment of dues and fees. The bylaws of the organization set a system of checks and counterchecks to keep proper administrative balance in the organization.

The officers are responsible for picking the best qualified personnel they can find to carry out the functions of the organization. It is their obligation to see that the efforts are coordinated and that the organization keeps moving forward as fast as possible toward complete victory which is so vital to the future of agriculture. They must keep informed and carefully analyze every situation so mistakes and pitfalls can be avoided. It is their duty to keep the membership informed, as much as possible, on the activities and progress of the organization. They must give the best advice they can to the members on steps to be taken and strategy to be used in bargaining. Cooperation between members and officers at all levels of the organization is of vital importance to the success of the NFO.

A farmer should not join the NFO with the same attitude that he has had many times when he joined other organizations. In other organizations, perhaps he just joined and paid his dues to have somebody else do something for him. NFO cannot be successful that way. Every NFO member should look upon the NFO as the only tool he has to meet the most pressing problem he has in his business—taking unfair prices for his products.

POWER LIES IN NUMBERS

This means members must work to get new members. This is what will bring success. Members should attend their county meetings and accept responsibility. When they are called upon to do a specific job, they should do it to the best of their ability. The NFO is only as strong as the members make it. Members must realize that in an economic battle like the NFO is waging, gains are not given away freely or easily—they must be earned. We will not win every time something is tried, but we must profit by every mistake and take advantage of every opportunity. A quitter never wins and a winner never quits, so the phi-

osophy of all NFO members must be "We will not quit until complete victory is secured."

The next part of the NFO collective bargaining program to consider is the four basic steps that must be taken in order for farmers to price their products at the marketplace.

First. Organizing is the key to success. This is always the most important thing to do. When a farmer joins the NFO he adds his production to the strength already built. Production is what really counts at the bargaining table.

Second. A sufficient amount of the total production of any given commodity must be brought together so buyers can not fulfill their needs from other sources.

Third. Farmers must make their bargaining power felt, and the only really effective way to do this is through the use of a holding action.

Fourth. The ultimate goal must be contracts signed and activated with processors, which will mean fair prices for farmers and make it possible for them to set up a structure whereby they can put a successful modern day marketing system into operation that will meet the marketing problems of the agricultural industry and take care of any surpluses that exist or develop.

The necessity of organizing speaks for itself. Certainly, any thinking farmer knows he cannot do anything by himself. A large number of marketing groups or marketing agencies only divide the bargaining power of farmers. Even two groups would do that. Processors must have agricultural production to stay in business. Their processing plants are only worth junk price unless they have agricultural production to process. Therefore, all farmers have to do is to bring enough of the total production together for the purpose of bargaining together and selling together, and they can price their products together.

The size of processors varies greatly, but in each commodity there are always a few, very large processors. These processors have plants or facilities in many areas. Therefore, in order to have the maximum effect on these processors, your organization must cover all the productive agricultural areas.

PROBLEMS MANY—POWERS OBSTACLES

One marketing practice not generally known is that processors and handlers in all commodities assist each other when any of them are short of supply. Two methods are used to do this.

First. Some of the production to be delivered is directed to a processor who is short of supply. In meat, this may be done from buying stations or from a plant's supply. In milk, this is done with one plant buying from another plant. In grain, it is done from elevator to elevator and by interception of grain in transit.

Second. Direct sales made from one processor or handler to another.

These facts prove first, the necessity of affecting the total supply and second, the necessity of bargaining industrywide in order to really have an effect on the processors.

Every farmer in the United States could belong to one organization but if that organization did not make it pos-

sible for the farmers to make their bargaining power felt, then the buyers would still name the price and instead of that organization being a bargaining group, it would only be another marketing agency. The real test of an organization is whether it goes to the buyers and asks them what they will give or whether a price tag is put on the products. If any group or organization uses the first approach, then that is a group or organization that is doing collective begging not collective bargaining.

FARMERS MUST SAY I WANT SO MUCH

The NFO is proud to be in the latter group: Everyone else in the economy except agriculture puts a price tag on their products or services. Farmers, too, must put a price tag on their products. If the processors will not pay the fair price the farmers have determined they must have in order to sell their production, then if an organization is really a bargaining group it must make its members' bargaining power felt. The only really effective way to make farmers' bargaining power felt is to use a holding action. This is the same principle that everyone else in the economy uses today—except the farmers. Industry puts their price tag on the products they manufacture and you either pay their price or you do without the product. That, in reality, is a holding action and it takes place every day. Labor strikes when they cannot get a fair wage.

The purpose of a holding action is to temporarily reduce the available supply so processors cannot fulfill their needs from other sources and must sign contracts that will make it possible for farmers to price their products at the marketplace and set up a marketing structure that will take care of any surpluses that exist or develop. Those who oppose the NFO efforts, of course, try to convince farmers they should not hold. One of the points they talk about is tonnage buildup during a holding action. Let us look at some interesting figures on this matter.

RESULTS OF HOLDING ACTION

Amount of tonnage gained in a 30-day holding action if 100 percent of cattle and calves were held off the market: Average number of cattle marketed per day, 365 days per year in the United States, in 1963, 74,608; 74,608 head of cattle gaining 2.5 pounds per day would gain in 1 day, 186,520 pounds; 74,608 head of cattle gaining 2.5 pounds for 30 days would gain 5,595,600 pounds; 74,608 head of cattle gaining 2.5 pounds for 29 days would gain 5,409,080 pounds; 74,608 head of cattle gaining 2.5 pounds for 28 days would gain 5,222,560 pounds; and so on: All cattle held off the market are not gaining for a full 30-day period. One day's kill will only be gaining extra weight for 1 day. Total amount of live weight gained in a 30-day holding action if all cattle and calves were held, 86,723,301 pounds. Total amount of live weight marketed per day on the average during a normal period of marketing on a 365-day average, 76,413,700 pounds.

The total amount of extra tonnage gained in a 30-day holding action if all cattle and calves were held off the market and would make a daily gain of 2.5 pounds each, just a little more than 1

day's kill would be built up. On the total year's supply, this would be an increase in tonnage of less than one-third of 1 percent. The total tonnage build of pork if 100 percent of the pork was held off the market in a 30-day holding action, would be less than 1 percent increase on the total year's supply.

The average weight cattle slaughtered in 1962, was 1,005 pounds. This was 12 pounds lighter than in 1961, and 19 pounds lighter than in 1963. NFO had a holding action in 1962, proving that the processors were forced to slaughter lighter weight cattle during the holding action to get their supply, thereby bringing the yearly average weight down. The average dressed weight in 1962 was 574 pounds per carcass. Ten pounds lighter than in 1961 and 16 pounds lighter than in 1963. The yearly average price paid for cattle in 1962 was \$22.95 per hundred compared to \$21.41 in 1961 and \$21.10 in 1963. The high for the year in 1962 was in the month of September when the market reached \$24. This was the month NFO had the holding action. The high for the year 1961 was January when it reached \$22.49, and the high in 1963 was also in the month of January for a price of \$23.11 which was still showing the effects of the holding action, because in February it dropped to \$21.73 and in March to \$20.75.

Let us say that in a 30-day holding action we were holding 50 percent of the normal supply off the market. This means that 37,304 head would be going to market every day on the average. Let us say that the last 15 days of the holding action the processors were forced to get half of this 50 percent supply in a weight bracket of 70 pounds. This would cut the tonnage being processed by 90,648,720 pounds which means that in a holding action you cut the total tonnage, not add to it.

REASON MUST PREVAIL

The above figures need to be understood by farmers because it does take at least 2 weeks to really get into the core of a meat-holding action. The reason for this is that the buyers always have some captive cattle they can get their hands on and there are marketing interests that can influence and/or force the sale of a certain number of cattle, hogs, and sheep. There is other organized opposition that can influence some farmers to ship their livestock. All of this livestock will be sold anyway, so the quicker it goes to market the better off the NFO is in a holding action because then the production that has not been sold is in stronger hands. Those who are opposing the NFO effort with the supply they control or are able to influence, must continually keep trying to convince more and more farmers to sell if they are to break the holding action. The only way they can do this is by making them think that the holding action is having no effect and that it is useless to hold.

Farmers should always remember that in a holding action, there is no middle ground. They are either going to support the buyers and marketing interests, or they are going to join the NFO and support the effort. If they sell, they are supporting the very people who have helped keep farm prices down.

A short holding action can accomplish very little, if anything. At the best, it can only be of a little nuisance variety. It takes several days before a holding action can really affect the buyers because of their captive sources of supply.

If you will notice, the opposition always attacks holding actions. They never mention any other part of the NFO program. The reason for this is that they know they must convince farmers a holding action will not work, because they realize that if farmers keep their production on the farm in sufficient quantities, the battle is over and the NFO has won. After all, what else is there to eat besides food? The processors must have agricultural production for their plants. If they cannot get enough production from other sources and NFO is the only source they can get it from, then they will be forced to sign contracts with the NFO for the production they must have. And these contracts will return farmers fair prices and make it possible for them to meet their marketing problems.

Demonstrations are often held in a holding action. Many are started by individuals. There are a few points to remember about demonstrations. First, they must always be peaceful. Demonstrations are important, but must be used for two purposes—first, to show the strength of the organization; and, second, to prove to the buyers that farmers are united and have organized to sell together and that they are going to price their products at the marketplace.

A holding action is a voluntary action. All the NFO does is advise its members to hold for the prices they have determined they must have. NFO members are asked to contact nonmembers for the purpose of explaining the NFO collective bargaining program and asking nonmembers to join the NFO and support the efforts.

This economic battle will never be won on the highways of the Nation or on someone else's business property. It must be won through reasoning and persuasion in the barnyard. Anytime the production leaves the farm, it is too late as far as that production is concerned.

NFO DOES NOT ADVOCATE VIOLENCE

The NFO policy concerning violence is very clear and emphatic. The NFO does not advocate or condone violence. In a holding action, you have a situation where opponents of NFO will do everything possible to blacken the name of the organization. There are many times when an inflammatory situation develops because a farmer has decided to hold and has promised his neighbor that he will hold, and then he lets a buyer or a market representative convince him that he should sell and he sells. The one that really causes trouble like this to develop is the buyer or the market representative who convinced the farmer to sell, but, of course, he has already headed back to town or perhaps he just called the farmer from a telephone many miles away. These situations call for cool heads and good reasoning.

Many times false promises are made or false information is given to get the farmer to sell. When this is done, it is very obvious that the buyer or market

representative is only trying to keep farmers at his mercy so he can continue to make his profits off of the farmers or keep collecting his commissions. It is time farmers wake up. Just where have these buyers and market representatives been and what have they been doing while farmers' prices have continued to go down? Have they not been making their profits and collecting their regular commissions? Farmers had better realize that their only real friends are other farmers with the same problems and that it is time they supported each other. Farmers must start running their own business instead of letting someone else run it for them.

As the NFO has continued to make great progress, it has become obvious to the processors, even the largest, that the NFO is representing many times the volume of production that any other source of supply represents. This turns their attention to the NFO. They are also realizing more and more, that unless they get in on the ground floor their competitors can get a source of supply they can never get.

SOME SUCCESS NOTED

Because of these reasons, the NFO has been successful in setting up some marketing arrangements with some of the Nation's largest meat processors. These marketing arrangements are of great importance to the NFO, to the processors, and to the farmers in general. As far as the NFO is concerned, they are important because:

First. It is recognition by the processors.

Second. This is setting up the initial phase of the NFO structure for a successful, modern-day marketing system which will go into operation when the master contracts are activated.

Third. It gives the NFO an opportunity to prove that it can do what it says it can do. This means getting a flow of livestock to the participating processors in an orderly manner and in the quantity they need.

Fourth. It starts members actively cooperating in marketing and gains experience in the marketing field for the NFO.

Fifth. It helps build NFO's bargaining power and puts pressure on nonparticipating processors. If a nonparticipating processor has been getting a high percentage of his supply in one area and much of that supply starts going to a participating processor, then the nonparticipating processor must go farther to get his supply. As his procurement costs rise, he will soon see the advantages of becoming a participating processor.

In the meantime, the job of the NFO is to get more and more nonmembers to join the NFO so we have enough production to fill the processors' needs, as more and more of them look to the NFO for their supply. This is a race of time for the NFO. We are getting close to setting off a chain reaction where processors will be changing their procurement methods if NFO members really cooperate in marketing together because we now have enough of the total production signed to do this. The race of time means we must sign every nonmember we can now, so we can keep ahead of this chain reaction.

This can only be done if NFO leaders and members keep working and signing new members.

These marketing arrangements are of great importance to processors because: First, today we have a very inefficient marketing system. Many times, processors get their supply a long ways away from their plants. They do this because of past business practices. This costs the farmers because, in the end, it is taken off of the general price level. Under the NFO marketing arrangements, the supply will come from close by into the plants. This will cut transportation costs, cut down on bruises, and reduce procurement costs.

Second. This will develop into a dependable and even flow source of supply.

OTHERS NOW DETERMINE PRICES FOR FARMERS

Today, farmers are paying many marketing costs that do not help them at all pricewise. Livestock prices, today, are almost entirely determined by the chain stores. They let the prices be known, in many instances 2 to 4 days ahead of purchases. Therefore, the price the farmers receive for their products only reflects the price the chain stores are paying, which is usually a rather uniform price. The processors receive information each day on the general price being paid for fresh meat cuts. They get this information by teletype and it is put out by the packers' organization. This is called the yellow sheet. Let us use an example—suppose \$30 a hundred is being paid for a given carcass. This is a price based on a central point. The buyers then figure the transportation difference and their prices are established. Any costs paid by farmers other than absolute necessary handling costs are wasted. Marketing arrangements will save market costs. There, of course, will be specified delivery points. Existing facilities will be used when possible, but the number of facilities used will be greatly reduced from the present number used today.

On cattle, the NFO members will usually be able to sell on a grade and yield basis, if they desire. Present marketing interests have fought this. However, when farmers can be certain an accurate grade and yield is being given them, they will benefit by selling on this basis. Here is why: A buyer must buy under what an animal will grade out much of the time, because he will soon lose his job if he buys very much livestock that does not dress out. Packers keep a record on each lot purchased. The NFO has made arrangements at several plants where a member can see his own cattle on the hook. This can make the member a little additional money. Farmers, in general, are already benefiting from marketing arrangements in some areas without realizing it. As the marketing arrangements start working, existing groups start cutting marketing charges and raise prices. Watch for this and let people know why it is happening. Do not sell marketing arrangements on the basis of getting a price advantage because it is not legal for buyers to pay a price advantage. Savings in marketing costs can, however, result in a better price for members at times. Present marketing groups will

fight hard and raise prices abnormally in trying to break the NFO effort. Do not let this confuse you. Marketing arrangements must never be considered our goal. They must be used to pave the way for contracts that will get fair prices for farmers, and they are very important for this purpose.

NFO is working along the same line in grain. Plans are underway to move some dairy products under more favorable conditions. All these efforts are making other groups more active. Cooperatives which, in the past, have fought each other, have now merged. The more pressure NFO builds, the faster we will have complete victory.

MUST BUILD TO SUCCEED

All efforts take the full cooperation of members. They must realize that they will make a little sometimes and then, they may lose a little. But we must always keep our ultimate goal in sight. All of the steps NFO is taking are necessary to lead to our ultimate goal—contracts with processors that make it possible for farmers to price their products and set up a marketing structure that meets the problems of the agricultural industry, including taking care of any surpluses that exist or develop.

Contracts with processors is the only way to maintain the gains made. A master contract is necessary because bargaining must be done industrywide. One processor can no more pay a fair price for agricultural products than one farmer can establish bargaining power for agriculture by himself. Farmers must establish enough bargaining power to be the controlling factor in the industry and on all major commodities. This also means that minor commodities can either help lead the battle or follow the major commodities.

The NFO has already signed many processors of dairy, grain, and meat to master contracts. These contracts stipulate the price based on quality products, that NFO members have decided they must have; incentives to be used where possible to reduce the supply; take seasonal variations in cost of production into consideration; meet processors' supply needs have a services-rendered clause making it possible for NFO members to receive an advantage over non-members because of services rendered, and sets up a surplus disposal fund and a promotional fund.

MASTER CONTRACTS ESSENTIAL

In order for NFO members to start pricing their products under the master contracts, enough processors must have signed the contract to have reached the 60-percent activation figure of NFO members must be in a position to market 60 percent of the designated production, which means that enough of the industry and producers have been signed up to be the controlling factor in the market. With processors signing master contracts with the NFO, it means that NFO is well into the last phase of its collective-bargaining program. All it takes to activate the contracts is for enough more farmers to join the NFO and add their production to the present strength already built by NFO members, and the economic battle for farmers has

been won. The only thing holding up final success is farmers, themselves, because the NFO collective-bargaining program is sound and the NFO is well on the way to complete victory. Complete victory is assured because of the strength of the NFO. How soon this comes about depends on the efforts NFO members exert and on farmers themselves.

When farmers price their products at fair levels they must also meet the marketing problems of their industry in order to maintain their gains. All major commodities must be brought up in relative balance. This is a vital part of the NFO collective-bargaining program. If this is not done, just as soon as victory is won in one commodity many of the farmers producing other commodities would start producing that commodity, and the gains made would soon be destroyed. However, if all commodities are brought up in relative balance, then there is no more incentive to shift production of one commodity to another commodity than there is today. Therefore, the production of the entire agricultural plant must increase before any increased surplus production problem will develop. This could not come about overnight, and besides the population is rapidly increasing.

NFO HAS SURPLUS SOLUTION

Very few people, except NFO members, realize that the NFO collective-bargaining program covers the taking care of any surplus that may exist or develop. Let us look at the basic principles of the NFO program that covers any surplus production. First, in the past, the problems on surplus production have usually developed before anything was done about the surplus. The problem is much easier taken care of before it develops. The NFO cannot set quotas on individual producers—only the Government can legally do this. So then, how will NFO do it? Production can be in balance with consumption: First, before it is produced; second, after production has started; or third, after it is completed. In order for NFO to use step 1, it will take a vast educational program and great producer support. The reduction of production on livestock, after it is started, can be accomplished through contracts with processors using incentives to sell hogs, cattle, and sheep at lighter weights. Example: Butcher hogs are normally marketed at a 230-pound average. Before tonnage got too heavy the spread between lighter and heavy weight hogs could be increased until it became unprofitable to sell at heavier weights. Incentives could be used to get bred beef heifers sold which would break the cattle cycle. Incentives could be paid on choice veal dairy heifer calves to reduce future milk production. These would not be expensive programs when done industrywide.

On grain, a 12-month supply becomes available for market in a 30- to 60-day period of time at harvesttime. This means the grain must be stored and storage charges must be added to the price. Any production left over at the end of each year must be disposed of because the building up of supply with storage costs rising would wreck the en-

tire effort. The problem of one commodity cannot be considered just a problem of that commodity because if this is done, it will soon affect other commodities. A surplus disposal fund will be set up when the contracts are activated. The 2 percent to go into this surplus disposal fund will be more than taken care of as far as net to the NFO member is concerned from money received from the processors for services rendered. This will be largely derived from savings over the present marketing system and from improvements in procurement for processors, as well as many other improvements for processors. A large portion of the surplus disposal fund will be used to buy burdensome supplies from normal market channels. Poorer quality products will be bought in order to cheapen the total cost. This would be comparable to the inventory always kept by industry. The products bought could be sold back into market channels as needed. Other methods of disposal could be diverting the products bought to worthwhile welfare work—a humanitarian service by agriculture. These products could also be used for the development of new foreign markets overseas by reducing prices. This cannot be done under present methods of marketing. Remember, when discussing agricultural surpluses, there has seldom been more than a 2- or 3-percent surplus produced in any given year.

MILK PROBLEM CAN BE SOLVED

In milk bargaining, it must always be remembered that approximately 50 percent of the milk production goes into bottled milk and 50 percent is manufactured. A fairly high percentage of the milk bottled is sold by producers under marketing agreements. These cannot be disturbed while in effect. This means we must organize all producers we can who are selling milk going for manufacturing purposes and sign all manufacturing plants possible. We must also sign all other milk producers to the NFO membership agreement; thus bringing their production, other than milk, under the NFO. As these producers see NFO working, they will, undoubtedly, urge their existing groups to form legal structures to sell together and this will, in the end, bring about the setting up of a legal structure with the NFO that will unite farmers' bargaining power. This will mean using existing groups, experience and facilities to assist all commodities in meeting the needs of agriculture. These steps are to be taken when master contracts are activated. If additional problems arise concerning surpluses the NFO has the structure through which those problems can be met. The NFO is setting up a vast overseas sales network. Contacts have already been set up in 52 foreign countries.

NFO GROWTH PHENOMENAL

The NFO's growth has far surpassed any previous efforts in agriculture. This has come about because thinking farmers know the NFO's collective-bargaining program is sound. The bargaining of NFO is many times greater than that which previously has been achieved in agriculture. This is the reason NFO is making great strides in bargaining with

processors. Processors will learn that the NFO collective-bargaining program will also solve many of their problems and establish stability in the entire industry.

The challenge to agriculture is clear. Are farmers ready to stop their punishment at the marketplace or do they want more? They can stop it. The NFO collective-bargaining programs is the answer. The formula is simple:

First. Organize into the NFO for the purpose of bargaining together, selling together, and pricing agriculture production together.

Second. Use holding actions when necessary to get sufficient contracts signed by processors.

The challenge to NFO is to give leadership to farmers to finish up the job. No one else can or will do it. Other feeble efforts will be made as NFO gets closer to its goal but NFO has the only program that can do the entire job. The strength of the NFO is now so great that a continuous battle will be waged until complete victory is achieved. This means holding actions will come at frequent intervals with periods in between being used to set up marketing arrangements and to carry on negotiations with processors.

The most important job at hand as always is to organize. This means every NFO member working to sign up nonmembers. Production brought together under the NFO membership agreement is what it takes to win. The NFO is calling on all nonmembers to join the NFO now so we can all start pricing our products at the marketplace like business men and women.

Since the first edition was printed, the NFO has made tremendous progress. The NFO is now working in 48 States.

The NFO through the use of its bargaining techniques, has been able to secure contracts with large processors on most commodities. These contracts are only the beginning. They are supply contracts with pricing formulas that include local prices, regional prices, and national prices in the determination of the prices NFO members receive.

The NFO is exerting an upward price pressure on almost all farm commodities. They are doing this through the use of contracts and by taking production out of low-price areas into higher price areas.

The NFO through experience, has learned that it is absolutely necessary to be able to bargain nationwide and industrywide. The NFO through experience, has made many changes. The upward price effect exerted by NFO on almost all commodities which means higher prices to farmers is being achieved because the buyers and processors that are not receiving products from NFO members are always trying to beat the price NFO members receive. NFO offers farmers their only hope to raise their prices.

The NFO is calling on all farmers and producers of agricultural commodities to join the NFO for the purpose of collective bargaining. The NFO is not asking farmers to desert their present farm organization, but only to join the NFO for the purpose of collective bargaining.

Collective bargaining in agriculture means farmers bargaining together and

selling together. So farmers and agricultural producers should join the NFO and block their production together and not even consider selling their production as individuals, but rather sell their production only through NFO collective bargaining programs after the production has been bargained for.

The NFO efforts mean more money in the farmers' pockets every day. The NFO has the structure, the experience, and the size to achieve these goals of fair prices for farmers. All it needs is the farmers' support.

NEGATIVE INCOME TAX LEGISLATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. CONYERS. Mr. Speaker, I am very happy to announce that my distinguished colleague, the gentleman from Ohio (Mr. WHALEN), has joined me in working toward introduction of a meaningful negative income tax statute which we plan to introduce in the near future.

Several months ago, I began serious consideration of such legislation as an alternative to the dilemma presented by present forms of public assistance in our changing society. The proposals contained in Tobin, Pechman, and Mieszkowski, "Is A Negative Income Tax Practical?"—Yale Law Journal, volume 77, No. 1, 1967—attracted my attention as a possible and workable basis for such legislation. I contacted Professor Tobin at the Yale University Department of Economics and asked if his proposals could be prepared in bill forms for possible introduction. He was kind enough to fill this request by getting some of the Yale Law School students to draft this legislation. After receiving the final Yale draft, the House of Representatives

Legislative Counsel's Office made certain technical revisions required by the legislative process.

Congressman WHALEN and I have decided to place this draft in the RECORD for the perusal of our colleagues and other interested parties. We invite the comments, criticisms, and suggested changes of all our colleagues so that when the bill is introduced, we can offer the strongest possible bill to this body for its consideration.

I will not attempt in these brief remarks to explain this draft in detail, as I am preparing an explanatory statement which will be sent to each of my colleagues along with a letter requesting cosponsors at the appropriate time. I would simply say that the basic thrust of the legislation is to effectively eliminate some forms of public assistance which have proven difficult to administer and often degrading to the recipients. Our basic goal is to assure everyone a minimum standard of living and at the same time integrate the poor into the mainstream of our society. The bill assures every family of four at least the Social Security Administration's poverty index income—\$3,200 per year. It provides a sliding scale of benefits which continue to aid families and eligible individuals until they reach a higher income, thus giving an incentive to break the poverty cycle which present forms of assistance do not provide. A family of four, would for example, reach a before-tax income of \$7,916 per year before it would cease to receive any benefits from the negative income tax. At this point, the family would be on a firm financial base which place it in the positive income tax category.

I would like to insert at this point a table showing the effects of the proposed negative income tax for a family of four at various income levels. This chart was prepared by the Yale students for their Law Journal, volume 78, No. 2, 1968, page 269, in connection with an article explaining their model negative income tax statute:

EFFECTS OF PROPOSED NIT FOR FAMILY OF 4

Before tax family income	Positive tax liability (05b) (a-2b)	Negative liability tax (c)	Total tax liability (b+c) (d)	Basic income supplement (e)	Net Government transfer (e-d) (f)	Net NIT transfer (e-c) (g)	After tax family income (a+f) (h)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
0	0	0	0	\$3,200	\$3,200	\$3,200	\$3,200
\$1,000	0	\$500	\$500	3,200	2,700	2,700	3,700
\$3,000	\$4	1,496	1,500	3,200	1,700	1,704	4,700
\$6,000	450	2,550	3,000	3,200	200	650	6,200
\$6,400	511	2,689	3,200	3,200	0	511	6,400
\$7,000	603	2,897	3,500	3,200	-300	303	6,700
\$7,916	758	3,200	3,958	3,200	-758	0	7,158

I would like to express my deep appreciation to Professor Tobin and his colleague, Peter Mieszkowski, for agreeing to share their proposal with the gentleman from Ohio (Mr. WHALEN) and myself. We also are grateful to James G. Speth, Jr., Richard Cotton, Joseph C. Bell, and Howard Mindus and their professors, Edward Sparer and Boris I. Bittker, of the Yale Law School, for laying the foundations for the draft which will appear at the conclusion of these re-

marks. And, as always, we thank the Legislative Counsel's Office for providing us with the assistance of Robert Nordhaus, who provided the finishing touches. I would like to personally thank my colleague from Ohio, who graciously offered his cosponsorship and assistance in making this a bipartisan effort to improve the quality of life for millions of Americans. We both look forward to the comments of our colleagues on the draft which follows:

H.R. —

A bill to establish a national program to provide income supplements to every family in need thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Income Supplement Act of 1969".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress declares that the general welfare and security of the nation and the health and happiness of its people require that every family has the right to an adequate income. In a rich and free society, no one need live in poverty, without hope or without opportunity to share the nation's wealth. The Congress finds that present welfare programs cannot assure all Americans freedom from want and that legislation is needed which guarantees to everyone a decent standard of living while preserving individual liberties.

(b) OBJECTIVES AND POLICY.—The objectives and policies of this Act shall be to entitle all families to an income supplement as a matter of right, to recognize and protect the personal dignity and legal rights—including the right to privacy—of supplement recipients, to leave recipients free to dispose of supplement benefits as they deem proper, and to encourage the productive employment of recipients by allowing them to retain a substantial portion of earned and other income.

ELECTION OF INCOME SUPPLEMENT

SEC. 3. (a) RIGHT TO INCOME SUPPLEMENT.—Every family unit may elect, as a matter of right, to receive an income supplement in an amount determined under section 4(a) of this Act.

(b) TIME AND MANNER OF ELECTION.—A family unit shall make an election under subsection (a) —

(1) by filing a final return at the end of the supplement period as provided in section 8(a) of this Act, or

(2) by filing a request for semimonthly payments at any time during the family unit's supplement period, or during the two months preceding such period, as provided in section 8(d) of this Act.

(c) Effective Period of Election.—An election under subsection (a) shall be effective for one supplement period (determined under section 7 of this Act) and cannot be revoked.

FAMILY UNIT INCOME SUPPLEMENT

SEC. 4. (a) GENERAL RULE.—Each electing family unit shall receive for each supplement period an income supplement in an amount equal to—

(1) the family unit's adjusted supplement (determined under subsection (b)), less

(2) the special tax imposed by section 6.

(b) ADJUSTED SUPPLEMENT.—A family unit's adjusted supplement for the supplement period is the sum of—

(1) the family unit's base supplement (determined under subsection (c)) multiplied by the low income consumer price index for such family unit (determined under subsection (d)), plus

(2) any State supplement provided to such family unit under section 5.

(c) BASE SUPPLEMENT.—

(1) (A) The base supplement of a family unit for a supplement period of 12 months is—

- (i) \$1,200 for the first claimant,
- (ii) \$800 for the second claimant, and
- (iii) \$600 for each dependent (except as provided in subparagraph (B)).

(B) In the case of a person who is a dependent of a family unit for only a part of its supplement period, the amount added to the family unit's base supplement on account of such person under subparagraph (A) (ii)

shall be an amount which bears the same ratio to \$600 as the part of the family unit's supplement period during which he was a member bears to the family unit's full supplement period.

(2) The base supplement of a family unit for a supplement period of less than 12 months is an amount which bears the same ratio to the base supplement to which such family unit would be entitled under paragraph (1) for a 12 month supplement period as the family unit's supplement period bears to 12 months.

(d) LOW INCOME CONSUMER PRICE INDEX.—

(1) The low income consumer price index for a family unit is the price index determined under paragraph (3) for the twelve-month period ending on September 30 of the calendar year preceding the calendar year in which the supplement period begins, and for the area in which the family unit resides. If the family unit resided in more than one such area during its supplement period, the income supplement shall be the weighted average of the amounts determined for each area in which the family established residence. The weights to be used for this determination shall be the fractions of the supplement period during which the family unit resided in each area.

(2) (A) For the purposes of paragraph (1), a family unit shall be deemed to have established residence in an area if for fifteen or more days consecutively, the claimant or claimants regularly occupy a dwelling unit within such area. Where the claimants in a two-claimant family unit occupy separate dwelling units for any period of time, the area in which the family unit resides shall be determined under regulations.

(B) For such period of time as a family unit does not qualify as residing in any area, its income supplements shall be calculated as if this subsection did not apply.

(3) The Bureau of Labor Statistics of the Department of Labor shall establish and maintain a low-income consumer price index based on the retail prices to low-income families of consumer goods and services commonly required by such families, including but not limited to charges for housing, clothing, food, transportation, and retail credit. The index shall be so calculated that the national average of low-income consumer prices for the twelve-month period ending on September 30 of the first calendar year during which income supplements are paid under this Act will have an index value of 1.00. The index shall be determined annually for the twelve-month period ending on September 30 of each year and shall contain three separate index values for urbanized, urban, and rural areas in each State and territory, as determined by the most recent national census.

(e) REPORTS BY BUREAU OF LABOR STATISTICS ON THE MINIMUM ADEQUATE STANDARD OF LIVING.—

(1) Within one year after the date of enactment of this Act, and thereafter as often as the Secretary of Labor shall determine necessary to reflect changes in the national standard of living, but no less than every five years, the Bureau of Labor Statistics shall report to the Congress those levels of annual family income which would ensure family units a minimum adequate standard of living, consistent with the national standard of living.

(2) In effectuating the provisions of this subsection, the Bureau of Labor Statistics shall compile and price annual family budgets for all consumer goods and services necessary to a minimum adequate standard of living, including but not limited to—

(A) a diet of sufficient quantities and varieties of foodstuffs to meet those minimum standards of nutritional adequacy which shall be periodically determined by the Food and Nutrition Board of the National Research Council,

(B) housing which meets those minimum standards of safe, sanitary, and decent housing which shall be periodically determined by the Housing Assistance Administration of the Department of Housing and Urban Development,

(C) transportation, either through the use of public transit facilities or through the possession of private means, adequate for travel to and from places of employment, schools, stores, and recreational areas, and for such other activities as are necessary to a minimum adequate standard of living, and

(D) house furnishings, clothing, utensils and appliances, personal care, regular and ordinary medical and dental services, recreation, entertainment, education, and personal communications.

In pricing budget items, the Bureau of Labor Statistics shall take account of certain consumer goods or services provided at a subsidized cost by federal, state, or local government agencies only to the extent that these benefits may be received without any showing or declaration of need.

(3) The Bureau of Labor Standards shall compile and price separate annual family budgets for each type of living situation which it determines requires substantially different goods and services, or quantities thereof, for a minimum adequate standard of living; however, the Bureau of Labor Statistics shall in any event prepare separate annual family budgets for—

(A) family units living in urban, urbanized, and rural areas, as determined by the most recent national Census,

(B) family units living in regions of the country which, because of climate, regional consumption patterns, or other characteristics, require substantially different goods and services, or quantities thereof, for a minimum adequate standard of living, and

(C) family units which differ in the age and number of their members, except that the Bureau need take into account only such differences in the number and age of family unit members as would require substantial changes in family consumption needs.

(4) The Bureau of Labor Statistics shall price each item in an annual family budget by taking an average of retail prices to low-income consumers for such item in every area to which the budget applies. In determining the average, each price sample obtained shall be weighted by the number of low-income families in the area.

(5) The Secretary of Labor shall prescribe, by appropriate regulations, reasonable and workable procedures for compiling and pricing annual family budgets.

(6) Within ten days after the Bureau of Labor Statistics shall have transmitted its report to the Congress, pursuant to subsection (e) (1) of this section, the Secretary of Labor shall cause a copy of that report, together with copies of the annual family budgets on which it is based, to be published in the Federal Register.

(f) RECOMMENDATIONS OF THE SECRETARY.—Within sixty days after the Bureau of Labor Statistics shall have transmitted its report to the Congress, pursuant to subsection (e) (1) of this section, the Secretary or his delegate shall prepare and transmit to the Congress recommendations specifying how the provisions of this section, including the level of the base supplement under subsection (c), might be amended to reflect the findings of the Bureau of Labor Statistics.

OPTIONAL STATE SUPPLEMENTATION

SEC. 5. (a) STATE ELECTION OF INCREASED INCOME SUPPLEMENTS.—A State may elect, by appropriate legislation, to have additional income supplements paid to family units residing within its jurisdiction. The amount of the increase shall be set by the legislature of the electing State, but the base supplement (determined under section 4(c) (1)) for each family unit within the State shall be in-

creased in the same proportion. Except as otherwise provided in this Act, any such increase under this section shall apply without exception or condition to all family units for such time as they reside within the jurisdiction of the electing State.

(b) **RESIDENCY.**—Section 4(d)(2)(A) shall apply in making any determination of the State of residence of a family unit.

(c) **STATE SHARING OF ADDITIONAL COSTS.**—A State electing to increase income supplements for its residents under this section shall pay to the United States each year one-half the cost of such increase, at a time and in a manner designated by the Secretary. An electing State shall have access to information adequate to determine its liability under this section.

(d) **PERIOD OF ELECTION.**—An election by a State under this section shall be effective sixty days after the Secretary has received formal notice of the election, or at such later date as the notice shall specify, and until the State revokes, terminates, or modifies it, by appropriate legislation and notice.

(e) **OTHER SECTIONS APPLICABLE.**—Except as explicitly provided in this section, the income maintenance program provided for in this Act shall operate in electing States exactly as it operates in nonelecting States. By election of increased benefits under this section, a State shall not increase its involvement in the administration of this Act in any way whatsoever. The rights of members of a family unit under other sections of this Act shall not be diminished or abridged in any way by the provisions of this section.

SPECIAL TAX

SEC. 6. There is hereby imposed on every electing family unit a special tax equal to the lesser of (1) 50 per centum of the family unit's available income during its supplement period, or (2) the adjusted supplement period under section 4(b) of this Act.

SUPPLEMENT PERIOD

SEC. 7. (a) **GENERAL RULE.**—Except as otherwise provided by subsection (b), the family unit's supplement period shall be the taxable year of the claimant or claimants under the provisions of section 441(b) of the Internal Revenue Code of 1954. In the case of a family unit containing two claimants with different taxable years, the taxable year of either claimant may be used unless otherwise required by the Secretary or his delegate. If no claimant in the family unit files an income tax return under the provisions of chapter 61 of the Internal Revenue Code of 1954, the supplement period of the family unit shall be determined as if its taxable year were the calendar year.

(b) **SPECIAL RULE.**—If the family unit is not in existence for the entire period determined under subsection (a), the supplement period for the family unit shall be the portion of the period determined under subsection (a) during which the family unit is in existence. For purposes of this subsection, a family unit is in existence for so long as the number and identity of the claimants remain unchanged.

(c) **SHORT PERIOD DEFINED.**—For purposes of this Act, the term "short period" means a supplement period of less than 12 months.

ANNUAL AND SEMIMONTHLY PAYMENTS

SEC. 8. (a) **FINAL RETURNS.**—Every family unit electing to receive an income supplement under this Act shall file a return at the local or district office of the Bureau of Income Maintenance, either by mail or in person, on or before the fifteenth day of the fourth month following the close of the supplement period for which the return is made. The return shall be signed by all claimants in the family unit and shall contain sufficient information to make an accurate appraisal of the family unit's rights and obligations under this Act.

(b) **ANNUAL PAYMENTS AND SETTLEMENTS; LIABILITY.**—Within thirty days of the receipt of a final return, the Secretary or his delegate shall provide payment of the income supplement due under this Act to any family unit which did not elect to receive semimonthly payments under subsection (c) during the supplement period to which the final return required by subsection (a) applies. If the family unit elected to receive semimonthly payments under subsection (c) during such period, the Secretary or his delegate shall make a final determination of the family unit's rights and obligations under this Act and shall (1) within such thirty-day period direct payment of any amount due the family unit or (2) notify the family unit of its liability for any payments received to which it was not entitled. All claimants in the family unit shall be liable (both jointly and severally) for any payment received under this Act to which the family unit was not entitled and for any payment in excess of the amount to which the family unit was entitled.

(c) **RIGHT TO SEMIMONTHLY PAYMENTS.**—A family unit shall be entitled to receive its income supplement in semimonthly payments. A request to receive semimonthly payments shall constitute an election under section 3 of this Act for one full supplement period.

(d) **MANNER AND TIME OF REQUEST.**—A family unit may request to receive semimonthly payments of its income supplement at any time. The request shall be made in writing, signed by all claimants in the family unit, and filed at the local or district office of the Bureau of Income Maintenance, either by mail or in person. The Secretary shall approve and implement such a request on the first payment day, as specified in subsection (e), after the request is filed with the Bureau, unless the claimants knowingly request in writing that the semimonthly payments begin at a later date, in which case the Secretary shall begin payments on the requested date (or, if the requested date is not a payment day as provided in subsection (e) on the first payment day preceding the requested date).

(e) **TIMING AND AMOUNT OF PAYMENTS.**—A family unit requesting semimonthly payments under this subsection (c) shall receive on the first day and on the fifteenth day of each month during the supplement period for which the request is effective an amount equal to one twenty-fourth of the adjusted supplement to which the family unit would be entitled for a twelve-month supplement period under section 4(b), less any amounts deducted as provided in subsections (i) and (j) of this section. For the purposes of this subsection, the amount of the annual supplement shall be determined initially by the family unit's composition and residence, as reported in the request for semimonthly payments. The Secretary shall determine the amount of the semimonthly payments on the basis of the facts as stated in the family unit's request, accompanying income statement, and subsequent quarterly estimates under subsection (i)(1). The Secretary shall adjust the amount of the annual supplement as required by changes in family composition within thirty days after notification under subsections (f) and (g).

(f) **CHANGE IN FAMILY STATUS.**—A family unit receiving semimonthly payments under subsection (c) shall notify the Bureau of Income Maintenance, through its local or district office, of any change in the family unit's dependents within thirty days of its occurrence.

(g) **NOTICE OF CHANGE OF RESIDENCE.**—A family unit receiving semimonthly payments under subsection (c) shall notify the Bureau of Income Maintenance, through a local or district office, of any change of residence within fifteen days after the change has occurred.

(h) **TERMINATION OF REDUCTION OF SEMIMONTHLY PAYMENTS.**—

(1) **BY THE FAMILY UNIT.**—The claimant, or either claimant in a family unit with two claimants, may terminate or reduce semimonthly payments to the family unit at any time by filing a written request for termination with the Bureau of Income Maintenance. A termination under the subsection shall not affect the right of the family unit to request semimonthly payments at any subsequent time. Termination of semimonthly payments shall not revoke or terminate the election of the family unit under section 3 of this Act, or any of the requirements or duties imposed by a section 3 election.

(2) **BY THE SECRETARY.**—If the Secretary determines that a family unit's income supplements shall be terminated or reduced, he shall not discontinue or reduce semimonthly payments to the family unit until the family unit has had an opportunity for a hearing and an appeal, as provided in section 19 of this Act. If the family unit seeks review of the Secretary's decision in a Federal district court, the court may further stay the discontinuance or reduction of semimonthly payments.

(3) **AT THE CLOSE OF THE SUPPLEMENT PERIOD.**—Semimonthly payments to a family unit shall terminate at the close of the family unit's supplement period, as determined by section 7 of this Act, unless the family unit files a request as provided in subsection (d) in respect to the new supplement period.

(i) **DEDUCTION OF TAX ON ESTIMATED AVAILABLE INCOME.**—

(1) **QUARTERLY ESTIMATES OF AVAILABLE INCOME REQUIRED.**—A family unit which requests and receives semimonthly payments under subsection (c) shall, at the time of filing such request and at the end of each succeeding quarter so long as the family unit continues to receive semimonthly payments, file an estimate of the amount of the family unit's available income for the year of election, including such amounts as would be included under sections 12 and 13 of this Act. Subject to the provisions of paragraph (2) of this subsection, this estimate shall be an extrapolation based on an estimate of the amount of the family unit's available income during the last preceding quarter year, or during those quarters of the year of election which precede the date of the estimate, whichever is longer.

(2) **FLUCTUATING INCOMES.**—In filing the estimate required by paragraph (1) of this section, the claimant or claimants shall state if there is reason to believe that the family unit's available income for the year of election will differ from the estimate as calculated according to paragraph (1) of this subsection by 10 per centum or more, the ground for such belief, and the probable amount of the increase or decrease. In such a case, the Secretary or his delegate shall increase or decrease the estimate of available income by the declared amount for the purposes of calculating the tax under paragraph (3) of this subsection.

(3) **DEDUCTION OF TAX.**—The Secretary shall deduct and withhold ratably from each semimonthly payment a tax computed according to section 6 of this Act, and based upon the estimated available income for the year of election, adjusted as provided in paragraph (2) of this subsection. The amount deducted and withheld shall be allowed as a credit when the annual settlement is made under subsection (b).

(j) **DEDUCTIONS FOR UNDERPAYMENTS.**—The amount of any underpayment attributable to an earlier period, or determined by a final accounting either of the special tax imposed by section 6 of the Act or of the income tax imposed by the Internal Revenue Code of 1954, for which the family unit or any members thereof are liable, may be deducted from any semimonthly payment, but no deduction under this subsection shall exceed 0.5 percent of the adjusted supplement to which the

family unit is entitled under section 4(b). The amount of the deduction shall be allowed as a credit against any underpayments.

(k) **SUPPLEMENT CHECKS.**—Except when a claimant shows that an alternative form of payment is appropriate, supplement checks (whether annual or semimonthly) shall be made out jointly to all claimants in a family unit.

FAMILY UNIT DEFINED

SEC. 9. (a) GENERAL RULE.—A family unit shall consist of at least one claimant, and not more than two claimants, and any dependents which the claimant or claimants, individually or jointly, are entitled to claim and which all the claimants in a family unit choose to claim, except that any person 16 years old or older who is claimed as a dependent must agree in writing to be claimed as a dependent.

(b) **CLAIMANTS.**—Any person who is a United States citizen or a resident alien and—

- (1) is 21 years of age or older, or
- (2) is 19 or 20 years of age and maintains a domicile separate from his parents or guardian, does not receive more than half his support from his parents or guardian, and is not a student within the meaning of section 151(e) (4) of the Internal Revenue Code of 1954, or
- (3) is under 21 years of age and is married, provided that he and his spouse maintain a common domicile, are not legally separated under a decree of divorce or of separate maintenance, or informally separated, as defined by subsection (e),

may declare himself a claimant under the provisions of this Act for so long as he resides in the United States or its territories.

(c) **DEPENDENT.**—A claimant or claimants in a family unit may declare as a dependent under the provisions of this Act any person who is a United States citizen or a resident alien and—

- (1) is a son or daughter of the claimant, or is any person for whom the claimant is legal guardian, provided that such person, son, or daughter receives a significant portion of his support from the family unit of the claimant, or is a student within the meaning of section 151(e) (4) of the Internal Revenue Code of 1954, or
- (2) is any other person who receives over half of his support from the family unit of the claimant and who resides in the same dwelling unit as the claimant.

but only if such person has not rightfully declared himself a claimant under subsection (b), or has not been rightfully declared as a dependent under this subsection by a claimant in another unit which in fact provided the larger share of the declared dependent's support during the preceding twelve months. The Secretary or his delegate may require any claimant who declares a person as a dependent under this subsection to substantiate the amount of support provided the dependent and the residence of the dependent.

(d) REQUIRED FAMILY UNITS.—

(1) A husband and wife, who have not been informally separated, legally separated or divorced, must file as members of the same family unit.

(2) A man and a woman, domiciled together and the common parents of at least one child, must file as members of the same family unit.

(e) **INFORMAL SEPARATION DEFINED.**—A husband and wife shall be considered informally separated for the purposes of this Act if—

- (1) they have not lived together for 30 consecutive days, and
- (2) they do not maintain a common residence, and

(3) one of the spouses files an affidavit with the Secretary, swearing or affirming these facts on information or belief and

further stating a belief that the separation will continue indefinitely.

(f) SPECIAL RULE FOR REQUIRED FAMILY UNITS.—

(1) Notwithstanding the provisions of subsection (a), a claimant in a family unit required to file together under subsection (d) shall be entitled to receive, in respect to any dependent of such claimant—

(A) who is owed no duty of support by the other claimant in the family unit, and

(B) whom such other claimant refuses to support an adjusted supplement under section 4(b) of this Act, not reduced in amount by reason of the special tax imposed by section 6 of this Act on income attributable solely to such other claimant. The family unit shall receive no other income supplements in respect to such dependent. The income supplement paid to both claimants jointly shall be determined by treating the family exclusive of such dependent as a separate family unit for the purposes of sections 4 and 6 of this Act.

(2) The supplements provided under this subsection for the benefit of a dependent specified in paragraph (1) shall be reduced by 50 per cent of (A) any support actually provided by the refusing claimant and (B) any income earned by the non-refusing claimant and such dependent.

(3) No family unit (including such a dependent) shall receive benefits less than it would be entitled to if this subsection did not apply.

(3) The Secretary or his delegate, before making any payments under this subsection, may require from the claimant refusing support an affidavit attesting that (A) he is under no legal obligation to support such dependent and (B) he will not adequately support such dependent during the supplement period involved. The law of the state in which the family unit resides shall determine to which dependents the refusing claimant owes an obligation of support.

(g) **LIMITATIONS ON FAMILY UNITS.**—No person shall be declared as a claimant or dependent of more than one family unit during the same period of time.

COMPUTATION OF AVAILABLE INCOME OF THE FAMILY UNIT

SEC. 10. The available income the family unit for any period shall be the sum of the available incomes of all its members during such part of that period as they are claimed as members of the family unit for the purposes of section 4 of this Act. In computing available income, no item of income shall be included, nor any deduction allowed, more than once.

DETERMINATION OF AVAILABLE INCOME OF PERSONS

SEC. 11. (a) IN GENERAL.—For the purposes of this Act, a person's available income shall be his adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, increased as provided in subsection (b) and reduced as provided in subsection (c).

(b) **AMOUNTS ADDED TO ADJUSTED GROSS INCOME.**—For the purposes of subsection (a), adjusted gross income for any period shall include the amount of the following items which accrue or are received during such period to the extent they are not already included in adjusted gross income (a) defined by section 62 of the Internal Revenue Code of 1954:

(1) The entire amount of any payments received as an annuity, pension, or retirement benefit;

(2) The amount or value of any and all prizes and awards;

(3) The proceeds of any life insurance policy in excess of the premiums paid personally by the beneficiary or the beneficiary spouse;

(4) All gifts (cash or otherwise), support and alimony payments, and inheritances, in excess of a total of \$50 per year, except for

any gift or support payment or other transfer received from a member of the same family unit or from a private charity, and except for any property inherited from a deceased spouse;

(5) Interest on all governmental obligations;

(6) Except as otherwise provided in this Act, any amount received in the form of damages, insurance payments, workmen's compensation, or in any other form as (i) compensation for physical, mental, or any other personal injuries or sickness, (ii) wage or income continuation payments, or (iii) payments for medical expenses;

(7) The rental value of parsonages;

(8) Certain combat pay and mustering out payments to members of the Armed Forces excluded from adjusted gross income by sections 112 and 113 of the Internal Revenue Code of 1954;

(9) The full amount of all dividends;

(10) The full amount of any scholarship or fellowship;

(11) The amount by which living expenses of the family unit are reduced when an employer supplies meals or lodging at less than their fair market value, regardless of whether the arrangement was made for the convenience of the employer;

(12) Any amount paid by the government to a member of the Armed Forces as an allowance for quarters or subsistence or as gratuity pay;

(13) The amount of current or accumulated income that could, within the discretion of any person with a nonadverse interest, be paid to an individual from a trust or estate of which he is a designated beneficiary, except that any such amount not exceeding \$3,000 and in fact paid to some other person shall not be so included;

(14) All amounts deductible under section 1202 of the Internal Revenue Code of 1954;

(15) All unemployment compensation, from whatever source derived, whether from government insurance programs or otherwise, but excluding payments made pursuant to section 407 of Title IV of the Social Security Act;

(16) Strike benefits received from any union or other organization or agency;

(17) All cash benefits received pursuant to titles II and XVIII of the Social Security Act, but excluding all payments made pursuant to titles I, IV, XIV, XVI, and XIX of the Social Security Act and (ii) all sums received under any government program where the financial need of the recipient is an essential prerequisite of the award;

(18) Railroad Retirement Act cash benefits;

(19) Cash benefits under laws administered by the Veterans' Administration;

(20) Foreign source income presently excludable under sections 893, 894, 911, 912, 931, and 943 of the Internal Revenue Code of 1954;

(21) Amounts received as loans from the Commodity Credit Corporation;

(22) Items presently deductible under sections 173, 175, 180, 182, 263(c), 615, and 616 of the Internal Revenue Code of 1954;

(23) Imputed income, as defined in section 12 of this Act; and

(24) Capital utilization income, as defined in section 13 of this Act.

(c) **DEDUCTIONS ALLOWED.**—For the purposes of subsection (a), adjusted gross income for any period may be reduced by the amount of the following items which accrue, are paid, or are otherwise deductible during such period, to the extent that they have not already been deducted from adjusted gross income under the provisions of the Internal Revenue Code of 1954:

(1) All expenses for medical care within the meaning of section 213(e) of the Internal Revenue Code of 1954, except that—

(A) this deduction shall not apply to expenses compensated for by insurance or

otherwise, where such compensation has been excluded from available income, and

(B) deductions can be made under this section only to the extent that the aggregated medical expenses of the family unit during the period involved exceed \$25 for such person;

(2) Alimony, separate maintenance, and support payments required by law and actually made by the taxpayer;

(3) The value of any gift to a member of a family unit other than the donor's where the donee is a member of a family unit receiving payments under this Act, but only if the donor can present a signed statement from the donee attesting to such transfer;

(4) All deductions presently allowable under sections 162 and 212 of the Internal Revenue Code of 1954, plus the cost, in excess of \$10 per month, of all transportation to and from work;

(5) Any deduction allowable under section 214 of the Internal Revenue Code of 1954 (but in applying such section 214 to this Act, any dependent (within the meaning of section 9(c) of this Act) shall be considered "a person with respect to whom the taxpayer is entitled to an exemption under section 151(e)(1)" for purposes of section 214 (d)(1));

(6) All amounts deductible under section 404 of the Internal Revenue Code of 1954;

(7) An amount equal to twice the taxes imposed by subtitle A of the Internal Revenue Code of 1954 on the taxable income of any member of the family and paid during the period involved, including any amounts paid pursuant to chapter 24 of the Internal Revenue Code of 1954 as withholding taxes, less twice the amount of any credits allowed against such taxes by sections 33, 35, 37, and 38 of the Internal Revenue Code of 1954: *Provided*, That the maximum deduction allowable to a family unit under this paragraph shall not exceed the income supplement to which the family unit is entitled under section 5 of this Act; and

(8) Employee contributions under the Social Security and Railroad Retirement Acts.

(d) In determining adjusted gross income for the purpose of subsection (a), losses may be deducted to the extent allowable by sections 165 and 172 of the Internal Revenue Code of 1954, except that—

(1) no deduction shall be allowed for losses described in section 165(c)(3) of the Internal Revenue Code of 1954 (casualty losses);

(2) deductions for losses from sales or exchanges of capital assets shall be allowed only to the extent of gains from such sales or exchanges, and no deduction for capital losses shall be allowed unless realized in a period during which the individual was a member of a family unit entitled to receive an income supplement in excess of its special tax liability under this Act without the benefit of this deduction;

(3) for the purposes of this Act, the term "net operating loss" as used in section 172 of the Internal Revenue Code of 1954 shall mean the excess of the deductions allowed by this Act over the income obtained by the operation of section 11(b) on adjusted gross income, although such excess shall be computed with the modifications specified in section 172(d) of the Internal Revenue Code of 1954;

(4) no carryover or carryback of any net operating loss shall be allowed unless the loss occurred in a period during which the individual was a member of a family unit receiving an income supplement in excess of its special tax liability under this Act, and

(5) no loss may be deducted under this Act which has been deducted under the provisions of the Internal Revenue Code in any period during which the individual was not a member of a family unit receiving an income supplement in excess of its special tax liability under this Act.

(e) DEPRECIATION AND DEPLETION.—In determining available income, a deduction shall be allowed for depreciation and depletion only to the extent permitted by sections 167 and 611 of the Internal Revenue Code of 1954; but no deduction shall be permitted for depletion calculated pursuant to section 613 of the Internal Revenue Code of 1954.

(f) DEDUCTIONS DISALLOWED.—Deductions from income other than those specifically allowed in this section are disallowed. No item shall be deducted more than once.

(g) SUBCHAPTER S CORPORATIONS.—Any amount attributed to the available income of a member of the family unit by operation of section 1373 of the Internal Revenue Code of 1954 shall be increased by an amount proportional to the amount by which the taxable income of the electing corporation would be increased if computed under this section.

(h) INTERNAL REVENUE CODE APPLICABLE.—Except where this Act provides or necessarily implies otherwise, the provisions of the Internal Revenue Code of 1954 shall apply in the determination of available income.

IMPUTED INCOME DEFINED

SEC. 12. (a) GENERAL RULE.—For purposes of this Act, a person's imputed income for a supplement period of a full year shall be the sum of—

(1) an amount (not less than zero) equal to 5 per cent of the fair market value of the person's gross available capital, computed at the close of the supplement period, less the amount of any income derived from any interest included within gross available capital to the extent that—

(A) such income is otherwise included within available income, and

(B) such income does not exceed 5 per cent of the value of the interest from which the income is derived, and

(2) the retail market value of food grown by a person or some member of his family unit and consumed by such person, minus the costs not otherwise deducted of producing such food.

For a supplement period of less than a year, a person's imputed income shall be computed as for a full year, except that the percentage of the fair market value of gross available capital and the percentage used in subsection (a)(1)(B) shall bear the same relation to 5 per cent as the supplement period bears to a full year.

(b) GROSS AVAILABLE CAPITAL DEFINED.—For purposes of this Act, a person's gross available capital means gross capital, minus an exemption for the value of his clothing, furniture, automobiles, and other personal effects not used in a trade or business, not to exceed \$1,500 for a claimant or \$500 for a dependent. The unused amount of a person's individual exemption may be used by any other member of the same family unit, but only to the extent that it has not been used by another person.

(c) GROSS CAPITAL DEFINED.—For purposes of this Act, a person's gross capital means all property, real or personal, tangible or intangible, wherever situated, to the extent of any of the person's interest therein, but excluding pensions and annuities. The value of an interest in any property shall be reduced by the amount of any mortgage or indebtedness in respect to such property only to the extent that interest or other payments arising out of the mortgage or indebtedness have not been deducted in the computation of available income.

CAPITAL UTILIZATION INCOME DEFINED

SEC. 13. (a) GENERAL RULE.—For the purposes of this Act, a person's capital utilization income for a supplement period of twelve months shall be 30 per cent of the fair market value of his net available capital, computed at the close of the supplement period. For a supplement period which is a

short period, a person's capital utilization income shall be computed as for a twelve-month supplement period, except that the percentage of the fair market value of net available capital shall bear the same relation to 30 per cent as the supplement period bears to twelve months.

(b) NET AVAILABLE CAPITAL DEFINED.—For purposes of this Act, "net available capital" means gross available capital, as defined in section 12(b), minus—

(1) the amount of any mortgage or indebtedness in respect to property included within gross available capital,

(2) any other indebtedness not otherwise deducted,

(3) the excess (if any) of the current fair market value of the principal residence owned by the family unit over the maximum amount for which such property commercially could be mortgaged if it were otherwise unencumbered,

(4) an exemption of \$5,000 for a claimant or \$3,000 for a dependent, and

(5) an additional exemption for any property used in a trade or business not to exceed \$5,000 for a claimant.

The unused amount of a person's individual exemptions under paragraphs (4) and (5) of this subsection may be used by any other member of the same family unit, but only to the extent it has not been used by another person.

BASIS

SEC. 14. (a) GENERAL RULE.—Except as provided in subsection (b), the adjusted basis for determining the gain or loss from the sale or other disposition of property under this Act shall be the adjusted basis as defined by section 1011 of the Internal Revenue Code of 1954.

(b) EXCEPTIONS.—For the purposes of this Act the adjusted basis of any property (other than cash) used in a trade or business or held for the production of income shall be increased by—

(1) the amount of income imputed to the property under section 12 of this Act, and included within available income, less the amount of income includable within adjusted gross income as defined by section 62 of the Internal Revenue Code of 1954, and

(2) the amount of any deduction with respect to the property disallowed in computing available income to the extent that such deduction would result in a reduction of the adjusted basis of the property under section 1016 of the Internal Revenue Code of 1954.

No adjustment may be made in respect to years in which the person holding the property did not belong to a family unit receiving income supplements in excess of its special tax liability under this Act.

VALUATION

SEC. 15. (a) GENERAL RULE.—The Secretary of the Treasury or his delegate shall prescribe all necessary rules and regulations for the valuation of interests under this Act. When fair market value is not readily ascertainable, the Secretary or his delegate shall prescribe methods for approximating the value. Either the Secretary or the recipient may establish that actual value is greater or less than that ascertained by such methods, but the burden of proof shall rest on the party asserting the different value.

(b) JOINTLY HELD PROPERTY.—Jointly held property, whether or not partitionable, shall for the purposes of this Act be treated as if owned in separate proportional shares.

(c) CONTINGENT AND CONDITIONAL INTERESTS.—Interests subject to a contingency or condition which may not otherwise be valued shall be valued as if the contingency or condition did not exist unless—

(1) the contingency or condition is real and substantial,

(2) the contingency or condition does not depend upon a power exercisable by a person

who is a member of the same family unit or who does not have an adverse interest, and

(3) the failure of the interest would not result in the interest passing beneficially to another member of the family unit,

in which case the interest shall be valued as zero. No interest, however, shall be attributed more than once to the same family unit.

METHODS OF ACCOUNTING

SEC. 16. (a) METHOD OF ACCOUNTING.—Available income shall be computed under the method of accounting regularly used by the claimants of the family unit in computing income tax liability. Where two claimants in a family unit use different methods in computing income tax liability, the family unit shall use the method followed by the claimant whose taxable year serves as the basis of the family unit's supplement period, under section 7(a) of this Act. If no method of accounting has been regularly used by such claimants, or if the method used does not clearly reflect income, the computation of available income shall be made under the cash receipts and disbursements method or such other method that does clearly reflect income.

(b) SPECIAL RULE.—Where an item of income or deduction may not be properly attributed to a specific period of time, such item of income or deduction shall be deemed to accrue ratably during the calendar year.

(c) APPOINTMENT AMONG INDIVIDUALS.—The Secretary or his delegate may apportion items of income, deductions, or credits, among individuals if such apportionment is necessary in order to prevent evasion of taxes or to reflect clearly the income of such individuals for purposes of subsection (a).

CLAIMS AGAINST SUPPLEMENT PAYMENTS PROHIBITED

SEC. 17. (a) ASSIGNMENT AND TAXATION.—Payments of benefits due or to become due under this Act shall not be assignable and shall not be subject to taxation under the Internal Revenue Code of 1954 or to any other taxation.

(b) OTHER CLAIMS.—Payments of benefits due or to become due under this Act shall be exempt from the claims of creditors and from any process of attachment or levy, or from seizure by or under any legal or equitable process whatsoever before receipt by the beneficiary. This subsection shall not apply to claims of the United States, which accrue under the provisions of this Act or, subject to the prohibition in subsection (a), under the provisions of the Internal Revenue Code of 1954.

RECORDS AND RETURNS

SEC. 18. Every claimant in an electing family unit shall keep such records, render such statements, and make such returns as are required by this Act. Every claimant required to make a return or statement shall include therein the information requested by such forms and regulations as may apply. Such requests may not violate the recipient's right to privacy. All rules and regulations requiring the disclosure of information shall be subject to the review provisions of section 19 of this Act.

PROCEDURAL RIGHTS AND REVIEW

SEC. 19. (a) RULES AND REGULATIONS.—The Secretary or his delegate shall make all rules and regulations under this Act on the record and after an opportunity for a hearing in the manner prescribed by chapter II of title 5 of the United States Code, except as expressly modified herein. All such rules and regulations shall be reviewable in a Federal court of competent jurisdiction.

(b) RECIPIENTS' ORGANIZATIONS.—The Secretary or his delegate shall maintain a list of all organizations which certify that they have a membership of more than fifty people receiving benefits under this Act and shall send to such organizations all proposed rules and regulations at the time that they are published in the Federal Register. These or-

ganizations shall have standing to participate in any public hearing held to review a rule or regulation, and to challenge any proposed rule issued under this Act in a Federal court.

(c) INFORMATION.—The Bureau of Income Maintenance shall from time to time extensively publicize the benefits available under this Act, using all appropriate media of communication. The Bureau shall diligently and fully inform all applicants, in simple and understandable writing, of their rights under the Act and especially of their rights to benefits, to a hearing and appeal, to judicial review, and to payment of costs as provided in this section.

(d) DUE PROCESS HEARING.—Upon request in writing, the Secretary or his delegate shall afford opportunity for a full due process hearing before an examiner with respect to any action of the Secretary or his delegate denying, withholding, or modifying a family unit's income supplement, including semi-monthly payments, or any part or portion thereof, to any person aggrieved by such action. Such hearing if requested shall occur prior to the effective date of any such denial, withholding, or modification, unless all individuals aggrieved by the action request in writing that it occur after such effective date. All aggrieved individuals shall be entitled to representation by counsel at such hearings, to present evidence in their own behalf, to know the evidence against them, to confront and cross-examine witnesses against them, and to challenge the reasonableness of any rule, regulation, or practice adopted pursuant to this Act as applied to their case. At the conclusion of a hearing held pursuant to this subsection, the trial examiner delegate shall make findings of fact and issue a written decision based upon the evidence adduced at such hearing and stating the reasons for his decision. All hearings provided for under this subsection shall be open to the public unless any one of the aggrieved individuals requests in writing that the hearing be closed. The Secretary and the aggrieved parties shall be bound by the decision of the trial examiner unless an appeal is taken to the Board of Appeals within thirty days of that decision. Such appeal shall be heard and decided before the action sought by the Secretary may be made effective.

(e) RIGHT OF ADMINISTRATIVE APPEAL.—The Secretary shall establish a Board of Appeals which shall review the findings, rulings, and decisions of the trial examiner in the hearings provided for in subsection (d) upon the request of any party thereto. The Board shall publish its decisions and state the reasons therefor. The Secretary and the aggrieved parties shall be bound by the decision of the Board unless judicial review is sought pursuant to subsection (f). The Board's decision shall take effect when rendered, unless stayed by an appropriate court pursuant to subsection (f).

(f) JUDICIAL REVIEW.—Decisions of the Secretary or his delegate denying, withholding, modifying, or affecting an individual's income supplement, including semi-monthly payments, shall be fully reviewable by a civil action commenced in the United States district court for the district in which the recipient resides. The district courts shall have jurisdiction of such actions without regard to the amount in controversy.

(g) PAID EXPENSES.—All persons shall be entitled to reasonable expenses incurred in any hearing or judicial review brought under this section, including necessary child-care, loss of pay, transportation expenses for the aggrieved parties and their witnesses and representatives, reasonable expenses necessary for the adequate preparation of the case, reasonable attorney's fees, and any other expenses reasonably and necessarily related to the hearing or case: *Provided*, That a district court, in a proceeding before it under this Act, may disallow any or all such expenses if it finds that a party or his

attorney has acted frivolously or in bad faith.

(h) COMPLAINT REVIEW BOARD.—The Secretary shall establish a Complaint Review Board to review any complaint that a Bureau employee is not performing his functions properly or is not following properly issued regulations. The Board shall, after notice to the employee, promptly investigate the complaint and send the results of its findings with respect to any complaint in writing to the person or organization making the complaint, and to the employee, within sixty days of the receipt of such complaint. In the event that the Board finds the employee guilty of willful or grossly negligent disregard of the rights of any person under this Act and the regulations issued pursuant to it, or of a serious and willful or grossly negligent abuse of discretion, or of willful or grossly negligent failure to perform his functions properly, the Secretary or his delegate shall conduct a hearing on the charge in which the employee and the complainant shall have standing to participate. If the results of the hearing sustain the findings of the Board, the Secretary shall take such disciplinary action, not excluding discharge or suspension without pay, as he deems proper and as authorized by the civil service laws of the United States.

(i) CONFIDENTIALITY.—All records kept by the Bureau of Income Maintenance shall remain strictly confidential and may be used only by the Bureau and the Internal Revenue Service to effectuate and enforce the provisions of this Act, except that a claimant shall at any time be entitled to examine his own file at the local office of the Bureau by submitting a written request.

(j) INVESTIGATIONS.—The Secretary or his delegate may not conduct investigations with respect to more than 5 per centum, randomly selected, of all family units electing to receive benefits under this Act in any calendar year, except that the Secretary or his delegate may investigate whenever probable cause exists to believe that a family unit is not entitled to receive the benefit for which it applied or which it has received, and except that the preceding limitations shall not apply to routine investigations undertaken in connection with hearings held under subsection (d).

APPLICATION OF INCOME SUPPLEMENT LAWS

SEC. 20. (a) POWERS AND DUTIES OF SECRETARY.—Except as otherwise expressly provided by law, the administration and enforcement of this Act shall be performed by or under the supervision of the Secretary of the Treasury.

(b) BUREAU OF INCOME MAINTENANCE.—There shall be established in the Department of the Treasury a Bureau of Income Maintenance. The Commissioner of Income Maintenance shall be the chief officer of the Bureau, shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Commissioner of Income Maintenance shall have such duties and powers as may be prescribed by the Secretary.

(c) APPOINTMENT.—The Secretary or his delegate is authorized to appoint or employ in the Bureau of Income Maintenance such persons as the Secretary or his delegate deem proper for the administration and enforcement of the income maintenance laws. The Secretary or his delegate shall issue all necessary directions and rules applicable to such persons.

(d) REGULATIONS.—The Secretary or his delegate shall prescribe all rules and regulations necessary for the enforcement and administration of this Act. Such rules and regulations shall accord with the purposes and policies of this Act as set out specifically in section 1 and as embodied in other sections of this Act.

(e) SERVICE.—The Bureau of Income Maintenance shall also establish and maintain local counseling offices for the convenience

of claimants and shall render assistance to claimants in the preparation of returns and other materials required by law.

DEFINITIONS

SEC. 21. For purposes of this Act—
 (1) The term "Secretary" means the Secretary of the Treasury.
 (2) The term "Secretary or his delegate" has the same meaning as such term has under the definition contained in section 7701 (a) (12) (A) of the Internal Revenue Code of 1954.

AMENDMENTS TO OTHER LAWS

SEC. 22. (a) EXEMPTION OF INCOME SUPPLEMENTS.—Section 123 of the Internal Revenue Code of 1954 is amended by adding at the end of subsection (a) the following subsection:
 "(19) Benefits under the laws administered by the Bureau of Income Maintenance, see section 17 of the Income Supplement Act of 1969."

(b) INCOME AVERAGING.—Section 1303 of the Internal Code of 1954 is amended by adding the following subsection:

"(e) INDIVIDUALS RECEIVING INCOME SUPPLEMENTS.—An individual shall not be an eligible individual for the computation year if at any time during the computation year or the base period he was a claimant under the Income Supplement Act of 1969."

(c) APPLICATION OF RULE MAKING REQUIREMENTS.—Section 553 (a) (2) of title 5 of the United States Code is amended to read as follows:

"(2) a matter relating to agency management or personnel or to public property, loans, grants, benefits (but not including benefits under the Income Supplement Act of 1969), or contracts."

EFFECTIVE DATE

SEC. 23. Benefits may be paid under this Act with respect to supplement periods beginning on or after the first day of the first calendar year which begins more than 180 days after the date of enactment of this Act.

THE VIETNAM POLICY REVERSAL—
 PART II

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RYAN. Mr. Speaker, on March 6, I inserted in the RECORD the first of two articles from the New York Times by Hedrick Smith on the Vietnam policy reversal of 1968.

The second article, published on March 7, discusses how the final decision to change course was made, and the arguments which were advanced in favor of deescalation and a negotiated settlement.

With the Nixon administration discussing an "appropriate response" to recent North Vietnamese activity, I believe it is critically important that the basis of the March 1968 policy reversal be understood. We must understand that the mistakenly conceived policies of retaliation and escalation have already failed. The only course is to press toward an end of the conflict in Vietnam as speedily as possible.

I am including in the RECORD the second article on the Vietnam policy reversal of 1968:

[From the New York Times, Mar. 7, 1969]

THE VIETNAM POLICY REVERSAL OF 1968—II

(NOTE.—This is the second of two articles written by Hedrick Smith in collaboration with William Beecher, and incorporating re-

ports by Peter Grose, John W. Finney, E. W. Kenworthy, Roy Reed, Benjamin Wells, Edwin L. Dale Jr. and Max Frankel.)

WASHINGTON, March 6.—If ever there was a demonstration that no decision in Washington is final and that the struggle for a President's mind never really ends while he remains in office, it came a year ago this month.

"Let's get one thing clear!" President Johnson said forcefully to his Vietnam advisers on March 16, 1968. "I'm telling you now I am not going to stop the bombing. . . . Now is there anybody here who doesn't understand that?"

No one misunderstood. The gathering in the gold and white Cabinet Room of the White House fell silent—but only temporarily. The dissenters from existing policy on Vietnam, who for two weeks had been battling against a request for massive troop reinforcements, chose to understand the President's pronouncement quite literally. They shifted tactics, and the argument flared up again.

In the Administration, Secretary of Defense Clark M. Clifford, who had entered the Government March 1 as a moderate hawk but was now an active dissident, took the initiative. He proposed that the bombing be restricted to the Panhandle region of North Vietnam south of the 20th Parallel.

No one knew where Mr. Johnson stood on that issue. It was still two weeks before he would announce a major shift in the direction of his Vietnam policy—a shift toward de-escalation that is still having its impact on the daily decisions of the Nixon Administration.

At that time the pressures for change—political and economic—were mounting. The public was increasingly impatient with the war.

"Something had to be done to extend the lease on public support for the war," a high State Department official remarked. "We were focused on what we could do without significant military drawbacks to make clear to people we were serious about peace."

Secretary Clifford pleaded skillfully for the proposal that the bombing be restricted to the region south of the 20th Parallel. A cutback would not violate the President's insistence that there be no halt without matching restraint from Hanoi, he said. He added that it would not, as the military feared in the case of a halt, jeopardize American troops in outposts just south of the demilitarized zone—Khesanh, Camp Carroll, the Rockpile and others.

The region south of the 20th Parallel contains many of the "meatiest" targets. All North Vietnamese troops and most of the supplies heading into South Vietnam have to pass through this region.

The proposal was also thought to offer a diplomatic opening: If Hanoi and Washington were not able to walk directly to the negotiating table, Mr. Clifford suggested, perhaps they could begin to "crawl."

This was not a new idea. In the spring of 1967, Mr. Clifford's predecessor as Defense Secretary, Robert S. McNamara, had his aides draft a similar proposal for cutting back to the 19th or 20th Parallel as a means of starting the process of tacit de-escalation. For many months, too, Secretary of State Dean Rusk had been developing a variety of plans for cutbacks.

The theory was that if Washington made the first move, Hanoi might match it and, step by step, they could begin scaling down the war even without negotiations.

President Johnson refused to accept the plan after it ran into heavy opposition from the Joint Chiefs of Staff. There were reports at the time that some senior generals would have resigned if it had been carried out.

Nonetheless, gingerly and indirect soundings of Hanoi were made at the time through one diplomatic source called a "quasi-disavowable channel." The reaction from Hanoi,

as read in Washington, was negative: Only a halt could produce talks. (The talks began in May, as it turned out, but the bombing did not come to a complete end until Nov. 1.)

Now, in March, 1968, the diplomatic experts thought that this was still a problem. Privately, the President had made no decision on the plan but publicly he was as stern as ever.

With Senator Robert F. Kennedy now in the race for the Democratic Presidential nomination and with the political tide apparently running against Mr. Johnson, he lashed back at his critics. In one of his pet phrases, he was "hunkering down like a Texas jackrabbit in a hallstom."

PRESIDENT DERIDES CRITICS

On March 18 in Minneapolis, the President derided critics who would "tuck our tails and violate our commitments" in Vietnam. He raised the specter of appeasement in the Munich style. The Clifford camp took this as a counterattack aimed at them by the hawkish faction of the Administration led by Walt W. Rostow, the President's adviser on national security affairs.

President Johnson ridiculed proposals for shifting to a less ambitious ground strategy in Vietnam, as the doves wanted. "Those of you who think you can save lives by moving the battlefield in from the mountains to the cities where the people live have another think coming," he said acidly.

That remark in a speech and two more addresses in a similar tone discouraged the doves. Mr. Clifford, exhausted by his first two intensive weeks in office—during which he was directing the reappraisal of policy on the war—and suffering renewed complications from a case of hepatitis picked up in Vietnam the year before, felt that he had lost the argument.

The bombing cutback seemed to have been brushed aside. The only hopeful sign, Mr. Clifford thought, was the fact that Mr. Johnson had still not approved the troop reinforcements for Gen. William C. Westmoreland. The request by the American commander in Vietnam, which amounted to 206,000 men, had precipitated the reappraisal when presented by Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, on Feb. 28.

It is clear in the middle of March that despite his public declarations, President Johnson was deeply uneasy and undecided.

Late in the afternoon of March 20 he met in his oval office with Arthur J. Goldberg, the United States representative at the United Nations. It was their first meeting since Ambassador Goldberg, in a secret memo to the President on March 15, had proposed a bombing halt.

GOLDBERG CALLS AT WHITE HOUSE

It was this proposal that had provoked the President's angry outburst at the White House meeting a day later. Mr. Goldberg had not been there and was unaware of Mr. Johnson's reaction. Now the two men met alone, and the President seemed interested in Ambassador Goldberg's position. He asked him to go through his arguments again, listening carefully and putting questions now and then. There were no angry words.

Before they parted, Mr. Johnson invited the silver-haired envoy to take part in a secret council of "wise men" that was to meet in Washington March 25. "I hope you'll put these same views of them there," he said.

The next hint of the President's thinking—though its significance was denied at the time—came on March 22. He announced that he was making General Westmoreland Army Chief of Staff, effective in July. He insisted that this did not necessarily foreshadow a change in strategy.

The White House explanation was that the shift had been in the mill for weeks and that the President was rewarding the general with the best job he could give him.

President Johnson was upset over the immediate speculation that, as an aide put it, he was "sacking Westy because of Tet," the costly Lunar New Year offensive the enemy had sprung in Vietnam on Jan. 30. To this day Mr. Johnson says privately as well as publicly that in his own heart that was not his motive. But some who know Lyndon Johnson extremely well believe that the shift came at this time—subconsciously, at least—as part of a gradual transition to a new policy.

Unknown to his political advisers, President Johnson was moving to settle the troop issue. He ordered General Wheeler to hold a secret rendezvous in the Pacific with General Westmoreland to learn if massive reinforcements were still needed. On March 24 the generals met alone for 90 minutes in 13th Air Force headquarters at Clark Air Force Base, in the Philippines.

General Westmoreland reported that the battlefield situation had improved—the crisis around the isolated Marine garrison at Khesanh had eased, the enemy seemed to have run out of steam and the South Vietnamese military forces were rebuilding their depleted ranks and moving back into the countryside.

Considering this trend, General Westmoreland said he would be satisfied if he could keep the two 5,000-man brigades rushed to Saigon early in February, at the peak of the enemy offensive, and if he were also given about 13,500 support troops for them.

General Wheeler flew back to report to the President. General Westmoreland sent a follow-up summary of his needs on March 28, three days before the President was to address the nation. No one was informed of the Pacific meeting.

By March 22, the inner circle in Washington had been informed that the President was going to give a Vietnam speech and they gathered in the family dining room of the White House to discuss it.

Present were the men who had shared the agony of Vietnam decisions with President Johnson—Secretary of State Dean Rusk, Secretary Clifford, General Wheeler, Walt Rostow, George Christian, the press secretary, and Marry McPherson, a speech writer.

SPEECH STILL HAWKISH IN TONE

The speech, conceived in the combative spirit after the Tet offensive, was still militant in tone. It deeply disturbed Mr. Clifford and others, who yearned to include some gesture of peace along with the scheduled reinforcements.

Once again Mr. Clifford urged the President to consider a bombing cutback on the ground that it would improve the Administration's position, internationally and domestically. Just two weeks before the crucial Democratic primary in Wisconsin, on April 2, most of the President's aides thought he needed a political shot in the arm. Vice President Humphrey believed that the bombing should be halted, not curtailed, if there was to be a change.

The discussion was exhaustive. How would a cutback affect Saigon? Would a bombing limitation to the 20th Parallel satisfy Hanoi? Were there other partial measures that made more sense?

After seven hours, Secretary Rusk gave a lucid summary. Mr. Rusk, who had himself raised the possibility of a bombing halt as early as March 3, said that there seemed to be a consensus that some step toward negotiations was desirable. But, according to one account, he cast doubt on whether a curtailment would satisfy the North Vietnamese.

"The feeling as we left," one participant recalled, "was that it would be nice if we could work it, but it wouldn't get anywhere."

The Administration doves had lost another round, but they did not relent.

The next morning Mr. McPherson, a bright,

boyish-looking man, sent the President a memo that sought to strike a compromise between the general desire to make a peace gesture and the fear of rejection by Hanoi. The memo urged the President to stop the bombing north of the 20th Parallel and, simultaneously, to offer to stop the rest if Hanoi showed restraint at the demilitarized zone and left Saigon and other cities free from major attack.

The President sent the memo to Secretary Rusk, who later returned it with the comment that these were ideas that he had been working on and that they should be developed further. His reaction was favorable but, according to one account, he did not make any specific recommendation.

"WISE MEN" HAVE NEW THOUGHTS

Mr. Johnson also asked Mr. McPherson for another copy to send to Ambassador Ellsworth Bunker in Saigon. The answer that came back mentioned some of the problems Washington had anticipated but apparently did not raise any fundamental objections.

The time for decision was drawing near, but still the President hesitated.

"It was one of those periods when the President had everybody thinking he was about to make up his mind when actually he wasn't," a former White House official commented. "He has a facility for keeping his innermost thoughts to himself. He could keep everybody else lathered up the whole time. He just kept slipping back the deadline for decision."

President Johnson, canvassing more opinion, was reaching outside the administration to summon to Washington the secret council of trusted advisers he mentioned to Ambassador Goldberg. They had a special and surprising impact on the President.

The previous fall, almost without exception and with Mr. Clifford a participant, they had backed the President's policy. But in the wake of the Tet offensive several of these influential men had had a change of heart.

Mr. Clifford, in his new role as an advocate of change and looking for allies, encouraged the President to call them into council again in the hope that it would strengthen his argument.

They gathered at the State Department on Monday, March 25, with the President's address to the nation six days away. They constituted a "who's who" of the American foreign-policy establishment.

Dean Acheson, Secretary of State under President Truman; George W. Ball, Under Secretary of State in the Kennedy and Johnson Administrations; Gen. Omar N. Bradley, retired World War II commander; McGeorge Bundy, special assistant for national security affairs to President Kennedy and Johnson; Arthur H. Dean, President Eisenhower's Korean war negotiator; Douglas Dillon, Secretary of the Treasury under President Kennedy.

Also Associate Justice Abe Fortas of the Supreme Court; Mr. Goldberg; Henry Cabot Lodge, twice Ambassador to Saigon; John J. McCloy, United States High Commissioner in West Germany under President Truman; Robert D. Murphy, ranking diplomat in the Truman-Eisenhower era; Gen. Matthew B. Ridgway, retired Korean war commander; Gen. Maxwell D. Taylor, former chairman of the joint chiefs of staff and a constant Presidential adviser on Vietnam, and Cyrus R. Vance, former Deputy Defense Secretary and President Johnson's trouble-shooter.

SOME PESSIMISM IS VOICED

The wise men heard candid briefings, some of which bordered on pessimism, and then questioned Messrs. Rusk, Clifford and Rostow and others about the extent of the Tet disaster and the plans for the future. The discussion continued late that night and resumed the next morning at the White House.

For the first time President Johnson got the trend of their views. He was "deeply

shaken," one aide said, by the change of temper of the wise men, who were deeply discouraged over the war after the exalted hopes of the previous fall.

The President was especially impressed by the fact that Mr. Acheson, McGeorge Bundy and to a lesser degree Mr. Vance had joined Mr. Ball and Mr. Goldberg in opposing further military commitments and advocating some way of getting out of the war. He was jolted when Mr. Bundy, one of the architects of intervention in the early sixties and of the bombing of North Vietnam in 1965, was now taking an opposite tack.

There was, to be sure, a faction that held firm in defense of the harder line—Justice Fortas, General Taylor and Mr. Murphy. Mr. Murphy wanted more bombing, not less.

Ambassador Lodge, now President Nixon's chief negotiator in Paris, left the other participants puzzled. Several found him hawkish, but at least one said he was "on all sides of the issue." Mr. McCloy leaned toward the hawkish group.

Mr. Dean, Mr. Dillon and Generals Bradley and Ridgway were now doubters. They were plainly war-weary if not yet ready to shift course dramatically. The warning public support of the war was a constant concern.

There was no consensus on the bombing issue. Mr. Goldberg and Mr. Ball advocated a halt as a way to negotiations. The others were uncertain but the impression left with Government sources was that the wise men as a group were saying: "We had better start looking for another way to get this war settled."

THE PRIMARY WAS SECONDARY

To the President and his senior advisers, one close observer said later, such shifts carried "more weight than something like the New Hampshire primary." Someone suggested that Mr. Johnson consider the impact of his Vietnam decisions on the coming election; he replied testily that the campaign was the least of his concerns.

Two days later, on March 28, Messrs. Rusk, Clifford, Rostow, McPherson and William Bundy met in Mr. Rusk's mahogany-paneled office on the seventh floor of the State Department to polish the President's speech.

It was still, in the words of one participant, a "teeth-clenched, see-it-through" speech, announcing that about 15,000 more troops would be sent to Vietnam. It made a pro-forma plea for peace at the negotiating table and said nothing about cutting back to bombing.

Secretary Clifford launched an impassioned plea against taking this approach.

"I can't do it—I can't go along with it," he said. "I can't be in the position of trying to polish a speech of this kind. This speech can't be polished. What's needed is a new speech. This one is irrevocably setting the President down the wrong road."

The others listened as he spoke for nearly an hour, using to enormous advantage his almost unique position of being able to speak for the view of many outside.

It would tear the country apart, the Defense Secretary argued, to hear a speech that promised only more war. What was needed, he said, was not a "war speech, but a peace speech—the issue is as sharp as the edge of an ax."

To Mr. Clifford's surprise, Mr. Rusk did not cut him short. The others chimed in. Mr. Rusk sent out for sandwiches. Mr. Clifford appealed for some compromise, and once again they debated the 20th Parallel idea.

By this time the military commanders were no longer raising strong objections. Some, like Adm. U. S. Grant Sharp, the Pacific Fleet commander, who had overall charge of the bombing, thought the cutback would fail. He fully expected that if it were tried, the President would order full bombing again in a month or so. Some officials thought this was Mr. Rostow's view also.

RUSK SWAYED BY THE DEBATE

Secretary Rusk, eager to find some way to the negotiating table, still did not think the cutback would satisfy Hanoi. The month's arguments had had a cumulative effect on him.

At the end of the day—the meeting lasted until 5 P.M.—Mr. Rusk had agreed with Mr. Clifford that Mr. McPherson should prepare "an alternate draft." That night, while the President was showing Senator Mike Mansfield, the Democratic majority leader, a draft of the original hawkish speech, Mr. McPherson began writing alternate draft No. 1. Working through the night, he had it ready by morning.

He sent the draft, the first one containing the proposal for a bombing cutback to the 20th Parallel, to Mr. Johnson with a note saying that it seemed to reflect the sentiments of some of the President's leading advisers. He also offered to go back to the original version if that was Mr. Johnson's wish.

Later in the day the President called Mr. McPherson in to discuss changes in an item on "Page 3." He did not specify which draft, but it was clear that he was now working with the new speech. That was how he signaled a major break in the debate.

He had been deeply influenced by the shift in the public mood, as reflected in the wise men's meetings and his contacts on Capitol Hill. The country was in turmoil and the dollar was in danger.

He had been shaken by the change in his old friend, Mr. Clifford, and was finally persuaded to try a new tack by Mr. Clifford's sheer persistence. The mood of others had softened in the crucible of debate too.

FIVE MORE DRAFTS OF SPEECH

From then until 9 P.M., on the 31st, the speech went through five more drafts. None changed the new essence, though there was one important tug-of-war over the wording on the bombing cutback.

Under Secretary of State Nicholas deB. Katzenbach, drawn into the top-level discussions since Secretary Rusk was leaving for a Pacific meeting with the Vietnam allies, opposed naming the 20th Parallel as the cut-off point.

Mr. Katzenbach had long favored a halt. Now he wanted the northern limit to be the 19th Parallel rather than the 20th, but the military insisted on the 20th so they could hit Thanhhoa, a railroad switching point, and Route 7, leading into Laos—both just south of the 20th Parallel.

The Under Secretary, who suggested that it not be stated so badly, was looking for a way to "winch" the limit further southward. And, like most Administration officials, he was operating under the mistaken assumption that one main purpose of the speech was to help President Johnson in the April 2 Democratic primary in Wisconsin.

Suggesting that the speech would have more public appeal if it emphasized that part of the bombing would be continued to protect American troops just south of the demilitarized zone, Mr. Katzenbach drafted a revision that said all bombing should stop "except in an area north of the demilitarized zone where the continuing enemy build-up directly threatens allied forward positions." His amendment specified that this would spare almost 90 per cent of North Vietnam's population.

ROSTOW PHONES KATZENBACH

The President liked that language and accepted it. On Saturday he asked Mr. Rostow to telephone Mr. Katzenbach, now Acting Secretary, to persuade him to accept the 20th Parallel as the northern limit.

Reluctantly Mr. Katzenbach agreed, but with a caveat: "Don't make the first big raid at 19 degrees 59 minutes. Make sure the orders are consistent with the speech." Mr. Rostow replied that this would be done.

But they had different interpretations of what they had agreed on. Mr. Katzenbach thought he had won agreement on a plan that would let the bombing "roll northward" gradually from the buffer area as battlefield conditions dictated. Mr. Rostow felt he had Mr. Katzenbach's approval for military orders saying simply that bombing north of the 20th Parallel was forbidden after March 31.

On the Saturday a small group worked with President Johnson, who was in good spirits going over the text line by line until about 9 P.M. The speech had become progressively more dovish until, one official said, "it ended up 180 degrees from where it started."

Late the previous day Mr. Clifford had been concerned that the peroration, left over from original drafts, was still too militant, so Mr. McPherson was to draft a substitute.

When the Saturday session ended Mr. Johnson asked for the revised peroration. Mr. McPherson said he had not had time to rewrite it but would do so promptly.

I MAY HAVE ONE OF MY OWN

The President, his shirt open and his tie down, muttered, "No need to—I may have one of my own." He winked at Mr. McPherson, who turned to Mr. Clifford and said: "My God? Do you think he is going to say sayonara?" Mr. Clifford responded with a strange and unbelieving grimace.

On Sunday the President had Horace Busby, another speech-writer, and Mr. Christian working on the withdrawal section. Mr. McPherson, still officially in the dark on the President's political plans, assumed that he did not want his ending.

But Mr. Johnson kept sending word that he did indeed want Mr. McPherson's peroration, obviously intending to deliver both.

Initially Mr. Johnson hesitated to make his withdrawal announcement with the policy declaration. But sometime near the end of March, as he became convinced of the need for a bombing cutback, he evidently concluded that it would be more effective if he made it clear that he was not just appealing for votes or pacifying domestic critics or serving some other personal interest.

The approach of the Wisconsin primary also served as a deadline for action, in the view of some of his political advisers. They thought his withdrawal would be more dignified and more effective if made before the primary rather than after the expected victory for Senator Eugene J. McCarthy of Minnesota.

By the eve of the speech the President's mind was made up.

He did not sleep particularly well that night, and he was up before dawn. In the afternoon, he began rehearsing the Vietnam portion of the speech. About 4 p.m. Mr. Busby gave him the revised ending on not seeking re-election. The President made a few final adjustments to insure that his motives would be understood.

At 8 P.M. the text was turned over to an Army Signal Corps man to put on Teleprompters, and the President told his aides to begin informing members of the Cabinet of his intentions. Secretary Rusk was informed while airborne in the Western Pacific.

Secretary Clifford and his wife were invited to the Executive Mansion half an hour before the President was to go on nationwide television. Mr. Clifford already knew of the Vietnam decision—the bombing cutback to the 20th Parallel, 13,500 more troops for General Westmoreland and more equipment for the South Vietnamese Army at a cost of \$2.5-billion a year.

After the wrenching tensions of the policy debate and the chill that had crept into their personal relations, the secretary was warmed to learn that the President wanted to see him before delivering the speech. Upstairs in the family quarters, the Cliffords joined Mrs. Johnson and Jack Valenti, the

President's former aide and an old Texas friend.

Mr. Johnson motioned Mr. Clifford into his bedroom and without a word handed him the last two paragraphs of the speech.

"With America's sons in the fields far away, with America's future under challenge right here at home, with our hopes and the world's hopes for peace in the balance every day," the President told the nation a few moments later, "I do not believe that I should devote an hour or a day of my time to any personal partisan causes or to any duties other than the awesome duties of this office—the Presidency of your country."

"Accordingly, I shall not seek, and I will not accept, the nomination of my party for another term as your President."

EPILOGUE

The President's speech brought Washington—and the nation—the relief it feels when a breezy summer day breaks a sweltering heat wave. The bitterness of months had been lanced in a stroke. There was a rare moment of harmony. But it was only an instant.

Within 36 hours, while the world awaited Hanoi's response, Navy jets struck Thanhhoa, 210 miles north of the demilitarized zone, the very kind of raid that Mr. Katzenbach had wanted to prevent.

The enormous relief evaporated. The heat wave was back. The politicians, not knowing that the Russians and Hanoi had been privately told that the northern limit of the bombing was the 20th Parallel, complained that the public had been misled. State Department officials privately accused the military commanders of trying to sabotage the President's peace initiative.

With a new political storm mounting, Mr. Clifford persuaded President Johnson to pull the bombing back to the 19th parallel on the pretext that some American planes might have strayed over the 20th Parallel. It was a decision that Mr. Rostow, General Wheeler, General Westmoreland and others tried many times to reverse.

And so it went—all summer, all fall—the two coalitions in the Administration battling for the President's favor: one insisting that an irrevocable turn toward disengagement had been made, the other denying it.

"It was like climbing the greasy pole," recalled an insider. "You wanted to continue climbing higher but you had to keep fighting to stay where you were."

In May, the Hawks were urging escalation after enemy forces had launched their mini-Tet offensive. Senior military commanders wanted to push the bombing back up to the 20th parallel to hit Thanhhoa to show Hanoi that America was impatient.

General Westmoreland also wanted approval to launch B-52 raids and small ground forays against enemy supply dumps and base camps in remote areas of Cambodia, when enemy forces pulled back to these sanctuaries from assaults on American outposts. But President Johnson rejected this plan firmly.

In June, when enemy rockets were falling on Saigon, Ambassador Ellsworth Bunker was privately urging that the United States retaliate by bombing Hanoi. One official said the United States was "within two days" of stepping up the bombing of North Vietnam when the attacks on Saigon stopped.

Next it was the doves. During the prolonged summer battlefield lull W. Averell Harriman and Cyrus R. Vance, the American negotiators in Paris, tried to talk the President into a total bombing halt.

They made their pitch at the end of July. It was strictly a ploy. They accepted the military estimate that the lull was not deliberate and that the enemy was merely regrouping and refitting his forces. But they suggested that President Johnson treat it as deliberate restraint anyway.

The proposal was to tell Hanoi that since it had de-escalated the war, the United States

would end the bombing, but that to sustain this cessation, Hanoi would have to refrain from another offensive. The hope was to talk Hanoi into restraint.

Mr. Clifford and Vice President Humphrey promoted the idea. Mr. Katzenbach and Mr. Bundy were in Paris at this time, and simultaneously, The New York Times in a July 29 editorial advocated a similar tactic.

It was all too much for President Johnson. "He thought it was a conspiracy," said one high official. "There were so many coincidences that he thought it stank to high heaven." He rejected the plan out of hand.

The struggle for the President's mind persisted until the day he left office.

ROBERT E. LEE, EDUCATOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. RARICK. Mr. Speaker, education is a form of discipline which is necessary if we are to solve the problems of our society. The campuses of our colleges and universities in various parts of the Nation are today the scenes of disgraceful disorders that aim not only to disrupt educational processes but also to challenge authority in what amounts to the early stages of revolution. Instead of courageously meeting such tests, educational administrators have too often been weak and given in to unreasonable demands, thus laying the basis for still greater demands and increased violence.

What the officials of our educational institutions should know is that they are not the first ones to face academic crises on the campuses.

Following the War Between the States, Gen. Robert E. Lee, after having refused an offer of \$50,000 a year as president of an insurance company, on October 2, 1865, was sworn in as president of Washington College—now Washington and Lee University, Lexington, Va.—at a salary of \$1,500 a year. Prior to his presidency, the custom of this college had been to grant a week's holiday at Christmas. Evidently, to make up for some of the time lost incident to war, General Lee decided to have only Christmas Day as a holiday.

The story of the resulting crisis, as told by Thomas Nelson Page, a student at Washington College during the presidency of Lee, in his book, "Robert E. Lee: The Southerner, 1909," on page 273, has its lessons for today and I shall quote it:

A petition to return to the old order having failed, a meeting of the students was held and a paper was posted containing many signatures declaring the signers' determination not to attend lectures during Christmas week. Some manifestation appeared on the part of certain of the faculty of giving in to the students' demand. General Lee settled the matter at once by announcing that any man whose name appeared on the rebellious declaration would be expelled from the college. And if every student signed it, he said, he would send every one home and simply lock up the college and put the key in his pocket.

"The activity displayed in getting names off the paper was amusing, and the attendance at lectures that Christmas was unusu-

ally large." History shows the students respected his firm stand.

Prior to his assumption of the presidency of Washington College, General Lee had announced his desire to train and educate young men of the South so that they might become leaders in their states, which had been prostrated in the devastation of war. It is significant that General Lee's idea and purpose were in direct opposition to the present day ideas of irresponsible students in many of our educational institutions to tell responsible authorities how students should be trained.

General Lee was wise, experienced and resolute—characteristics that enabled him to deal intelligently and firmly with a recalcitrant student body which sought to reverse a decision reached by responsible authority. To him a "duty" was the sublimest word in our language.

Mr. Speaker, I believe that I reflect the feeling of the majority of the students at our colleges and universities today when I urge their officials to emulate the example of General Lee.

EMBASSY SECURITY VITALLY IMPORTANT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 1969

Mr. ASHBROOK. Mr. Speaker, as James J. Kilpatrick, the author and syndicated columnist, points out, the nomination of Jacob D. Beam as our new Ambassador to the Soviet Union has left some knowledgeable observers wondering. When it is recalled that Mr. Beam was Ambassador to Poland when the Scarbeck case some years ago and other blatant abuses revealed how vulnerable were our security precautions in Warsaw, one is certainly justified in having some misgivings.

Mr. Kilpatrick cites the description of the Warsaw episode by Clark Mollenhoff, the Pulitzer Prize winning journalist, as it appeared in his book, "Despoilers of Democracy":

The near total destruction of security in the U.S. Embassy in Warsaw was a frightening demonstration of how the Communists could effectively bore inside an American Embassy.

It is stressed in the Kilpatrick column that no one questions Mr. Beam's loyalty or qualifications in handling European affairs; however, an insecure Embassy operation, as in the case of Warsaw, would constitute a dangerous liability for the most preeminently qualified of Ambassadors.

I insert the column, "Jacob Beam—Our Man in Moscow?" by James J. Kilpatrick, appearing in the Washington Star of March 9, 1969, in the RECORD at this point:

JACOB BEAM—OUR MAN IN MOSCOW?

(By James J. Kilpatrick)

Concern is being voiced on Capitol Hill these days at the President's nomination of Jacob D. Beam to serve as U.S. ambassador to the Soviet Union. Before the gentleman is confirmed, several Senators propose quietly to inquire into a troublesome time in his career.

On paper, and perhaps in fact, Beam is well qualified for the Moscow assignment. At 60, he has spent 38 years in the Foreign Service. He began as a clerk in the U.S. consulate at Geneva, in the days of the League of Nations; he moved on to Berlin for a six-year stint; served in London during most of the war; did a tour of duty as consul general in Java, and spent seven months in 1952-53 in Russia.

In August of 1957, Beam arrived in Warsaw as American ambassador to Poland. He was to serve in this assignment until he returned to Washington in the fall of 1961. He resigned his post, and then was appointed assistant director of the U.S. Arms Control and Disarmament Agency. In 1966 he became U.S. ambassador to Czechoslovakia. Mr. Nixon's proposal is to shift him now to the most important and sensitive chancery of them all, the U.S. embassy in Moscow.

The nomination may be entirely in order. All the same, members of Congress remember the disarming sex and spy scandals that occurred in the Warsaw embassy during Beam's administration there. A number of Senators are concerned at the prospect of having him serve as ambassador in the very center of Communist intrigue.

The story of those Warsaw days is as fantastic as any tale ever contrived by Ian Fleming for his fictional James Bond. To judge from various printed hearings and other published material, Communist intelligence agents infiltrated Beam's embassy as merrily as a swarm of termites boring holes in a tasty log.

Irvin C. Scarbeck, second officer of the embassy, was among those who succumbed to the age-old lure of a beautiful woman. He fell in love with a 22-year-old blonde, Ursula Discner. The presumption is strong that she was an agent of Polish intelligence. In any event, Ursula set him up for a raid that led to blackmail; this led in turn to the theft of classified documents. Scarbeck was caught, indicted, convicted and sentenced at first to 30 years in prison. Later the sentence was reduced. It was a sensational case.

Scarbeck was not alone in female involvements. A detachment of Marine guards, assigned to the embassy, engaged in wholesale revels with Polish girls. The wife of a middle-rank embassy employe had an affair with a Russian agent. A code clerk implicated in an illicit relationship was "permitted to resign."

It was during Beam's tenure that construction began on the new \$1.6 million American embassy. The ingenious Poles succeeded in bugging the building from the ground up. Eventually, some 40 concealed microphones—including a mike in the code room itself—had to be dug out of the walls by a team of Seabees.

Guy Richards, in "Imperial Agent" and Clark Mollenhoff in "Despoilers of Democracy," have dealt with the Warsaw intrigues. All told, more than a dozen embassy employes were compromised. Mollenhoff has written that "the near total destruction of security in the U.S. embassy in Warsaw was a frightening demonstration of how the Communists could effectively bore inside an American embassy." Other publications, notably the Government Employees Exchange here in Washington, have carried sensational accounts of the intricate webs that were woven by Polish intelligence agents.

None of the published material raises any question of Beam's loyalty. No one doubts his expertise in European affairs. He is given high marks for his performance in Prague during last year's invasion by Soviet troops. He speaks fluent Russian. Nevertheless, there are unmistakable stirrings in the Senate. Beam may be the right man for the vital Moscow assignment; but then again Senators are saying, he may not.