

## EXTENSIONS OF REMARKS

GEN. DWIGHT DAVID EISENHOWER

## HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 1969

Mr. AYRES. Mr. Speaker, the physical presence of Dwight David Eisenhower has departed from this earth but if we would only follow the principles and beliefs he exemplified, this world would at long last know once again that peace which marked his 8 years as President of the United States.

While we mourn his passing with a sorrow that is usually reserved for members of one's immediate family, we must be grateful for the long life granted to him so that not only this Nation, but also the free world might benefit from his wisdom and guidance.

We who served under him in World War II developed not only great confidence in his military leadership but also a great sense of affection for the man himself. As I donned my issue Eisenhower jacket, I can well remember my great sense of pride in becoming a part of the Eisenhower team. Even as an enlisted man, I could sense that his leadership would bring us victory over the mighty Hitler hordes.

Although we were a heterogeneous force when he took command, he soon knit us into a united team whose sole purpose was to bring freedom to all. It was only through this unification that Hitler's nefarious effort to enchain the entire world in slavery went down to permanent defeat.

No man has led armies into a more purposeful victory. All freedom-loving people called him "savior."

Upon my discharge, I, as well as all ex-servicemen, followed his career with great interest. We were pleased when he turned to the field of education, since we felt that he could instill in our sons that great sense of humanity and responsibility that characterized his own life.

When the Nation called on him to resume a military role as the leader of an international army to maintain the peace, we gained the feeling that free Europe would be secure. Time has justified our feelings.

We who knew him well, realized that this man, trained for war, was truly a man of peace.

Once more, I had this same sense of security when he became President of these United States. Though many, during his campaign for that office, had expressed fears that he would lead us into wars abroad, we who had followed his every word knew differently. Again, our faith was justified. His two terms were periods of peace.

As he took over the Presidency, those of us who had served under him were immensely pleased that we were once more to become members of "Ike's" team. Although I was only a one-term

Congressman when he assumed office, he accorded me the privilege of a lengthy, private discussion in order that I might make known to him my legislative views.

Here I learned of the similarity in our upbringing. We both came from families that not only lived by the Bible but raised their children to govern their actions by its teachings.

If only the parents of today would read the story of the early life of Dwight D. Eisenhower, as he himself told it, I believe that they would learn a method of child raising that would lead to a fuller and more meaningful life for their children. His parents impressed upon him that service to his fellow man was a law of God. They also told him that such a service was futile unless it was accompanied by love.

It will be noted that even on the last day of his life, he spoke of his love for others. President Nixon has told us of the words that he spoke to his lovely wife from his deathbed.

He said:

I've always loved my wife. I've always loved my children. I've always loved my grandchildren and I've always loved my country.

I realize that I cannot speak for our Nation, but I can and do speak for the people of the 14th Ohio District when I say that we return the love of General Eisenhower from the depths of our being.

God was not dead to this man, and we know that he is now under His mantle.

To his beloved wife of 52 years, we can only say that the love that we felt for him encompassed the rest of those so dear to him. No tribute to Dwight David Eisenhower would be complete without the inclusion of Mrs. Mamie Eisenhower. She still remains in our hearts. Our hearts go out to her and the family in this hour of her greatest sorrow. All of our tears are intermingled with hers.

We are indeed fortunate that a man of Ike's own choosing and training occupies the White House. I am certain that he shares the dedication of Dwight Eisenhower for the welfare of all the people. Again we have a leader in whom we can have total confidence. We know that we will strive for that peace with justice that characterized the Eisenhower administration.

The Akron Beacon Journal recently ran an editorial about General Eisenhower's passing. That newspaper's president and editor, who is the chairman of the board of all Knight newspapers, was a personal friend and adviser of our late President. Excerpts from that editorial follow:

[From the Akron (Ohio) Beacon Journal, Mar. 29, 1969]

DWIGHT D. EISENHOWER

"Stand firmly for America."

This is Ike's legacy to the American people.

These are his final words, his final exhortation to those he loved and served and to those who loved him.

"Stand firmly for America" on the battlefields, in the halls of Congress, in our courts,

in our schools, at the polling places and, most of all, in our homes.

Teach our children to love, respect and honor the principles of true American patriotism that Ike made the guideposts of his entire life. Teach our people that the only route to dignity, to prosperity, to individual greatness is the American way.

In the image of Washington, Lincoln and all the others who have built this nation to greatness, President-General Ike Eisenhower dedicated his life to standing firm for America in war and in peace.

He led us safely and well along the dangerous routes during war and peace. The inspiration and leadership he has given do not die with him.

While history must hand down the final verdict on the stature of this soldier, this statesman and this patriot, all of us must recognize the fact that General Eisenhower, as President during a critical period, inspired the American people to greater unity and confidence and courage.

As a leader in peace and war, we liked Ike. We shall treasure his memory.

Another good friend and confidant of General Eisenhower was Harvey S. Firestone, Jr., national chairman of the United Service Organization—USO—and retired chairman of the board of Firestone. I include, Mr. Speaker, his message to Mrs. Eisenhower:

The world has lost a leader and the nation mourns a friend. The valor, leadership, love of country and humanity of your gallant husband will keep his memory alive in the hearts of men for the ages and will be a continuing inspiration to those of us who counted ourselves among his friends.

As a statesman and as a soldier, he heard the drums of history and marched to them as the liberator of the free world.

## REYNOLDS METALS CO. ATTACKS LITTER

## HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. JONES of Alabama. Mr. Speaker, as one who has been greatly concerned with litter, trash, and pollution which seems increasingly to mar almost every place man is found, I read with extreme interest a recent article on the recycling of aluminum by Mr. David P. Reynolds, executive vice president of Reynolds Metals Co.

Mr. Reynolds mentions several unique aspects of the aluminum industry regarding the wide extent to which recycling is already being practiced. For this the industry is to be commended.

But Reynolds Metals is going an additional step. The company is sponsoring experimental programs in the reclamation and recycling of aluminum beverage and food cans such as can be seen along with the tons of other litter on many of the Nation's highways, parks, and beaches.

The Reynolds approach to this problem, particularly in view of the abundant supplies of aluminum from natural

sources, is commendable as an exemplary act of responsible citizenship. I hope the Reynolds example will be widely imitated by other firms and industries.

So that my colleagues will know of this important activity, I include the article by Mr. Reynolds as printed in the Reynolds Review as a part of my remarks at this point:

**RECYCLING OF ALUMINUM: ONE ANSWER TO LITTER AND CONSERVATION CHALLENGES**

(By David P. Reynolds, executive vice president)

In a spaceship journeying to the moon, efficiency and economy are vital. The space traveler has limited fuel, water, food and other essentials. He also has limited facilities for waste disposal. As a means of solving both problems, he tries to include systems for converting wastes into usable materials. The word for this process is recycling.

In recent years we have come to realize that our planet Earth is a giant spaceship orbiting the sun. Mankind's supply of breathable air, water, foods and important minerals and fuels is not boundless. Our environment is not a limitless receptacle for wastes. Earth's expanding population is aggravating the problem. We cannot go on indefinitely clogging our atmosphere, our waters or our land with increasing quantities of waste.

For the problem of solid wastes, incineration, land fill and other disposal techniques do not offer satisfactory long-term solutions. Like the astronauts, we have to develop recycling systems.

Congressman Wayne N. Aspinall of Colorado, Chairman of the House Committee on Interior and Insular Affairs, has said, "We must learn how to mine our scrap heaps and junk yards for the valuable metals they contain."

Aluminum has been called the most versatile metal because it combines so many advantages and serves thousands of human needs. Many of aluminum's basic properties were not fully exploited until a problem or a crisis arose which propelled them into prominence. For instance, the need for thousands of aircraft in World War II brought aluminum's combination of lightweight and high-strength dramatically to the attention of millions. Historical circumstances, combined with technological advances, brought aluminum's advantages to the fore.

The problems of solid waste disposal and preservation of natural resources which confront us today are highlighting another basic property of aluminum—its ability to be recycled. The National Association of Secondary Material Industries reports that about 30 to 35 per cent of the world's aluminum comes from secondary sources—indicating that about a third of the aluminum produced in the world already is being recycled.

Not that the world is in any danger of running out of aluminum in the foreseeable future. Far from it. Our planet has been generously endowed with aluminum. (More than 1/12 of the earth's surface is aluminum.) There should be abundant supplies for many generations to come despite the fact that the volume of aluminum being used by man has been doubling roughly every ten years.

Countless products that we use today—from automobiles and appliances to packages and cans—contain aluminum. As these products are discarded, increasing amounts of aluminum will be included in the waste materials which our municipalities must dispose of. To some people who are only partly familiar with the properties of aluminum or the economics of the aluminum industry, our metal is a source of particular concern. And it needn't be.

I have heard some people voice their apprehension in this way: "At least a steel can

will rust away, but an aluminum can thrown on a park or highway will lay there for years." But it is precisely this indestructible quality of aluminum which gives it its high salvage value and which will result in its being picked up, while the steel can may lie there for years.

It is this quality of aluminum which makes possible a recycling system which will both inhibit litter and stretch out the supply of aluminum almost indefinitely.

Aluminum has certain basic qualities that make it attractive to salvage and reclaim:

1. Aluminum is immune to rust and resists corrosion.
2. Because of its light weight, it is easy to handle.
3. It is in demand for thousands of uses and new uses are being found daily.
4. It can be remelted readily, re-alloyed and used again.

Sir George P. Thompson, Nobel prize winning physicist and author of "The Foreseeable Future," has said that "What we should do is to recover used metals even when not economic at present prices—a process rather like planting oak trees for future generations."

The happy fact about aluminum is that it is economical to recover—at present prices.

When it comes to cans and containers, aluminum is the only metal being used today which is economically attractive to reclaim. The scrap value of aluminum is substantial compared with most materials and metals. Some have virtually no value as scrap. For example, a ton of aluminum will bring \$200 from dealers, compared with \$20 for steel or \$16 for waste paper.

So economically sound is the concept of aluminum's reclaimability that larger users of aluminum take it into account in their purchasing decisions. Take the railroad industry. Railroads have invested in aluminum railroad cars primarily because the metal makes possible larger cars, greater payloads and lower maintenance. But in some instances the deciding factor in selecting aluminum has been the guarantee that after extra years of service, an aluminum railroad car still will bring substantial scrap prices.

Reynolds Metals Company has been studying various approaches to recycling aluminum to eliminate waste and litter. We have been concentrating in the area of aluminum cans and containers since this is of most immediate concern to consumers. Our company is sponsoring can reclamation programs in Miami, Fla., and Los Angeles, Calif.

We are taking a different approach in each program and will be experimenting with other approaches in other cities. We hope that these programs are the forerunners of recycling systems which will keep aluminum beverage and food cans off the nation's highways, parks and beaches and flowing back to the smelter.

Our aluminum can reclamation programs are only a beginning. In the years to come a nationwide aluminum recycling system may be built within our industrial and economic structure. Such a system would reclaim all forms of aluminum scrap, greatly reducing the solid waste disposal problem and stretching out the supply of aluminum to serve the world's increasing demand.

**PROGRESS REPORT AND ANNUAL QUESTIONNAIRE**

**HON. ROBERT V. DENNEY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. DENNEY. Mr. Speaker, it gives me pleasure to incorporate in the CONGRES-

SIONAL RECORD my most recent progress report and my annual questionnaire to the citizens of Nebraska's First Congressional District.

In my second newsletter of this session, I include a brief summary of several bills that I have introduced in this session, and also write about the California oil spillage disaster and the proposed Common Market soybean tax.

My questionnaire asks the opinion of First District constituents on matters ranging from election reform to limitation of agriculture subsidy payments.

I hope that these publications might be of use to any of my colleagues considering these methods of communicating with those whom they represent.

The material referred to follows:

**PROGRESS REPORT FROM WASHINGTON TO NEBRASKA'S FIRST DISTRICT FROM CONGRESSMAN ROBERT V. DENNEY**

DEAR FRIEND: Introducing bills, studying a national disaster, and protecting domestic agriculture have been of major concern to me since my last Progress Report.

So far this session, I have introduced 25 bills in Congress. Several are:

H. Res. 33: A resolution to establish a congressional Crime Investigation and Study Committee.

H.R. 8041: A bill to establish a Country-side Development Commission to seek ways to further develop smaller urban areas in order to reverse the overcrowding in major cities.

H. Res. 126: A resolution, called Truth in Legislation, to require that an estimate of the costs of proposed programs be included in newly-introduced legislation.

H.R. 3528: A bill to provide insured operating loans, including loans to low-income farmers and ranchers.

H.R. 4258: A bill, called the Human Investment Act, to allow private businesses tax credits to help cover the expenses of giving job training to the under privileged.

**CALIFORNIA OIL CONCERNS PUBLIC WORKS COMMITTEE**

Last month some of my colleagues on the House Public Works Committee and I flew to California during March recess to assess the damage to the Santa Barbara coast. The disaster was caused by oil spilling from a ruptured off-shore drilling rig.

The water pollution resulting from the spillage has caused extensive destruction of marine life and birds, as well as endangering the rivers that flow into that part of the Pacific.

Secretary of the Interior Walter Hickel, testifying before the Public Works Committee, spoke of several bills that would set criminal liability on companies who knowingly, or through negligence, pollute our waters. As yet, there is no law on the books that requires a guilty firm to provide the necessary cleanup operations or to reimburse injured parties for damages sustained as a result of their operations.

**MY 1969 QUESTIONNAIRE**

I will be sending out my 1969 questionnaire soon to learn your opinion on matters of concern for the nation.

This will be your chance to register your views. Last year it helped considerably and this year I again look forward to your assistance.

**DENNEY FIGHTS SOYBEAN TAX**

European Common Market countries are quietly working on a plan to place a "consumption" tax on soybean products imported into their countries. The U.S. produces 72% of all exported soybeans, and last year our state alone exported \$13.5 million in soybean products.

The proposed tax is aimed at edging us out of competition with Europe's locally-grown livestock feed, and would work a hardship on our agricultural community as well as adversely affecting our balance of payments situation.

Because of this, I have written a letter to Secretary of State William Rogers requesting him to express disapproval of the proposed tax. I hope our official dissent will encourage them to abandon this project, which, incidentally, violates their treaty obligations.

The letter follows:

CONGRESS OF THE UNITED STATES,  
Washington, D.C., March 12, 1969.

HON. WILLIAM ROGERS,  
Secretary of State,  
The Department of State,  
Washington, D.C.

DEAR SECRETARY ROGERS: I ask that you express concern and disapproval to those European countries that are considering the imposition of consumption taxes on soybean products imported from the United States. We must continue to maintain heavy pressure on the Common Market countries to protect our domestic soybean industry.

Sales of U.S. farm exports in foreign markets are absolutely essential to the maintenance of our balance of payments and for the good of our farmers. Last year, Nebraska exported \$13.5 million worth of soybean products, and to allow the imposition of this tax would certainly work a hardship on our agricultural community.

These countries would like nothing better than to restrict commercial use of our soybean exports. Our exports, which are presently being used for oil cake in the feeding of livestock for example, would be replaced by soft wheat and corn that they grow. Such practice is clearly "protective" and would bring this action within the prohibition of the GATT.

Specifically, I believe that the suggested tax would be in clear violation of Art. 3 of the General Agreement on Trade and Tariffs which prohibits use of a tax for "protective" purposes but allows such a tax if it is for "revenue" purposes.

I have been in contact with Nebraskans interested in the development of soybean markets. They are of course strongly opposed to such practices. The President of the Nebraska Soybean Association, R. L. Wagner of Hartington, Nebraska, has indicated general opposition by his group to the restricting of our European market for example.

Thank you for your assistance in this matter.

Sincerely,

ROBERT V. DENNEY,  
Member of Congress.

CONGRESSIONAL PAY RAISE

Without a doubt, the major subject of letters coming into my office in the last several months has been on the congressional pay raise. I certainly agree with the bulk of these letters that the increase is unwarranted at this time.

I do want to explain to you my position on this matter and how the raise was put into effect. In 1967, the Congress (controlled by the Democratic Party) pushed through a bill delegating authority for setting congressional salaries to a commission. I strongly opposed and voted against the formation of that commission.

After the President recommended that congressional salaries be raised, partially following the recommendation of the commission, the pay raise was to automatically go into effect UNLESS the Congress vetoed it. Legislation that I favored was introduced to veto President Johnson's recommendation, but it was tied up in the Rules Committee (again controlled by Democratic members). I will

continue to work against this type of legislation.

CONGRESSMAN ROBERT V. DENNEY WANTS YOUR OPINION

DEAR FELLOW NEBRASKAN: Nearly every day, Washington makes decisions affecting your life. As your congressman, I want to represent your views in this decisionmaking. It will only take a few minutes and a stamp to let me know what you think, and it will help me in better representing you.

Previous questionnaires have proven very helpful, and I again welcome your assistance. Sincerely,

ROBERT V. DENNEY,  
Member of Congress.

Instructions: Please read each question carefully; then punch out the appropriate box with a sharp pencil. Remove punched tabs from the back of the card. Place questionnaire in an envelope, mark it "poll" and return to:

If you are not already receiving my progress report, but would like to, please punch out this box and place your return address on the reverse side.

1. Should the \$600 Federal income tax exemption for dependents be increased?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Undecided <input type="checkbox"/>
2. Do you favor legislation which would return to the States and local governments for use as they see fit a percentage of the money now collected in Federal income taxes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do you support the proposal to convert the Post Office into a Government-owned corporation to operate as a self-supporting operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. On election reform, should the electoral college system: (a) remain as is; (b) be abolished and replaced by national popular vote; (c) be modified to allow the winner of each congressional district to receive 1 electoral vote with the winner of the State an additional 2 electoral votes; or (d) be modified to automatically award the winner of the State all its electoral votes.....	(a) <input type="checkbox"/>	(b) <input type="checkbox"/>	(c) <input type="checkbox"/>
	(d) <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Red China—Do you favor U.S. support for admission of Peking to the United Nations?	<input type="checkbox"/>	<input type="checkbox"/>	Undecided <input type="checkbox"/>
6. Which farm policy do you favor: (a) continued present feed grain program; (b) eliminate Government restrictions and price supports on feed grain; (c) establish a grain reserve with no release at less than 105 percent parity.....	(a) <input type="checkbox"/>	(b) <input type="checkbox"/>	(c) <input type="checkbox"/>
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Undecided <input type="checkbox"/>
7. Should the Federal Government develop laws to help prevent strikes by public employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Do you favor lowering the voting age to 18?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Do you believe the Federal Government should guarantee an annual income to heads of families, whether or not they are working?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Do you favor a volunteer military with comparable pay to private industry following a conclusion of Vietnam war?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Do you favor limiting agriculture subsidy payments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Should the United States construct a limited anti-ballistic-missile system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. In the following programs, do you think Government spending should be: (a) reduced, (b) kept at present level, (c) increased.	(a) <input type="checkbox"/>	(b) <input type="checkbox"/>	(c) <input type="checkbox"/>
Foreign aid.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crime prevention and control.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Education.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public works and highways.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Space.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air and water pollution control.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REPORT TO CONSTITUENTS

HON. M. G. (GENE) SNYDER  
OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. SNYDER. Mr. Speaker, under leave to extend my remarks, I include the following report and questionnaire to my constituents of the Fourth District of Kentucky:

APRIL 1969.

DEAR FRIENDS: Hello again from Washington. As we move along into the legislative year it appears that this session may see no proposals for giant new programs, but will probably be recorded in history as a period of consolidation. As the President said in his inaugural address, during the last third of this century, government has "passed more laws, spent more money, initiated more programs" than ever before in our history. I agree with the apparent temperament of this Congress—that it is time to pause and review some of the programs passed in previous sessions and hopefully to make some improvements.

TAX REFORM

The Ways and Means Committee is already holding hearings. The last major tax reform was in 1954 and took two years to write because of the complications involved. There is a 50/50 chance it can be done in one year this time. Special targets for tax loophole closing appear to be tax-free foundations, depletion allowances, hobby farming, etc.—a job long overdue.

STOCKPILE

The Joint Congressional Committee on Reduction of Federal Expenditures regularly issues a report on the condition of the na-

tional stockpile. This stockpile is the repository of allegedly strategic and critical materials, and the latest report is just out.

Taxpayers, I am sure, will be delighted to know that Uncle Sam has accumulated 1,480,997 pounds of feathers. That's right, feathers. This is about a half-million pounds more feathers than the people who set up the feather quota think this country needs.

We have also approximately 49 million more pounds of cobalt than anybody needs or wants; 8 million more pounds of cadmium than the government has any business with; almost 18 million excess carats of industrial diamonds and nearly 69 million surplus pounds of cord fiber.

However, as I have pointed out before, if these figures make you slightly ill, just remember that your government has a firm grip on 63,430,201 more pounds of castor oil than it needs. Which is just about par for the course.

As we begin the 1st session of this Congress, I seek your cooperation in answering the following questions. I can best represent all our 4th District people if I know their views on these and other important issues:

1. Do you favor legislation which would return to the States for use as they see fit, a percentage of the money now collected in Federal Income Tax?

Yes ; No .

2. Do you believe the Federal Government should guarantee an annual income to heads of families, whether or not they are working?

Yes ; No .

3. Do you support the proposal to convert the Post Office into a government-owned corporation to operate on a self-supporting basis?

Yes ; No .

4. Viewing the economy as it now stands, do you favor renewing the 10% surtax when it expires on June 30?

Yes ; No .

5. Do you favor a comprehensive study to determine the advisability of replacing the draft with a voluntary army and a ready reserve?

Yes ; No .

6. Should the United States continue its membership in the United Nations?

Yes ; No .

7. Generally speaking, are you favorably impressed with the first three months of the Nixon Administration?

Yes ; No .

8. Do you believe that Foreign Aid should be reduced or eliminated?

Yes ; No .

9. Do you believe the "war on poverty" has been worth the cost?

Yes ; No .

10. Do you favor a resumption of bombing in North Vietnam by the United States?

Yes ; No .

11. Should the U.S. stay out of the Middle East conflict between Israel and the Arab States?

Yes ; No .

12. Do you favor holding spending within revenues and a real effort to reduce the public debt even if it means cutting expenditures in your favorite government program?

Yes ; No .

13. Do you favor repeal of the 1968 "gun law" as it applies to long guns (rifles and shot guns)?

Yes ; No .

**THE NATION'S STAKE IN AN IMPROVED AIRPORTS SYSTEM**

**HON. CHARLES E. BENNETT**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 1969

Mr. BENNETT. Mr. Speaker, few cities in the country have built or are building airports capable of handling the soaring air traffic demands of the 1970's. Jacksonville, Tampa, and Miami are notable exceptions. Florida's leadership in airport development was noted recently by Stuart G. Tipton, president of the Air Transport Association of America, in an address to a statewide transportation conference in Jacksonville.

In his address, however, Mr. Tipton said:

Even that select group of U.S. cities building airports adequate to meet traffic demands of the 1970's will see their investment partly wasted if artificial schedule restraints at major air hubs are permitted to take the place of new runways and radar really needed nationwide.

Mr. Tipton maintains that the only meaningful answer is to get on with the job building more airports and airways.

I believe the timely subject matter of Mr. Tipton's speech will be of interest to my colleagues. Under the leave to extend my remarks, I submit it for inclusion in the RECORD:

**THE PRICE THE PUBLIC PAYS FOR INADEQUATE AIRPORTS AND AIRWAYS**

(An address by Stuart G. Tipton, president, the Air Transport Association of America, before the Florida State Transportation Conference, Jacksonville, Fla.)

I am an airlines spokesman invited to speak at a Florida State Transportation Conference in Jacksonville.

I like the combination. It gives me the opportunity, on behalf of the airlines, to pay a well deserved compliment to a city and

state preparing for the air travel demands of the 1970's.

Here in Jacksonville you have opened a \$27 million airport. And you accomplished the entire project—from public approval of the airport bond issue to opening of the airport last October—in less than five years. This is considerably better than the national average of seven to ten years for such projects.

In Tampa, the airport has been completely modernized, including construction of a new terminal.

And in the Everglades, 50 miles West of Miami, work is nearing completion on an airport big enough to accommodate several airports the size of Kennedy International Airport in New York.

Late this year, the new Miami area field will begin handling the 200,000 yearly airline training flights now operating out of Miami International, thus relieving pressure on that important gateway.

Such progress places the cities of Jacksonville, Tampa and Miami in rather select company, as the following figures will demonstrate:

The Federal Aviation Administration, in the 1968 edition of its National Airport Plan, concluded that 800 new airports must be built in the next five years to "relieve present congestion and accommodate future growth". This would include, of course, both airline-used airports and smaller fields for general aviation.

Our own studies at ATA show beyond any doubt that all of the major air hubs need present airports expanded or new airports built by 1975.

But even if we include the airline-served cities of all sizes, only about a dozen have tackled the job. The Florida cities of Jacksonville, Tampa and Miami account for a fourth of these.

You realize the importance of your air links. You have acted to expand them.

Yet your air links, like those of other airport-building cities like Dallas-Ft. Worth, Houston and Kansas City, will be seriously clogged if we don't get moving soon on a meaningful national program to provide adequate airports and airways throughout the country.

Even that select group of U.S. cities building airports adequate to meet traffic demands of the 1970's will see their investment partly wasted if artificial schedule restraints at major air hubs are permitted to take the place of new runways and radar really needed nationwide.

I would like to discuss with you for a moment or so the inherent dangers in pursuing artificial schedule restraints in place of meaningful national programs for adequate airport and airways.

Then I will outline for you the airlines program to revamp these systems.

And after I'm finished, I believe I will have given you the reasons—both community and national reasons—why you should support a needed massive program of airports and airways development.

I believe this goes directly to the heart of your program today.

Your statewide transportation conference is exploring the outlook for each of the major transport modes. From the standpoint of the airline industry, I could cite the \$10 billion the airlines will be investing in 1,000 or more new planes over the next six years. I could cite also the \$2 billion or more the industry will be spending during this same period for passenger and cargo terminals and for maintenance and overhaul facilities.

I could then dwell upon the industry's projections which see last year's 150 million airline passengers growing to 330 million annually by 1975.

But along with the investment and the projections on traffic demand, the airlines' future will be influenced by other factors.

And I can think of none more important than the airways upon which we are dependent for safe, efficient navigation and air traffic control and the airports we must use to meet rising demand for our passenger and cargo services.

Both of the latter systems are clearly inadequate. Both have been the victims of inadequate resources in the face of clearly demonstrated public need. As a consequence, the industry has just emerged from one of the most remarkable and strangest exercises in our history.

In a very real sense we have been closing the door to potential business.

For 32 days of nearly continuous sessions the airlines using the three New York area airports, and Washington's National and Chicago's O'Hare have been deciding how to reduce service to comply with hourly flight restrictions imposed by the FAA.

In an era when rising costs of capital, wages and material force every profit-conscious industry to reach out for new market-expansion opportunities, the fact that the airlines, on their own, could cut their own schedules to arrive at a formula within the FAA restrictions is a remarkable accomplishment—even against the backdrop of last Summer's congestion crisis at major air hubs.

It is made even the more remarkable because it is an approach the airlines believe shortsighted and inherently harmful not only to themselves, but to the public.

No other segment of aviation has made such a sacrifice.

Fortunately, however, there is evidence of an increasing awareness in government that artificial schedules restraints are not the answer.

The new Secretary of Transportation, as did the new President before him, has emphasized the need for a new national effort to improve the airports and airways systems, most probably through a trust fund concept. And the FAA has postponed the date for the start of schedule curtailment at New York, Washington, and Chicago area airports from late April to June. Let's hope that in the interim a way is found to abandon the idea altogether.

It might serve as a spur in this direction to delineate the impact on other cities.

Let's start right here in Jacksonville.

As you know many other cities last Summer were on the brink of the same type of congestion experienced by La Guardia, Newark, Kennedy International, Washington National and O'Hare.

At a conference on congestion called by the FAA in Washington last August the FAA cited a number of cities in which it said "delays of varying magnitudes are encountered". These included—in addition to New York, Washington and Chicago—Los Angeles, San Francisco, Miami, Boston and Atlanta.

In September, when the FAA issued its proposed rule limiting schedules at New York, Washington and Chicago, the proposal contained the following comment: "However, as congestion and delay increase in other areas, regulatory control of demand will be extended as appropriate."

How would a spread of the philosophy of artificial schedule restriction, in place of a program of adequate airports/airways development, affect Jacksonville?

Of the one million or so people arriving at or departing from Jacksonville last year, 340,000 or 34 per cent were travelers between your city and Boston, New York, Washington, Chicago and Atlanta.

Jacksonville has long attracted visitors who enjoyed its beaches and its climate. Now you are building upon this base to attract major companies to make Jacksonville a banking and insurance center of the Southeast.

At a time when most cities are losing ground economically and in terms of popula-

tion growth to their suburbs, Jacksonville has consolidated its city and county governments to create a new city encompassing 827 square miles—the largest city in terms of space in the United States, according to the World Almanac. I'm told that even in a jet airliner, it takes 30 minutes to travel around the new city limits.

You have packaged all of your recent accomplishments and hopes for the future into a phrase I like very much—"Jacksonville—the bold new city of the South."

But at a time when there is every natural evidence that air traffic nationwide will double within the next six years—and quite possibly more than double on major air routes—how bold can be the outlook for any city, North or South, if those sources representing a third or more of travel to it are artificially repressed?

I have concentrated on Jacksonville as an example close at hand. I could just as well have cited Miami where 46 per cent of the arriving passengers last year came from New York, Boston, Washington, Chicago and Atlanta—all restriction-threatened cities.

Earlier this year I made the same point in New York which could lose \$54 million next year and \$205 million annually by 1975 through lack of adequate airport airways facilities.

I have made the same point in Los Angeles and I will make the same point later this year in other cities. Take each of the 500 or so airports in this country served by the airlines and add up the dismal impact of artificial schedule restraints on people who want to get to and from major air hubs at their convenience and you have the public price of inadequate airport airways development.

This needn't be. For years now, everybody in aviation has had a rather realistic idea of what is needed for adequate airport airways development.

Here is the airline industry program. It realizes the need for development of both the airways system and the airports system; but it recognizes essential differences in each system.

Airports are a local or regional responsibility, usually supported by revenue bonds which are, in turn, backed up by the rentals, landing fees and other airport revenue generated by the airlines. Consequently most airline-used airports are highly productive economic entities.

But the major problem in achieving adequate airports is, quite simply, a lack of time.

We must do within the next five years what we should have been doing on airport development over the last 20 years. The job is one of achieving massive improvement, nationwide and nearly simultaneously.

The airlines propose that this be accomplished through an Airport Development trust fund supported by a two per cent increase in the current tax on domestic airline passenger tickets and a new charge of \$2 on tickets bought for travel from the United States to points abroad. The Fund would support development not only at airline-used airports, but also at general aviation airports, to the extent that these were designed to relieve pressure on airline-served fields.

The airlines proposal differs in one very important respect from other airport trust fund proposals which would use trust fund money directly for construction costs.

Costs are simply too high for such an old fashioned approach. A single runway, including supporting taxiways, for today's jets costs between \$4 million and \$5 million. Consequently, even if the Trust Fund produces \$120 million in its first year—as it is quite likely to do—we could not build very many runways at one time. And even over five years, direct funding of airport projects would enable us to accomplish little more than patchwork.

But there is a way of using the Trust Fund money to get moving on many more times as much work during the same five year period. This could be done by using most of the Trust Fund money to meet 75 percent of debt service costs on locally issued airport bonds, repayable over periods of up to 40 years.

Such an approach would permit the issuance of \$3 billion in airport bonds during the first five years of the program. By comparison, direct grants for airport development would produce only about \$600 million over the same period.

This is exactly what the airlines propose. We say of such an approach that it achieves the multiplier effect because it multiplies the amount of airport work that can get moving all over the country simultaneously.

The airways system for safe, efficient navigation and air traffic control requires a different approach. It is a federal responsibility and has been since 1926.

All beneficiaries of this system should contribute their fair share to its support.

Airline-users do this through the five per cent tax on passenger tickets, officially designated by Congress as a user charge for support of the airways system. The airlines would welcome further congressional inquiry to determine an equitable formula whereby all users of the airways—including general aviation and the government, through the use the military makes of the airways—contribute their fair share of adequate airways development.

Action at this point is up to the new Congress and the new Administration. The airlines are exerting every effort to win support of their airports/airways program.

We ask your solid support. Providing all cities with the air links they need in the face of growing demand is in your interest as well as our own.

Thank you.

GEN. DWIGHT D. EISENHOWER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 1969

Mr. LONG of Maryland. Mr. Speaker, I join my colleagues today in paying last respects to a great American, general of the Army and former President, Dwight David Eisenhower.

Dwight D. Eisenhower was a gallant and courageous man who gained the affection and respect of his countrymen and of all humanity.

His contributions, in war and in peace, are without measure. As the Supreme Commander of Allied Forces in Europe during World War II, as Supreme Commander of NATO, and as our 34th President, Dwight D. Eisenhower served his Nation well. As a former member of the staff of the Council of Economic Advisers to President Eisenhower, I had opportunity to observe the dignity and strength that he brought to that Office.

In a letter written in 1966, Dwight Eisenhower listed what he felt were 23 of the chief accomplishments of his administration. First among these in all our hearts was the peace that the Nation enjoyed under his leadership. And, as much as any other President of the United States, he unified the Nation.

With what a deep sense of loss we mourn his passing.

## HOW TO FIGHT DRUGS IN HIGH SCHOOLS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 1969

Mr. WYMAN. Mr. Speaker, the relationship to drug use to trouble and violence in the schools is undeniable. Something has got to be done to get the word to our young people that it is stupid, not smart, to use drugs; that it is their own lives that will be damaged, if not destroyed, in the process.

Girls can help here too—if they will show their contempt of boys who take to pot and speed instead of helping with the problems of society that seem so insurmountable at this hour. Youngsters who run away to the dream world of drugs set the stage for hard narcotic use when the kick of the lesser pot becomes tame. Hard stuff destroys the body and the mind as well as being habit forming. The agonies of withdrawal are among the worst pains known to civilized mankind.

If anything like 40 percent of the young people in high school—no less—have reached the heroin stage as reported in the following Alsop column, Congress had better view this situation as requiring a crash program for solution.

I urge parents, teachers, and those responsible for the schools across the land to give the students themselves a measure of responsibility for dealing with their own. We should encourage the young people to help their friends understand the menace and save themselves before they are hooked. Give young people—even in the high schools—a piece of the action here and I believe all concerned would be pleasantly surprised at the results.

The column referred to follows:

[From the Washington (D.C.) Post, Mar. 31, 1969]

DRUG USE IN NEW YORK CITY SCHOOLS  
APPALLING SOLUTION TO VIOLENCE

(By Joseph Alsop)

NEW YORK.—"More drugs, less violence, less drugs, more violence, that's about the size of it."

The fairly hair-raising equation was quietly offered by one of this city's most humanely wise school superintendents, Elliott Shapiro. It was in fact his explanation of the relative calm at Hughes High School, in lower Manhattan, where more than 40 per cent of students have reached the stage of heroin-use, or at least of heroin experiments.

The terrifying increase in hard drug-use in the New York schools (which merely predict the future in other big city schools) is in truth only one side of the medal. The medal's other side is the steady increase of violence, born of racial tension. The violence is rather clearly stimulated and even orchestrated by external organizations like the SDS and the Maoist-learning Afro-American Association.

Here a good case in point is Franklin K. Lane High School, on the Brooklyn Queens border. Lane's huge and handsome building is the focal point of a white middle class neighborhood, but gerrymandering to produce integration has given Lane a high proportion of black students.

When this reporter went to Lane, it was supposed to be "Black Monday"—the final deadline, in other words for meeting the "non-negotiable demands" of the school's handful of black militants. The demands were not being met; but it was all as quiet as a May morning, no doubt because of the presence of no less than 75 uniformed police, both inside the school itself and on all the routes of access.

The Lane story, it turned out, was classic. It began, as troubles in the big city high schools always do, with acute over-crowding. This led to double sessions, and to the breakdown of the discipline and security that double sessions always tend to cause. In this case, the breakdown of security was very graye.

In a fairly short space of time, there were over a dozen assaults; and all were assaults on white teachers by black students. These culminated in an attack on still another teacher, Frank Siracusa, by three students acting in concert, who cornered him in a stairwell. One held him. One sprayed him with something like lighter fluid. The third ignited his clothes. It was lucky (and Siracusa's assailants were also lucky) that he escaped without serious harm.

The Teachers Union thereupon rather understandably demanded police protection inside the school; and this was provided. Meanwhile the school principal, Morton Selub, moved to restore the school to a single session-schedule by the simple expedient of dropping about 700 persistent truants absent 30 days or more out of 50—from Lane's enrollment.

This supposedly tyrannical act led to much turmoil, including the "non-negotiable demands" of the school's black militants. Certain concessions were made, but in the main, the demands had to be rejected.

Since then, Lane High School has remained under siege, with something like 30 uniformed officers regularly on duty. And the whites of the Cypress-Woodhaven Community Council have now begun to demonstrate in their turn, demanding that the lines of the school district be redrawn once again, so that Lane will be mainly white.

The point of telling this grisly story is, quite simply, that there is nothing very exceptional about it, barring the Siracusa episode. Dr. Nathan Brown, the able assistant school superintendent of New York City, gave me the estimate that there were at least five other New York high schools in the same state as Lane. Ten more, he added, were also threatened with comparable outbreaks of violence.

These are all high schools with important Negro-Puerto Rican student populations. In other schools where whites predominate—most importantly in the nationally famous Bronx High School of Science—the SDS is also especially active. Here, "confrontations" in the best Columbia-Berkeley style may soon occur.

There is plenty of tinder here, to touch matches to, of course. The simplest proof that a good many of the matches are externally supplied is the well-edited, rather expensively printed "High School Free Press." This highly obscene propaganda sheet, crammed with every kind of appeal to violence, now circulates widely throughout the New York High schools. It is certainly not the sort of publication school boys and girls could either produce or finance.

Such, then, is the present state of this city's school system, which was once the best that any American big city boasted. The decent, hard-working chairman of the school board, John Doar, hopes that "we'll be able to control it—but that means using all the needed measures to meet this level of siege." One must pray Doar is right.

THOMAS MERTON—1915-68

## HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. COOPER. Mr. President, one of the most interesting literary figures of our day was a cloistered monk serving in a Kentucky monastery. Thomas Merton, who gave us "The Seven Storey Mountain," and other memorable works of literature, was known as Father M. Louis, of the Trappist Monastery at Gethsemani, Ky.

Upon the occasion of his death, the New York Times published a most interesting and detailed account of Thomas Merton's unusual career. I ask unanimous consent that the account be printed in the RECORD.

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

THOMAS MERTON IS DEAD AT 53—MONK WROTE OF SEARCH FOR GOD  
(By Israel Shenker)

Thomas Merton, the Trappist monk who spoke from the world of silence to questing millions who sought God, died on Monday in Bangkok, Thailand. He was 53 years old.

Author of an autobiography entitled "The Seven Storey Mountain," which became an immediate best-seller on publication in 1948, he was a writer of singular grace about the City of God and an essayist of penetrating originality on the City of Man.

The Trappist Abbey of Gethsemani, at Bardstown, Ky., announced the death of its best-known member. A spokesman for the abbey said a cable with the news had arrived from the American Embassy in Bangkok. There was no indication of the cause of death.

Father M. Louis—the religious name Merton adopted at the monastery—left for the Far East several months ago to attend a number of religious conferences. He was an expert on the contemplative life of the East, having written on a variety of Asian religious experiences.

In the history of recent Roman Catholic letters, Merton occupied a place of unusual prominence. He wrote of ageless spiritual life and religious devotion with the knowledge of a modern. And in the perspective of one who sought to increase his distance from the clangor of the age, he was beset by the demands of those who found him a prophet of that withdrawal.

As the leading light of his monastery, he found himself all but condemned by his abbot to sit at the typewriter and produce wisdom of the ages. It was a sign of his two minds about his role that he was ironically resigned and yet enthusiastically committed to it.

## OBJECT OF PILGRIMAGES

In the wake of the fame that descended on him as a result of his writings, he was the object of pilgrimages to the monastery. Though Trappists follow a regimen of silence—in conditions of sometimes severe privation—Merton was permitted, even encouraged, to propagate his thoughts. This he did in poetry, in a stream of books, in reviews of books by others, and in letters to editors.

The vogue that attended his prominence in the late nineteen-forties and fifties declined somewhat as the years progressed. For some avant-garde Catholic intellectu-

als Merton was partly stranded in the medieval-garde, though his concern for the problems of life extended to contemporary man. Even when Merton wrote about the justice of demands by Negroes, or the injustice of duties imposed by governments, he seemed a far echo of the message that was clear to others before him.

Thomas Merton was born on Jan. 31, 1915 in Prades, a French town that nestles below the Pyrenees near Spain. Today the town is best known for having served as the site of the Prades music festival, organized by Pablo Casals, the Spanish exile cellist.

Merton's father was English (Church of England), his mother American (Quaker). He grew up and studied in France, Bermuda, England, and the United States. He was graduated from Columbia University and earned a master's degree there.

After teaching English briefly at Columbia, he became so upset about the injustices of life that he joined a young Communist group. At the same time, he served at a Catholic settlement house in Harlem.

His reading was bringing him closer and closer to Catholicism. He later wrote in "The Seven Storey Mountain" that his "mind was taken up with this one thought: of getting baptized [he was Church of England] and entering at last into the supernatural life of the Church."

He added:

"I was about to set foot on the shore at the foot of the high, seven-circled mountain of a Purgatory steeper and more arduous than I was able to imagine, and I was not at all aware of the climbing I was about to have to do."

"The essential thing," he noted, "was to begin the climb."

From then—1938—until his death, the climb was a search for the perfection of the vision that filled mystics with wonder and realists with apprehension.

"The whole work of man in this life is to find God," Merton wrote.

In 1941 Merton entered the Trappist monastery of Gethsemani. The full title is Order of Cistercians of the Strict Observance, and the aim of this observance is sainthood.

Curious about the kind of life that awaited him, Merton consulted an encyclopedia, and his reading there convinced him that in earlier days the world and the order were vastly different.

"What wonderful happiness there was, then," he wrote. "There were still men on this miserable, noisy, cruel earth, who tasted the marvelous joy of silence and solitude, who dwelt in forgotten mountain cells, in secluded monasteries, where the news and desires and appetites and conflicts of the world no longer reached them."

Where others saw only the rigors of discipline, Merton perceived the joys of opportunity.

"A man is a man who has given up everything to possess everything," he wrote. "He is one who has abandoned desire in order to achieve the highest fulfillment of all desire. He has renounced his liberty in order to become free."

As the vagaries of literary favor would have it, Merton's autobiography, describing the spiritual pilgrimage leading from the lit of French to the silence of Kentucky, had to negotiate past unlikely obstacles.

On the nonfiction best-seller list for 1949, No. 1 was "White Collar Zoo," a book of animal photographs with humorous captions, No. 2 dealt with canasta, and No. 3 was "The Seven Storey Mountain," which moved many to new views of the old virtues of piety and prayer, and of the temptations of the flesh.

Merton was a practiced literary hand by the time his most popular book emerged from

the monastery. He wrote his first book at the age of 10, and followed it with 10 more unpublished novels.

Though he noted that he had destroyed all of them, one novel from his youth is to be published by Doubleday in July—"My Argument with the Gestapo: a Macaronic Journal." It tells of a young poet's attempt to report the World War II from London. "Macaronic" means verse written in two or more languages.

The book was written in 1940, and leans heavily on the author's imagination. He did not cover the fighting nor argue personally with the Gestapo.

Merton's devotion to severe ideals did not prevent him from seeing humor in life. "Can we recover from the titanic humorlessness of our civilization?" he wondered.

Since he had little hair left, he did not have to bother shaving his head to make him a fit member of the order.

"You have got me kneeling behind that pillar," he complained to God, "with my mind making a noise like a bank. Is that contemplation?"

Among his earlier works are: "Thirty Poems" (1944), "The Waters of Siloe" (1949), "Seeds of Contemplation" (1949), "The Sign of Jonas" (1952) and "No Man Is an Island" (1955).

More recently, "Conjectures of a Guilty Bystander" (1966) and "Mystics and Zen Masters" (1967).

Too complete an intellectual to accept faith blindly, he expressed his doubts—and also his fulfillment.

"You have given me peace," he said, and in the second person he meant the first person in the thoughts he put on paper: God.

After resignedly acting as master of novices at Gethsemani, he withdrew to a hermitage on abbey property, to gain more distance for contemplation.

His trip to the Far East was a rupture in this effort to glimpse more of the universe by seeing less of the world. But it was a characteristic move for the man who was no less concerned by the sinfulness of the world than a pursuit of what could put it right.

The monk who wandered in out of the world and then back into the world concluded his most popular book with an epigraph that he imagined to be the words of God.

"And when you have been praised a little and loved a little," God was saying to Merton, "I will take away all your gifts and all your love and all your praise and you will be utterly forgotten and abandoned and you will be nothing, a dead thing, a rejection. And in that day you shall begin to possess the solitude you have so long desired."

#### QUOTATIONS FROM MERTON'S WRITINGS

On man's relation to God: We cannot arrive at the perfect possession of God in this life, and that is why we are traveling and in darkness. But we already possess Him by grace, and therefore in that sense we have arrived and are dwelling in the light.

Addressing God, after taking his Trappist vows: For now, oh my God, it is to You alone that I can talk, because nobody else will understand. I cannot bring any other man on this earth into the cloud where I dwell in Your light, that is, Your darkness, where I am lost and abashed. I cannot explain to any other man the anguish which is Your joy nor the loss which is the Possession of You, nor the distance from all things which is the arrival in You, nor the death that is the birth in You because I do not know anything about it myself and all I know is that I wish it were over—I wish it were begun.

On man's responsibility to man: Einstein was a great prophet of the now dead age of liberalism. He emerged with the disconcerting kindness and innocence of the liberal, came forth from the confusions of his day to produce for us all a little moment of clarity, and

also, as an afterthought, he left us the atomic bomb. But we cannot take the bomb as pretext for looking down on his liberalism, or doubting his benevolence.

On the Generation Gap: Yesterday I offered Mass for the new generation, the new poets, the fighters for peace and for civil rights, and for my own novices. There is in many of them a peculiar quality of truth that older squares have rinsed out of themselves in hours of secure right-thinking and noncommitment. May God prevent us from becoming "right-thinking men—that is, to say men who agree perfectly with their own police.

#### POETRY

##### "Trappists, working

"Now all our saws sing holy sonnets in this world of timber

Where oaks go off like guns, and fall like cataracts,

Pouring their roar into the wood's green well.

Walk to us, Jesus, through the wall of trees, And find us still adorers in these airy churches,

Singing our other Office with our saws and axes.

Still teach your children in the busy forest, And let some little sunlight reach us, in our mental shades, and leafy studies.

When time has turned the country white with grain

And filled our regions with the thrashing sun,

Walk to us, Jesus, through the walls of wheat When our two tractors come to cut them down:

Sow some light winds upon the acres of our spirit,

And cool the regions where our prayers are reapers,

And slake us, Heaven, with Your living rivers."

#### "Wisdom

"I studied it and it taught me nothing.

I learned it and soon forgot everything else: Having forgotten, I was burdened with knowledge—

The insupportable knowledge of nothing.

How sweet my life would be, if I were wise! Wisdom is well known

When it is no longer seen or thought of, Only then is understanding bearable."

#### SPIRITUAL AND MORAL DISINTEGRATION?

### HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 1969

Mr. GROSS. Mr. Speaker, I wish to call attention to an article by Willard F. Rockwell, board chairman of the Rockwell Manufacturing Co., which appeared in a recent issue of that firm's quarterly publication, *Flow Line*. I include the article for insertion in the RECORD at this point:

#### SPIRITUAL AND MORAL DISINTEGRATION?

(By Willard F. Rockwell, Board Chairman, Rockwell Manufacturing Co.)

Time after time, the great leaders of history have pointed out that all who do not learn lessons from the mistakes of the past are doomed to repeat them. In his 1935 State of the Union message, President Franklin D. Roosevelt included a warning of welfarism's effects in destroying human character, with cumulative effects on the entire community

and state. He said: "The lessons of history . . . show conclusively . . . that continued dependence on relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief . . . is to administer a narcotic, a subtle destroyer of the human spirit . . ."

In quoting these remarks, the editor of the *Wall Street Journal* continued:

"History's lessons are just as plain now as they were in 1935, when Franklin D. Roosevelt thus warned of welfarism's effects in his State of the Union message. Yet many well-meaning Americans largely ignored those lessons now, just as Mr. Roosevelt himself did later on.

"Confronted by the failures of the existing welfare system, nearly everyone would like to supplement it or replace it with something else. Three of the proposals—all very much alive as a new Administration nears office—were discussed in a recent speech by Roger A. Freeman, senior staff member of the Hoover Institution at Stanford University."

One can only assume that President Roosevelt found that, having started the welfare system, it might be impossible to be re-elected unless he continued it, and he hoped to increase his popularity by increasing the so-called benefits. It has been noted that the greatest subsequent welfare increases have passed in Congress just before national elections, until it now becomes the greatest peacetime threat to our nation's future financial strength and moral fiber.

Henry Hazlitt, the economist who is known over the world for his comments on international economics and finance, has recently written a book entitled *Life and Death of the Welfare State*. This book clearly shows the way in which our professional politicians have led this nation into its present perilous position. As self-preservation is said to be the first law of nature, we can see why pandering politicians throughout history have had no scruples about seeking election and successive re-elections by offering personal security which, throughout the world's history, has resulted in national insecurity. If they know history, they know it will bring disaster, but they expect that the disaster will occur after their departure from this life. *Après nous, le déluge!*

It has been clearly demonstrated in recent years that a strong nation can use its strength wisely and increase the national welfare if its manpower and money power are used wisely. However, when the ruling politicians reduced manpower and financial resources by wars against other nations or by futile promises to its own people to wipe out poverty to the point where its people can reduce their labors and at the same time increase their leisure, the only result has been destructive impairment of its national welfare. When Britain's rulers adopted the Keynesian plan, its citizens were assured the country would increase and maintain its position as the most powerful nation in the world. Today, some of the most powerful voices which promoted the Keynesian theories have had to admit it has reduced Britain from the top world power to a third-rate power and has contributed to the rise of other nations which took advantage of British political mistakes. To many good people, the politicians' promise to eliminate poverty through adopting their nostrums is downright blasphemy!

The involvement of our great nation in wars, the ever-increasing crime rates due to softness shown to criminals by courts which give them greater and greater protection against just punishment, the frightening inroads of inflation, and the disrespect for all police and military powers in our country all came about through weakening—and sometimes abandoning—our original constitutional protection. It is only confusing to seek to find whether foreign countries having similar troubles copied our mistakes, or vice versa.

While he was the governor of New York, Franklin Delano Roosevelt said, "Our nation has been a successful experiment in democratic government because the individual states have waived in only a few instances their sovereign rights . . . But there is a tendency, and to my mind a dangerous tendency, on the part of our national government, to encroach, on one excuse or another, more and more upon state supremacy. The elastic theory of interstate commerce, for instance, has been stretched almost to the breaking point to cover certain regulatory powers desired by Washington."

Roosevelt became President in 1932 on a strong platform pledging himself and his party to uphold states rights and to reduce federal expenditures by cutting both the number of federal agencies and powers and the vast number of employees, all in accordance with our Constitution. When these party planks were rapidly revoked, the first protest by a big group of businessmen in Washington was followed immediately by the threat that every individual attending that protest meeting was to be subjected to a new scrutiny of their income tax returns by the Internal Revenue Department. That improper pressure effectively suppressed publicized protest meetings and was believed by many good citizens to have obliterated the rights of free speech.

Speaker Byrd of the Virginia House of Delegates, prophesied in 1910 that passage of the Income Tax Amendment would permit federal and state politicians to build up a system of spying and snooping by ever expanding bureaucracies. Time has proven that forecast to be only too correct. Individuals and agencies do pry into every individual's private affairs just as it was done under Communist and Nazi regimes in other countries.

Dan Smoot, a former FBI agent and a fearless commentator on political evasions and invasions of our constitutional freedoms, reminds us that Frederic Bastiat, a 19th Century French philosopher, said: "Life, liberty, and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place."

Mr. Smoot regards the Constitution of the United States as "a solemn agreement which every officer of government is under a sacred duty to obey." He believes that "It is treason as defined by the Constitution to give aid and comfort to international communism . . ." He states that our freedom is in danger because of federal activities not authorized under the Constitution as a proper sphere of government. He declares government has no authority "to grant powers for welfare programs, for schemes to redistribute wealth, and for activities which coerce people into acting in accordance with a prescribed code of social planning."

In his opinion, when our government steps over the line and assumes "the aggressive role of redistributing wealth and providing so-called 'benefits' for some of its citizens, it then becomes an instrument for what Frederic Bastiat called *legalized plunder*. 'How is this legal plunder to be identified?' asks Bastiat.

"See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime." Bastiat prophesied that such legalized plunder was the greatest threat then to our greatly admired Republic.

How many of our solid citizens can fall to see that our government has assumed greater and greater authority over every citizen's private life, his liberty, and his property? It has truly been extended to cover his life from

womb to tomb, with inheritance tax laws to pursue his heirs for years after his death.

#### PROFESSIONAL DO-GOODERS

In the same article, Mr. Smoot offers a quotation from the writings of Henry Grady Weaver:

"Most of the major ills of the world have been caused by well-meaning people . . . obsessed with fanatical zeal to improve the lot of mankind-in-the-mass through some pet formula of their own . . . The harm done by ordinary criminals, murderers, gangsters, and thieves is negligible in comparison with the agony inflicted upon human beings by the professional 'do-gooders,' who attempt to set themselves up as gods on earth and who would ruthlessly force their views on all others—with the abiding assurance that the end justified the means."

How true!

When Henry Weaver made these remarks, the crime rates were being reduced, and he could not foresee that those "well-meaning" people would also be responsible for the present frightening and frightful increase in crimes from which this nation is now suffering. Some "well-meaning" people believed that people accused of crime needed protection from overzealous policing authorities, but some of the "well-meaning" people were the judges in our courts who made new rules so favorable to criminals that it is difficult and occasionally impossible to convict known felons. The leniency was applauded by the worst kind of citizens—ranging from sneak thieves to criminal gang leaders.

The powers given to labor leaders extended in some cases to gangsters who had seized labor union control, some of whom are now more powerful than the President of the United States and Congress. These people demonstrate their power by closing down entire industries, regardless of national interest. They have closed entire public utility systems and kept them closed until they were granted some utterly inequitable demands. The politicians gathered votes for themselves when they refused to prevent the seizure of private property by union men until the inordinate demands of union racketeers were met, even when such demands led to bankruptcy and vast losses to both investors and customers, including hospital patients. The politicians did not foresee the time when labor leaders would use the same methods to invoke strikes among organized government employees who would shut down everything from schools to sanitation districts and even obstruct our military defenses and operations of our courts. The pandering politicians have been hoisted now by their own petard!

President Lyndon Johnson used the Taft-Hartley Act to delay the recent Maritime strike. One hour before the strike was declared, he called on both parties in the dispute "to resolve this matter and to do so immediately." He stated that a 55-day port strike four years ago cost the nation almost \$1 billion in export losses, and said, "We cannot pay that price again, or even risk being exposed to the danger."

When the President of the United States is powerless to stop a group of men who take such actions against the public welfare, regardless of the President's declaration of the danger which had cost our country so much in a previous strike, who can say what may happen next? How long will the public suffer such savagely ruthless punishment without demanding that there be a return to constitutional power and abolishment of these shameful malpractices?

In New York City, public welfare recipients now approach 10 per cent of the population; more money is spent on welfareism than is spent to support education, health, housing, policing, and the courts—just as President Roosevelt predicted when discussing welfareism in 1935.

As predicted for many years, welfareism in the United States has been extended by our politicians to welfareism for the entire world—to our former allies, our former enemies, and neutrals. There is no doubt that in the last election, 57 per cent of our citizens who voted were opposed to the welfareism which leads to local, state, and national bankruptcy. The Presidential candidate who said that if we were worried about the federal spending up to now he would show us some new records received the votes of "well-meaning" people, and every beneficiary of the welfare votes and the leniency toward the criminal elements. And there is no doubt that many good citizens did not vote because they felt it has become impossible to obtain a conservative and constitutional victory in view of the socialistic promises of the opposition.

#### CRIMINALS ARE GROWING YOUNGER

Congressman Glenn C. Cunningham of Nebraska, addressing the Speaker and the House of Representatives, gave this shocking report on crime based on the President's Commission on Law Enforcement and Administration of Justice, and recent F.B.I. and Public Health Service figures:

"Three-quarters of all arrests for crime in the United States each year are people under 25 years of age. The greatest class of criminals in the United States are 15 years of age, and the second greatest class are 16 year olds. One thousand and five hundred teenagers a day are afflicted with venereal disease. Rape in the United States has increased 61 per cent since 1960, and this rate rose 7 per cent from 1966 to 1967 nationwide. What is worse, the rate of forcible rape in our major cities increased 12 per cent from 1966 to 1967. This is a fire, and obscenity and pornography are gasoline that is splashed on this fire at the rate of 100 million pieces of objectionable material a year through the Post Office Department.

"Crime is then largely a youth problem and becoming more so. The 15-to-24-year-old group is the fastest growing part of the population. The growth of crime is much faster than the growth of our population, but the problems that our youth are having are part of the nationwide crime problem. If we are to start solving the crime problem we must start with the problems young people have. The problem of adolescence is for the most part adjusting relationships to the opposite sex and these relationships are being twisted by the free distribution of obscenity and the greed of smut merchants. The curse of very young lives is 'obscurity.'

"Obscurity inflames the curiosity of the young and their imagination. Most obscene materials are directed at the very young. Smut maulers pay a very high price for the names of youngsters in the 12 to 14 age bracket. It is a great wrong because it presents members of the opposite sex as subjects for physical satisfaction only. In addition, members of the opposite sex are presented as masochistic creatures who can only respond to cruelty."

After hearing such a well-documented indictment of increasing juvenile crime, what good citizen would believe that Congress did not take prompt action?

The Federal Government has subsidized the mothers of illegitimate children, but many of such mothers have shown no interest in and take no care of their children. Federal minimum wage laws have wiped out opportunities for young untrained people to take jobs, and many capable men are kept from obtaining employment because of union restrictions, from which there is no sure appeal. The most powerful newspaper in the country reports millions of dollars are stolen by collusion between government employees and jobless people in New York City, which could not continue if politicians did not benefit from the chicanery. A few years ago, there were many unions in New York City

which did not have a single black or Puerto Rican member; there are still many which have none. And yet the politicians try to blame this condition on employers—who are barred from employing non-union workers. The fact that such monopolistic powers are unconstitutional seems to be overlooked by the "well-meaning" friends of the people.

Boys from wealthy families whose parents forbid them to drive cars have found out how easy it is to steal one—and often cannot resist the temptation to do so. After stealing cars, it is inevitable that they are started on the way to a criminal career. People on relief, because they do not want to work, spend their time searching for homes to rob, and use every other possible means of acquiring other people's property. There are actually thousands of welfarers who, in the jargon of the criminals, spend their time "casing joints."

#### WELFARE ABUSES

Men with large families working for low salaries are urged by government employees to get a divorce. In this way they are told how they can keep all their earnings, and their wives and children will be immediately put on relief. They also tell them that if they live in a different place, they can continue their relations with their wives. And the government employees who urge such actions are seldom brought to task for their part in such illicit and pernicious practices.

Some state legislatures passing welfare laws wanted to make sure that payments were restricted to bona fide citizens, and so provided that new residents in the state would receive no payments until a stated period of residence had been established. One court decided that this was not constitutional, that any new resident could immediately receive the maximum benefits. That decision started a big migration, even though the case has not yet been decided by the Supreme Court where it is pending.

On January 21st of this year, newspapers reported that a Mississippi woman with twelve children had moved to New York "solely to take advantage of high relief payments." She expected to receive \$745 a month—\$640 more than the \$105 a month she received in Mississippi. She appealed to a trial examiner appointed by the State Department of Welfare, but her claim was rejected under the State Social Service Law because she "came into the state for the purpose of receiving public assistance," and therefore, was "undeserving and ineligible for welfare."

The woman is living with a daughter who has two children and is receiving \$462 a month in emergency aid. When the lawyers get through arguing, and if welfare is refused, the woman will continue to receive aid until plans can be made for her return to Mississippi.

In addition to the welfare payments, the state has to pay legal fees for legal counsel to the indigents. No information is given about the fathers of the children involved in this case. It is, however, a well known fact that many men desert their families, which then become supported by welfarism. The added tax burdens to honest people who earnestly work for a living become discouraging to many, who finally switch from work to welfare. When children are abandoned by their legally responsible parents, they slip into slums and ghettos faster than "well-meaning" people can wipe out such blots on our community's conscience.

Henry Taylor tells us that, although 1968's crimes increased 16 per cent over 1967, arrests increased only 4 per cent, and convictions decreased 8 per cent. Do we need more proof that our nation is going rapidly from bad to worse? Is there any hope of change for the better?

Yes, there is hope! In his Inaugural Address, President Richard Nixon did not advocate more welfarism. He spoke only of an

honest, untiring effort to return to peace in all the world, to reduce our crime rate, and to bring our people together regardless of race, religion, or any other condition. If we don't hang together this time, remember Ben Franklin's warning that we may all eventually hang separately.

### PREACHING DOCTRINES OF HATE, VIOLENCE, BURNING, AND KILLING ALLEGED TO BE FINANCIALLY PROFITABLE

#### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. RANDOLPH. Mr. President, the Stokely Carmichaels, Eldridge Cleavers—and other preachers of hate and violence—are reported to be finding it extremely rewarding financially to pursue these doctrines.

It has been said that a wide variety of student clubs, organizations, and well-to-do and middle-class citizens are contributing sizable amounts of money to further these activists' causes.

Ray Cromley, of the Newspaper Enterprise Association, has written a syndicated column, "Ray Cromley Says Spouting Hate Is Now Profitable Career," in the Raleigh Register, Beckley, W. Va., on March 24, 1969.

I request unanimous consent to have Mr. Cromley's remarks printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

#### SPOUTING HATE IS NOW PROFITABLE CAREER (By Ray Cromley)

WASHINGTON.—One of the anomalies of American life is that it is sometimes very profitable indeed—financially—to be a shouting, cursing, rabble-rousing enemy of The Establishment.

For some time now, men studying the most violent of the campus confrontations have noted that time and again the same men and women are present as organizers and agit-prop leaders. These inevitably seem to have the funds they need.

The same ability to come by money is seen among some men who travel from slum to slum preaching violence and riots.

Because of this coincidence, detailed studies are being undertaken to determine how these promoters secure the sizable amounts of money that some of them seem to spend.

These studies have already brought some curious facts to light.

Take the case of Stokely Carmichael, who in 1967 moved from slum to slum, preaching a doctrine of hate, violence, burning and killing.

Carmichael spoke at one Texas university for a \$5,000 fee, at another for \$2,500. For a round of appearances in Honolulu he was paid \$1,000. A talk in Chicago netted him \$500. Students at a university in Massachusetts paid Carmichael \$1,000 for a talk.

For periods in 1967, Carmichael spoke from three to four times a week. In the first five months of that year he spoke at more than 40 colleges for fees which frequently ran from \$500 to \$1,500 and more. On one occasion at least, as noted above, he drew \$5,000.

Or take Eldridge Cleaver, who also has preached a doctrine of hate.

Cleaver, a leader of the Black Panthers

and notorious for his assaults on women, has received upward of \$75,000 for his writings.

In a number of universities, student hate groups have captured control of student association funds, used them as pay-offs for their "troops."

Some of these men have acquired an expertise in securing funds from a wide variety of student clubs and organizations.

There is a fourth source of funds for the professional student activist and "burn, baby, burn" racial hater.

Sizable amounts of money in total are donated by wealthy, well-to-do and upper-middle-class men and women to activists who want to "Tear the system down," sometimes with no idea of what they want in its place.

Some of the donors are themselves members of The Establishment and personally hold positions of considered political, economic or social power.

Others have inherited fortunes, big or small.

Some among the activist groups have found a way to gain funds for themselves and their followers in the loose controls resulting from the skyrocketing growth of government and private experimental social programs.

It is now quite clear from the studies to date that some participants have profited considerably from the campus and slum riots which have caused disruption and suffering for so many.

This is in no way to imply that any except a small minority of students and slum rioters falls in this category. This column is about a hard core of rather cynical men.

### A BILL TO EASE THE UNEQUAL TAX BURDEN AND CLOSE TAX LOOP-HOLES

#### HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 1969

Mr. RIEGLE. Mr. Speaker, today I am introducing a comprehensive tax reform bill entitled the Wage Earner's Economic Independence Act. At a time when the average lower and middle-income families are feeling the pressures of the rising cost of living, spiraling inflation, high interest rates, and a possible surtax extension, we need a comprehensive legislative program designed to correct present inequities in the Federal tax system by redistributing the burden of taxation.

Every day, Mr. Speaker, I receive dozens of thoughtful letters from concerned citizens in the Seventh District of Michigan. They are law-abiding citizens who work hard, pay their taxes, and support their Government's efforts both to improve conditions in this Nation and to assist the welfare of our citizenry. They do not mind paying their fair share in taxes but feel the unfair weight of an unequal tax burden when the Government slaps on a surtax to "raise needed revenue and arrest inflation," yet continues to let many extremely wealthy people and businesses slip through existing loopholes in the tax laws to escape paying their share in taxes.

This is one reason why, Mr. Speaker, I am today introducing a bill which

would both help to ease this unequal tax burden now carried by low- to middle-income families and single persons and would close several special-interest tax loopholes.

When the House Ways and Means Committee announced that it was going to conduct hearings on tax reform proposals in preparation for introducing widespread tax reform legislation, I hailed this decision as a major breakthrough for the average American family. At that time, I urge the committee to expedite its action because I believe that the 10-percent surtax was, and still is, a poor, stopgap substitute for long overdue tax reform. After speaking with several of our colleagues who sit on that committee, I was pleased to learn that it is likely that we will see some tax reform legislation come out of the committee this year. I strongly support the committee's efforts and merely wish to add my own proposals to the ones they are now considering. Mr. Speaker, a digest of my bill follows:

**WAGE-EARNERS ECONOMIC INDEPENDENCE ACT**

*Title I.* (An increase in personal annual exemptions to \$1,000, for taxpayer, spouse, and dependents; and blindness of taxpayer and spouse) from the present \$600. The present annual exemption is grossly inadequate to meet the needs of those attempting to provide selves and family with the necessities of life.

(Exclusion from taxable income of certain reimbursed moving expenses) in addition to present deductions relative to expenses of moving household goods and personal effects, this provision would provide deductions for house-hunting expenses, temporary living expenses, costs of selling the former residence at the old work location, and attorney fees and other expenses incident to the purchase of the new residence.

(Exclusion from taxable income of interest on series E U.S. savings bonds) where the purchasing power of the aggregate of such interest and the price paid for such bond is less than the purchasing power of the price paid for such bond.

*Title II.* (Education tax credit) designed to help cope with the rising cost of college education. The maximum credit would be \$325 in the case of an individual paying \$1,500 annually for tuition, fees, books, equipment and supplies.

(Tax credit to ease the burden of local property taxes on homeowners) and the equivalent liability of rentpayers. Credit would be given for a percentage of local property taxes which exceed five percent of a taxpayer's net income and a similar credit for tenants based on 25 percent of their rent.

*Title III.* (Extends head of household benefits to certain single persons), to help alleviate the present inequitable tax burden on these persons.

*Title IV.* (Provides a deduction for the cost of transportation required as a result of a physically handicapping disability, and a personal exemption for the disabled). Offsets the inequities in income taxation which discriminate against the severely handicapped.

*Title V.* (Repeal of the manufacturers' excise tax) on passenger automobiles, trucks, buses, and trailers.

*Title VI.* (Tax relief for senior Americans), to make tax exempt the first \$5,000 in income for people 65 and over.

*Title VII.* (Reduction of the percentage depletion allowance for oil and gas) wells (presently 27 1/2%) to 15 percent.

*Title VIII.* (Elimination of the 14-point Western Hemisphere deduction), a tax privilege utilized primarily by the oil and gas industry. A tax incentive program designed

to infuse capital into emerging countries is substituted.

*Title IX.* (Modification of the capital gains treatment of property acquired from a decedent.) Under the present law, considerable capital gain escapes income tax completely when transferred from one generation to another through bequests. This provision would tax such transfers as gifts as transfers in trust are currently taxed.

*Title X.* (Repeal of the multiple surtax exemption.) The multiple exemption is used by single enterprises and their subsidiaries to avoid tax liability.

*Title XI.* (Effective date.) This bill will become effective six months after enactment or at the start of a new Fiscal Year, whichever time occurs first.

PESACH: YEAR 5729

**HON. HARRISON A. WILLIAMS, JR.**

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. WILLIAMS of New Jersey. Mr. President, Wednesday night, when the sun goes down, the observance of the festival of Passover will begin for the Jewish people all over the world. The youngest member of the Jewish family, gathered together for the traditional Passover service and meal, called the seder—which literally means order—will ask the first question:

Why is this night different from all other nights?

The oldest member of the group will then supply the answers which are faithfully recorded in the Haggadah. The Haggadah is the book which tells the ancient story of the Exodus in which Moses, following the orders of God, led the Israelites, who were slaves in Egypt, out of the land of bondage through the desert and into the Promised Land.

In the ceremonial seder, it is explained that bitter herbs are dipped into sundry mixtures and eaten as a reminder of the bitterness that the ancient Israelites were subjected to while they were slaves in the Egyptian land. To remind the participants of the haste with which the Israelites were forced to flee from Egypt, matzoh is served. Matzoh is flat, unleavened bread similar to that which the Israelites baked on a flat stone in the sun and were compelled to subsist on.

In our modern world of today, the message of Passover is still a relevant one. Today, the descendants of the ancient Israelites are still struggling to maintain both their identity and their being in the face of Arab hostility and terrorist activity. What more poignant example of the modern day lack of freedom can be exhibited than the intolerable way the Iraqi Jews are presently being treated. These people are virtual hostages in a country which will not allow them freedom and peace in other lands. They have been denied their civil liberties, boycotted by their fellow countrymen, deprived of their jobs and sources of income, and denied their right to attend universities. It is for this reason that I recently introduced a resolution which would urge the Iraqi Government to allow their Jewish people the right to emigrate from

their hostile homeland into any of the various countries which openly welcome them. Thus racism and oppression still haunt mankind and on the holiday of Passover the meaning of freedom must once again be re-examined.

It is with a great sense of respect that I extend to the brave, tenacious members of the Jewish faith a happy and a healthy Passover. Let us pray that in years to come, the Jewish people and those all over the world will finally be free of oppression and repression. Hag Same' ah!

**CONGLOMERATE MERGER INVESTIGATIONS**

**HON. EMANUEL CELLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my address on conglomerate merger investigations before the section of antitrust law of the American Bar Association in Washington, D.C., on Thursday, March 27, 1969. My address follows:

**CONGLOMERATE MERGER INVESTIGATIONS**

The opportunity to speak at this Spring Meeting of the Antitrust Law Section of the American Bar Association is most welcome. Change is in the air in antitrust. Forty seven years in Congress has taught me to expect change. Change in fact may be our only constant. I never thought that I would see the day, however, when the business community would be pleading with the Federal Government for an investigation of business. But that is exactly what has resulted from the merger practices of some of our leading corporations, particularly the tactics of some of the so-called conglomerate corporations.

From all sides we hear complaints about corporate "raiders" and "buccaneers." There are even worse adjectives used to describe take-over's from nonwilling managements.

The reasons are not hard to find. In 1968 there were 4,462 merger announcements, and this was a 50 percent increase from the 2,975 announcements in 1967. There were 2,442 manufacturing and mining mergers consummated in 1968, which was 1 1/2 times the 1967 level and 3 times the 1960 level. These mergers and proposals to merge involved hundreds of cities across the length and breadth of the United States.

But not only has the rate of merger activity assumed massive proportions, the force of the merger movement comes from our largest corporations. In 1966, 101 corporations with assets of \$10 million or more, involving a total of \$4.1 billion, were acquired. In 1967, there were 169 such large corporations acquired, accounting for total assets of \$8.2 billion. In 1968, 192 corporations of this size, totaling assets of \$12.6 billion were acquired. According to the Federal Trade Commission, 82 percent of the mergers in 1968 were product extension conglomerate or other conglomerate.

Now what happens in these mergers? Frequently corporate headquarters are moved from a small or medium sized city to a metropolis. Local management is removed or subordinated to outside interests. Civic leaders familiar with community needs may be replaced with professional managers whose concern is with the problems of a profit and loss statement, and who have little time or interest for the problems of local school boards, municipal and county government,

community charity, local real estate taxes, adequate policing of crime, and to solutions to other civic disruptions manifest throughout the land.

Employees may find unfamiliar faces across the bargaining table. Their opponents may be strangers, unsympathetic to local conditions, who attempt to resolve all differences in a corporate mold made for other unions in other sections of the country.

Local banks lose long standing accounts as a distant corporate headquarters assumes financial direction. Local law firms and accounting firms that have served the acquired company for years find they have lost irreplaceable business.

These effects are nationwide. They generate complaints in every Senator's State and in every Representative's District. News media throughout the land find subject matter for stories that fall upon a sympathetic audience. Is there any wonder why corporate mergers, particularly conglomerate mergers, have sparked an unprecedented number of investigations, which involve many functions of the Government, at the national level?

There are a total of eight investigations underway. Before the elections in 1968, conglomerate merger investigations had been announced by three antitrust groups—the Federal Trade Commission, the Senate Antitrust and Monopoly Subcommittee, and the House Antitrust Subcommittee.

Since July 1, 1964, the Senate Antitrust and Monopoly Subcommittee, under Senator Hart, and with the assistance of Senator Hruska, has collected a wealth of information on mergers and other factors that contributed to the growth of economic concentration in American industry since World War II. Senator Hart's long-standing study comprised seven volumes of hearings up to April 7, 1968, and it is continuing.

On March 18, 1968, the Federal Trade Commission's annual merger report noted that "Merger activity in 1967 experienced the sharpest increase in modern industrial history." As a result, under the able leadership of my good friend Paul Rand Dixon, the FTC on July 2, 1968, adopted a resolution to investigate the long-run consequences of the merger movement, particularly, in regard to the growth of conglomerate mergers. The FTC's investigation into what many fear is a pervasive restructuring of basic American industry has been underway since that date.

On October 9, 1968, I announced that the House Antitrust Subcommittee, under my direction, in the 91st Congress would undertake a comprehensive study into the economic significance of the current conglomerate merger wave. My press release notes that although the Subcommittee is not committed to any particular economic or legislative conclusion, it may be that the traditional standards of the antitrust laws against mergers and combinations may need reevaluation in the light of the economic and political effects of conglomerate mergers.

Since the first of this year, apprehensions concerning the significance of conglomerate mergers have come to a head. There are criticisms from every side and investigations have proliferated.

1. The Federal Communications Commission on February 8, 1969, announced an inquiry into conglomerate ownership of broadcasting stations.

2. On March 6, 1969, Hamer H. Budge, Chairman of the Securities and Exchange Commission stated that the merger movement in the last four years had developed strong financial implications that were of increasing concern to his agency, particularly the use of debt securities and bank loans to finance acquisitions. Mr. Budge stated that the wave of conglomerate mergers, and the financial methods used in company take-over's involved long term risks that, if uncontrolled, could possibly bring about an economic collapse.

These views were endorsed by his predecessor at the SEC, Emanuel F. Cohen. Mr. Cohen supports advance filing of take-over bids and asked for amendments which would require corporations making take-over bids to disclose their identity, corporate intention, and sources of funds.

3. President Robert W. Haack, of the New York Stock Exchange has issued warnings against the use of long term warrants, debt securities and bank loans in mergers and corporate takeovers. On February 21, 1969, a letter advised all presidents of listed companies that the NYSE would examine proposed issues even more intensively and under certain circumstances would deny the application, and might even consider delisting the company. On February 26, 1969, Mr. Haack emphasized this concern and pointed out that in January 1969, a total of 106 companies, almost all of which were listed on the NYSE, were involved in one way or another in tender and exchange offers. Trading activities in these issues aggregated over 40 million shares in January, some 15 percent of the overall activity for the month.

4. The House Ways and Means Committee, under Chairman Wilbur D. Mills, in its extensive hearings on tax revision, has paid particular attention to tax law provisions that encourage conglomerate mergers. On March 12, 1969, the Ways and Means Committee heard representatives of the SEC, the Department of Justice, the FTC, and numerous private witnesses, on the need for tax reform that would change the deductibility of interest payments on debentures used in mergers, and to limit the tax deferral permitted in installment reporting of gain. I understand the Ways and Means Committee will report a bill that will reduce tax benefits that encourage corporate mergers. I endorse this objective. Over the years I have sought changes in tax law so that antitrust objectives would be reinforced and not diminished. Adjustments, at this time, to reduce tax benefits that encourage corporate mergers, I feel, necessarily would be beneficial.

5. While corporate mergers, including conglomerates, have ranked high in the Antitrust Division's continuing enforcement program, in February the Antitrust Division became more actively concerned with "pure" conglomerates. The new Assistant Attorney General for Antitrust, Richard W. McLaren, has announced an intention to challenge these mergers under the Celler-Kefauver Act. This development is one that I have long encouraged. Failure to use its force against conglomerates neglects the Celler-Kefauver Act's objective to preserve a competitive system. From its inception, the Celler-Kefauver Act was conceived as an instrument to stem the rising tide of economic concentration. Its purpose was to forestall the evil of undue concentration of economic power in the hands of a few—to retain local control over the forces of industry.

The Report of the Judiciary Committee (H. Rept. No. 1191, 81st Congress, 1st session) is explicit. It states the law "applies to all types of mergers and acquisitions, vertical and conglomerate as well as horizontal, which have the specified effects of substantially lessening competition . . . or tending to create a monopoly." The House acted first, and passed Celler-Kefauver on August 15, 1949. In all the time until final passage on December 29, 1950, it was always clear that the amendment was not limited to horizontal mergers of competitors or vertical mergers between suppliers and customers. The Celler-Kefauver Act reaches all mergers that may substantially lessen competition or tend to create a monopoly in any line of commerce in any section of the country. What could be more deadening to competition than a "basic restructuring of American industry" in which absentee managers determine the destiny of thousands of

workers in hundreds of communities by analysis of monthly profit and loss reports?

Restructuring of American industry by definition will substantially affect competition; in some cases it must necessarily substantially lessen competition or tend to create a monopoly. Some corporate leaders aver as much. *Fortune* magazine reports that Fred Sullivan, Chairman of Walter Kidde & Co. has stated that going conglomerate is "the American way of business" and will soon be "obligatory" for all United States business. Indeed, Nicholas Salgo, head of the Bangor Punta conglomerate is quoted as predicting that "In ten years there will be only 200 major industrial companies in the United States, all conglomerates."<sup>1</sup>

While I believe it is clear that the Celler-Kefauver Act in an appropriate case applies to a pure conglomerate acquisition—it is not clear that the Act is adequate to correct all conditions that may result in public injury. That is the reason for the House Antitrust Subcommittee's investigation.

We aim to find out the answer to this question: If a multi-industry company merger does not violate the antitrust laws, is there any effect that nonetheless needs to be corrected by legislation?

To answer this question, a wide spectrum of information is required. Each of the eight investigations now underway will provide insight on the basis of its own specialty and responsibilities. The results from each will be mutually useful and complementary.

The technique used in the House Antitrust Subcommittee's investigation is to examine in detail specific merger transactions of a selected sample of conglomerate corporations. This technique will produce factual case studies that illustrate (1) motivation for the merger transaction and (2) management effects and efficiencies after the merger transaction.

A problem that arose early in the investigation—and which still persists—is an adequate definition of the term "conglomerate." The term once was an accolade for modernity, innovation, and success. Now it seems to be a term of opprobrium. At least all of the companies in our sample are taking pains to establish that they are something else. Maybe that is because someone facetiously said: "Conglomerate has become a dirty word."

Conglomerates commonly are identified as companies that encompass a variety of industrial activities that serve more or less separate and distinct markets. Many companies that are not popularly considered to be conglomerate, however, are diversified multi-industry operations. General Motors, for example, in addition to automobiles, makes locomotives, refrigerators and washing machines. General Electric, according to *Fortune* magazine, is engaged in 14 business categories in the *Standard Industrial Classification Manual*, IBM is in 8, and Dupont is in 9. These corporations, however, are not in the normal course thought of as conglomerate corporations.

Diversity alone does not sufficiently identify a conglomerate. It seems to me that it is important to distinguish between concepts and practices. Conglomerate corporations have good features that may provide important benefits to the public as well as bad practices that need to be curtailed.

Harvey H. Segal, of the *New York Times*, suggests that the distinguishing characteristic may be found in the manner of recent growth.<sup>2</sup> Corporations popularly considered to be conglomerate appear to be corporations where mergers have accounted for a substantial percentage of recent asset growth. International Telephone and Telegraph Corporation, for example, had assets that grew by

<sup>1</sup> *Fortune*, February 1969, p. 80.

<sup>2</sup> *New York Times* magazine, Oct. 27, 1968, p. 33.

more than \$2 billion in the period 1960-1967, and mergers accounted for more than a third of that total. Mr. Segal points out that in 1966-1967, mergers accounted for approximately 46 percent of Litton Industries' growth, 47 percent of Gulf & Western's, 69 percent of Textron's, nearly 100 percent of Martin Marietta's, and 95 percent of Glen Alden's. Mr. Segal's refinement appears to be reasonable. Perhaps other definitions may disclose themselves as appropriate during the course of the investigation.

The Antitrust Subcommittee's sample was selected on the basis of diversification considered in conjunction with popular reputation. The sample consists of the following six companies:

International Telephone & Telegraph Corporation.

Ling-Temco-Vought, Inc.

Litton Industries, Inc.

Gulf & Western Industries, Inc.

National General Corporation.

Leasco Data Processing Equipment Corporation.

ITT, 21st on Fortune's Largest Corporations list, Ling-Temco, 38th on the list, and Litton, 44th, and Gulf & Western, 135th, are widely recognized as leading examples of the conglomerate pattern. Omission of these companies would make an investigation incomplete.

The other two companies are much smaller, and younger. They are the products of imaginative and aggressive managements and were selected from a number of likely prospects because of their acquisition of insurance companies and banking functions. Treatment of insurance company reserves and assets demand special attention. Stability in insurance operations must not be jeopardized by a financier's enthusiasm.

The Subcommittee's sample should provide a representative cross section of the good as well as the bad features of conglomerate organization. Each company has developed variances in policy and techniques in their growth. There are wide differences in their post-acquisition management controls.

In one respect, the companies in the sample are similar. In all, the top management central figures have a characteristic youth and aggressive vitality. They seek innovation, and the application of new management concepts. In one sense, they lead an assault against much which is outmoded, inefficient, and timid. They disturb the status quo—and to the extent the business world has lagged behind modern technology—this should be beneficial. In some instances minnows have sought to swallow whales. Such a process is not beneficial.

A final word about our investigation. Letters of inquiry were sent to the sample companies on February 18, 1969. In essence these letters sought cooperation in the production of documents. The Subcommittee's schedule plans for receipt of documents by March 31, 1969, with public hearings commencing in May. This may be ambitious, but the importance of this subject requires extraordinary effort and attention. We are assured full cooperation by the companies.

The Subcommittee's request for information seeks documentation to be found in the files of the companies. Generation of new materials is to be avoided. The letter to ITT, for example, states:

"It is the Subcommittee's intention to conduct this study in a manner to avoid to the maximum extent practicable interference with the normal routine of ITT and to impose a minimum burden on the time and effort of its officials, personnel and facilities. It is hoped that virtually all of the information requested may be assembled from materials presently existent and available in the files of ITT. In your response to the Subcommittee's requests, we wish to avoid wherever possible the necessity to prepare new

documents or materials, or to prepare elaborate presentations that duplicate information presently available in another format."

In general, the file materials sought are the internal records that the top management officials utilized in decision making in merger transactions during the period January 1, 1964 through January 1, 1969. These records will provide an objective record of motivating forces at work in each transaction.

To evaluate management techniques and post acquisition efficiencies, the Subcommittee will look at financial records and performance evaluation records of management officials responsible for operations that were acquired. Government contracts transferred by the acquisition will be examined to evaluate post acquisition experience.

After examination of these matters in public hearings, and analysis of the information developed in the other investigations, we will be in a much better position to deal with the conglomerate problem. If needed, meaningful amendments to the antitrust laws will be able to be presented to Congress.

ADDRESS BY HON. KENNETH KEATING TO FRIENDLY SONS OF ST. PATRICK

Hon. EVERETT MCKINLEY DIRKSEN OF ILLINOIS

IN THE SENATE OF THE UNITED STATES  
Tuesday, April 1, 1969

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a statement by the distinguished Senator from Arizona (Mr. GOLDWATER) and, at the request of the Senator from Arizona, the text of a speech delivered by Hon. Kenneth Keating, of New York, at the annual meeting of the Friendly Sons of St. Patrick on St. Patrick's Day.

There being no objection, the statement and speech were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GOLDWATER

A number of years ago it was my extreme honor to be asked to address the Friendly Sons of St. Patrick on the occasion of their annual meeting on St. Patrick's Day. It marked one of the most enjoyable evenings of my life, and ever since then I have welcomed the opportunity of joining with these fine people in paying honor to their patron saint. It might seem strange to Senators that a fellow by the name of Goldwater should be so enamored of the Irish. I can explain by pointing out that I had the good fortune to have a mother who had some Irish blood in her veins.

At the recent celebration of this annual event, one of our former colleagues and a great son of St. Patrick himself, Hon. Kenneth Keating, of New York, addressed the dinner. His remarks were so entertaining and to the point that I asked him to let me place them in the Record.

I ask unanimous consent that his speech be printed in the Extensions of Remarks:

"Judge Curran, Reverend Clergy, Mr. Chief Justice, Your Excellencies, my former colleagues of the Senate and House, former and present distinguished members of the Establishment, distinguished guests—all Irish or would-be Irish, a few days ago I was telling a lighthearted Irish friend of mine about my forthcoming speech before the Friendly Sons down here in Washington. 'Ken', he said, 'I can see the scene as you stand up to speak. All your fine Irish friends

stand, give you a big hand, and start singing "Stranger in Paradise!"

"Well," I said, "I have news for you. I'm a card-carrying, dues-paying member of the Friendly Sons in New York and I have no less valid a right to be there in that goodly company than has my friend Bill Fay, the distinguished Irish Ambassador whom I hope to see there."

"For it is County Wexford, that blessed little enclave of the Irish heaven, that is the ancient tribal homeland of the Keatings. And there today, in a spirit of pity rather than of anger, my own branch of the family is known as the Lost Souls. And all because one of my Keating ancestors perversely took a left turn when all the traffic on the road to salvation was moving straight ahead!

"Otherwise, my name today might be Kevin instead of Kenneth, and I might well be celebrating the annual Red Mass instead of attending it. In this connection, let me tell you that I was flattered by a prominent Catholic layman here in Washington who once told me that he was impressed by my close facial resemblance to my deeply esteemed friend, Cardinal O'Boyle. 'In fact', he said, 'if you two changed clothes, I'd be willing to bet that you could pass for the Cardinal and he for the Senator.'

"Well," I told my friend, "that might be so up to a certain point. But I'll tell you when the exposé would come . . . on the day that Cardinal Keating celebrated his first pontifical high mass!"

"As a matter of fact, I was once indeed a priest. At least for a fleeting second or two. Even if only in the imagination of a child. And all because United States Senators are given to wearing black homburgs, somber dark overcoats, and white scarves. It was in a New York upstate city that the transmogrification took place. I was there to deliver a speech, and was taking a brisk walk down the city's main street to get the blood coursing through my veins, when a little boy of nine or ten passed me by, raised his cap respectfully, and said, "Good evening Father." Now that's what I call "instant ordination!"

"And I must tell you the story of little Dennis, age 8, one of my staunchest supporters in my more political days, etc. After my election to the Courts of Appeals his mother wrote me the story of Dennis' devotion to my cause, etc.

"Mention of the Red Mass a moment ago reminds me that there are in this country, as you know, certain persons who have committed themselves with a missionary zeal to what might be called the de-valuation of God. It seems two of these theologians of doom were present at a Washington cocktail party (one of those highball-to-highball confrontations): Well, anyway, these two devaluators were sad-faced as they drank. Finally, one turned to the other and said: 'I tell you, I just can't figure it out. The harder we fight in our cause, the more we seem to lose. After years of effort, we finally managed through the court to get God out of the schools . . . but now look where He is for consultations! . . . In the East Room of the White House every Sunday.'

"As you know, New York City, so plagued with problems, so hard pressed to remain a viable urban entity, is like Washington—looking for salvation in home rule. Indeed, a move is already afoot to give the city home rule in the grand manner . . . by having it break away from the State of New York and become itself a State . . . the 51st in the Union. But I have an Irish friend in New York who goes even further in this separatist movement. The Irish imagination always flies at a higher ceiling, of course, so he has come up with the original and provocative notion of establishing the five boroughs of New York as a separate nation . . . sovereign and independent. As I say, the Irish think big. And I must con-

fess that the more he detailed the advantages of such a move, the more exciting and attractive it appeared to be.

"Now, the first problem was to find a suitable name for the new nation. My friend gave some consideration to the name Funlandia . . . but this seemed a bit too whimsical . . . so he picked the sober, more dignified, yet wholly fitting name of Atlantica.

"Just to cite an opening advantage . . . this new nation of Atlantica would instantly require the appointment of some 115 ambassadors and other diplomatic officials. Think, said my Irish friend, how this would cut down unemployment among the very rich!

"Still on the diplomatic level, it is certain that Pope Paul would be among the first to recognize the infant nation, and to send a Papal Nuncio to Manhattan. As for the present clergy of New York City, many would enjoy a sudden mass elevation to the purple upper altitudes.

"But since New York's chief troubles are economic, it is in this area that nationhood would really pay off. The conceiver of Atlantica tells me that the first policy move would be to put the bite on our great, rich and powerful neighbor to the west . . . the United States of America. This would involve a visit of state to Washington on the part of President Lindsay . . . or King John . . . depending on what form the new government takes. And after President Nixon greets him at the airport . . . and after the parade down Pennsylvania Avenue . . . the two-power conference could convene over a friendly drink and discuss the prime item on the agenda: Aid to over-developed nations.

"And once on its fiscal feet, think what a rosy future would lie in store for the new nation. Defense budget? What for? Whether they liked it or not, Atlantica's powerful neighbor, the USA, would have to guarantee its defense in the event of threats from without. Although my Irish friend does concede that there might be need of a token army . . . in case of any attempted takeover by Governor Rockefeller!

"And one last point that he brought to my attention was the inviting prospect of reciprocal tariff agreements with other powers. Think, he said, of a trade arrangement with Ireland that would cut the price of Old Bushmill's in half . . . and bring the liquid therapy of Guinness to those in direst need of it.

"Now that I've mentioned Old Bushmill's, it's only fair that I give equal time to John Jameson, so let me tell you the story of Shaemas O'Donnell.

"Most men lift a glass now and then . . . in response to the demands of sociability or thirst . . . but Shaemas literally drank for a living. He was a whiskey taster for that fine old firm of John Jameson. Now, it's an understatement to say that Shaemas loved his work.

"He was the first man at the task in the morning, and the last to leave the distillery at night. And Shaemas was one of those rare creatures who make their work a hobby. In brief, he tasted whiskey above and beyond the call of John Jameson. The charitable might say of Shaemas that his imbibing wasn't so much a vice, as a virtue that got a little out of hand.

"Well, as one might suspect, with the passing years of both curricular and extracurricular whiskey drinking, Shaemas died a sudden death. A beautiful death, some tender souls called it, for at the time the glass was at his lips, and he had the beatific look on his face. Now his widow, Ellen, was a most sensitive woman, and she was deeply worried about how Shaemas' obituary would read. She wanted to send copies of the newspaper account to Shaemas' close relatives in America, and it would be an eternal shame if the obituary came out with the truth . . .

that Shaemas had died of the drink. So she sought out a newspaper reporter who was an old pub companion of Shaemas, and confided to him her problem. 'Have no fear, Ellen,' said the reporter, 'I'm writing the obit myself. I'll have Shaemas going out in glory, and with no taint whatever on his proud name.' And so it was. When Shaemas' friends read the obituary, they could hardly recognize their old pal.

"His passing sounded like a loss not just to his family and John Jameson, but to the nation. A funeral wreath of praise, the story was . . . bedecked with fine words like dedication, assiduity, loyalty, and devotion to family and friends. And Shaemas was identified not as a whiskey taster, but, euphemistically, as a member of John Jameson's quality control staff. However, what gratified and comforted his widow, Ellen, the most was the final line of the story . . . the final, beautiful line: Mr. O'Donnell's death was attributed to overwork.

"We live today in an age of communication. The world has been wired for sound, if not understanding. Words and images even fall like rain from the sky . . . from the satellites in space . . . to let peoples talk to peoples on a kind of cosmic party line. But the great paradox and pity is that the science of communicating has so far outstripped the art of communicating . . . that the means of conveying thoughts are so much more sophisticated and inspiring than the thoughts themselves. In a word, the medium shames the message. For we are so often served an electronic menu of banalities . . . platitudes, and carefully phrased nothings. Fatuity and poor taste debase the coinage of expression . . . and in kind of a linguistic Gresham's Law bad talk drives out the good. Now I mention this only because I want to dwell a moment on one of the manifold gifts that the good Lord bestowed on the Irish. I speak of their wondrously rare genius for ennobling, gracing and vivifying the art of communication . . . for making words sing and dance as no other people can. In fact, it is completely true . . . and no blarney . . . to say that the Irish don't speak in black and white . . . they speak in living color. Even when they teach the truth to do the twist, it turns out to be a lovely dance!

"And their way with words, is a wealth that the Irish never hoard . . . so that our life, no less than our language, has been enriched by the tongues and pens of Eire.

"Of course, there's sometimes mischief and malice in Irish humor . . . but what good's a fine, sharp rapier, if you don't give a thrust with it now and then. You'll think of many examples . . . but I myself am thinking now of the old Irishman Sean O'Sullivan being consoled on his deathbed by his parish priest. 'Father,' said Sean, 'it's too late now to change the record. It's all marked down. Either I'm going to heaven or I'm going to hell'. Then he sighed, and a soft light came into his eyes. 'But whether it's heaven or hell, Father, there's the one great consolation. I've got friends in both places!'

"And let us not forget that the Irish have brought their wit no less than their skill to the field of sports. I'm reminded of the New York football coach of Irish ancestry who spoke in an upstate New York city before a woman's club on the subject of football. The ladies were eager to learn the fine points . . . so they could at least understand their husbands and assure domestic tranquility. As a result the speaker was asked many questions. Finally, one lady got up and asked him if he would be so kind as to explain the difference between a split end and a tight end. The answer came like a crack of a pistol: 'About five martinis!'

"An Irish-born sports reporter was covering the spring training camps. There was a Baseball Players Golf Tournament, and our

reporter walked around with one foursome of well-known baseball players. Now in the foursome was a certain star outfielder . . . we'll call him Clarence to protect him . . . who was a novice at golf, as his game clearly showed. He was as wild as a hawk, and seemed unable to do anything right. Except for one thing. When his shots came out of the woods . . . and he spent most of his time there . . . they were things of beauty . . . amazing recovery shots. Finally, on the last hole, as the others stood waiting on the green, Clarence's ball came high and hard out of the woods and landed within a foot of the hole. At this the Irish sports reporter threw out his hands and broke into a broad grin.

"What a man, that Clarence! His drives are swinging bunts . . . his irons are terrible . . . and he can't putt . . . but I'll say this for the guy . . . He's got the greatest throwing arm in golf!

"Now if it is true that the Irish art of communication is distinguished above all others by its verbal felicity and its wit, this is by no means the full story. Let us not mistake the bouquet for the brandy . . . nor the fragrance for the rose. For in their centuries-long dialogue with the world, the Irish have contributed something deeper than words . . . something richer than humor . . . something rarer than charm. I speak of the sacred concept that has run like a thread of gold through the tapestry of Irish history . . . the concept of the dignity of man.

"It is a concept that grows as naturally out of the faith implanted by Saint Patrick as the shamrock grows out of the grass he once trod. For what is the dignity of man but a reflection of the glory of his Maker . . . a reflection in faces and hearts of the eternal truth that man is a unique creation on this earth . . . a spark in its darkness . . . an immortal among mortal creatures.

"Since the days of the sainted Patrick, Ireland has held this truth before the world like a banner. Beaten to its knees so long by the hammering fists of adversity and oppression, it found deep in its soul the strength to rise again . . . to rise and make come true a deathless dream.

"Yes, history tried to shape Ireland from without . . . but Ireland shaped history from within . . . and it was in its sense of the innate dignity of man that its greatest force lay.

"This is what I mean when I speak of Ireland's dialogue with the world . . . of what a land so small has communicated to a world so vast. Yes, it may well be said that in freedom's long story the Irish have done more than write their own pages. Indeed, they have illuminated the manuscript of human history . . . made it glow with their God-granted gifts of soul and heart, mind and muscle.

"In this context let me say that one could not read our dear friend Eddie Follard's story of the Friendly Sons—a story done so beautifully . . . with Eddie's rare touch . . . and fall to be impressed by the immense and indelible contributions of the Irish to the creation and growth of our own United States. Ireland was there with Washington . . . when the bleeding was done . . . when freedom was won. And just as they were present at the birth of the nation, so have the sons of Eire been among the great builders of the dream that is America . . . a part of its spirit and sinew for two hundred years.

"And so, tonight, we Friendly Sons gather here . . . as the nation's Friendly Sons have gathered since 1781 . . . to remember who we are . . . to remember the saints and heroes and poets who have made us proud of who we are . . . proud of a little emerald homeland that puts a mist in your eye at the mention . . . and proud of a people who have given this world so much . . . why? Because they had so much to give."

## FOREIGN AFFAIRS: NO EASY SHORTCUTS

## HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. KASTENMEIER. Mr. Speaker, at a time when we are deeply concerned over our Nation's continued involvement in Vietnam, we must not overlook the potential and growing danger of U.S. overcommitment elsewhere.

We have, according to reliable reports, slowly built up our military forces in Thailand to 50,000 men. It should be recalled that our entanglement in Vietnam began with much fewer American personnel. It will be futile to welcome the end of hostilities in Vietnam if, at the same time, we have been sowing the seeds of an equally tragic conflagration elsewhere.

The following article in the New York Times, by C. L. Sulzberger, points up the depth of our commitment to Thailand, and the Thai Government's expectation that a considerable number of U.S. troops will remain on its soil, if and when peace comes to Vietnam:

## FOREIGN AFFAIRS: NO EASY SHORTCUTS

(By C. L. Sulzberger)

BANGKOK.—The process of American military disengagement from Southeast Asia may take fully as long as the process of American military engagement. An example why is Thailand.

This country has been our ally fifteen years. It feels Washington's obligations here represent a separate undertaking from the commitment in Vietnam. No matter what settlement is eventually achieved at the Paris talks, Bangkok expects continuation of American responsibilities to Thailand.

There was no local exultation when Washington began negotiations with Hanoi on a basis plainly removed from any position of all-out strength. Nevertheless, Bangkok prefers to believe assurances that no Southeast Asian peace will be accepted which doesn't provide for this country's security.

## UNGER'S STATEMENT

Ambassador Leonard Unger recently stated: "We want not only to re-establish peace in Vietnam but to end Communist violations of the 1962 settlement in Laos. We insist that the North Vietnamese cease their policy of aggression against their neighbors, and leave in peace the peoples of continued U.S. umbrella toward Laos and Thailand as well as South Vietnam."

The Thais interpret this statement and the tenor of their conversations with Washington as implying that any Paris agreement should transcend Vietnam and insure regional guarantees. Bangkok fears that Hanoi, relieved of heavy commitments in South Vietnam, might redirect its military thrust across Laos to Thailand.

## AMERICAN PRESENCE

Certainly there isn't yet the slightest hint that Washington wants to reduce U.S. forces stationed here—despite the prospect of a cut in war-torn Vietnam. There are approximately 50,000 American soldiers in Thailand where some \$200 million have been invested in bases operating under the Thai flag but used against Communists in Vietnam. At least half of the U.S. air missions in South Vietnam—including immense B-52 bombers—fly from Thailand.

Some Americans argue that its expensive

military presence here could involve the United States in "another Vietnam" because of counter-insurgency operations by Thai forces against their own small guerrilla movement. But Bangkok insists it can handle this problem by itself and only wishes off the danger of direct foreign invasion.

If a Vietnam accord finally comes, Bangkok wants to feel protected while it studies the way peace is applied by both Hanoi and Peking. It sees this need for protection as especially desirable when Communist dynamism now dammed up in South Vietnam could suddenly be released.

Depending on how a postwar period in Vietnam might go, there is talk of initially keeping a maximum of perhaps 40,000 Americans here and possibly paring the figure down to 5,000 should regional stability develop. The 5,000 would care for Thai bases under the SEATO alliance.

Thus, despite discussion in the U.S.A. of total withdrawal from the Asian mainland—as ultimately desirable in the minds of a large "dove" faction—there is no such discussion here. Indeed, Thailand hopes no drive by an emotional American public opinion will penalize this country by eventually depriving it of protection after it had risked Chinese and North Vietnamese anger by joining the U.S. war effort in Vietnam.

Even the vague thought of such a pullout would have immense political repercussions in this country. Being wary and experienced, Bangkok is clearly considering minimal contingency plans of its own. It has indicated to neighboring Cambodia—neutral but hostile and a reluctant host to Hanoi's troops—a readiness to renew diplomatic relations and abandon previous territorial claims. It has also expressed willingness to meet with representatives of Peking.

## FAITH IN WASHINGTON

Foreign Minister Thanat Khoman acknowledges the wisdom of reassessing Thailand's world position so that it need no longer necessarily "reckon with possible U.S. commitments." But it is simply not believed that Washington would abandon the formal undertakings it has assumed here. Unlike some other capitals, Bangkok thinks America meant the pledges it underwrote on the Asian mainland through SEATO.

Thailand is therefore not only ready but eager to have U.S. troops stay on its soil even if and when peace comes to Vietnam. This doesn't mean on the present large scale, but at least a symbolic caretaker force until it is certain Southeast Asia's political storms have blown past. Americans who wish we had never stumbled onto this continent are discovering there is no shortcut out that is both easy and honorable.

## DON'T EXPAND NATIONAL

## HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Don't Expand National," published in the Staunton, Va., Leader, of March 21, 1969.

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

## DON'T EXPAND NATIONAL

Sen. Harry F. Byrd, Jr., D-Va., is undoubtedly right in his opposition to expansion of National Airport, which carries most of

the air traffic in and out of Washington. It lies on the Virginia side of the Potomac and offers somewhat faster access to the capital than Dulles International Airport once the passenger is on the ground.

Dulles is also in Virginia. As Sen. Byrd said in a Senate speech, it "was built specifically to provide for the day when National became overcrowded, and it is clear that day has arrived".

It arrived some time ago, as many Stauntonians and others residing in the Upper Valley who fly out of Shenandoah Valley Airport to Washington have been saying.

Airline demands for expansion of National won some support last year. But as Sen. Byrd told his colleagues, architects can provide workable plans for expanding terminal facilities but "are powerless to create more air space, and that air space is alarmingly full". That it is, as any airline passenger with National as his destination, departure or transfer port could tell the government.

Why the big airlines have persisted in using National rather than Dulles has been a puzzle for some time. The Dulles facilities are thoroughly modern, the skies are not crowded, and neither are the runways or loading bays. Good highways and fast public transport have been provided. But refusal to make the shift from National has resulted in the handling there last year of 10 million passengers, although the rated capacity is four million.

Congress should not appropriate funds for expansion of National Airport, especially when huge public funds went into construction of Dulles to accommodate the increased traffic foreseen. There are grave risks to life in the crowded skies over National—a fact which, coupled with a turndown by Congress, the expense and public dissatisfaction, should force airlines to restudy their traffic patterns and transfer a heavy volume of their business to Dulles.

INDEPENDENCE OF GREECE,  
MARCH 25, 1821

## HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. BIAGGI. Mr. Speaker, Americans of Greek origin are among our most valued fellow citizens. They have contributed substantially to our economy and our civilization.

Greek ideals of liberty, Greek thought, Greek literature, and Greek art, are foundation stones of American civilization. The people of Hellenic extraction among us today are: our esteemed Vice-President, SPIRO T. AGNEW; the Representative from Indiana, JOHN BRADEMAS; the Representative from North Carolina, NICHOLAS GALIFIANAKIS; the Representative from Maine, PETER KYROS; and the Representative from Pennsylvania, GUS YATRON; friends, neighbors, associates, and colleagues.

Greece, the land of their forefathers, was a valiant defender of freedom and democracy with the United States and our allies during World War II and during the critical period thereafter when the threats of totalitarian oppression within Greece were repulsed.

Greece stands ready today as always, to deter the imperialistic designs of Communist forces in order to preserve liberty and democracy and it is appropriate that we fittingly honor the Greek people who

in modern times won their independence from the Ottoman Empire on March 25, 1821.

In New York City, the annual Greek parade commemorating the 148th anniversary of the independence of Greece, will take place Sunday afternoon, May 18.

Seated in the gallery of Congress, on Tuesday, March 25, was Miss Greek Independence of 1969, Eugenia Bookas from Hempstead, N.Y., the general chairman of the Greek parade and president of the Federation of American-Hellenic Societies of Greater New York, Pericles J. Lantzounis, and president of the St. Paul's Society, Eastern Orthodox of the Police Department, City of New York, Lt. Peter L. Phillos.

#### RAILROAD PASSENGER SERVICE SUBSIDIES

### HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. METCALF. Mr. President, an editorial published in the Washington Evening Star of March 8 is addressed to the recent request of the railroad industry for subsidies to operate passenger service.

The Star editorial writer refers to the "highly inflated" losses claimed by the railroads and to the fundamental need, prior to deciding the subsidy issue, of a "definitive study to determine the role rail passenger service should play in the Nation's overall transportation program—a study of the type proposed to Congress by the ICC last year."

Mr. President, I endorse the Star's position and ask unanimous consent that the editorial be printed in the RECORD.

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

#### RAIL PASSENGER SERVICE

The nation's railroads have suggested a plan under which the taxpayers would subsidize money-losing passenger trains which the railroads are forced to operate under orders of the Interstate Commerce Commission.

The railroads once fought hard for the right to call upon the ICC to eliminate their hopelessly unprofitable and unused passenger trains. That authority, won in 1958, enabled the railroads to avoid continual battles with state regulatory agencies every time a little-used train was to be discontinued.

Now the ICC has gotten tough, and wants the railroads to put forth more persuasive proof when they seek to end passenger service. And when some railroads found that the ICC wouldn't always accede to their requests to discontinue passenger trains, they proceeded to downgrade those trains to the point where only the hardest travelers would use them.

To further complicate matters, even the cost of operating passenger trains remains a mystery—and this is a key point in the railroads' proposal. The industry would have the present low level of passenger service subsidized on what appears to be the so-called fully allocated method of figuring costs. Under this complicated accounting procedure part of all railroad operating costs is allocated to the passenger service and highly inflated losses result.

Thus what the railroads really are saying is that either the taxpayer should subsidize service which often, though not in all cases, is shoddy on the basis of highly inflated loss claims—about \$500 million a year—or the industry should be allowed to end whatever passenger services it chooses.

Obviously, neither is an acceptable solution.

One part of the railroads' proposal makes sense: that the Department of Transportation be empowered to buy new passenger equipment and maintain a pool from which railroads could rent it. This would enable the railroads to scrap much of their present equipment and offer the public a smoother ride on newer cars. But far more is needed.

What is necessary first is a definitive study to determine the role rail passenger service should play in the nation's over-all transportation program—a study of the type proposed to Congress by the ICC last year. It was lobbied to death by the railroads because it would have included a moratorium of sorts on discontinuing the last passenger trains between major cities pending completion of the study.

If the study is made and if it shows that efficient, economical service will draw passengers to the railroads, the way should be opened for a cooperative government-industry plan that ideally would include not only new equipment but government aid in subsidizing losses to some extent on what would then be truly a public service.

#### SELECTED READING LIST CONCERNING BLACK SOCIAL REVOLUTION

### HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. KASTENMEIER. Mr. Speaker, the Library Student Association of the University of Wisconsin has drawn up a selected list of paperback literature concerning the black social revolution. The association has done this in the hope of providing a basis for better understanding of one of the most vital issues facing our country today.

The list follows:

The Nature of Prejudice, by Gordon W. Allport. Doubleday, 1958.

Black Power: The Politics of Liberation in America, by Stokely Carmichael and Charles V. Hamilton. Random House, 1967.

Soul on Ice, by Eldridge Cleaver. Dover, 1968.

The Souls of Black Folk, by W. E. DuBois. Essays and short stories. Fawcett, 1961. (Originally written in 1903.)

Invisible Man, by Ralph Ellison. Novel. Signet, 1952.

The Wretched of the Earth, by Frantz Fanon. Grove, 1968.

Nigger, by Dick Gregory. Autobiography. E. P. Dutton, 1964.

Black Rage, by William H. Grier and Price M. Cobbs. Bantam, 1968.

The Shadow That Scares Me, by Dick Gregory. Short comments. Pocket book, 1968.

Rebellion in Newark: Official Violence and Ghetto Response, by Tom Hayden. Ventage, 1967.

Where Do We Go From Here, Chaos or Community, by Martin Luther King, Jr. Beacon, 1968.

Death at an Early Age, by Jonathan Kozol. Bantam Books, 1967.

Malcolm X Speaks, by Malcolm X. Speeches. Grove, 1965.

The Autobiography of Malcolm X. Grove, 1965.

#### SPIRIT OF "1776"

### HON. HARRISON A. WILLIAMS, JR.

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. WILLIAMS of New Jersey. Mr. President, Americans express their patriotism and respect for the heroism in American history in many ways. On Sunday, March 16, the play "1776" opened its doors to the public. As reported by the New York Times, the audience gratefully responded with pathos and emotion, not only to the musical and lyrical talents of its author, but to the story of our Nation's birth.

The play "1776" is a historic account of the men who signed and constructed the Declaration of Independence. It portrays these men as they really were—not lofty statesmen who were simply performing an academic task, but men with ordinary shortcomings united in their heroism, love and desire for these united states.

The State of New Jersey has a legion of historic monuments to remind us of the days of 1776. It is becoming, and gratifying to me, that the man who gave birth to this play is a resident of Boonton Manor, N.J. His name is Sherman Edwards. Mr. Edwards combined musical talents with his academic background to produce "1776."

Mr. President, in tribute to this special American and the spirit which he will hopefully create, I ask unanimous consent that two articles from the New York Times which comment on the play and the man be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 18, 1969]

THEATER: SPIRITED "1776"—FOUNDING FATHERS' TALE IS A HAPPY MUSICAL

(By Clive Barnes)

#### THE CAST

"1776," a musical. Music and lyrics by Sherman Edwards; book by Peter Stone; based on a conception of Sherman Edwards; setting and lighting by Jo Mielziner; costumes by Patricia Zipprodt; musical direction by Peter Howard; orchestrations by Eddie Sauter; musical numbers staged by Onna White; associate to Miss White, Martin Allen; hairstyles by Ernest Adler; staged by Peter Hunt; production stage manager, Peter Stern. Presented by Stuart Ostrow. At the 46th Street Theater.

John Hancock, David Ford.  
Dr. Josiah Bartlett, Dal Richards.  
John Adams, William Daniels.  
Stephen Hopkins, Roy Poole.  
Roger Sherman, David Vosburgh.  
Lewis Morris, Ronald Kross.  
Robert Livingston, Henry Le Clair.  
Rev. Jonathan Witherspoon, Edmund Lyndeck.

Benjamin Franklin, Howard Da Silva.  
John Dickinson, Paul Hecht.  
James Wilson, Emory Bass.  
Caesar Rodney, Robert Gaus.  
Col. Thomas McKean, Bruce Mac Kay.  
George Read, Duane Bodin.  
Samuel Chase, Phillip Polito.  
Richard Henry Lee, Ronald Holgate.  
Thomas Jefferson, Ken Howard.  
Joseph Hewes, Charles Rule.  
Edward Rutledge, Clifford Moore.  
Dr. Lyman Hall, Jonathan Davis.  
Charles Thomson, Ralston Hill.

Andrew McNair, William Duell.  
A Leather Apron, B. J. Slater.  
Courier, Scott Jarvis.  
Abigail Adams, Virginia Vestoff.  
Martha Jefferson, Betty Buckley.

On the face of it, few historic incidents seem more unlikely to spawn a Broadway musical than that solemn moment in the history of mankind, the signing of the Declaration of Independence. Yet "1776," which opened Sunday at the 46th Street Theater, most handsomely demonstrated that people who merely go "on the face of it" are occasionally outrageously wrong. Come to think of it, that was also what the Declaration of Independence demonstrated, so there is a ready precedent at hand.

"1776," which I saw at one of its critics' previews on Saturday afternoon, is a most striking, most gripping musical. I recommend it without reservation. It makes even an Englishman's heart beat a little bit faster. This is a musical with style, humanity, wit and passion.

The credit for the idea of the musical belongs to Sherman Edwards, who has also contributed the music and lyrics. The book is by Peter Stone, best known as a Hollywood screenwriter. The two of them have done a fine job.

Mr. Edwards and Mr. Stone have found a wonderful story for themselves in the birth pangs of a nation. Here is John Adams ("obnoxious and disliked," as everyone is agreed) fighting for his dream of freedom, the avuncular Franklin, full of aphorisms plagued by gout and confident of the good report of history, and then the laconic Virginian, Thomas Jefferson, the great drafter of independence, who, even though he sometimes plagiarized John Locke, wrote with the eloquence of justice. It is a great cast and a great story.

In fairness, my personal comprehension of American history is probably as profound as was that of General Burgoyne. However, it should perhaps be noted that the authors have, on occasion, bent history just a little. The general thrust of their story is undoubtedly honest, but here and there one or two parries have been perhaps exaggerated in the interest of histrionic accuracy.

As even a European schoolboy knows, there were 56 signatures to the Declaration of Independence, not the dozen or so represented here. Assuredly the economics of the theater are to blame, and this is a license, if not poetic at least practical.

Then again—my memory could be wrong here—I believe that historians consider that Congress's resolution of July 2—all signatures, amendments and holidays to the contrary—was the really vital event. Also I wonder about the authors' treatment of Richard Henry Lee, the Virginia patriarch. They present him as a charming ass, and the pawn of Franklin who sends him, in May, back to Virginia to get a resolution through the Virginia Legislature proposing independence. In fairness to the reputation of Mr. Lee, I think it is true that even a month before that he had already written to Patrick Henry suggesting that independence was absolutely essential.

What only is important however, is that the authors have really captured the Spirit of '76. The characterizations are most unusually full for a musical, and even though the outcome of the story is never in any very serious doubt, "1776" is consistently exciting and entertaining, for Mr. Stone's book is literate, urbane and, on occasion, very amusing.

For the music it would have been easy for Mr. Edwards to have produced a pastiche of Revolutionary tunes, but this he has studiously avoided. There is admittedly a flavor here, but the music is absolutely modern in its sound, and it is apt, convincing and enjoyable.

The authors have, bravely perhaps al-

though in the event it seems perfectly natural, omitted any chorus, so that absolutely everyone in the cast has a significant part to play. This offers a great challenge to the actors and to the people responsible for the staging. In almost every respect this is excellent, although personally I felt that the settings by Jo Mielziner were very disappointing and old-fashioned. Here, with such an adventurous musical was an opportunity for some outstanding design, but it was an opportunity missed.

Fortunately the costumes by Patricia Zipprodt were stylishly appropriate—although, as a matter of accuracy, virtually everyone should have been in white wigs, certainly at the signing—and the direction by Peter Hunt and the musical staging by Onna White were both faultless. Mr. Hunt has encouraged his actors to behave precisely as if they were in a play rather than a musical, and Miss White has most adroitly done the rest. Both are helped by a great cast.

William Daniels has given many persuasive performances in the past, but nothing, I think, can have been so effective as his John Adams here. This is a beautiful mixture of pride, ambition, an almost priggish sense of justice and yet—the saving grace in the character—an ironic self-awareness. Mr. Stone and Mr. Edwards provided Mr. Daniels with the character to play, but Mr. Daniels plays it to the hilt. Also, notably, he still remains perfectly in character when he sings.

The other star performance is provided by Howard Da Silva as Ben Franklin. Mr. Da Silva has a voice as sweet as molasses and as mellow as rum, and his humor and good nature are a constant delight. But this is a cast without a weak link. I must mention Clifford David's rapier-sharp arrogance as the Southern Edward Rutledge, Paul Hecht's aristocratic elegance as the loyalist John Dickinson—the Pennsylvanian who, though unable to vote for Independence, did join the Continental Army as a private—Ronald Holgate's brilliantly extrovert and show-stopping performance of Richard Henry Lee, and the aptly clumsy poise of Ken Howard as Thomas Jefferson. And then there were the ladies, the beautiful Virginia Vestoff as Abigail Adams, and Betty Buckley as the spirited Martha Jefferson.

But enough, I cannot mention all 26 of the actors, and yet utter fairness would demand no less. The musical will, I suspect, prove to be the sleeper of the season. Who knows, it might even run until the celebration of the bicentenary in 1976. I rather hope so. Certainly you don't have to be a historian to love "1776."

[From the New York Times, Mar. 18, 1969]

"1776" REAPS FRUIT OF LONG RESEARCH  
(By Lewis Funke)

Some day in Morristown, N.J., where Gen. George Washington made his headquarters in the Ford Mansion and wrote a lot of American history fighting the British, a plaque may be placed on a wall of the local library, reading: "Sherman Edwards Worked Here."

It would commemorate the fact that within its quiet rooms, a 20th-century songwriter, did most of his research for a musical, "1776," depicting the men and events involved in the writing and signing of the Declaration of Independence.

The musical opened at the 46th Street Theater on Sunday night before an audience that, when the curtain came down, repeated a performance that had been going on through the preliminary previews. They rose, cheered, applauded and whistled, moved by a sense of reaffirmation emanating from the story of the nation's birth—a reaffirmation that was not achieved by sentimental flag-waving but in recognition of the shortcomings, bumbledings and actual heroism of the men who fathered the country.

"I didn't have any special pleading in mind when I set out to create this show," Mr. Edwards, an ex-history teacher, remarked yesterday afternoon as he tried to relax and consume some sausage and eggs, his first food since 4 A.M. Aware that patriotism in this country appears to be old-fashioned in some quarters, Mr. Sherman said, "I didn't set out to answer any one. My concept simply was to show what men and events of the time with honesty and respect for reportage of the facts. I wanted to show these men at their outermost limits.

"These men were the cream of their colonies. Some were very erudite and others were simple, honest men. They were moved by self-interest, of course. But they were non-neurotic, the kind of people I've always liked. They form a diverse group. They disagreed and fought with each other. But they understood commitment, and though they fought they fought affirmatively. They didn't fight negatively and leave it at that.

"They were struggling toward a goal, though each had his own ideas of what that should be. And they came up with something, something that never was perfect. But it was as good as they could make it at the time."

Mr. Edwards, who is 49 years old, married and the father of two children, began working on his idea about seven years ago. He majored in history at New York University and did graduate work at Cornell, with his original interest being in ancient and Mediterranean history. "I gravitated to American history," he recalled, "and I was grabbed by this thing, this story of the Declaration of Independence. It excited me and I wanted to do it."

The hazel-eyed Mr. Edwards, a resident of Boonton Manor, N.J., began frequenting the library in Morristown. He had taught briefly after getting out of college, but gave that up because he also was a musician and had been working with such bandleaders as Benny Goodman, Tommy Dorsey and Louis Armstrong. Among the song hits he has written are "Wonderful, Wonderful," "See You in September," "Johnny Get Angry" and "Broken-Hearted Melody."

But the trips to the library began crowding out the music. One day Mr. Edwards went home to his wife, Ingrid, former Swiss ballet dancer and said, "We have to have a meeting." He explained that he wanted to take off two years, perhaps three, to work on his idea: doing the books and lyrics besides the music "And we could go broke," he said. There was no need for a meeting, Mrs. Edwards said. He had to do what he had to do. Mr. Edwards recalls the incident with a gulp in his throat. "She's been wonderful," he said.

Also very helpful was Mrs. Marian Gearhart, the Morristown librarian, who turned over the John Adams room and everything else to get what Mr. Edwards wanted.

PROBLEM OF ACCEPTANCE

"They were lonely hours," the composer observed, taking off his glasses. "Getting into that car and going to the library, leaving my wife and children. But I couldn't let go. I had to go through with it." He made copious notes from his reading. "With minor exceptions," he said, "everything in this show was said, these things were done."

Early rebuffs greeted Mr. Edwards, after he had finished his work. "I can't mention names, some of the biggest in the theater," he said. "They looked at me and said, 'What, a costume musical? A costume, historical musical?'" But Stuart Ostrow, who had produced "The Apple Tree," bought the concept for "1776." He agreed that nothing would be done to alter the aim. But he didn't like the book. Mr. Edwards agreed to call in Peter Stone, a successful screenwriter.

Mr. Stone has written the Broadway shows, "Kean" and "Skyscraper." But his real marks

had been made in films, where, for example, with Frank Tarloff, he won an Oscar for "Father Goose." Mr. Stone agreed to undertake the job of rewriting the book on one condition that there would be no cutting of the information in the musical when it began its tryouts.

"I was fascinated with the idea," Mr. Stone said yesterday. "But more than that; I was astonished at what I didn't know about American history, especially that period. I spent seven years in college. I didn't shirk history. But as Sherman told me about what went on I found myself appalled at my ignorance. Of the 56 men involved in the momentous decision I knew four or five and they were only cardboard figures. I didn't know the dates, the compromises, the sell-outs. This is a national legend and it's not really taught in the schools. That's why I insisted that all the information remain.

"It's been a most rewarding experience. We're in a period of groping in this country. We're trying to find out if and where we went wrong. I think our show is going to help."

**"1776" VICTORY CONFIRMED BY SALES AT BOX OFFICE**

The musical "1776" which opened Sunday night had an estimated sale of \$25,000 at the 46th Street Theater boxoffice window yesterday and about five times that amount in telephone orders.

The show's advance sale was \$60,000, compared with \$13-million for another recent hit, "Promises, Promises," so there were racks full of seats for this week and on through May.

A line that numbered from 30 to 100 moved by the box office all day.

"It's the utter chaos of a smash hit," commented Edward Lynch, the theater treasurer. "We haven't had anything like this since 'How to Succeed' back in 1961."

Among the leading investors in "1776," which was capitalized at \$500,000, are Edgar M. Bronfman, head of Joseph E. Seagram & Sons, Inc., who put in \$250,000; William J. Green, board chairman of the Clevepac Company, and CBS Records, \$100,000 each, and Roger L. Stevens, former head of the National Endowment of the Arts, \$10,000.

**TAX RELIEF FOR MIDDLE- AND LOWER-INCOME PEOPLE**

**HON. DONALD M. FRASER**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. FRASER. Mr. Speaker, despite the progressive nature of our Federal income tax system, the tax burden is not distributed equitably among all income groups. Middle- and lower-income people are overburdened with taxes while high-income people are paying less than their fair share.

Earlier this session, I introduced legislation to close many of the loopholes available to people in the upper brackets. Today I am introducing a bill to provide tax relief for the vast majority of families and single people in the middle-income range and below.

This legislation will do the following:

First. Increase the minimum standard deduction from \$200 plus \$100 for each allowable exemption to \$600 plus \$100 for each exemption.

This provision will bring tax relief to individuals and families who are living below the poverty line. The increased de-

duction will provide complete exemption to 1 1/4 million impoverished families who now must pay taxes. It will also reduce the tax liability of another 1 million low-income families.

Second. Increase the standard deduction percentage from 10 percent to 14 percent and increase the maximum allowable deduction from \$1,000 to \$1,800.

The middle-income taxpayer will benefit significantly from this provision, which will streamline processing of tax returns. The Treasury Department estimates that a 14-percent standard deduction will encourage 80 percent of all taxpayers to use the standard form. Currently only 57 percent of all returns are computed using the standard deduction. With so many less people itemizing deductions, the auditing problems confronting the Internal Revenue Service each year will be significantly reduced.

Third. Increase the personal exemption from \$600 to \$1,000.

This provision will benefit all taxpayers. It represents a long overdue effort to bring the personal exemption more in line with the cost of living. The current exemption provides only \$2,400 in deductions for a family of four, yet a recent Labor Department study shows that a family of this size needs at least a \$9,191 annual income to maintain a moderate standard of living. The last time the personal exemption was increased was in 1948. Since then the cost of living has increased 44.6 percent.

Most taxpayers will find that this legislation reduces their taxes by at least 10 percent. For a family of four with an annual income of \$12,000 the tax cut will be as high as 30 percent.

The total cost of my tax relief program—about \$15 billion—equals the revenue that will be raised by my earlier bill, H.R. 7980, which closes loopholes and establishes a minimum tax on all incomes over \$50,000.

The text of the bill follows:

H.R. 9680

A bill to amend the Internal Revenue Code of 1954 to liberalize both the minimum standard deduction and the percentage standard deduction, and to increase from \$600 to \$1,000 the personal income tax exemption of the taxpayer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsections (a), (b), and (c) of section 141 of the Internal Revenue Code of 1954 (relating to standard deduction) are amended to read as follows:

"(a) Standard Deduction.—Except as otherwise provided in this section, the standard deduction referred to in this title is the larger of the 14-percent standard deduction or the minimum standard deduction.

"(b) 14-Percent Standard Deduction.—The 14-percent standard deduction is an amount equal to 14 percent of the adjusted gross income. The 14-percent standard deduction shall not exceed \$1,800, except that in the case of a separate return by a married individual the 14-percent standard deduction shall not exceed \$900.

"(c) Minimum Standard Deduction.—The minimum standard deduction is an amount equal to the sum of—

"(1) \$100, multiplied by the number of exemptions allowed for the taxable year as a deduction under section 151, plus

"(2) (A) \$600, in the case of a joint return of a husband and wife under section 6013,

"(B) \$600, in the case of a return of an individual who is not married, or

"(C) \$300, in the case of a separate return by a married individual.

The minimum standard deduction shall not exceed \$1,000, except that in the case of a separate return by a married individual the minimum standard deduction shall not exceed \$500."

(b) Section 141(d) of such Code (relating to married individuals filing separate returns) is amended by striking out "10-percent" each place it appears and inserting in lieu thereof "14-percent".

(c) Section 141 of such Code is amended by adding at the end thereof the following new subsection:

"(e) Dependents of Other Taxpayers.—Notwithstanding subsection (a), the minimum standard deduction shall not apply in the case of a return of an individual, if a deduction with respect to such individual is allowed under section 151(e) to any other taxpayer for any period which overlaps in whole or in part the taxable year of such individual."

SEC. 2. (a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "\$600" wherever appearing therein and inserting in lieu thereof "\$1,000":

(1) Section 151 (relating to allowance of deductions for personal exemptions);

(2) Section 642(b) (relating to allowance of deductions for estates);

(3) Section 6012(a) (relating to persons required to make returns of income); and

(4) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

(b) The following provisions of such Code are amended by striking out "\$1,200" wherever appearing therein and inserting in lieu thereof "\$2,000":

(1) Section 6012(a)(1) (relating to persons required to make returns of income); and

(2) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain return of husband and wife).

SEC. 3. (a) Section 3(b) of the Internal Revenue Code of 1954 (relating to optional tax if adjusted gross income is less than \$5,000, in the case of taxable years beginning after December 31, 1964) is amended—

(1) by inserting in the heading before the period the following: "And Before January 1, 1969";

(2) by inserting "and before January 1, 1969," after "beginning after December 31, 1964," and

(3) by inserting after "After December 31, 1964" each place it appears in the tables the following: "And Before January 1, 1969".

(b) Section 3 of such Code is further amended by adding at the end thereof the following new subsection:

"(c) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1968.—In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1968, on the taxable income of every individual whose adjusted gross income for such year is less than \$5,000 and who has elected for such year to pay the tax imposed by this section, a tax determined under tables which shall be prescribed by the Secretary or his delegate. The tables prescribed under this subsection shall correspond in form to the tables in subsection (b) and shall provide for amounts of tax in the various adjusted gross income brackets approximately equal to the amounts which would be determined under section 1 if the taxable income were computed by taking the standard deduction."

(c) Section 4(a) of such Code (relating to number of exemptions, is amended by striking out "the tables in section 3" and inserting in lieu thereof "the tables in section 3(a) and 3(b) and the tables prescribed under section 3(c)".

(d) Paragraphs (2) and (3) of section 4(c) of such Code (relating to husband or wife filing separate return) are amended to read as follows:

"(2) Except as otherwise provided in this subsection in the case of a husband and wife filing a separate return, the tax imposed by section 3 shall be—

"(A) for taxable years beginning in 1964, the lesser of the tax shown in Table IV or Table V of section 3(a).

"(B) for taxable years beginning after December 31, 1964, and before January 1, 1969, the lesser of the tax shown in Table IV or Table V of section 3(b), and

"(C) for taxable years beginning after December 31, 1968, the lesser of the taxes shown in the corresponding tables prescribed under section 3(c).

"(3) Table V of section 3(a), Table V of section 3(b), and the corresponding table prescribed under section 3(c) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in Table V of section 3(a), Table V of section 3(b), or the corresponding table prescribed under section 3(c) in lieu of the tax shown in Table IV of section 3(a), Table IV of section 3(b), or the corresponding table prescribed under section 3(c), as the case may be. For purposes of this title, an election made under the preceding sentence shall be treated as an election made under section 141(d)(2)."

(e) Section 4(f)(4) of such Code (cross references) is amended by striking out "and Table V in section 3(b)" and inserting in lieu thereof "Table V in section 3(b), and the corresponding table prescribed under section 3(c)".

(f) The last sentence of section 6014(a) of such Code (relating to election by taxpayer) is amended to read as follows: "In the case of a married individual filing a separate return and electing the benefits of this subsection Table V of section 3(a), Table V of section 3(b), and the corresponding table prescribed under section 3(c) shall not apply."

SEC. 4. (a) Section 3402(b)(1) of the Internal Revenue Code of 1954 (relating to percentage method of withholding income tax at source) is amended by striking out the table and inserting in lieu thereof the following:

Payroll period:	Amount of one withholding exemption
Weekly -----	\$21.20
Biweekly -----	42.30
Semi-monthly -----	45.80
Monthly -----	91.70
Quarterly -----	275.00
Semiannual -----	550.00
Annual -----	1,100.00
Annual or miscellaneous (per day of such period) -----	3.00"

(b) (1) Section 3402(c)(1) of such Code (relating to wage bracket withholding) is amended to read as follows:

"(1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with tables prescribed by the Secretary or his delegate, which shall be in lieu of the tax required to be deducted and withheld under subsection (a). The tables prescribed under this paragraph shall correspond in form to the wage bracket withholding tables contained in this paragraph prior to 1969 and shall provide for deducting and withholding at any time amounts of tax in the various wage brackets approximately equal

to the amounts which would be determined if the tax were deducted and withheld under subsection (a) at such time."

(2) Section 3402(c)(6) of such Code (authorizing the Secretary to prescribe certain withholding tables) is repealed.

(c) Section 3402(m)(1) of such Code (relating to withholding allowances based on itemized deductions) is amended by striking out "\$700" and inserting in lieu thereof "\$1,100".

SEC. 5. The amendments made by sections 1, 2, and 3 of this Act shall apply only with respect to taxable years beginning after December 31, 1968. The amendments made by section 4 of this Act shall apply only with respect to remuneration paid on and after the first day of the first calendar month which begins more than 10 days after the date of the enactment of this Act.

WORLD WAR ON HUNGER

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. SCOTT. Mr. President, recently, Dr. Herbert E. Striner, director of the W. E. Upjohn Institute for Employment Research, invited my attention to an excellent speech entitled "World Food Development—Its Challenges and Opportunities." Its author is Mr. Emil A. Malick, president and chief executive officer of the Provista Corp., a firm created by the General Mills, Inc., and Phillips Petroleum Co. to combine their technologies in the manufacture of a synthetic protein designed for mass consumption in an effort to deal more effectively with the world's nutrition crisis.

Mr. Malick discusses this crisis both in terms of the pitfalls which have been encountered in man's past attempts to deal with it and, more important, in terms of his hope for the future that the world's armies fighting hunger will move as one in a concerted effort to win this battle. Because of the interest which I know others share in this crucial matter, I ask unanimous consent that the address be printed in the RECORD.

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

WORLD FOOD DEVELOPMENT—ITS CHALLENGES AND OPPORTUNITIES

(Address by Emil A. Malick)

When it was suggested that I address CCDA on world food development, I pointed out that Provista Corporation was less than six months old at the time and could not yet reinforce its statements with any great past achievements—this despite the strength of General Mills in food and Phillips Petroleum internationally in other fields. As you may know General Mills and Phillips Petroleum are the present shareholders in Provista and have brought various advanced technologies into the new company.

I suggested the CCDA might be better off to get a more authoritative speaker with demonstrated muscle rather than a gleam in the eye. Your meeting programmer disagreed, pointing out that CCDA is itself a group with a built-in gleam in the eye—which I guess is one way of defining market development.

It is on this basis that I address you, in terms of futures rather than pasts. I shall speak only in broad terms, because it is in

the area of management philosophies rather than technologies that the real world food crisis lies.

There are two words which characterize the present world food picture—*contradictions* and *confusion*. We read and hear that, on the one hand, there is a world food crisis that may bring civilization down to its knees and, on the other hand, that the crisis is not really a crisis, even though it looks like one to some, because better agriculture and other new technologies can cope with the crisis in time to avert worldwide disaster.

Just a few weeks ago a headline read "World Doom Is Forecast By Biological Scientist." The scientist—well-qualified academically, a professor and director of graduate study in biology at a major U.S. university—painted the picture with "broad strokes of black." He stated at the meeting at which his remarks were made that "the chances of holding a meeting like this twenty years from now I'd say are almost zero." The scientist went on to repeat the usual dire pronouncements: That populations are rising faster than food production, that the answer to the problem, horrible to conceive, may lie in a thermonuclear war decimating populations, or a worldwide viral plague that would thin out the ranks.

Sharing this view, an article appeared in the New York Times toward the end of 1968 captioned "C. P. Snow Fearful That Rich Nations Won't Bar Famine." The eminent Britisher is said to have stated that he was nearer to despair than ever in his life and now has very little reason to hope that countries will ever cooperate enough to head off "staggering famine" which will spread into "a sea of hunger" beginning in the 1975-80 period. He is said to have added that a few years ago there seemed to be a chance to avert famine but that now the chance has become remote and that "everything that has happened in this dark year had pushed it further away." His prediction was not aimed just at underdeveloped countries, feeling that the "sea of famine" will also engulf "rich" countries by century's end unless energetic efforts are made immediately to avoid it.

There is nothing new about such pronouncements. They have been kicking around since 1798 when, you will recall, the Reverend Thomas Malthus, an economist of sorts, published his famous essay saying there was no hope for the world because population rises geometrically while food rises arithmetically. His answer to the dilemma, as in the case of the scientist just mentioned, was war, famine and disease to keep things in balance. Later Malthus softened, suggesting another alternate: Marry later in life and abstain. Incidentally it was this Malthusian Doctrine that prompted Thomas Carlyle to name economics "the dismal science." Malthus could not see, nor can many prophets today, almost 200 years later, the tremendous impact technology would make on food production.

Last month, almost on the heels of these pronouncements a wire service appeared captioned, "World Marts Won't Dent Growing U.S. Wheat Crop." It stated that wheat now on hand in the United States, when piled on that accumulated in other grain-growing nations, poses the probability that world wheat trade in 1969 may be the smallest in seven years or more. In contrast to the early 60's, it was stated that *less of the immediate surplus is located in the U.S.* The article added that our record crops comprise "the most important problem plaguing U.S. wheat exports." You will note the choice of words—reference to the abundance of an important food commodity as a curse rather than blessing, at a time when others warn of hunger and famine.

On the same day another press article appeared stating, "Red Meat Supplies Continue To Climb." It worriedly asked, "can the citizens of this country continue to eat

the increased meat production turned out by the cattle and livestock industry?" It added that "if livestock prices are to be maintained, cattle and swine numbers must be reduced or people are going to have to eat a lot more meat." It is significant that this report appeared while studies of certain countries—and, I might add, studies of "pockets" in the U.S.—show startling protein "gaps," and at the same time that a Washington expert was averring that world food production per capita in 1968 points to deeper trouble for the hungry people who make up the vast majority of the world's population.

We could go on with other examples but we don't have to beat the point to death. You have yourselves been exposed to this fantastic war of words, distortion of facts, and disagreement on objectives. You too have noted the lack of definition of priorities, and built-in "body English" applied through political or other biases. You too have been troubled by the evidences of ineffectual efforts on the part of scientists, sociologists, and government and industry to work together and act decisively, in ways that would cope with social degradation, apathy, mental retardation, and potentially the mass debilitation of mankind through poor and inadequate diets.

It is true. The specter *does* loom closer. And it may exert its toll, not just in the form of starvation, but through many other side effects that starvation creates. These include social instability and greater susceptibility by the hungry to manipulation by those who would use hunger as a political weapon. Of concern to industry is also the prospect of potentially irreparable disorder and setback that mass hunger and attendant intellectual decline could create for future worldwide industrial growth.

The greatest tragedy, however, is none of this. It is that *there is no reason for the world to lack food*. The tragedy is not that industry lacks the ability to create vastly greater supplies of food, and with startling speed. It is that *we are still floundering on how to get the job done*. The greatest tragedy is the current lack of a hardhitting, single-minded, systems-oriented programming of effort to eradicate food shortages in all corners of the earth. Working together, industry and government could without question assure an ample world food supply that can keep up with any presently projected growth in world population.

In business terms, food, in contrast to industries that at times go through traumatic upheavals, is a highly stable, assured and growing market. For while science has done many astounding things it has yet to find a substitute for food. This market may rise 100% in 30 years and perhaps 300% in 80 years. Roughly one million more food customers are apparently being added to the "market" each week—I repeat each week.

What the world is also starved for is innovative management and pragmatic programming of food development on a global scale. I use the word "management" to include both government and industry, each operating in its own sphere and planning broadly rather than piecemeal. Up to now food groups here and abroad have been largely occupied with putting together reports of studies that demonstrate potential nutritional benefits and theoretical feasibility of one or another undertaking. These reports are being put out in large numbers by dozens of study groups, agencies and investigating committees. They make impressive reading. But reports have low caloric value. They do not in themselves provide or even delineate the operating programs that are needed to bridge the chasm between theory and fact.

This chasm is deep and rocky and difficult to traverse. It can be bridged only by an industry that is ready to apply bold new management insights that will result in pro-

grams as yet unconceived—programs that reflect integrated short and long range considerations. And these must be built on the rock of economically viable enterprises rather than the sands of short-range problem solving and free and subsidies that in the long run weaken the recipients and dissipate the strength of the providers.

In such new programs industry will not be able to get by with conventional market development thinking regardless of how effective such patterns have been in the past in developed marketplaces. World food development is far more complex and is not susceptible to a same-song-second-verse approach. Of course, many of the variables are the same—financing, operations, promotion, marketing, distribution and the like. But these take on new forms in the case of world food development. Superimposed upon them in the case of food are new variables as well, the weighting of which may differ from program to program. Penetration of developed markets with products and services is one thing. Penetration of new food markets with new technologies, particularly underdeveloped areas, is a horse of another color.

Each situation must be searched out and developed for itself—not by rote—and *we, rather than the customer, must adjust to fit*. Failure to realize this has accounted for frustrations suffered in the past by some who have tried to move forward in this market.

What do we have to sell? The list is long but we cannot equate the market with one or another pet product or technology, whether these be new agricultural tools, protein from sea, crops or petroleum, hydroponics, algae, fertilizers, insecticides or other know-how. Each is useful. Each has its place. But *somewhere, not everywhere*. Each is only a tool, and to insure successful application of these particular tools innovative thinking is essential. Lack of such innovative programs, custom fitted to each job, is what has made this market appear to many to be like punching a rubber bag.

In addition, programming has been badly fragmented. There are too many overlapping groups involved, each with a small piece of the action and each with a different angle—political, social, or economic. Governments everywhere must remodel their thinking to produce effective broad-spectrum programs, adopting viable economic patterns conceived by industry, rather than trying to have industry adapt itself to the varied, shifting and at times disoriented policies of momentary expediencies.

The potential sources of supply of new food are great. Advanced agricultural technologies, for one, can do much more. Provesta is itself involved in one agricultural discovery that has shown magnitude increases in yields of various crops on test acreage, all other factors such as rain, wind, fertilizers, birds and insects being held constant. New strains of rice are said to increase yields as much as fifteen times; new corn hybrids produce crops of greater protein content; the ocean is a vast new source of food with only a moderate part of the potential "crop" now being harvested; fish protein concentrate and other protein made by "farming" the tiniest of protein producers, select strains of microorganisms, using hydrocarbons as nutrients, have been widely publicized and plants are being built in the case of some.

Protein from oil seeds has already moved out way ahead yielding many nutritious and tasty food products that can be modelled to the palates of individual consumer and ethnic groups. There are also algae that could in some places yield useful feed for animals, in time, even though this may be of poorer quality than the other protein sources named.

Looking ahead a few generations we may also see direct synthesis of protein from ele-

mental materials. And today we also have chemicals that dramatically reduce the ravages of birds on grain crops, thereby increasing net harvested yields in a humane fashion with very low bird mortality.

A crystal ball study recently completed by one study team forecasts that for the year 2000—only about 30 years from now—wheat harvests may reach 300 bushels per acre; corn may reach 500 bushels per acre; a single cow may through hormones produce many times more calves in a lifetime; and farm fields may be covered by huge plastic domes or other devices controlling environment and crop growth. Even if the crystal ball of the authors of this particular study is assumed to be somewhat cracked, these potential magnitudes of gain should be reassuring even to the most skeptical.

But crystal balls, like study reports, have low caloric value in themselves. Only industry, working with government, can translate them into digestible results.

Altogether, such technologies could, according to some, support a world population of 50 billion people compared to the world's present 3½ billion or so. Here again, the accuracy of the projection is not important. What is important is that a great deal more can be done, even with today's know-how.

These technological advances can be brought into highly developed countries as well as underdeveloped ones in a smooth, evolutionary manner, although the time scales and phasing for the two types of markets will differ. New sources of agricultural protein do not displace farming. They augment it. Protein from the sea and microorganisms does not displace livestock and poultry. It adds to it, providing new sources of feed to more animals as well as directly to humans in time. Farming, animal growing and new technologies therefore phase together harmoniously.

Where does the chemical industry fit into all this? *Everywhere*. In what forms? Some should be apparent. Others may require a little thought. But the opportunities are there. Provesta is finding some important ones in several fields, using several technologies. You also can. This does not imply you have overlooked the opportunities. I know you haven't. But I also know that many companies have been perplexed and thus inhibited about tackling them, because of their many unconventional aspects and the seeming obstacles to making them profitable, particularly in underdeveloped countries. There are many critical questions such markets pose: Corporate restraints on doing business; price controls; restrictions on choice of raw materials; poorly developed marketing and distributing; low per capita income; lack of domestic investment capital; body english by government groups, and others.

*But the job can be done*. Certainly, a mankind that could go from its first feeble efforts to fly to orbiting the moon in only about 50 years, and also unharness the energy of the atom, can under the proper conditions cope with the world's food problem. But it must creatively devise ways to set programs up in a sound, businesslike manner that will prove profitable to all concerned—profitable in terms of dollars, improved industrial and community developments, stabilized societies, and healthier, more intelligent resources of people which will in time flow into other growing industries—as happened in the United States in its history of mass movement of people from farms to urban areas as agricultural technologies improved.

The potential is there for a good return to stockholders if business management takes the initiative, devises the modus operandi, and government management helps to clear

the path. Both industry and government must accept these complementary roles. Government is concerned with social problems, education, nutrition, food, economics and the like. Industry also has these problems, except that industry must cope with them under an additional rigorous and demanding premise ordinarily absent in governmental thinking: Industry must do the job in a manner that will create *economically sound industrial development*.

So far, governments have in the main part failed to adopt this posture and industry has not been too clear on its own posture. But there are now encouraging signs that both see the light. Industry must bear the child. Government, as the sire, can benefit from the counsel the U.S. Navy gave expectant fathers when they asked for leave to attend the birth of their offspring: The father is necessary only at the laying of the keel—not at the launching.

Actually, government and industry have very similar fiduciary responsibilities. Government must always, in principle at least, use the money of its stockholders, the taxpayers, to obtain good social and economic returns of investment of funds. Business works the same way. Each segment has the responsibility to its own stockholders to use its money to get a good return.

Government must relate to business. Business must relate to government. And both have to bend. Both have to help architect new vehicles to get the job done.

We flew to the moon and unlocked the atom—despite technical challenges far greater than those posed by food, because objectives were set, organizations for execution were rigidly defined and not dissipated widely among many agencies, *latitude of performance* was permitted; and *necessary funds* were made available. In dealing with the food crisis, however, broad and concrete end-objectives have not yet been set, integrated timetables are non-existent, organization is not pinpointed, and lines of responsibility are not clearly delineated and not delegated—at least not to the degree needed. Finally, only a fraction of the money that was committed to space and nuclear efforts has been allotted to get the food “crisis” behind us once and for all.

Truly, this is tragic. Survival of a healthy, productive and stable mankind is infinitely more important than flying to the moon.

There is growing awareness of the “organizational gap.” But *there are as yet no strong signs that such a globally planned effort will be put into being on the scale needed in time to avoid severe social and human disorder*.

Industry must apply all its skills of persuasion and capability for efficient performance to the task if for no reason other than to assure its own continued health and growth. It cannot flourish without a healthy, alert, energetic and intelligent humanity. In nutrition, as in no other field, we now know that unless humans receive adequate and balanced diets early in life, actually starting prenatally, they will suffer to one degree or another irreparable damage to their brain cells. If the diet is grossly deficient at early stages, as it now is for large and growing numbers throughout the world, the net result will be people who throughout their lives will be underproductive to society. Neither industry nor government could support or thrive under the burden of such an incapacitated mankind.

Today, one or two small, starving nations can be the focal point of worldwide political unrest and manipulation affecting us all, making action critically urgent for political as well as humanitarian and economic reasons.

The course of the human race may well depend upon industry's leadership in this most critical field.

## THE MILITARY IN THE FREE SOCIETY

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. HÉBERT. Mr. Speaker, as you know, there is now being heard across the land, a clamor for setting aside the draft law and substituting an “all volunteer” military establishment.

It is my view that most of the proponents of this philosophy know precious little about the military and military life. If they had some deeper and more abiding understanding of the “chemistry” of the military profession, they would then be aware that what they recommend is anathema to our society.

The February 1969 issue of the U.S. Naval Institute Proceedings contains an excellent and scholarly article concerning the military institution, its character, and its values.

Because of the pertinency of this article to the growing dialog on this subject matter, I urge that every Member of the House familiarize himself with it.

I wish to particularly congratulate the authors of this article, Col. S. H. Hays, U.S. Army, and Lt. Col. Thomas A. Rehm, U.S. Army, as well as the publishers of the U.S. Naval Institute Proceedings for their excellent contribution to our store of knowledge on this important subject.

I include the article in its entirety in my remarks:

### THE MILITARY IN THE FREE SOCIETY

(By Col. S. H. Hays, U.S. Army, and Lt. Col. Thomas A. Rehm, U.S. Army)

Contemporary attitudes toward the war in Vietnam and toward the employment of force in the Dominican Republic are only the most recent manifestations of a trend which has been gaining momentum for some time. The dialectic on freedom and security continues to raise questions of means and ends.

In the face of these strains, military forces must continue to induct and train recruits, trying to assimilate them into an institution that requires their wholehearted commitment.

The military institution has a distinctive character which makes a binding set of norms and values at once desirable and essential. Its basic mandate gives the military a near monopoly of those means of violence available that can be employed in a manner dangerous to society.

Its critical nature is emphasized by the fact that it manages or employs a substantial percentage of the national wealth, economic production, and manpower. The actual and potential relationships between the military and industrial institutions hold many possibilities which, under conceivable circumstances, could prove disadvantageous to society as a whole.

In addition, the members of the military services have committed themselves to the national service to fulfill a social need. Military service is not pursued for self-interest or profit nor does it produce a product which can be assigned an economic value. The military contract, as Sir John Hackett reminds us, has an “unlimited liability clause” committing the military member to unlimited service and sacrifice. Self-interest, family, and even life itself, are committed to the welfare

of society. The terrors, perils, and pressures of combat require a motivation and group solidarity of an order well beyond that required in almost any other pursuit.

While it must be understood that military values articulate rather than clash with the general American system of values, there is a distinct core of norms, roughly definable as the “military ethic,” that clearly contrasts with those prevalent in the civilian community. This military ethic provides the rules of behavior that make it possible for the military to function effectively internally, as well as to operate within the civilian social system. This ethic, which tends to be viewed by many as authoritarian and archaic, is in fact highly functional in nature and essential to a viable and efficient military structure.

One function of the military ethic is to provide for society's protection. It assures that the monopoly of the means of violence possessed by the military institution is not directed toward over-turning the civilian institutions it is pledged to support.

A second function is to provide for proper relationships with other social institutions and to assure that military positions of authority are not used to the advantage of the individuals who occupy them.

A final function is to support the internal operation of the military organization as such in the conduct of its interpersonal and intergroup relationships and in pursuit of the objectives set for it.

The military ethic, in short supports group solidarity and provides common expectations that are essential to an organization that has the size, nature, complexity, and critical social importance of our military establishment.

In order to understand the military ethics, it is necessary to examine its several components. First, can we enunciate those values which not only protect the social group against its external and internal enemies but also protect the military from wrongful acts by its own members? We frequently refer to these values as Patriotism, Loyalty, Integrity, Obedience, and Sense of Duty. But words alone do not convey adequately the entire substance of the concept as it is felt by the military man himself. Patriotism, for instance, described as loyalty to an abstract set of social, political, and economic beliefs, personified in the state, is more central in importance for the military than for the average citizen. It provides the basic reason for institutional existence. Hence, the values held by military men that concern the observance of fealty to the symbols of nationality and to the national purpose and interest can be expected to be of somewhat higher order than those that might reasonably be expected of his civilian contemporary.

Military discipline, involving a more general sense of loyalty toward military and civilian superiors, and obedience to the will of duly constituted authority, has long been recognized as the *sine qua non* of a successful military organization. The successful inculcation of discipline in members of military organizations is essential. The fear of undisciplined soldiery has been a primary factor of the citizen's long-standing suspicion of large military forces, and has made mutiny second only to treason in the hierarchy of offenses against society.

The soldier inevitably places discipline and obedience high in his value system, since they establish the guideposts for his conduct. He recognizes them as the basis for the trust and confidence which the public has confided in officers and which they in turn place in subordinates. This discipline in our democratic society does not, as some profess to believe, stifle independent thought or imply any reduction in the legitimacy of discussion,

argument or dissent. The American soldier knows that he can vigorously argue a point up to—but not beyond—the final decision. As De Tocqueville pointed out a century ago:

"A democratic people must despair of ever obtaining from soldiers that blind, minute, submissive, and invariable obedience which an aristocratic people may impose on them without difficulty. The state of society does not prepare them for it, and the nation might be in danger of losing its natural advantages if it sought artificially to acquire advantages of this particular kind. Among democratic communities, military discipline ought not to attempt to annihilate the free spring of the faculties; all that can be done by discipline is to direct it; the obedience thus inculcated is less exact, but it is more eager and more intelligent. It has its root in the will of him who obeys it; it rests not only on his instinct, but on his reason; and consequently, it will often spontaneously become more strict as danger requires it. The discipline of an aristocratic army is apt to be relaxed in war because that discipline is founded upon habits, and war disturbs those habits. The discipline of a democratic army, on the contrary is strengthened in sight of the enemy, because every soldier then clearly perceives that he must be silent and obedient in order to conquer."

As one views American military institutions there is little danger of them acquiring a "blind, minute, submissive and invariable obedience . . ."

A sense of duty, of social responsibility, on the part of those in positions of command or leadership is another part of the military ethic. In assuming, in a sense, custodianship for the nation's security and a large part of its wealth and young manpower, the military man sees a moral obligation to ensure this security, safeguard the wealth, and look after the men confided to his care to the best of his ability. The unlimited commitment that he has made tends to cause him to view national security problems as his problems, problems which he could be required to devote his life to solving. It also causes him to take a very paternalistic view of his subordinates, who, like himself, have confided their lives and welfare to the service of the state, and for whose effective use he is personally responsible. In practically no other segment of society does the exercise of leadership or management encompass the total relationship included in the term "command." Command responsibility to the soldier in all-encompassing, a total commitment of responsibility, whether for ship, plane or unit. The commander is responsible for all his unit does or fails to do, and for its welfare, readiness, morale, and condition.

Among those values that concern the interrelationships between the military institution and other social institutions, there exists another cluster of values related to loyalty, impartiality, integrity, and responsibility. Here, again, virtues that are common to the general society have been reinforced with somewhat more specific meaning and import. Political institutions are perhaps those that are most closely associated with the military. Political institutions generate a public consensus on issues, resolve problems, and develop general policies and plans for community action. The political institutions are the mechanism by which society creates its military forces and gives them substance and direction. Loyalty requires the soldier to be obedient and responsive to his political institutions, to obey their dictates and to carry out their bidding. Since political institutions in democracies are partisan in nature, with political parties tending to replace each other in office periodically, the military, both individually and collectively, must eschew political positions and cultivate a posture of neutrality on political issues.

Military issues of national security are not always easy to separate from political issues. Problems of weapons procurement, base location, and reserve force structure, which are essentially military in nature, tend to become entangled in partisan political controversy. While on one hand the perils of political involvement appear to threaten the objectivity of the military man, political non-involvement provides an equal peril on the other. The Nuremberg trials and other war crimes trials point out that unquestioning obedience to the political institution was not always the right answer. Thus, while the soldier is not in a position to question the wisdom or rightness of an order, he is expected to be personally responsible for its legality and morality, particularly if he loses the war in which the question arose.

In practical terms, since the military men must serve political parties in different administrations, they should not do for one administration that which they might regret should its opponent get into office. Hence, the ideal of political neutrality is highly regarded in the military code. This same principle is involved in the many restrictions on the public utterances of military leaders and in the troop indoctrination programs of the services. In a democracy, military leaders are frequently called upon to make public statements. Since their role is that of public servants, they must not make statements that conflict with the position of the current administration. Personal opinions that disagree with established official policy should be kept within the institutional family as long as the individual is a member.

Business and industrial institutions are second only to political institutions in importance of their contact with the military. Contracts amounting to many millions of dollars are involved in the purchase, repair, and maintenance of weapons, weapons systems, equipment, and military installations. To a large extent, the contract negotiations involving these operations are handled by military men. In the management of these contracts and in the development of major weapons systems, there are many temptations for individuals or military services to seek personal or group advantage from firms vying eagerly for their favor and attention. Yet, in the military code, many of the normal business practices become threats to his integrity. The military procurement officer is expected; both by his peers and the public, to retain an integrity and objectivity in his financial dealings that would not be expected of the corner grocer. Military men are not supposed to be motivated by private financial gain or even future job opportunities. Even the appearance of collusion is regarded unfavorably.

This ideal of integrity and professional objectivity is presumed to be the rule in the development of weapons systems in which billions of dollars are involved. The opportunities for developing mutual influence and interests between industrial corporations, political leaders, and military research and development officers demand the safeguards of the highest degree of personal integrity and professional judgment. The stakes, in terms of national security and public interest, are much too high to permit the normal standards of the market place to govern. As in many other areas, the responsibility the military man must carry demands a level of integrity that will ensure that positions of great authority are not employed for the private gain of the occupant or his associates.

Finally, we have said that the value system of the military institution serves to support the internal operation of its organizations in their interpersonal and intergroup relations, and in fitting them to perform their primary mission of combat. The stresses of combat place high premiums on discipline, group

solidarity, mutual trust, and predictable behavior. Discipline is a precondition of military effectiveness since the mutual faith and trust between members of a military team are only too often paid off in blood. Group loyalty connotes placing one's military group and immediate fellows above all others. Lying, stealing, and engaging in any other negative act that might disrupt the group are punishable offenses. Subordinating oneself, working selflessly for and evidencing pride in the group are correspondingly praised and rewarded. Thus the code is highly functional in maintaining the group under stressful conditions, as well as providing a powerful motivational force for its members in normal times.

Group solidarity and unit effectiveness are rooted to a considerable extent in continuity, tradition, and legitimized leadership. Tradition and continuity reduce confusion and uncertainty and assist the individual in identifying with group standards and goals. The military has always depended heavily on ceremonies that emphasize tradition and continuity. Military insistence on ceremony, distinctive badges, and traditional procedures is primarily justified on the basis of building group solidarity and cohesiveness. High standards of appearance and uniformity of dress, frequently castigated as "spit and polish," are equally related to the creation of pride in unit and the development of strong unit solidarity.

The military value system is geared to a complex set of motivations that are largely intrinsic and internal to the institution. Constrained by the many restrictions of the code, by law and regulation, subjected to frequent hardship, and expected to give total commitment to the institution, the soldier seeks his satisfactions within the institution. The status, reputation, and camaraderie resulting from group solidarity, organizational *esprit*, and common expectations provide some of the greatest appeals. Living within an ethical system that sustains mutual faith and confidence is another. Above all, there is the sense of devotion to the cause of the general community and the feeling that this service is of vital importance. The sense of vocation is common with that prevailing in the ministry, medicine, law and the field of education—the so-called professions. The military, then, differs from the professions primarily in the amount of individual sacrifice involved and the degree of commitment demanded.

Few would assert that the idealized value system of the military institution is followed by all its members on all occasions. Neither are the Ten Commandments. However, the system does establish a scale of values that influence the attitudes, behavior and performance of military men. It is this value system that must be accepted by new members of the military in order to properly assimilate them.

The total social environment in which our modern military establishment must operate is one characterized by rapid change. Society shows the many signs of stress that such periods of change generate. Bureaucracies as social institutions—with their complex managerial techniques—are becoming increasingly more significant in the study of contemporary human behavior. As Dr. Paul Kurtz stated in *The New York Times* recently, "The power to make moral decisions is shifting from the individual to the large organization."

The upper strata of organizations appear to demonstrate many of the characteristics of military organizations. They are hierarchical, governed by rules, and encompass a wide spectrum of skills and professions. At the lower levels of social organization, however, there appear to be rather pronounced distinctions between civil organizations and those of the military. Whereas the lower level social groups of military organizations tend to be cohesive, encompassing most of the ac-

tivities of the members and exerting substantial influence over their action and behavior, in the civilian sector the work community, play community and living community have become increasingly separate. Furthermore, the living community as a force exerting social control over the behavior and attitudes of its members has declined sharply in influence over the last half century.

The basic family unit has changed from the three-generation, patriarchal family of the turn of the century, to a two-generation family more characterized by mobility and instability than by continuity and strength. In addition, urbanization and the decline of the rural and small community is weakening the influence of the community on the attitudes and behavior of our youth. Thus, with substantially greater economic security, increased academic standards and less opportunity to engage in gainful employment, young men are arriving at military age with considerably more education and substantially less influenced by the norms that derive from parental and community discipline, or experience in the labor force. As social change magnifies the generation gap, youth has been turning in increasing numbers to his peers for guidance. This in turn adds to the reduced degree of general consensus being exhibited by increasing numbers of today's youth. Much of the enthusiasm, idealism, energy, and increased intellectual preparation of youth seems to be focused on experimentation, protest, and various forms of revolt against existing social standards.

It is commonplace to note that elders have always complained of the rebelliousness and disrespect of youth. It is perhaps equally trite to observe that conservatism tends to increase with age, affluence, and social commitment. Yet, looking at the temper and customs of our society over a half-century or more, there has been a gradual and perceptible change in our attitudes and opinions and the values which underlie them. To describe a general set of values for American society or its younger generation would go well beyond the scope of this paper. Nevertheless, some generalization can be made concerning the outline of those values that have specific bearing on the socialization of military recruits.

Despite the bureaucratic nature of our organizational structure and the socially oriented philosophy that has developed with it, the loosening of social controls at the lower organizational levels has led to a progressive increase in individualism. Permissiveness in education and child rearing has led toward a self-centered emphasis on individual autonomy and choice. Self-actualization, self-achievement, self-satisfaction, self-development have been taking on increasing importance in the spectrum of values over those of obligation, duty, and responsibility. As Richard Flacks has stated in a recent paper, "The only really worthwhile goal of an affluent society with respect to its youth is to promote the maximum possible freedom and opportunity for self-development." The President's Commission on National Goals expressed this point in a slightly different way when it stated that "The status of the individual must remain our primary concern. All our institutions—political, social, and economic—must further enhance the dignity of the citizen, promote the maximum development of his capabilities, stimulate their responsible exercise and widen the range and effectiveness of opportunities for individual choice . . ." Any comparison of this kind of emphasis on the individual contrasts sharply with the group-centered value of the military ethic.

Admittedly, Americans have always been highly individualistic. The basic conditions of frontier life, immigration, free land, and social mobility fostered freedom of inquiry, individual decision-making, and dissent. Yet, this individualism was tempered by the

strong family and community ties of a largely rural and agrarian society and by the necessity for group solidarity in the struggle against economic failure and the adversities of the frontier. Highly integrated economic machinery, coupled with the rising affluence of our current society, has added an entirely new dimension to the problem.

The emphasis on individualism has been accompanied by a growing skepticism towards existing standards and mores. The canons of religion, philosophy, art, and literature have been under progressively increasing attack. Absolute standards have successively given way to highly relative and situational ones. Freedom of expression has gained an increasing ascendancy over restraint. This raises immediate problems in a military environment. The importance of the public utterances of military personnel in civil-military relations demands that social control be exerted over military self-expression in many of its forms. The individual recruit finds most irksome such restraints, which he rarely encountered in civil life.

Another facet of the growing individualism is the declining respect for authority. The patriarchal family and the growing class consciousness of early industrial America fostered a substantial respect for authority, both in the home and in the community. Two world wars and several decades of cultural revolution later, the perceived value of regard for authority is substantially reduced. Rank, age, and position are afforded few of the outward signs of respect considered normal two generations ago. Even the law is a restraint to be flouted if it appears to obstruct some desired moral end. The civil disobedience techniques of the civil rights movement are but one of the examples of the reduced value given to institutionalized authority in our general society. The structured authority pattern of the military establishment exists in almost complete opposition to this developing trend. To the young man accustomed to granting scant respect to his elders or their standards, the expected responses to military authority provide substantial difficulty.

Equality has long been associated with individualism in the American hierarchy of values. Since the days of the American Revolution there has been a strong element of egalitarianism in American thought. Fostered by the frontier and Jacksonian Democracy, there has always been a suspicion and distaste for aristocratic pretensions and class privilege. An emotional involvement with equality can be detected in most segments of American society. Much of the recent outcry against the draft has been based upon its unequal treatment of individuals. As the over-all affluence of society has increased, the rationale for differential privilege and inequality of treatment has had progressively less support. Thus, the innate sense of equality and the demand for equal privilege is substantially affronted by the hierarchy of rank and privilege in the military services.

Where the divergence of rank and skill is the greatest, as in the young officers and soldiers with professional education who feel their expertise is not properly recognized, the problem is the greatest. There is a continuing strain in a learning society that generates substantial intergenerational variations in educational levels. When immediate supervisors are seen as being less well educated than those they control, the strain on interpersonal relationships and individual adaptation is obvious. Few would deny that this problem has grown steadily in scope over the past 50 years and it gives no immediate promise of declining.

The attitude of citizens toward their government and nation—patriotism—has also been subject to a steady, if almost imperceptible, change. As the preoccupation of the country in world affairs and the importance of international institutions has grown, so,

too, have the attitudes of citizens become less parochial, somewhat less nationalistic. Under many influences that tend to emphasize the world scene and to de-emphasize the traditional focus on American patriots and historic virtues, the outspoken sentiment of patriotism has declined in its general acceptance. While, in absolute terms, the feelings of loyalty of the citizen for his government may not have declined substantially, public celebrations and public behavior supporting those feelings have. Compare, if you will, the attitudes with which the nation faced the Spanish American War, World War I, World War II, Korean War, and now the war in Vietnam. The substantial decline in patriotic utterances, rallying to the flag, and public volunteering in the sense of "my country, right or wrong," is noteworthy, while the social acceptability of draft evasions, criticizing national interests and policies has made increasing gains. Similarly, the respect and veneration with which generations held the veterans of the Grand Army of the Republic have not been replaced by similar public attitudes toward the members of the more modern veterans' organizations.

The government appears to be assuming a much different place in the regard of its citizens. The willingness of the individual to support the national welfare and will, as expressed by his elected leaders, appears to be increasingly replaced by a feeling of subordination to an arbitrary and distant authority over which one can exercise little control. Similarly, the feeling that our nation should act directly to support our interests or citizens abroad is being replaced by the feeling that such actions should be referred to an impartial international agency. In view of the requirement for basing military action on the loyal support of the nation, and the importance of patriotism in developing the necessary group cohesion always required by a military organization, the weakening of patriotic nationalism adds to the problem of socializing military recruits.

The threat of external danger to a social group has long been recognized as a potent force in creating strong group solidarity. Patriotism and support for national purposes is strongest when the danger to its welfare and institutions can be popularly perceived as clear and urgent. The American has rallied most enthusiastically to his country's call for a moral crusade against the enemies who threaten his liberty, his way of life, or his democratic ideals. When the United States is cast in the role of supporting world order, of supporting anti-Communist government and viable economies in underdeveloped countries far from its shores, and when the clear and present danger to American society is far from obvious, the lag in enthusiasm for the sacrifices entailed is pronounced. Short of an all-out confrontation between atomic powers or the creation of strong supranational police agencies, the United States is likely to continue to be required to provide constabulary forces in far-off areas in order to reduce the likelihood of global conflict and to maintain some reasonable semblance of a world order it can live with. Developing enthusiasm for such tasks among soldiers, some of whom were reluctantly inducted in the first place, provides a substantial and continuing challenge in the fact of public apathy or outright opposition from many people.

In an achieving society wherein individual goals have increasingly been measured in terms of economic returns, the intrinsic motivations of the military services are widely misunderstood. All too frequently the civilian critic tends to measure the attractions of military service in terms of pay and financial reward. Because these rewards appear modest such critics tend to downgrade the ambition of those who seek to serve and they themselves find little attraction in such

service. As financial rewards increasingly provide the status symbols and measure the prestige of an occupation, the task of re-orienting the military recruit toward the intrinsic satisfactions of the service becomes more and more difficult. Even those people who have devoted some time to military service tend to become dissatisfied as they compare their working hours, responsibility, and pay with those of a comparable position in some civil pursuit. Yet, it is highly doubtful that an effective military force can be built solely upon the basis of a financial motivation.

The character and qualities of a military establishment are intimately related to the society that provides it. The value systems of that society provide the basis upon which the more demanding value system of the military ethic is developed. The current absence of value consensus in society at the local community level creates problems for military socialization. These problems stem from the strains between the increasingly socialized nature of our larger structures and the atomized individuality at the base. They may be solved in time as new social structures develop the ability to handle functions of older, local structures—the family and the community. As men learn to live and adapt themselves, their ideals, and their objectives to the restraints imposed by larger social organizations, the differences between the military organizations and their counterparts in civil life may be expected to diminish. As Allen Guttman has pointed out, the military organizations represent a major working example of the complete welfare society. It may be that the continued extension into lower organizational strata of the "organization man" phenomenon may presocialize our future military inductees. On the other hand, any substantial reorientation away from the present emphasis on individualism would appear to be a long way in the future.

A second trend tending to alleviate the problem lies in the changing nature of the military institutions themselves. The changing skill and job structure of military organizations creates an increasing percentage of positions for highly trained specialists, reducing the distinction between the nature of military and civilian jobs. Thus, the transition from civilian occupations to their military counterparts can be eased for an increasing number of military members. The lack of articulation between the skill structure and the rank structure appears to be in the process of reduction through variable pay schemes, the increasing development of career specialization and the expanded use of technical staff communication channels. These factors will change the formal expression but not the content of the basic military value system. Although leadership in modern military forces employs manipulative techniques to the maximum extent possible, the emphasis on the need to respect authority and rank are still inherent in military organizations. The question of how best to indoctrinate recruits steeped in egalitarianism and resentful of authority with the needful sense of subordination to superiors remains an open one.

Military organizations have relied on instruction, ceremonies, and symbolic rituals of various types to focus the attention of their inductees on the primary importance of loyalty to the nation. This process has become increasingly more complicated as the recruit has become more sophisticated and less impressed with the emotional patriotism common to older generations. Ceremonies and rituals thus tend to be less effective. As the patriotic values tend to diminish, other values will have to be relied on to take their place. Experience generally indicates that organizational or unit loyalties provide a substantial focus for highly professionalized

groups. If loyalty to unit or service transcends the importance of loyalty to country and government, our national society can expect to face much the same type of difficulty with its armed forces that other nations have encountered in the past.

If our educational system beginning at primary levels were to place more emphasis on individual responsibilities and duties to others and on the obligations of citizenship, it might be possible to reverse or at least halt the trend. After all, we can hardly expect a young man to assume willingly a responsibility that has been largely explained as a burden rather than a privilege. Increased attention toward training in self-government and citizenship might in time bear fruit and assist in finding solutions to a number of our social problems.

American civilians are strongly bound up with secondary associations rather than with a single dominant primary group. In the military, as we have seen, the reverse is true. The group rather than the individual, is the unit of action. The focus is on the primary group rather than on a multiplicity of secondary associations. The inductee must understand and accept this group culture. The need to maintain intact the primary group sense developed in initial basic training should be fostered to the maximum extent. The proliferation in the military of new kinds of units tailored to a specific type of task makes it more difficult to identify a common group culture. As specific rules become less defined, personnel shifts require more adjustment on the part of the individual. Any actions that can be taken within the organization to retain common skill components and to maintain continuity among primary groups would assist in the task of cultivating unit solidarity and group identification.

The process of group identification is substantially assisted by the phenomena of "other-directedness" of our current youth. Their peer group orientation makes it substantially easier for them to accept the standards and norms of the group in which they find themselves, even if it happens to be a military one. This indicates that the maintenance of strong organizational norms and continuity in military units is a critical factor in the socialization processes. If the group has adopted institutional standards and traditions into its value system, the new arrival has less resources to hold out against his peers than may have been true in the past. To that extent the process of assimilating the individual into an existing military unit may be somewhat easier than assimilation into the temporary small group or replacement packet.

The final problem of generating support from a crusading society for intermittent crises and police actions, of various sizes, over prolonged periods of time, far from home, is not an easy one. Already, as in the time of Marius, voices are in full cry demanding the creations of a fully professional force in order to relieve the citizen of this onerous duty. The dangers in this line of action stem from the degree of separation of such a force from its supporting society and the eventual effect such a policy would have on the motivations and attitudes of both the society and its military forces. Civil-military relationships could be expected to take on a much different caste and the systems of recruitment and socialization into the military would rely less on the sanctions and social pressures of the community and more on the attractive power of the military forces themselves. Experience suggests that military establishments with high prestige, status and attracting power are not always willing to accept the dictates of the social organization which seeks to control them.

The wiser course may well be in shouldering our responsibilities as a nation, and in training our youth to accept them. Just as the individual must show responsibility for his community and his nation, so also is the nation responsible to the extent of its capabilities for the welfare of the international community. If we are to avoid the ultimate catastrophe, our nation must use its power wisely and with restraint. It does not have a viable alternative in avoiding international responsibility.

We have argued that the existence of an effective military force in contemporary America is affected by the articulation of the military value system with that of the larger society. We see—as others before us have seen—areas of significant strain. The proper resolution of these strains is contingent upon recognition by both the military and the larger society of all the factors involved. A dialogue requires two participants, and it has been the purpose of this paper to develop and present the issues from a soldier's point of view.

The military does not feel inadequate in coping with the problems of socialization we have presented. Indeed, the trends of social change appear to support solutions in many areas. On the other hand, the burden of resolution has been placed principally upon the military when in fact the problems are those of the community at large. Society must in the long run seek to break away from simplistic stereotypes, ideological viewpoints and rationalizations and see the military as a social institution of its own creation which can only operate effectively if it is permitted to retain its place as an integral part of the American community.

#### DEATH OF BEN SHAHN

### HON. HARRISON A. WILLIAMS, JR.

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. WILLIAMS of New Jersey. Mr. President, the world has suffered a deep loss with the death of Ben Shahn, the highly respected painter. His death has greatly saddened his friends and admirers who have faithfully followed and marveled at Mr. Shahn's unique contributions to the artistic world. Ben Shahn was a deeply committed human being. He was committed to arresting man's inhumanity to man through violence and injustice. He was committed to ideals which centered attention on the social and humanitarian issues of our day. He was committed to the task of stimulating people's interest in the arts. He was committed to the people who were fortunate enough to know him personally and to those whom he would never know. His work always expressed these concerns and it is because of his empathetic artwork that he will be remembered so vividly.

Mr. Shahn expressed his feelings both on canvas and with eloquent words on the subject. In 1956, while he was a Charles Eliot Norton Professor at Harvard College, he described his feeling about the source of art when he said:

Thus it is not unimaginable that art arises from something stronger than stimulation or even inspiration—that it may take fire from something closer to provocation, that it may not just turn to life, but that it may at

certain times be compelled by life. Art almost always has its ingredient of impudence, its flouting of established authority, so that it may substitute its own authority, and its own enlightenment.

Mr. Shahn served on the New Jersey State Council on the Arts and the Commission to Study the Arts in New Jersey. We in New Jersey are indeed fortunate that the New Jersey State Museum will display his murals later this year.

Ben Shahn has left a legacy which will not soon be forgotten. Peggy Lewis, of the Trenton Times of Sunday, March 23, 1969, has written a beautiful farewell to Mr. Shahn and I believe this excellent tribute will be of interest to my colleagues and to all whose lives were touched by Mr. Shahn's art and his concern for people.

I ask unanimous consent that the article be printed in the RECORD.

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

SHALOM, BEN SHAHN  
(By Peggy Lewis)

"I have hoped, in some small way, to help monumentalize those days so that we may not so soon become inured to an unacceptable violence, a failure, a profound sadness."

Ben Shahn, of Roosevelt, wrote those words in the introduction to a poem he illustrated, "November Twenty Six Nineteen Hundred Sixty Three," written by Wendell Berry (N.Y.: Praziller, 1964). They fit as well much of the huge body of work he left when he died late Friday night, March 14, at Mt. Sinai Hospital, in New York.

For Ben Shahn made a poignant and profound record of the blight of the thirties and the forties in a language that forces us to remember those times. It was first with the language of flat gouache (opaque watercolor) and then with nervous lines and lonesome spaces that he battled injustice, violence and exploitation. In the same language he endowed the degraded and the deprived with dignity.

Although many artists had committed themselves to "social art," no one else made his statements as uniquely or as well.

By his own admission, Shahn painted two things: "... what I love and what I abhor." And, in 1956, he put his feeling about the source of art in a nutshell. It was at one of his lectures at Harvard the year the University named him Charles Elliot Norton Professor, and it appeared in print the following year when Harvard published the series of Norton lectures under the title, "The Shape of Content."

"Thus it is not unimaginable that art arises from something stronger than stimulation or even inspiration—that it may take fire from something closer to provocation, that it may not just turn to life, but that it may at certain times be compelled by life. Art almost always has its ingredient of impudence, its flouting of established authority, so that it may substitute its own authority, and its own enlightenment."

When a giant dies—in this case a man of international renown and one of America's most popular artists—the fact always comes as a shock.

As I sit here trying to piece together the fragments of a man from what I can remember about him, and from what I have collected, the fragments unite like the tesserae of that brilliant Shahn mosaic, once a mural in the S.S. Shalom and soon to become a permanent part of the New Jersey State Museum, some time in September when his Retrospective Exhibit becomes a memorial to this great artist.

Part of the mosaic of Shahn, the man,

consists of the bare biographical facts so often stated in the past week—and worth repeating.

Shahn was born in Kovno, Lithuania, in 1898, the son of a carpenter. In 1906 his family emigrated to America and settled in Brooklyn. From 1913 to 1917 he attended high school at night and spent his days as a lithographer's apprentice.

Until 1930 he worked off and on as a lithographer while he furthered his schooling at New York University; City College of New York; the Marine Biological Laboratory at Woods Hole, Massachusetts, and the National Academy of Design. After two trips abroad to France, Italy, Spain and North Africa, he had his first one-man show at The Downtown Gallery, New York (April 8-27, 1930.)

In 1931 Shahn completed 23 small gouache paintings and two large panels on the Sacco-Venzetti case. The large panels were exhibited at the Museum of Modern Art, in New York. From that point, Shahn's career as artist, photographer, writer and teacher brought him ever-increasing recognition as a major American artist of international importance, known for his focus on social and humanitarian issues.

His reputation as a graphic artist grew to equal his reputation as a painter. Commissions from such companies as the Columbia Broadcasting System; mass-produced posters announcing cultural events or soliciting public support for favored causes or candidates; illustrations for books or specialty journals, all served to familiarize people who rarely visit museums or galleries with Shahn's images.

His aficionados know many of these images as peculiarly American, for the ideas they incorporate, in Shahn's words, "... are among the abiding symbols of American daily life, to be celebrated and brought into awareness."

Another facet of Shahn's essence was his delight at the discovery of humor in some small detail and his eagerness to share it. When "The Shape of Content," for example, was translated into Japanese, he found tremendous satisfaction in the fact that the title, once translated into Japanese and then retranslated into English, came out to be "The Outside of the Inside."

Shahn was extraordinarily articulate, and he possessed great, spontaneous wit. Once, during a TV interview with a panel of doctors who were weekend painters, the moderator asked him if he had a hobby.

He hesitated only a second and then answered, "Certainly."

"What is it?"

"Well," he said, "I'm a Sunday surgeon."

Shahn was gregarious. On a Sunday, his home burgeoned with a steady stream of friends and neighbors, and his table was heaped with delicacies which he urged everyone to sample.

If he went to an event in a nearby town, he was accompanied by half of Roosevelt. They traveled in a caravan of cars, appeared en masse and brought with them an unforgettable elan.

When the American Israeli Shipping Company sold its ship, "Shalom" (Peace), to a German shipping company four years after she sailed on her maiden voyage between New York and Haifa, the \$300,000 worth of art that made her a floating museum was not included in the transaction.

Mainly through the efforts of Dr. Kenneth W. Prescott, two of the Shalom's 30-by-6-foot mosaic murals by Shahn, one based on the periodic tables of the elements, the other, "The Tree of Life," became the property of the New Jersey State Museum.

But dock strikes and the complexity of assembling and reassembling the huge panels have delayed their installation. The murals are now in Trenton, and the firm of Gabriel Loire, in Chartres, has informed Dr.

Prescott that their specialist, Mr. Di Valentin, will leave for the United States in the middle of August to oversee the job.

The installation will be completed at an appropriate time, for the Museum will open a Shahn Retrospective exhibition on September 20. Many of the graphics to be shown will come from their own collection, one of the most complete, for the Museum owns some 50 graphics and posters as well as the recent portfolio based on "Notebooks of Malte Laurids Brigge" by Rainer Maria Rilke, the German poet whom Shahn admired and with whom he identified.

This memorial exhibit planned for August and, by Shahn's wishes rescheduled for September, comes 71 years after his birth in Kovno on September 10, 1898. Aside from works from the Museum Collection, the exhibition will include numerous borrowed works. Over the past year, Mrs. Leah Slosberg, Curator of Arts and Assistant Director, has spent many hours at the Kennedy Galleries, in New York, researching available Shahns.

Shahn, who was on the board of the New Jersey State Council on the Arts, was an invaluable member of The Commission to Study the Arts in New Jersey. His enthusiasm and drive to stimulate interest in the arts in his State was not academic, but personal. He had the same driving enthusiasm about the State Museum.

So the forthcoming State Museum Retrospective assumes tremendous importance. It gives the residents of New Jersey the opportunity to see Ben Shahn's intense concern for justice and humanity among all peoples expressed in his strikingly personal and unforgettable images.

Ben Shahn, Shalom!

#### FCC REACHES FOR POWER

### HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. MIZE. Mr. Speaker, in the present controversy over cigarette advertising on radio and television, I feel the points made in a recent editorial in the Topeka, Kans., State Journal are worthy of note. I direct them to the attention of my colleagues. The editorial follows:

#### FCC REACHES FOR POWER

At this point, it is difficult to determine whether the Federal Communications Commission is attempting to pressure Congress into continuing the health warning on cigarette packages, or is trying to break new ground in censorship of radio and television advertising.

Either effort falls beyond the legal and ethical authority of the FCC, and will certainly draw plenty of fire from interested congressmen and senators.

A 1965 law, which requires cigarette manufacturers to print the warning, "Caution: Cigarette Smoking May be Hazardous to Your Health," on every pack, expires June 30 this year unless Congress re-enacts it.

That same law, possibly anticipating the FCC, prohibits it from imposing any change on cigarette advertising on radio and television, which, an industry spokesman reported, produces about \$215 million annually in advertising income.

Wednesday, FCC members voted 6 to 1 to ban all cigarette advertising on radio and television if Congress allows the 1965 statute to lapse.

Although the FCC now lacks the authority for its action, Rosel H. Hyde, FCC chairman,

said the action amounts to giving notice to Congress of the FCC's intentions should the law be allowed to die.

Apparently the FCC selected this sensitive area to test its authority to regulate, change or prohibit certain types of advertising from radio and television. FCC members were aware adversaries on the question of cigarette advertising and smoking are both powerful and articulate.

If the FCC, moving behind the sound and fury of the controversy over cigarette advertising, should succeed in establishing its authority to control all radio and television advertising, it truly would be the czar of the industry.

Already there are controls which prohibit fraudulent, misleading and dishonest advertising. This is as it should be. Federal agencies concerned, aided strongly by advertising industry organizations, are constantly scrutinizing advertising in all media, including the press, to make certain it meets minimum standards.

Congress may simply re-enact the 1955 statute which, beyond opposition by tobacco interests, drew no public criticism or attention.

It appears the FCC, like the cold camel, is attempting to get its nose under the tent.

#### LITHUANIAN INDEPENDENCE

### HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. FANNIN. Mr. President, each year, Americans of Lithuanian origin commemorate the day the Republic of Lithuania became independent—February 16. Although the freedom of this brave nation was short lived because of Communist oppression, the flame of freedom still burns in the hearts and minds of Lithuanian Americans all over the Nation.

With the hope that Lithuanian and her sister captive nations behind the iron curtain may some day again be truly free, I ask unanimous consent that the Independence Day resolution of the Lithuanian American Club of Phoenix, Ariz., be printed in the RECORD.

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

#### RESOLUTION

Resolution was presented and adopted at an observance of Lithuania Independence Day Commemoration, held on Sunday, February 16th, 1969 at Lithuanian-American Club, 3720 W. Greenway Road, Arizona, by Americans of Lithuanian ancestry and their friends, commemorating the 718th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 51st anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

Whereas the Communist regime did not come to power in Lithuania by legal or democratic process; and

Whereas the Soviet Union took over Lithuania by force of arms in June of 1940; and

Whereas the Lithuanian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries in the past; and

Whereas the Soviets have deported or killed over twenty-five per cent of the Lithuanian population since June 15, 1940; and

Whereas the Government of the United States maintains diplomatic relations with the government of the free Republic of Lithuania and consistently has refused to recognize the seizure of Lithuania and forced incorporation of this freedom loving country into the Soviet Union; and

Whereas the Committee of the House of Representatives created by H. Res. 346 of the Eighty-third Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia and Estonia was contrary to established principles of international laws; and

Whereas the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed *House Concurrent Resolution 416* urging the President of the United States to direct the attention of World opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia and Estonia, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples; now, therefore, be it

Resolved, That we, Americans of Lithuanian origin or descent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it further

Resolved, That the President of the United States carries out the expression of the U.S. Congress contained in H. Con. Res. 416 by bringing up the Baltic States question in the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia and Estonia, and be it finally

Resolved, That copies of this resolution be forwarded this day to the President of the United States, Secretary of State William Rogers, United States Ambassador to the United Nations Charles Yost, United States Senators from Arizona, Members of the U.S. Congress, Lithuanian Minister in Washington, D.C., and Lithuanian Consuls in New York City, Chicago, Ill., Los Angeles, Calif., and Boston, Mass., and the press.

Lithuanian-American Commemoration Day Committee of Phoenix, Ariz.: Felicia Kezes, Justin Saulys, Edward Gozawskas, Emily Josen, Kostancija Rudaityte.

#### INTERNATIONAL TRADE

### HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. TAFT. Mr. Speaker, on March 11, 1969, Mr. Charles Y. Lazarus, a distinguished Ohioan and president of the American Retail Federation, made an important address to the California Retailers Association and the Central City Association entitled "Let The Consumer Decide." In that address he dealt with the American consumer's interest in international trade policies and its relation to our national goals. Since this subject is one with which this Congress and the President will probably concern themselves, I am asking that it be included in the RECORD, and suggesting that all Members give it careful consid-

eration in establishing future criteria for our trade policies. Mr. Lazarus' remarks follow:

#### LET THE CONSUMER DECIDE

(By Charles Y. Lazarus, president, American Retail Federation; president, The F. & R. Lazarus & Co., Columbus, Ohio; vice president, Federated Department Stores, Inc.)

Somewhat to my surprise, I found the timeliest thesis for these remarks in a document that is almost ten years old.

The document is called "Goals for Americans, Programs for Action in the 1960's." You may remember it as the title for a report by President Eisenhower's Commission on National Goals.

Some time ago, prompted first by my appointment to the Public Advisory Committee on Trade Policy under a Democratic administration and then by the election of a new Republican administration, I began re-reading this report, curious to know how much of it might still be relevant. By way of cuing us to the main points I hope to make today, I would like to read a few excerpts. I quote:

"The paramount goal of the United States was set long ago. It is to guard the rights of the individual, to ensure his development, and to enlarge his opportunity . . . Our enduring aim is to build a nation and help build a world in which every human being shall be free to develop his capacities to the fullest. We must rededicate ourselves to this principle and thereby strengthen its appeal to a world in political, social, economic, and technological revolution.

"The status of the individual must remain our primary concern. All our institutions—political, social, and economic—must further enhance the dignity of the citizen, promote the maximum development of his capabilities . . . and widen the range and effectiveness of opportunities for individual choice. From this concern . . . comes our insistence on a widely distributed political and economic power, on the greatest range of free choice in our economy, and on the fair and democratic exercise of public and private power."

I hardly need to tell you things have changed since 1960. As you in Los Angeles have special reason to know, it has been a decade marked by protest and violence. Our cities have exploded in riots. Our campuses have been rocked by student revolts. All our institutions, as the price of survival, have been shocked into what in a different context the late John Foster Dulles called and "agonizing reappraisal."

So general has been the discontent and so shrill the conflicting cries for attention—and yes, so incoherent and frequently terrifying have been the demands of the outraged—as to pose a deep and perplexing question:

Does all this add up to a petition from history that the American system be discarded and some new system, as yet undefined, be put in its place?

Or do these events merely represent an insistence, largely on the part of those whom society has heretofore neglected or ignored, that the system be made to work better . . . that its imbalances be corrected . . . that the rights of citizenship and the rewards of participation in the system be extended to all Americans . . . that, in short, we reorganize for the fulfillment of the promise implicit in the very basic idea of America?

Granted that we are in crisis; granted that whatever one does in times like these is necessarily an act of faith. What we have been seeing is not evidence of a revolt against the American system but only a new episode in what began at Lexington in 1775 and has been evolving ever since.

What we have been seeing, I insist, is not the submergence of individuals but, on the

contrary, an enlargement of the very concept of the individual.

What has happened, quite simply, is that more and more individuals have organized to stake their claim in the democratic process. Sometime during the 1930's, so the story goes, a Labor Department official is supposed to have said, when confronted by Eleanor Roosevelt, "But Mrs. Roosevelt! It's not that we've discriminated against women. We just never thought about women." Simply put, our society and the men we have made leaders have now been forced to think about everybody. And for this new reality we have to thank the American Negro, the American poor, and that remarkable abstraction, the American consumer.

It is mostly about this American consumer, and with the importance of the consumer movement to us as retailers, businessmen, and citizens, that I want to speak today.

To most retailers, the consumer movement figures as a series of quite specific bits of Federal legislation—Truth-in-Packaging, Truth-in-Lending, the Flammable Fabrics Act, for example—the intent of which is to protect or inform our customers. "I hope that this Congress will go down in history as the consumer-conscious Congress," President Johnson said in his message to Congress a year ago. And indeed it did. Ten months later, 28 pieces of major consumer-oriented legislation became law.

Now, in case any of us is inclined to dismiss this impressive performance as an act of Congressional catharsis that ended with the retirement of Lyndon Johnson, a moment's reflection on events since January 20th should set us straight.

A raft of new consumer bills has been introduced. One would establish a Department of Consumer Affairs at cabinet level. Of perhaps equal significance, the year-old Consumer Federation of America has now established a secure claim to having achieved what President Eisenhower's Commission recommended ten years ago: "There is need for more private interest groups which represent broader interests such as consumers." At its second annual Consumer Assembly, the Federation reported an increase in membership from 56 to 136 organizations. What's more, its opening-night reception attracted 150 Congressmen. On the floor above, a trade association was holding a similar reception—and, I might add, a much more lavish one. In attendance were all of five Congressmen.

So, consumerism is much more than so many skeptical ladies with shopping lists. Though Senator Warren Magnuson was undoubtedly right when he wrote, "Politicians have 'discovered' the American consumer," consumerism is also considerably more than a body of Congressmen who know a good thing when they see it.

It is important, I think, that we try to understand some of its deeper implications.

For one thing, the emergence of consumerism as a phenomenon of the sixties clearly reflects the shift from a producer-oriented to a service-oriented economy. The technological revolution has created vast numbers of new service-type jobs, in occupational settings far removed from factories and the traditional symbols of production. The effect of this has been to increase enormously the numbers of Americans who identify psychologically with the processes of distribution and consumption, and to de-emphasize, comparatively, those who are still emotionally tied to the assembly line. The effect has also been to expose far greater numbers to the frustrations of a marketplace that is too often impersonal.

It would be a serious error to assume that consumerism will have an impact only on legislative programs to improve the quality and safety of merchandise. It will be felt, inevitably, on marketing operations as well.

Of more fundamental importance, the consumer interest has now become the new

standard for public policy. After centuries of being lost and unidentified in the loud traffic of special interests, the consumer has now appeared not merely as a new element in the political mix but as the symbol of the common interest. As one Washington editorialist recently said, "The thing about consumers is that everybody is one." Suddenly, the American consumer is Everyman. For the "individual" whose advancement has always been our paramount national goal, you can now write "consumer," for in the new language of Washington they have become one and the same.

It would be naive to believe that this new focus on the individual-consumer will put an end to special-interest thinking. I am, however, encouraged to believe that if the trend continues, social problems will soon be pushed to a new and higher level of visibility. The result will be not only a more generally comprehensive approach to problem-solving. Policymakers operating at this new level will be almost forced to take into account all the cause-and-effect, life-and-death relationships that are likely to be disturbed or set in motion if a proposed action is taken. With the new knowledge to be gained from this higher and broader point of view, I think it only natural to assume that one's immediate, short-range interests will come to be seen in a different and less persuasive perspective.

On a somewhat modest scale, I saw something like this process at work last year as one of 34 members of the President's Public Advisory Committee on Trade Policy.

Our committee represented a fair cross-section of those private interests normally presumed to be affected by the import-export business. Our purpose was to confer with the President's Special Representative for Trade Negotiations, in the conduct of a study of long-range U.S. foreign trade policy. From the beginning, this effort was marked by an insistence that the problem be viewed in its entirety and as a retailer I took it as my natural responsibility to represent the consumer.

As you know, debate on U.S. trade has traditionally centered on the broad issues of economic growth and foreign relations. To my knowledge, this was the first time that any formal analysis of our trade policies ever took seriously into account the effect of these policies on the purchasing power of the American consumer.

I'd like to share with you a few of the things I learned in the course of this study, drawing on two position papers that I wrote for consideration of the President's Special Representative. First, a statement of rationale.

It seems elementary to me that foreign trade policy recommendations should be developed in a way that would advance our primary national goal. In terms of trade, this means necessarily those policies that offer the individual a high standard of living, with a maximum freedom of choice. It seems only logical therefore that what America should seek is to accommodate—not negate—worldwide enjoyment of the fruits of worldwide economic opportunities. Not to recognize this in long-range foreign trade policy recommendations could result in legislated self-interest for special groups, and thus do violence to our main national goal. That goal, let me remind you, is not to enrich a few individuals but to do the greatest good for the greatest number of all individual Americans.

A trade policy that shields special-interest groups is not in our best national interest, long-range. Imports and exports move in such precarious balance that it is virtually impossible for the United States to protect a single industry through tariffs or quotas without inviting retaliation from foreign governments, to the inevitable detriment of some other American industry. I believe, therefore, that the individual citizen, that is

the consumer, should be the final decision-maker on the amount of goods we import. Neither tariff barriers nor non-tariff barriers should be allowed to protect producers indefinitely at the expense of the individual citizen.

To me, it seems self-evident that the consumer's interest in international trade is best served by policies which

1. Save him money.
2. Bring him a larger selection of fashions and styles.
3. Satisfy his demands for merchandise not otherwise available from domestic suppliers; and
4. Maintain the competitive impact of imports on domestic prices, product efficiency, innovation, and fashion.

But to what extent tariffs, quotas, and other trade barriers might be inimical to the consumer interest on these four points is something we do not yet know. Therefore, in an effort to fix some guidelines for future research, last fall I asked a few associates to examine the sales records on a group of selected apparel lines and to talk with key executives in three department stores—one in New York, one in Washington, and a third in Chicago.

What they found was that on some of our most in-demand imports present trade barriers are costing the consumer in sheer dollars and cents as much as 40 percent on price.

For example, a man can buy an imported cashmere sweater for \$25. He would have to pay \$35 for a comparable U.S.-manufactured product. With present trade barriers removed, the retail price of the imported sweater would be roughly \$21.

An imported boy's winter coat made of synthetic fiber retails for \$28. If we had no trade barriers, that same coat would cost \$23.00. (The price for a comparable U.S.-manufactured coat is \$30.00).

A lady's cotton dress glove costs \$3 under present trade barriers; without them it would cost \$2. A comparable glove manufactured in the United States sell for \$5.

And so on.

But the value of imports, as we will know, does not lie in price alone. Of the senior department store buyers interviewed, all agreed that imports make an equally important contribution by giving consumers a wider choice of styles, fashions, and craftsmanship. In fact, many imported items (for example high-fashion dresses and gowns, high quality furniture or housewares, rugs and tapestries) are higher priced than their U.S. counterparts. In an expanding economy like ours, however, they find ready buyers among upper and middle income Americans because of their distinctive fashion and design features.

Our study focused also on the indirect costs to the consumer of tariffs and quotas. There is, for instance, the very real, though as yet imprecisely measured, effect of increased capital costs for plant and equipment because of tariffs and quotas, costs that are compounded and passed on to the retailer and consumer in increased distribution costs of finished goods.

It is clear, too, that the consumer suffers indirectly from government Buy America policies. While no one questions the need to keep those industries efficient that are essential to our national defense, there is, it seems to me, a reasonable question as to whether all the industries protected by this policy are in that category. In any event, there is no doubt that the Defense Department's procurement policies have increased the cost of government operations by billions of dollars since passage of the Buy America law in 1933 and the administration's action of the early 1960's. Statistics tell us the inflationary effect of increased government costs. Hence, increased taxes amount to many billions of dollars a year to American consumers.

Our research, admittedly, was spotty and incomplete. Our main contribution to the Committee's deliberations was to introduce the consumer's stake as a valid and largely unexplored subject of inquiry, in all aspects of world trade. More specifically, we identified the need for more thorough research into the effect on the consumer or restrictive trade practices on 1) direct imports, 2) capital costs, and 3) government procurement. I earnestly hope that the Nixon administration will undertake such research and present its findings to the appropriate government agencies for action.

All of this, it seems to me, assumes special relevance in the light of the recent move by the new administration to negotiate with foreign governments for the imposition of quotas on the import of textiles and apparel items.

For the past four years, we have been increasing imports of all textiles and apparel items at an average rate of 25 percent a year. Under the proposed "voluntary" quotas—assuming they follow the textile industry's recommendations of last year—this growth rate would be reduced to 5 percent a year and kept there, regardless of the continuing increase in consumer demand.

I think it most important that before the administration consummates any agreements it take into account the serious inflationary effect of quotas on consumer purchasing power. I think it equally important that whatever relief may be necessary by industry, or by company within industry, be very temporary in nature.

We're talking about added costs to the consumer that would run into hundreds of millions of dollars!

Plainly, if we're going to protect the consumer's purchasing power—which now represents 60 percent of our Gross National Product—we retailers have to be able to buy the right goods at the right price at the right time in a global economy, regardless of where these goods are produced. This should be our long-range goal, and we should not forget it.

This does not mean, however, that we should be indifferent to companies and workers that might actually be experiencing injury due to imports. All of us are having to learn how to adapt mobility in capital and labor to the demands of a global economy, and in the process some of us will undoubtedly be hurt. I personally favor a more liberalized escape clause in the 1962 Trade Expansion Act that would provide meaningful temporary relief in such cases—but only to those who actually have been injured. I also favor adjustment assistance—re-training, low-cost loans, moving expenses—that would enable companies and workers to adapt to competition from imports. Such assistance would be used whenever feasible, not only to maintain competitive world trade, but as a way of preventing windfalls to those larger companies that are in no need of relief, and of insuring that benefits go to those smaller companies who may in fact be in real trouble.

All this acknowledged, I remain convinced that in the long run the best policy for both retailers and consumers is the one advanced in 1960 by President Eisenhower's Commission on National Goals: "The healthiest world economy is attained when trade is at its freest."

There is, I am more than ever persuaded after my service on the Advisory Committee, a direct connection between free men and free trade. I was especially encouraged, therefore, when President Nixon told one of his earliest press conferences: "I believe that the interests of the United States and the interests of the whole world will best be served by moving toward freer trade rather than toward protection. I take a dim view of this tendency to move toward quotas and other methods that may become permanent,

whether they are applied here or by nations abroad."

I began these remarks with an emphasis on the individual. Yet I have been talking mostly, and on the whole optimistically, about policy-making in Washington and the power of big and diverse organizations—things that are commonly thought to diminish the utility of individual action. As contradictory as it may appear, what I have in fact been trying to do is to make clear the need for increased individual involvement—particularly at the level of the local community, and post particularly by businessmen. Let me explain.

I am convinced that the processes by which national policy is now being formed, though still woefully inefficient, are nevertheless more likely than ever before to accommodate the needs and concerns of all our citizens. From the evidence of the past 51 days, I would judge that Mr. Nixon means to encourage these processes. Everything considered, the President has indicated that he is a man who intends to look at all the levers before he pulls any one of them. For this he deserves our commendation and support.

But, it must be recognized, policies are one thing and effective administration is quite another. To make policies work, programs are required. Regrettably, the intent of some of our most enlightened policies is often defeated by the overlap in functions, the corrosive jealousies, and the institutionalized resistance to change that characterize so many of the organizations on which the administration of these programs depends. One example will illustrate: According to the National Commission on Urban Problems, as of 1967 our metropolitan areas were served by 20,745 local governments. Chicago has 1,113 different and often competing local authorities; in the Philadelphia metropolitan area there are 876 separate municipal governments.

If I knew nothing about the problems of getting things done in my home town, these figures alone would convince me of the need for basic institutional change.

Now, the simple and inescapable fact is that if this needed change is to occur—which is almost to say, if the American system is to endure—it is absolutely imperative that there be more local initiative, as well as more enlightened local response to Federal initiative and more enlightened Federal response to local initiative. Reforms must take place at the level where people are.

There is no hope that such needed reforms can be accomplished—certainly no hope that they can be accomplished rationally and orderly—unless businessmen like those of us in this room today participate ever more personally and ever more positively in the affairs of our communities.

I take issue with those among us who argue that the responsibility of business is only to make a profit for our shareholders and who would delegate to others—mostly others in government and to paid professionals in our trade associations—the problems of housing, employment, transportation, education, civil rights, and politics. It should be clear beyond doubt by now that our failure to solve our social problems has added directly to the cost of doing business and that these costs cannot be reduced merely by attending to the internal affairs of corporate management. We must, more and more, assume responsibility for the environment in which business operates.

In today's world, like it or not, it is through big organizations that Americans get things done. Over the past several years, however, we have learned that the job to be done is too big even for our biggest organizations, public or private, acting alone and apart. As a consequence, we are seeing the formation of new alliances, particularly between business and government, of such potential as to constitute a new kind of federalism.

These new coalitions offer great promise

but they also pose a great challenge. The challenge is to keep them responsive both to the people who created them and the people they are supposed to serve. And the fact is, the only way this challenge can be met is for the people affected by these big coalitions to participate thoughtfully and actively in the policies and programs of their member organizations.

Which gets me around to the job that we retailers have been doing through our own organizations.

I am pleased to report that our record is improving. I have been especially heartened by your performance in California. You have, as a matter of fact, set a standard for the rest of us, particularly when it comes to getting your top leaders to accept a personal responsibility to work with government.

We now have fifty state retail organizations, whereas only three years ago we had thirty-seven. We've begun to act more concertedly and more positively, with a result that doors are opening to us, not only in Washington but in state houses all over the country. In short, we have set the stage for the fulfillment of what I have come to regard as the retailer's logical mission in an increasingly urban society—to be one of the consumer's respected and most effective advocates in the highest councils of government.

But, obviously, we need to do more. I would urge you to give more support to your agents in Washington, meaning the American Retail Federation. During my tenure as president, I have been particularly impressed with the need for more substantive research and for more sustained communications, to our membership as well as to key policymakers. Without these, our staff finds it extremely difficult to develop, and offer to Congress at the opportune time, recommendations for action that are both innovative and feasible.

Too often in the past, because we have had time and resources only to react to threats of damaging legislation, we have been forced on the defensive, leaving a distinctly negative impression in the minds of our most influential Congressmen. We now need to move into a secure position of advocacy. To do this, and thereby create a more positive image, we definitely need to expand our programs in research and communications.

We retailers have the knowledge, the money, and the numbers to become an important presence in Washington.

Tackling the problems in our own communities, we can also make an important contribution to the solution of the all-pervasive urban crisis.

Finally, I suggest that we will be most effective, at both the national and local levels, if we bear this constantly in mind: within the American system our job as retailers is to preserve and improve the economic position of our customers—collectively, the consumers of America who constitute our rightful constituency.

If we do this, we can be confident that our activities as an association of retailers are in step with what has always been this nation's paramount goal—"To guard the rights of the individual, to ensure his development, and to enlarge his opportunity."

Thank you.

#### THE CONSUMER'S STAKE IN INTERNATIONAL TRADE

(NOTE.—The table that follows is drawn from a study initiated last fall by Charles Y. Lazarus, president of the F & R Lazarus & Company, of Columbus, Ohio, while serving as a member of the President's Public Advisory Committee on Trade Policy. The findings are based on an examination of sales records for selected apparel lines in three typical U.S. department stores—one in New York, one in Washington, and a third in Chicago.)

PRICES PAID BY THE AMERICAN CONSUMER AS A RESULT OF IMPORT BARRIERS

Merchandise	Retail prices to the consumer with no trade barriers	Retail prices to the consumer with present trade barriers	Retail prices today of a comparable U.S. manufactured product	Merchandise	Retail prices to the consumer with no trade barriers	Retail prices to the consumer with present trade barriers	Retail prices today of a comparable U.S. manufactured product
	(1)	(2)	(3)		(1)	(2)	(3)
Boys' wear:				Ladies' shoes:			
Boys' winter coat, wool.....	\$16.15	\$20.00	\$22.50	Pumu, 16/8 leather upper, leather sole, bow trim.....	\$14.60	\$17.00	\$24.00
Boys' winter coat, synthetic fiber.....	23.00	28.00	30.00	Sandal, 4/8 stack heel, leather upper, leather sole.....	8.70	10.00	14.00
Boys' winter wool coat, pile lining (English or German).....	28.85	35.00	40.00	Sandal stripping, 12/8 covered heel, leather upper, leather sole.....	14.80	17.00	21.00
Boys' winter wool coat, ornamental tufted construction.....	37.45	45.00	( <sup>1</sup> )	Men's sportswear:			
Boys' hooded terrycloth robe, quality fabric.....	14.00	15.00	20.00	Men's cashmere sweater (English).....	20.85	25.00	35.00
Boys' Helanca fabric stretch ski trousers.....	13.60	18.00	( <sup>1</sup> )	Men's V neck lambs wool sweater (English).....	14.00	17.00	21.00
Boys' Helanca velour fabric shirt, stretch collar.....	8.60	11.00	( <sup>1</sup> )	Men's cowhide leather coat (Swedish).....	138.00	150.00	200.00
Boys' fisherman's sweater, individually hand knit.....	8.50	11.00	( <sup>1</sup> )	Men's fisherman's wool sweater, individually handknit (Italian).....	14.85	18.00	( <sup>1</sup> )
Boys' cardigan (individually hand knit).....	9.20	12.00	( <sup>1</sup> )	Men's hand loom wool coat (English).....	29.40	35.50	( <sup>1</sup> )
Boys' wool ski sweater, bulky type weave.....	10.60	14.00	( <sup>1</sup> )	Ladies' gloves:			
				Ladies' cotton dress gloves.....	2.50	3.00	5.00
				Ladies' kid leather gloves, fabric lined.....	12.50	15.00	( <sup>1</sup> )

<sup>1</sup> Not available in United States or supply of comparable product inadequate to meet consumer demands.

TRIBUTES TO MRS. BUN "LUCILE" RALEY

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. YARBOROUGH. Mr. President, on January 2, 1969, a tragic accident in Waco, Tex., removed from a life of very active and beneficial service to the people of Texas, Mrs. Bun "Lucile" Raley of Waco, Tex.

Mrs. Raley was a librarian, teacher, scholar, author, civic worker, and good citizen. Her husband, Bun Raley, was known to many people in the Nation's Capitol, as he was twice national president of the Rural Mail Carriers of America and served in a high position in the Post Office Department of the United States until his retirement approximately 7 years ago.

Mrs. Raley was coauthor of the book entitled "Texas: Wilderness to Space Age," published in 1962. It is now a textbook used in Texas schools.

Mr. President, I ask unanimous consent that there be printed, in the Extensions of Remarks, a short sketch of Mrs. Raley's life as printed in the Lone Star Postmaster of February 15, 1969, and Senate Resolution 57, adopted January 29, 1969, in the State Senate of Texas and signed by the Lieutenant Governor and the secretary of the Texas Senate on the original copy of the resolution.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Lone Star Postmaster, Feb. 15, 1969]

MRS. BUN RALEY DIES IN JANUARY AUTO ACCIDENT

Mrs. Bun (Lucile) Raley of Waco, formerly of Valley Mills, died Thursday of last week after she was injured in an automobile accident.

The two-car accident occurred in Waco. Mrs. Raley was rushed to a Waco hospital, where she died the same afternoon.

Mrs. Raley had been with the Waco Independent School District since 1936. She held the title of consultant in library services for more than 20 years with offices in the school administration building.

Mrs. Raley was a member of the U.S. President's Library Consulting Committee.

She was a member of Cogdell Memorial Methodist Church in Waco; a member and past-president of the Waco branch of the American Association of University Women; lifetime member of the National Education Association; member of the Texas State Teachers Association; member of the Current Events Club; member of La Societe De Beauxarts; former member and past president of the Altrusa Club; past-regent of the Henry Downs chapter of the Daughters of the American Revolution; charter member and past president of the Zeta Chapter of Delta Kappa Gamma society; and others.

Surviving are her husband; one daughter, Mrs. Werner H. Barth of Lock Haven, Pa.; her mother, Mrs. John C. Williamson of Waco.

Letters of condolences included one from President and Mrs. Johnson, longtime friends of the Raleys. Texas Senate Resolution No. 57 praised Mrs. Raley for her "national recognition for her outstanding ability in library science with her appointment as a member of the Library Consulting Committee of the President of the United States . . ."

Mr. Raley—who is well known to Texas Postmasters has the true sympathy of all.

SENATE RESOLUTION NO. 57—IN MEMORY OF MRS. BUN "LUCILE" RALEY

Whereas, Citizens of Waco and the Central Texas area, were saddened by the tragic death on January 2, 1969, of Mrs. Bun (Lucile) Raley, who was loved and admired for bringing library service on a personal level to Waco school children for more than 30 years; and

Whereas, Mrs. Raley had been with the Waco Independent School District since 1936, and held the title of consultant in library services for more than 20 years; and

Whereas, All the schools in the Waco system relied heavily on Mrs. Raley for library services, and she had the responsibility of approving all library purchases and book selections; and

Whereas, When North Junior High School in Waco opened its doors, she was the librarian and, later, she held this position at Waco High School before becoming system consultant; and

Whereas, Mrs. Raley received national recognition for her outstanding ability in library science with her appointment as a member of the Library Consulting Committee of the President of the United States; and

Whereas, Administrators of the Waco School System expressed for all the teachers and school children of Waco their deep regret and sense of loss at her untimely death, and said that it would be exceedingly difficult to find anyone to replace her in ability and dedicated service to the Waco schools; and

Whereas, Mrs. Raley was born in Moody,

daughter of Mr. and Mrs. John C. Williamson; she attended Moody schools and Mary Hardin-Baylor College in Belton, receiving a degree in library science from Louisiana State University at Baton Rouge, Louisiana; and

Whereas, She was a member of Cogdell Memorial Methodist Church in Waco, a member and past-president of the Waco branch of the American Association of University Women, life member of the National Education Association, member of the Texas State Teachers Association, member of the Current Events Club and La Societe De Beauxarts, and a former member and past-president of the Altrusa Club; she was past-regent of the Henry Downs Chapter of the Daughters of the American Revolution, charter member and past-president of Zeta Chapter of Delta Kappa Gamma society, and recipient of the Alpha State achievement award; and she was a member of the Drama Group, which met frequently in her home; and

Whereas, She is survived by husband; one daughter, Mrs. Werner H. Barth of Lock Haven, Pennsylvania; her mother, Mrs. Etta Williamson of Stilwell Memorial Residence in Waco; two brothers, Albert Williamson of Groesbeck, and Robert Williamson of Midland; and two grandchildren; and

Whereas, It is appropriate that the Senate of the State of Texas pay tribute to this outstanding educator, who gave so generously of herself in the service of her community and, particularly, the school children of Waco; now, therefore, be it

Resolved, That the Senate of the 61st Legislature by this Resolution show honor and respect to Mrs. Lucile Raley, and extend sympathy to the members of her family in their great loss; and, be it further

Resolved, That copies of this Resolution be prepared, under the seal of the Senate, for members of her family; and that when the Senate adjourns this day it do so in her memory.

BEN BARNES, Lieutenant Governor.

I hereby certify that the above Resolution was adopted by the Senate on January 29, 1969, by a rising vote.

CHARLES SCHNABEL, Secretary of the Senate.

JOINT OPERATING NEWSPAPERS

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. DENNEY. Mr. Speaker, I have recently received a copy of remarks de-

livered by Harold W. Andersen, president, World Publishing Co., during a recent convention of the American Newspapers Publishers Association. His remarks speak in favor of legislation exempting from antitrust laws certain arrangements for the survival of joint operating newspapers. He feels strongly that such legislation is vitally important to a significant segment of the Nation's press. Having received permission, I insert the following portion of his remarks in the CONGRESSIONAL RECORD.

#### JOINT OPERATING NEWSPAPERS

I feel a community can be well served by a single newspaper—two editorial voices are not an absolute essential for good journalistic service to a community. I believe our paper—and hundreds of other single-ownership, individual newspapers—are doing a good, responsible job of meeting the daily newspaper needs of the community.

But if the people of a community are willing to support two newspapers by buying copies of each paper, and if the only way two newspapers can survive in this community is through an agency agreement, or through publication of morning and evening newspapers under single ownership, as is the case in 158 cities, then I submit that such an arrangement is *not* against public policy. It gives the reading public in that particular community what it wants and is willing to pay for.

I am among those who feel the newspaper business in general is in healthy condition. And one reason that it is in healthy condition in a good many cities is because it has been possible to effect essential economies through agency operations or through mergers.

The "failing company doctrine. . . is not new to American anti-trust law. Nor are limited exemptions a new thing. Some have said newspapers should not ask special consideration. Well, if special consideration is justified by the facts, if the public interest is not damaged thereby, then special consideration is entirely appropriate. Special consideration is very much a legitimate part of the legislative process—designing or amending laws to fit special needs.

There has been a good deal of concern expressed over "predatory" practices that might be possible. . . . Sponsors. . . have proposed amendments designed to remove any doubts in this area and to make it unequivocally clear that the prohibitions of the anti-trust laws remain applicable except for the narrow exemptions specified. . . . Such amendments would make clear that the bill would not exempt conduct by a newspaper combination or joint arrangement that would be unlawful if undertaken by a single firm.

We should keep in mind, too, that if a particular joint arrangement or merger is challenged by the government or a private party, the newspaper would have the burden of proving it meets the bill's definition of a failing newspaper and once it is established that a merger or agency agreement is legally exempt, the two newspapers would continue to be fully responsible for their conduct under anti-trust law.

I am inclined to pass rather quickly over the argument that if a failing newspaper goes out of business, leaving only one newspaper in the community, the door is thereby opened for new, vigorous journalistic entrepreneurs to start a second newspaper. The history of American journalism over the past half a century or more indicates clearly that there is virtually no chance of this happening. This "new blood" argument, in short, is answered very convincingly by the economic facts of daily newspaper life—facts known well to all of us in this room.

The anti-trust laws are intended to preserve competition. (This legislation) is intended to preserve competition. Thus we have a case in which a carefully-limited exemption actually serves to further the basic purpose and philosophy of anti-trust law.

In addition to the philosophical arguments that can be advanced, there is this very practical consideration:

Where is the justice in suddenly calling into question agency or merged operations which were entered into in good faith and which have become so necessarily a part of the two papers' way of life that to require separation now would, it seems to me, very likely mean the death of one or the other of the papers?

#### ADDRESS BY NAJEEB E. HALABY

### HON. CLAIBORNE PELL

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. PELL. Mr. President, each of us is aware of the efforts of the U.S. Travel Service to encourage more of our foreign friends to visit the United States since the creation of the USTS in the early days of the Kennedy administration.

Mr. Najeeb E. Halaby, president of Pan American Airways, recently delivered an address before the European Travel Commission in Amsterdam in which he spoke of the new techniques and the new equipment which Pan American and other U.S.-flag carriers will have available in the 1970's to lure more and more foreigners—Europeans, particularly—to come to our great country and take part in the "Visit America" program. We all remember Jeeb Halaby when he was the late President Kennedy's appointee as Administrator of the Federal Aviation Administration. He has lost none of his incisiveness or sense of public service since becoming president of Pan American.

I ask unanimous consent that his speech be printed in the RECORD.

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

#### UNITY AND DIVERSITY IN TRAVEL PROMOTION

(An address by Najeeb E. Halaby, president, Pan American World Airways, prepared for delivery before the European Travel Commission, March 13, 1969, Amsterdam)

This is my first and your third transatlantic travel congress, and I am happy to be here, as I have long been an admirer of the European Travel Commission.

I admire first of all your longevity. In these days of burgeoning regional travel and trade groups, yours is the grandfather of them all. You have led the way.

More than that, so many years of harmony between 21 countries in pursuit of a common cause, I am sure must have encouraged and even inspired the European Economic Community and the European Free Trade Association.

You have not only worked well on your side of the Atlantic, but you haven't done so badly on our side either. I congratulate you and your North American counterparts for your efforts in co-sponsoring this travel congress.

But why am I your particular admirer? It's gratitude that's all. The January before

last was our winter of discontent in the U.S. travel industry. We barely had time to recover from celebrating New Year's eve before President Johnson was warning us that travel restrictions should be imposed to improve our unfavorable balance of payments. In effect "Americans, stay home" was painted on the U.S. fence.

Then, ETC leaders like Tim O'Driscoll, Leonard Lickorish and Arthur Haulot did something for which their portraits will hang in my personal travel hall of fame. They came to Washington and helped convince our legislators that by removing one spoke in the wheel, that is, the American tourist, the whole mechanism of world travel could slow to a snail's pace.

Have you ever heard a more graceful way of suggesting that our travel restrictions could, in turn, breed retaliation?

We have a new administration in Washington, and indications are that Messieurs O'Driscoll, Lickorish, and Haulot should be able to store, but not unpack their flight bags. There hopefully will be in 1969 fewer threats to travel—the single greatest item in international trade—contributing \$21 billion to world commerce in 1968 alone.

But let's face it. 1968 despite some increases was not the best of all possible travel years. Travel wasn't so much cut back as it was distorted and redirected. For example, influenced by gloomy recommendations from Washington, Pan Am showed only a modest increase on its Atlantic routes while passenger miles to the Caribbean and South America showed a dramatic increase.

Prospects are that 1969 and 1970 will tell a more positive and profitable story. The Atlantic community still represents the biggest, the most profitable chunk of the world's travel business. And it's going to keep on that way. Some 80 per cent of all international tourists and their expenditures come from the United States, Canada and 10 ETC countries.

This audience, of course, represents the cream of the European and North American travel industry. You are experts at what draws and makes a tourist happy on the ground and in the air. Chances are if he isn't satisfied with one, he won't be so keen about the other.

But you know all this. So if I gave you my standard Pan Am presidential speech of the past year—and it feels like I have given it at least 747 times—I would only be educating the already educated.

Therefore I will only say a few, I hope, well-chosen words about the 747. You know what a catalyst this 362-passenger plane can be as means to stimulate travel. For this new bird, you know what ground support facilities are ready, what should be ready—and what, unfortunately, will not be ready.

Pan Am, by the way, will be investing more than one billion dollars in its 747 program by 1972. We're not asking anyone to match this but a little help on the ground, here and there, wouldn't hurt.

The 747 is after all a giant step forward to meet our industry's immediate future—the changing and expanding environment for travel.

What do I mean by environment? The jet has changed man's physical environment by shrinking the world to manageable proportions in terms of time and distance. I use the word environment, however, not to measure a physical relationship, but an economic one.

If we attempt to match our resources to fit our opportunities, we will have come to grips with our particular environment. In terms of another industry, IBM is the classic case of a firm that took advantage of its environment. It could have gone on happily making bigger and better card-type data sorting equipment. But Tom Watson, seeing

the business information explosion decided the time was ripe to step up into electronic computers. He did not regret the decision.

Nor will we regret the decision to step up to the 747. Bold decisions, however, cause concern, especially among those who view change as a threat instead of an opportunity. You will recall, of course, that there were many who viewed the introduction of the 707 in the late fifties as a flight from reality.

Today, there are many who fail to see the 747 as the gigantic opportunity it is sure to be—a chance to direct and mold the tourist explosion into an efficient and profitable travel market.

IATA has just taken two steps that recognize the true potential of the 747 as the vehicle of super-jet transportation:

1. No surcharge on the 747.
2. Bulk fare proposals: Tour operators will now be able to buy in advance at discount seats in blocks of 40 eastbound or 20 west. Such wholesaling at fares less than half normal economy levels will pay a crucial role in closing the gap between annual traffic growth and increased capacity.

These are important steps, but let me stress that the mass market we seek is already there. It just needs to be tapped—and the time is ripe for new methods of promoting and selling travel on both sides of the Atlantic—by industry and by governments.

First we have to face a few facts squarely. In the summer of 1970, Pan Am's 747s will have added a 45 per cent seating capacity to our North Atlantic routes, over and above what we would normally offer with our 707s. And by the summer of 1971, totalling up not only ours but the 747s of our worthy competitors, world airlines will have room for 30 million more passengers than the current 150 million flying internationally today.

Can we fill these seats? I believe the potential customers are waiting to be tugged into them. And if you don't believe it, here are some figures that will make you sit up and take notice. We estimate some 25 million Americans have the leisure money to cross the Atlantic; while 18 million Europeans have both the time and money to do the same. (Perhaps, in a few years, with our rising standard of living we will all get the annual vacation time Sweden and Poland now have by law—24 working days not including official holidays.)

Can we coax these 43 million potentials onto the planes? This is our challenge—our opportunity. If we fail, we could very well wind up with unfilled capacities in the air and on the ground and serious losses in our countries' economies. So I repeat—we can, we must develop more effective ways of promoting travel to the peoples of the Atlantic community.

Let's look for a moment at a major difference between the two sides of the Atlantic. Western Europe is broken up into 21 separate states, each of which concentrates on promoting its own attractions. However, because of this diversity, no unified on continent-wide official effort can be effective for promotion of European travel to the U.S.A.

The United States, on the other hand, is homogeneous and its regional attractions—from the igloos of Alaska to the bikinis of Palm Beach—are hard to promote on an individual basis. However, because of its unity of interest, language, and currency, one firm like American Express in a single nationwide effort can easily promote American travel to Europe.

Let's examine a supposition. Suppose you had decided to rebuild after the war as a United States of Europe. What would your travel promotion be to my side of the Atlantic?

There would probably be only one or two European airlines serving the Atlantic routes

rather than the 15 we have today, and—I wouldn't mind that!

There would most likely be just one E.T.C. advertisement in *Holiday*, *Venture*, or the *New York Sunday Times* rather than 21 separate ads which currently grace the leading American consumer media.

Europe did not take the route I have just outlined. With such a limited approach to travel promotion, the odds are that travel to Europe would be only a fraction of what it is today.

Let's flip the travel promotion coin. Suppose each U.S. State opted for an individual approach to the European travel market.

Then it's possible each State would have its own trans-Atlantic airline—or perhaps groups of States could combine for this purpose—much like SAS. Individual States—or regions—would do their own advertising and maintain their own information offices abroad. Think of the blast air Texas would be having in the Pacific!

This fragmented approach would certainly attract more European visitors than we have now. Perhaps 50 per cent more considering 50 States in the Union!

So we have a curious economic paradox that may only fit travel promotion. Fragmentation works best to promote regional attractions; unification works best to reach the overall or mass market.

Economic nationalism begins to fail as the jet shrinks the world. But we need as much cultural nationalism as we can get. For cultural diversity is the vision and variety of the travel experience—which after all is based on seeing things that can't be seen in your own backyard.

Europe has great cultural diversity, as does America. But, America, unlike Europe, has never been able to effectively tap—for tourist development—its cultural resources or rely on the power of regional enthusiasm.

President Nixon in his inaugural address pinpointed this lack of regional response: "We need the energies of our people, enlisted not only in grand enterprises, but more importantly, in these small splendid efforts that make headlines in the neighborhood newspaper instead of the national journals."

Now may be time for a few suggestions on how the U.S. can tap those "small splendid efforts" on a regional basis in the promotion of world travel, as well as improving our broad national approach to encouraging visitors to our shores. Earlier, I advised Tim O'Driscoll to set aside his emergency flight bag and come to America the next few times only on the call of pleasure or of someone singing "Take Me Along." I was encouraged to do so by the re-assurance given the day before yesterday by Maurice Stans, our Secretary of Commerce, to the newly merged discover America travel organizations that this administration had no intentions of imposing any taxes on those Americans who wished to travel abroad.

Representing the Secretary, we have among us today C. Langhorne Washburn, new Director of the U.S. Travel Service. A friend of our President, a great campaigner and a man of vigorous and far-reaching enthusiasm, he will bring new and realistic thrust to all visit U.S.A. efforts.

I am sure that Mr. Washburn will be the first to agree with me that no official U.S. travel promotion program can find success unless it makes sense to the Congress of the United States. It is from the Congress that has come the setting of policy, in the U.S. Travel Act of 1961, and must come the provision of funds for any expanded U.S. Government program and it is with the Congress that such a program must be discussed and formulated to implement more vigorously the policy already crystallized.

I am sure that Congress, having refused last year to take the negative, restrictive path

of taxing Americans on their overseas travel, will not fail soon to take the step of providing more funds to sell the U.S.A. as a travel destination. Certainly, the United States should rank higher than we do in the Olympic games of government tourist promotion. But the burden of convincing our legislators is ours. We must produce proof—in our research, in our programs, in the power of our private efforts—that a greater Federal fund will yield a greater return on the investment of our taxpayers.

In discussing the American effort, may I say that we in the private sector of the American economy do not rely and do not intend to rely on the Federal government to do our job for us. Such companies as TWA and Pan Am have been accustomed to spending larger sums than our government has spent on the development of travel. You experts in the field will surely agree that the respective tasks of government and private enterprise are separate and distinct and that history has proven that the satisfactory marriage of the two frequently raises a healthy family of productive progeny.

We have learned in the highly competitive airline business—a business in which we admire our competitors, but do not wish to share all our secrets with them—that we can work together better and more effectively when a government establishes and invests in a basic travel development program, than when one of us attempts to serve as chieftain for the others.

With adequate funds the U.S. Travel Service could not only improve its performance of this essential task but could coordinate the activities of all government agencies affecting this enormous international industry and underpin all efforts, both public and private, with timely and accurate data—and assure that the U.S.A. presents its views and programs articulately and persuasively in the world's councils of trade and travel.

It seems reasonable to suggest that the head of this service should have the rank of assistant secretary in our department of commerce.

Such recommendations on the first tier, of our international travel activities would be sadly incomplete without supporting it with a secondary and, if my earlier remarks were true, a tertiary level of action.

We need a strong private, non-profit institution, which could well be the discover America travel organizations, merged into one incorporation two days ago in Washington, financed by the public, as well as by private industry. This should function as the semi-official arm of the U.S. Travel Service and actively promote travel to and within the United States.

Regional organizations—my third tier—would spark those splendid local efforts we discussed earlier and be advisors to the non-profit foundation, keeping watchful and anxious eyes on how their sectional interests were being promoted in the market of the world.

We can envision at least six: the far west, the deep south, the Caribbean, the midwest, New England and the megalopolis of the mid-Atlantic seaboard.

Parenthetically, may I point out—strongly—that the European travel industry has a vested interest, and I mean a vested, financial, profit-seeking interest in the development of more travel by Europeans to America.

Now that I have discussed America, perhaps I may be forgiven for offering a few suggestions to Europeans. And my first suggestion—now that I have proposed the diversification of America—is that perhaps Europeans could use a more unified effort than exists today.

National boundaries protect your distinctive cultures: But they hinder development

of a mass travel market to the world, mass merchandising and the applications of modern technology.

Perhaps an international travel organization such as IUOTO could take the leadership in encouraging cooperation on an industry-to-industry basis across national boundaries. IUOTO, of course, is to be commended for the efforts it has already made in this area.

Tour operators and travel wholesalers should be assisted and encouraged to sell to a Europe-wide market, instead of customers of travel agents in one country.

Various segments of your travel industry might benefit from a study exploring how Europe-wide combinations can be formed using computer technology to reduce costs and improve efficiency.

Last, but certainly not least, you can be the link in the great tourist migration from eastern Europe and North America. It's beginning to build up now. There is perhaps no better proof than the quality and quantity of eastern European promotions aimed at American travel writers as well as the frequency of their advertising in U.S. periodicals.

Of course, there are certain common problems on both sides of the Atlantic. One of the most interesting and most difficult to solve is how to convince the public at large and our governments that tourism is not only important, but for many a national economy tourism means the difference between profit and loss.

Our case is not always an easy one to prove. When we deal with travel, we deal with an invisible giant of an industry—an industry without smoke stacks. One without organized constituencies and therefore with few members of parliaments. We know the impact, the importance, but our arguments never strike me as particularly dramatic, or politically dynamic.

Your own E.T.C. promotional material discusses this very point when you say tourism is "the most complex of export commodities."

Statistics show that one out of every six jobs in America today can be attributed to the economic activity created by travel. This is a fascinating and vital statistic, but it has nowhere near the emotional impact created by the loss of jobs on a production line when a visible manufacturing plant closes down. In my country, it's the loss of jobs that agitates legislators, converts nervous energy into action. Loss of jobs translates into loss of votes—and no politician in his right mind sweeps that under the congressional carpet.

What I am looking for is not someone to convince legislators, but to convince others as well of travel's importance. We need, for example, to convince that group of students charging the barricades that their actions are bad for tourism. I am not asking them to chicken out, but we need a minister of tourism to designate a nice off-beat spot, not as yet discovered by the jet set for all good old fashioned riots.

Aside from helping the students, I'd like to do something for the tour operator—an important element in the pleasure travel market. We're trying to solve problems in the United States as they affect and impede European tour operators.

This year, for example, the International Committee of Discover America Travel Organizations Inc. is bringing in a group of European tour packagers to meet with the American providers of ground services.

Any of you who attended Discover America's Brussels meeting last June heard, as we say in the States, a mouthful from European tour operators and travel agents concerning the state of the art of tourism in the United States.

Their complaints were legitimate. And what we need in the United States is an organization which will somehow take responsibility for filling the requirements of Euro-

pean operators and travel agents. The U.S.T.S. can't do it. Airlines would not be the proper choice either. Perhaps this could be the function of the proposed second-tier non-profit organization that I described earlier under contract to Uncle Sam.

For what is apparently needed is U.S. Government assistance for the tourist reception industry—providing guides, interpreters, and a coordinating office to help match accommodations and attractions with demand from overseas tour operators.

I wish I knew the man who said: "the task of statesmanship in our time is not to keep nations peacefully apart, but to bring them actively together." Using that premise, organizations like E.T.C., Canmex, and the rest have a defense mechanism even more powerful than N.A.T.O., for if anything makes light of political and national prejudice—if anything reduces the significance of national frontiers, if anything is the most direct path to world peace—it is eye to eye, nose to nose, hand to hand tourism.

#### JOB CORPS STAFF TOLD: HARASS FOE

### HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. CUNNINGHAM. Mr. Speaker, there has been a great deal of controversy in my congressional district, specifically within the city of Omaha where the Burroughs Corp. has taken over two of our major downtown hotels for use for the Women's Job Corps training program. I feel that the people of Omaha are not specifically against the Job Corps per se but they object strenuously to the location of the Job Corps Center in the downtown business district. They are anxious that when the Burroughs Corp.'s contract expires the latter part of June it not be renewed for continued operation in the two downtown hotels.

I believe the pulse of the people of Omaha—and particularly the business community—is that the Center should be moved to some other location outside of the downtown business district because Omaha has a tremendous redevelopment program going on in the downtown district. Furthermore, since Omaha is in the center of the Nation it has been a major site for regional and national conventions. I can speak with some authority on this subject as I was manager of the convention bureau of the Omaha Chamber of Commerce in 1940. Conventions constitute a major industry so far as Omaha is concerned and we were limited at that time to conventions drawing around 2,500 to 3,000 delegates whom we could house comfortably because of a shortage of hotel space. Now that the Burroughs Corp. has taken these two major hotels out of circulation, conventions have been severely restricted, resulting in a tremendous loss of income and in effect crippling a major industry of our city. I have explained this to representatives of the Burroughs Corp.

I supported funds for this program in the past, but I and the business community and the vast majority of our citizens feel that it is only the location that

is involved. When I discussed this matter with representatives of the Burroughs Corp. I thought they were understanding of our concern. But I was very disappointed to find that in my opinion following our visit they entered into an intrigue and the paid employees of the Women's Job Corps Center have conducted a harassment campaign against anyone who feels that the Center should be transferred from the downtown business area. I certainly do not feel that the taxpayers' money should be used for such lobbying purposes and I urgently recommend that because of what I believe to be a doublecross, the contract of the Burroughs Corp. not be renewed unless and until they agree to vacate these two major downtown hotels so that the tremendous influx of conventioners might resume. The loss of these conventions compares to the loss of a huge industry, as mentioned above.

As an example of the Burroughs Corp.'s harassment tactics, there follows a newspaper article from the Omaha World-Herald describing in greater detail what they have done and are doing. Having been sympathetic to the training of these girls, I strongly object to this harassment, as do other substantial organizations, groups, and individuals. The story from the Omaha World-Herald follows:

#### JOB CORPS STAFF TOLD: HARASS FOE

(By David Tishendorf)

A memorandum instructing staff members of the Omaha Women's Job Corps Center to seek support for keeping the center in downtown Omaha and to "harass" persons who feel the center should be moved drew fire Tuesday from City Councilman Al Veys.

At the same time, L. H. Glaab, director of the center, said he saw "nothing wrong, professionally or ethically," with the memo.

He said the use of the word "harass" was "unfortunate," but he defended the memo as a "normal reaction" to "some pretty strong things that have been said about the Job Corps."

The memo, written by Brandon M. Whistler, director of public relations for the Job Corps, was dated March 10.

The memo said a "task force" of nine staff members had been formed to "establish a few links." Each of the staff members was assigned to call upon persons in various segments in the community. The memo continued:

"In your efforts to do your part, we request that you inform a member of the task force of the list of people you plan to contact, and then later the results of the contact, and any general information pertinent to the situation.

#### TWO-FOLD REQUEST

"The reason for request is two-fold. First, we do not wish to harass anyone unnecessarily if a contact has already been made with positive results.

"On the other hand, if the result is negative, then please harass. Second, we would like to record results of all efforts."

Councilman Veys, who said he obtained a copy of the memo from "an employe of the Job Corps," had the document read into the record at the council's meeting Tuesday.

"Isn't that great, that the people in the Job Corps are going to start harassing everybody in Omaha?" Veys said.

"That's the only comment I have. It's not worth further comment."

Glaab said he approved the memo before it was issued to the staff members and he takes "full responsibility for it."

"The memo is not meant the way it sounds," he said. "I know there hasn't been any harassment."

"We have had people contacting their friends. We wanted to see if everybody in the community felt the same way (that the center should be moved)."

"We've found that that isn't true. We've found that we have a lot of friends."

#### WE EXPLAIN

"We've asked people if they support the program. If the answer is 'no,' then we explain the program and leave it go at that."

Glaab said the staff members have "gone about this thing in a very gentlemanly way."

"What Mr. Veys is forgetting is that employees of the center are members of the community. They are citizens, they vote and pay taxes and they have opinions too," he said.

"They can very well do what they feel is necessary if they feel something is wrong."

Glaab said "one of the gratifying things" during the current debate over the Job Corps has been "the way the staff has responded to criticism of their job, their livelihood."

"How is a person supposed to react when you threaten to take his livelihood away from him? Roll over and play dead? I don't think so."

"If there had been any other reaction, I would have been disappointed. I want dedicated people working for me."

Glaab said although the morale of the staff has "been hard to maintain, the person that is going to be affected and hurt the most is the girl."

"That's wrong, very wrong," he said.

In conclusion, Mr. Speaker, there follows a statement by the Omaha Chamber of Commerce which was issued a few days ago and which very candidly and without bias reflects the view of the majority of the people in the city of Omaha. If the Burroughs Corp. thinks it has made friends using these tactics it is sadly mistaken. Rather, most of us who feel another location is more desirable will work even harder to see that this is accomplished.

#### STATEMENT OF OMAHA CHAMBER OF COMMERCE

The Omaha Chamber of Commerce highly endorses the training and education of disadvantaged persons as a part of society's responsibility to solve many of its most pressing problems. However, it does not believe the downtown area of Omaha is a desirable location for the Women's Job Corps Training Center. The present location must be considered a disruptive influence, hampering the continued business development and orderly growth of the principal business area of our city.

Approximately five years ago a concentrated program was started by business, government, and other community leaders and investors to revitalize downtown Omaha. Today more than \$100 million in new construction has either been completed, is under construction, or is being planned in this concentrated area, effectively demonstrating the desire of business and the community at large to rebuild and maintain a healthy, growing downtown. The continued operation of the Job Corps in the two downtown hotels is incompatible with this development plan.

In a sincere effort to help relocate the Job Corps in Omaha, a Chamber committee has worked with the Burroughs Corporation by suggesting a number of alternate sites away from the business core area of the city. Unfortunately these were found to be inadequate.

It is the position of the Omaha Chamber of Commerce that the present Job Corps contract covering the operations in the two

downtown hotels should not be extended for an indefinite period. Instead, the Chamber recommends that the Job Corps operations at these hotels be "phased out" by the end of 1969.

The Chamber recognizes the future of the present Job Corps program is uncertain. The task of training the disadvantaged is currently being reviewed by the Nixon Administration. The Job Corps operations are being transferred to the Department of Labor in July and Secretary of Labor George Shultz has promised a definitive statement on the future of the Job Corps in the near future. New and innovative programs for training the disadvantaged are expected to be developed soon and we sincerely hope that Omaha will be able to participate in such programs in order to meet the specific needs of the underprivileged people living in Omaha.

The recommended "phasing out" by the end of 1969 would appear to be fair to the Burroughs Corporation. We believe they have done a good job of operating the training center and have been a good corporate citizen. Continuing these centers to the end of the year will enable Burroughs to maintain its training capability here, at which time the new direction of the Labor Department and its new programs should be known. This should enable Burroughs to respond promptly to such new training programs and it is to be hoped they will want to use this capability at that time to help Omaha meet its training needs.

DR. LOUIS W. ALLARD, BILLINGS, MONT.

#### HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. METCALF. Mr. President, in an age such as ours, when most men measure their lives by what they have been able to accomplish for themselves, it is refreshing and heartwarming to know a man whose life has been measured by what he has done for others.

I shall pass through this world but once. Any good, therefore, that I can do, or any kindness that I can show to any fellow human being, let me do it now, for I shall not pass this way again.

The words are those of Dr. Louis W. Allard, of Billings, Mont., now 82 years old and a resident, with his wife, in a Billings retirement home.

Dr. Allard's long life has been singularly devoted to service to his fellow human beings, particularly to crippled children, for whom he started a special school in Billings in 1914.

It is notable, perhaps, that Dr. Allard had as a patient Ernest Hemingway, and that the famous author was a friend of the Allard family and an admirer of Dr. Allard.

An article written by Addison Bragg and published in the Billings Gazette expresses better than I can the accomplishments of this great humanitarian. I ask unanimous consent that the article be printed in the Extensions of Remarks.

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

#### A LIFE OF GIVING

(By Addison Bragg)

The reporter who years ago interviewed Dr. Louis W. Allard for a national magazine drew on tradition for words to sum up what he considered the Laurel-born physician's philosophy of life.

"I shall pass through this world but once. Any good, therefore, that I can do or any kindness I can show to any fellow human being, let me do it now, for I shall not pass this way again," he wrote.

Those who know the white-haired, quiet to the point of retiring physician who celebrated his 82nd birthday last November agree there's no one the expression fits better.

An ex-Helenan—who never knew Dr. Allard but who had heard of his work with polio patients—recalls vividly the way in which the longtime Billings physician's name first came to his attention.

"I guess there's a thousand or so people walking around today who owe their lives and their legs to that guy," he growled, "and he wouldn't take a dime for helping them."

In the sunny room in New Western Manor, where Dr. and Mrs. Allard have lived for the last three years or so, one of Yellowstone County's best known and best loved doctors puffed on the stub of his cigar, brushed ashes from his white shirt and smiled, eyes warm behind the thick-lensed glasses.

"You know, my father was a farmer out by Laurel where I was born in 1887," he said, "so I guess it was a doctor uncle of mine back in Wisconsin who sort of influenced me into making a career of medicine."

After attending the University of Wisconsin and Brush Medical School in Chicago, Dr. Allard turned down offers from eastern hospitals and more metropolitan communities to come back to Montana where he started practice in 1914.

This was when he married the former Harriett Thorpe of Bozeman who he had met while they were students at Montana Agricultural College (now MSU) there. And Dr. Allard's collection of mementoes still includes a photograph of the 1907 state champions—with him among basketball players wearing a huge "A" on his shirt.

Though he'd be first to turn praise or credit from himself to others, Dr. Allard—those who are in a position to know declare—is a major reason why St. Vincent's Hospital in Billings is what it is today.

"The cornerstone of St. Vincent's," the Leavenworth, Kan., nuns who staff the hospital called him—and still do.

And he was an honored guest in 1956 at ceremonies dedicating a new wing at the hospital, a doctor described in the souvenir program as "a man who spent all his adult life helping others."

Dr. Allard—always too busy with and too concerned for the children who were his patients as well as others who sought his help—sought neither recognition nor honor.

But recognition and honor sought him—persistently.

He was commissioned a colonel in the Montana National Guard and cited for citizenship by Gov. Roy Ayers. In 1953 he won the medical association's Physician's Award for his work in rehabilitation. (Dr. Allard helped to start the Crippled Children's Hospital School in Billings in 1914, the Montana Association for Rehabilitation, the Midland Rehabilitation Association, the Missoula Polio Commission, the Butte-Anaconda Auxiliaries for Crippled Children and, most recently, Handicapped, Inc., in Billings.)

Gonzaga University presented him its Desmet medal for services to crippled children in 1932.

But the highest honor came in 1930 when the Montana physician, who at 71 told a

friend he intended to continue serving people "as long as God permits," was made a Knight of the Order of St. Gregory.

Pope Pius XI, in announcing the conferral of papal knighthood on the Billings doctor, said it was awarded "for service to humanity." The medal is kept in the Allard safety deposit box in a Billings bank.

Only one of Dr. Allard's four children—his son, Clayton—has followed in his father's footsteps. A second son, Joe, works at the First National Bank, and a third, Edwin, is a retired Marine colonel in California. The Allards' daughter, Katherine, is married to Cale Crowley, Billings lawyer.

"When you move from a house the way we did," said Mrs. Allard, "you lose a lot of things like pictures, scrapbooks and souvenirs—but every once in a while you turn something up you didn't even know you had."

One thing that "turned up" after moving was the 1937 edition of Time Magazine featuring Ernest Hemingway on the cover.

Dr. Allard was the man who set the arm Hemingway broke in an accident on a Wyoming dude ranch and who took care of him when he was a patient at St. Vincent's.

(It was from his Billings stay that Hemingway drew for his story "The Gambler, The Nun and The Radio.")

The two pages of pictures Time editors used to illustrate their Hemingway piece included one shot of the famous writer, arm in a sling, supplied them by Amateur Photographer Allard.

"One thing about him," said Dr. Allard, "was his friendliness—and the way he liked people. Once he heard about my family nothing would do but that he come out and visit them—which he did, several times."

Mrs. Allard apologizes good naturedly for lack of a scrapbook which—did one exist—would surely bulge with stories of a man who spent his life the way Louis Allard has. "I guess," she said, "I was too busy raising a family to keep a scrapbook."

And her husband—a man who is among thousands who count service to man as equalling in dignity and honor as service to God—was also busy. Helping people.

#### A BILL TO INCORPORATE THE COLLEGE BENEFIT SYSTEM OF AMERICA

**HON. OGDEN R. REID**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. REID of New York. Mr. Speaker, I am introducing today a bill to incorporate the college benefit system of America. This measure has already been introduced in the other body and in the House by the distinguished chairman of the Judiciary Committee.

In 1906, when pensions were extremely rare, Andrew Carnegie sought to aid higher education by establishing a retirement system for college professors. This, he conjectured, would enable universities to attract able faculty members without shouldering the financial burden of pensions.

To assist Mr. Carnegie's project, Congress chartered the Carnegie Foundation for the Advancement of Teaching. Working with a group of educators, the foundation devised principles for a nationwide contributory pension system. Both institutions and individuals were to participate; reserves were to remain intact until retirement; benefits were fully vest-

ed in the individual and freely transferable when the recipient moved from college to college. These provisions still guide the college pension system.

Ultimately, Mr. Carnegie endowed the foundation with \$26 million, but these funds soon proved inadequate. As a result, in 1918, the State of New York chartered the Teachers Insurance and Annuity Association—a nonprofit corporation to offer contributory pensions to the faculties and staffs of institutions of higher learning. Provided by the Carnegie Corp. with working capital, TIAA went into full operation. Its principles of full funding, vesting, and portability were later incorporated into the Federal social security system.

A TIAA study conducted after World War II revealed that through American history, the dollar had never remained stable during one individual's working and retirement period. Thus, in 1952, the New York Legislature sanctioned the College Retirement Equities Fund to offer variable annuities to college faculty and staff members.

The TIAA-CREF pension system currently has over 300,000 members from more than 2,000 institutions. Its funds total over \$3 billion. It is one of the few retirement systems which "provide equal services and benefits at equal cost to any college and to any participant in any of the 50 States."

Unfortunately, TIAA-CREF is now jeopardized by possible State taxation. The very vesting and portability provisions which have proved beneficial have rendered college pension contributions subject to State insurance codes. As it is presently chartered, TIAA-CREF will eventually become ensnared in 50 separate sets of insurance regulations designed for profitmaking companies.

Pensions sponsored by corporations, labor unions, and public employees organizations all are exempt from State and Federal taxation, yet a pension system which greatly assists higher education is now threatened by State tax laws.

The constitutional basis for incorporating the college benefit system is not in question. In 1944, the Supreme Court explicitly ruled that Congress has jurisdiction over interstate insurance business under the commerce clause. Thus Federal action is entirely justified.

In a period in which American colleges are beset with financial problems, they should not also have to assume responsibility for new pension plans or face the resignation of skilled professors. The incorporation of the college benefit system would avert this threat and leave colleges free to concentrate their efforts and funds on more urgent problems of education.

#### THE 50TH ANNIVERSARY: LEAGUE OF WOMEN VOTERS

**HON. HARRISON A. WILLIAMS, JR.**

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, April 1, 1969

Mr. WILLIAMS of New Jersey. Mr. President, this week marks the 50th anniversary of the original proposal for a

League of Women Voters. Of course, the early crusade was for suffrage, but since those days a half-century ago, the league has moved energetically into the area of public debate and political action.

Those of us who work at the business of drafting public policy are well aware of the invaluable contributions the League of Women Voters has made, and will continue to make, in a wide variety of problem areas. I am grateful for the many fine contributions of the New Jersey league and the national organization, and I want to take this opportunity to extend a salute on the 50th anniversary of this remarkable movement.

The Trenton Times of March 28 gives the league a well-earned tribute and endorsement. The editorial is clear evidence of New Jersey's respect and admiration for the League of Women Voters. Because it says so well what millions of Americans want to say in thanks to the league, I ask unanimous consent that the editorial be printed in the RECORD.

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

#### LEAGUE OF WOMEN VOTERS ANNIVERSARY

Organization of a league of women voters was proposed 50 years ago this week, and the League of Women Voters was organized a year later. Its initial aim was to finish the fight for woman suffrage and to help the newly enfranchised voters achieve the political goals for which they had sought the vote. In the half century since, the League has become a recognized force for civic education and constructive political action.

In addition to providing nonpartisan information about voting, candidates and issues, the League—now organized in 1,250 communities in 50 states—has advocated innumerable causes it conceived to be in the public interest.

In the early years, these causes were chiefly those concerned with protection of women and children, broadened social insurance, improved civil service and food and drug legislation. Nowadays, the emphasis is on an end to water pollution and the advancement of equality of opportunity in education, employment and housing. And throughout the years, the League has done much to provide information and promote action in such fields as charter reform, constitutional revision, fair apportionment, court reform, fiscal reform, and planning.

Now, as it moves into its 50th year, the League is seeking \$11 million nationally to expand its efforts and its effectiveness. The organization deserves every support for a continuation of what has been for so long and in so many ways an important contribution to the civic well-being of all.

#### NO RETREAT

**HON. JOHN M. MURPHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. MURPHY of New York. Mr. Speaker, today the tense situation in the Middle East holds the center of world concern. While there has been relative peace since the 6-day war, there is a potential for swift and sudden resumption of hostilities at any time.

Many proposals have been set forth to settle the differences in the Middle

East, but some of them ignore certain basic issues which must be a part of any settlement.

For example, some parties feel that the big four powers should meet and develop a settlement for the Middle East. I do not agree with this proposal. I feel that the settlement must come from negotiations between Israel and the Arab States, and it must begin with the acknowledgement by the Arabs that Israel is a nation, entitled to the same rights and privileges of any other nation.

I do not feel that the United States should in any way be involved in a four-power settlement imposed on the Middle East.

A second proposal often voiced is for the United Nations to assume the responsibility for negotiating peace in the area. This, too, is the wrong approach.

In the first place, the United Nations is not an effective organization for settling this type of dispute. Any proposal which might be acceptable to Israel is vetoed either by Russia, or by the Arab block of votes, representing the Arab States and those states under the influence of the Arab's oil-based economic power.

Furthermore, I reject the concept and theory of the United Nations peacekeeping force, for the simple reason that it has not worked.

A recent pamphlet published by the United Zionists-Revisionists of America entitled "No Retreat" spells out quite clearly the factors which cannot be compromised in a Middle East settlement. I think this document will be of interest to my colleagues, and under leave to extend my remarks in the RECORD, I include the text of that pamphlet:

**Beware of "Moral Pressure" by Big Powers Watch Over Israel's Integrity**

An unholy alliance is shaping up to put "moral pressure" on Israel to withdraw from the areas which came under its control in the wake of the Six-Day War and, in exchange for vague promises of a "peaceful settlement," retreat to the long obsolete armistice lines of 1949.

The original twin promoters of this anti-Israel plot have been Soviet Russia and Egypt. They have been recently joined by General de Gaulle of France and by Mr. Thant of Burma, the meddlesome Secretary General of the United Nations. The attitude of the new U.S. Administration is still uncertain. There are, however, persistent reports that it is lending an attentive ear to some form of the Soviet-French scheme. There is thus sufficient cause for concern.

Soviet Russia and de Gaulle took up the Arab cry that Israel must withdraw from what they call "occupied Arab territories."

The entire concept of such a scheme is wrong and dangerous on all counts. It is based on a triple set of premises, which are both false and distorted.

I

One is the claim that "Israel should not be permitted to retain the fruits of its aggression."

Even the United Nations bodies, whose anti-Israel bias is now reaching its peak, have never labeled Israel an "aggressor." The Soviet, Arab and French U.N. delegations had tried hard to induce the Security Council and the General Assembly to include the "aggression" charge into the U.N. resolution of November 22, 1967. They failed ignominiously. In the eyes of the international

community Israel is not an "aggressor state". The aggressors are Egypt, Jordan and Syria whose military moves had triggered the Six-Day War.

II

Another faulty premise is an out-of-context quotation from a sanctimonious U.N. resolution which speaks of "the inadmissibility of the acquisition of territory by war." This sweeping and blatantly arbitrary adage is given the lie by the entire history of mankind. Since time immemorial and in our own times, territorial changes resulting from war have repeatedly served as the basis for a peace settlement.

Large areas conquered by the victorious Allied Powers in World War II in defense against German and Japanese aggression, have become firmly established "acquisition" of Soviet Russia, Poland and the United States. Nobody pleads for the "inadmissibility" of this state of affairs. And surely, nobody suggests the "return" of such territories to their former owners. Nor is anybody advocating the restoration to Germany of Alsace-Lorraine by France or of the Sudet-land by Czechoslovakia.

There is not a shred of evidence and justice for applying to Israel's victory over Arab aggression any kind of the artificially concocted and historically in-existent "inadmissibility".

III

The biggest lie of them all is the loose talk of "Israel-occupied Arab territories".

*The areas that have come under Israeli control in the wake of the Six-Day War are not "Arab territories".*

The West Bank of the Jordan River has been for two decades illegally ruled by the "Hashemite Kingdom of Jordan" whose Arab Legion had in 1948 overrun the historically Jewish regions of Judea and Samaria. Both areas had been provinces of King Solomon's realm and, later, part of the territory of Palestine under the Mandate conferred on Britain by the League of Nations—an area destined to become the National Home for the Jewish people.

Acquired by conquest, the West Bank was in 1950 unilaterally annexed by the Amman regime. The annexation was never recognized by the United Nations, the United States or any other country, with the exception of Britain and Pakistan. It was opposed and decried by the entire Arab League.

This background of conquest and annexation certainly does not provide the Hashemite Kingdom with any legal and/or moral title to the West Bank as "Arab territory" to be "returned" to its sovereignty. Israel did not "conquer" Judea and Samaria. They have been liberated from the Arab occupiers and restored to the sovereignty of Israel as part of the integral historical patrimony of the Jewish people.

The very heart of Israel and world Jewry is the nation's eternal capital, Jerusalem. The Eastern part of it was occupied by the Arab Legion in 1948 and became a provincial town in the area annexed by Amman. The artificially divided City of David is now reunited—never to be torn again.

IV

Egypt has no title whatsoever to the tiny Gaza Strip—the sole gain of the Egyptian invasion in 1948. Cairo never claimed sovereignty to Gaza. Throughout two decades the Strip has been treated as an occupied territory. Its inhabitants were treated as foreigners in Egypt and were not permitted to settle there. Administered by Egyptian military authorities, the Gaza enclave served as a base for terrorist attacks against Israel.

After the liberation by the Israel Defense Army, the Strip has reverted to the heritage of the Jewish nation, shaped by history and geo-political realities.

Jewish roots in the Sinai Peninsula are deep and meaningful.

It was in the Sinai desert that the Israelites had encamped after the Exodus from Egypt, on the way to the Promised Land, and received the Pentateuchal legislation.

Egypt has no roots in the Sinai. The Peninsula belonged to the Ottoman Empire until 1840 when its Western part was, under the pressure of the European Power, turned over to the Egyptian Khedive; the Eastern part was turned over to Egyptian administration not until 1906 by the British who had ruled the Sinai under a condominium with the Ottoman Empire. In the peace treaty between Great Britain and Turkey there was no mention of the Sinai. Under nominal Egyptian rule, the Sinai Peninsula remained—as in Biblical times—"The Wilderness of Sin."

The Sinai Operation of 1956 brought the entire area under Israel's control. It was relinquished under a twin Soviet-American pressure. Recovered during the Six-Day War, Sinai now looks forward to an era of development and progress.

VI

Deep are also Jewish roots in the Golan Heights liberated from Syrian rule.

It was in the Biblical Golan and Bashan that had settled the half-tribe of Manasseh. The Golan region flourished in the times of the Second Temple. Jews continued to live there until the end of the Middle Ages. A very recent accretion to the Syrian domain, the Golan Heights served as a base for constant shelling of the Jewish frontier settlements, rendering life in the valley below untenable.

It would be suicidal for Israel to revert to the borders of the 1949 armistice. They were unnatural, overlong, strategically indefensible, and a constant invitation to terrorist incursions.

The cease-fire territorial delineation which emerged in June 1967 is the only one that gives Israel a measure of protection against invasion.

The Jordan River is Israel's natural frontier and defense line in the East. So are the Golan Heights in the North. The Israeli-controlled Sinai Peninsula gives Israel sufficient time and warning to ward off a "Pearl Harbor"-type attack by Russian Migs piloted by Egyptians.

None of the areas liberated by Israel in June 1967 is "Arab territory". Nor are any of them essential to the existence and well-being of the Arab states. They are, yet, essential for the existence and development of Israel. They are part and parcel of the national territory of the Reborn Jewish State, which is an organic entity. Israel's integrity must not and will not be frittered away under any "moral pressure" from the Big Powers, whose motivation is anything but moral.

Jews the world over must serve notice to their respective governments that they stand firmly by the Whole of Israel.

RAY MARTIN ON COAL MINE HEALTH AND SAFETY

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1969

Mr. HECHLER of West Virginia. Mr. Speaker, on prior occasions, I have called attention to the excellent interpretive series of articles on coal mine health and safety written by Ray Martin, city editor of the Dominion-News, of Morgantown,

W. Va. There follows the text of additional articles written by Ray Martin on this subject:

MOORE ENDORSES LUNG LAW

(By Ray Martin)

MOUNDSVILLE.—Gov. Arch A. Moore, Jr., Saturday renewed his State of the State plea to the State Legislature to enact meaningful coal mine health and safety legislation.

The governor made his views known as word reached his home county that pending "black lung" legislation faces new delays.

Moore stressed that the full meaning of his January statement still stands, and that he will preempt action in this field, should the Legislature fail to act.

Presumably, the governor would utilize executive orders directing the Workmen's Compensation Commission to broaden its interpretation of respiratory ailments and the State Department of Mines to promulgate new, stringent rules affecting mine safety.

As the work stoppage by the state's coal miners continued to spread, Del. Gust G. Brenda Jr., D-Weirton, expressed fear that the miners' current action might cause some legislators to react adversely to their cause.

Delegate Brenda said the House will hold its second hearing Tuesday on the monetary phase of the amendments to the Workmen's Compensation Act. No action can be taken until that hearing is completed, the Weirton Democrat said.

He predicted it would be at least Thursday or Friday before the House Judiciary Committee completes the writing of a committee bill which would encompass some phases of each of the six bills now before the committee.

Delegate Brenda said he thought the House might suspend rules to allow the committee measure to go to the floor for a prompt vote.

On the basis of the current timetable, this means the House could vote on the bill March 4. The Legislature is due to adjourn March 8.

The governor was in Moundsville to attend the Americanism Conference and Past Commanders' Banquet of the American Legion.

More than 200 persons witnessed the presentation of a life membership to Moore in the Legion's Earl Francis Post No. 3 here.

Moore also said he will send State Road Commissioner William Ritchie, to Washington this week to confer with officials of the U.S. Bureau of Public Roads on a new completion date for Interstate 70. The governor said he was making available \$13.9 million for improvements on W. Va. 2.

He said he was pleased with the Senate's action on the tax bill. Upon learning the House rejected the Senate-passed bill on Saturday, Moore said he would not comment until he sees the House version of the tax bill, but said he foresees no great difficulty in getting the tax bill through the Legislature.

[From the Morgantown (W. Va.) Dominion-News, Feb. 25, 1969]

"NO LAW, NO COAL," AREA MINERS VOW—CAPITAL JOURNEY PLANNED

(By Ray Martin)

Coal miners normally employed at the Christopher Coal Co. mines at Humphrey, Osage, Arkwright, Pursglove and Blacksville unanimously agreed last night to adopt a position of "no law, no coal." The reference was to the State Legislature's adoption of amendments to the Workmen's Compensation Act to provide for compensation payments to miners found to be suffering from pneumoconiosis (black lung) and other occupational diseases.

The meeting which attracted an overflow crowd at the Cougar Club, formerly the Dal-

las Pine Room, in Pursglove was arranged by an Ad Hoc Committee for Miners' Health and Safety.

Miners attending the rally called to compare the bills sponsored before the Legislature by the United Mine Workers and by the Black Lung Association voted to support Senate Bill 216, the measure endorsed by the latter group.

The Monongalia County coal miners agreed to meet in smaller groups today and prepare petitions calling for the passage of Senate Bill 216. The petitions would be taken to Charleston by representatives of the miners and handed to members of the House of Delegates and State Senate from the county. It was suggested that plans be made to charter buses to take a large group of miners to the State Capital on Wednesday to participate in a rally at the Municipal Auditorium in Charleston and to pay personal calls on legislators.

Elijah Wolford, a miner from Humphrey No. 7, acted as chairman for the meeting. The Morgantown resident is a member of the mine safety committee at the Mt. Morris, Pa., mine.

Basil Callen, one of two delegates from Local 1058, UMW, who attended the Feb. 11 hearing on black lung bills in Charleston, said:

"We are not only here to talk about black lung alone, for it has far reaching effects greater than the disease.

"To pass a bill, a bill on black lung alone, certainly would be a great mistake. We the coal miners are not selfish, but what we are seeking is a law that will cover black lung disease and that is known as an occupational disease.

"Occupational disease," Mr. Callen said, "would cover many industrial workers—like-wise occupational disease would include many poisons in the coal field such as excessive cable smoke, smoke from fire and sand, carbon monoxide gases from motors.

"There are many free riders," the speaker declared. "The factory workers should speak up for their own protection."

Mr. Callen recalled the words of Dr. Jethro Gough, the Welsh lung specialist, who said that when the compensation law was passed in England in 1943 this was followed in a short time by the coal mines' utilization of measures to reduce coal dust in the mines.

"When you reduce dust in the coal mines, you measurably reduce the chances for an explosion or fire," Mr. Callen said.

"Far be it for me to seek regimentation in the coal mines, but we do want safety regulations and the true compliance thereof. Most any conscientious employe knows full well that his employer must make a profit. But that profit should not be at the expense of human disability or even death," he said.

Mr. Callen described the plight that a miner faces when he is faced with going on county welfare rolls. It breaks up a family, he said, and this, in turn, leads to other community problems.

In an urgent plea, the miner said, "I urge you to support the occupational disease law, not only for yourself, but also because in the long run it will be better for the employer, as well as our society as a whole."

Wayne Lee, another miner who attended the Charleston hearing, recited statistics showing the number of miners in the state and nation reportedly suffering from black lung.

Sam Campbell, a miner who is said to be suffering from coal workers' pneumoconiosis, was interviewed by Mr. Callen. Mr. Campbell told of his experiences with visits to Project Alford at West Virginia University.

"They guaranteed my compensation if I would agree to be a guinea pig," said Mr. Campbell. "They wanted me to stay in the hospital and sign a statement relieving them of all responsibility for my life.

"I said no, when they could offer no assurance that I would ever be able to walk out of the hospital," Mr. Campbell said.

Dr. H. A. Wells of Johnstown, Pa., a member of the Physicians' Committee for Miners' Health and Safety, was scheduled to appear at the Pursglove meeting. Poor flying weather prevented his trip to Morgantown.

Arrangements are being made for another meeting of the miners at which Dr. Wells will speak.

Several persons presented reports on the contents of the two bills in the absence of Dr. Wells.

At one point during the meeting tempers flared when a UMW official who had allegedly identified a member of the union who was picketing at Arkwright mine was seen in the audience and asked to explain his action.

The chairman quickly restored order and said that the incident was one for the proper concern of the particular local union involved.

[From the Morgantown (W. Va.) Dominion-News, Feb. 26, 1969]

COAL OPERATORS CHALLENGE BOYLE TO FORCE MINERS BACK TO WORK

CHARLESTON.—W. A. (Tony) Boyle, president of the United Mine Workers of America, has been challenged to use the powers available to him under the UMW Constitution and Bylaws to force West Virginia coal miners back to their jobs.

The challenge was laid down Tuesday by five southern West Virginia coal operators associations. In making public their action, the operators said they would regard the current contract as "meaningless and ineffectual" if the UMW is unable to control the actions of its members.

A spokesman for the coal operators said that thousands of miners striking in support of "black lung" legislation are doing so in violation of the industry contract with the UMW.

Branding the strike unlawful, the coal operators sent telegrams to Boyle at international headquarters in Washington and to two UMW District presidents—stating that UMWA should make an all-out effort to control the actions of its members and thereby uphold the contract.

Tuesday's action was taken by Southern Coal Producers Association, Greenbrier Coal Operators Association, Kanawha Coal Operators Association, Smokeless Operators Association, and the Logan Coal Operators Association.

A spokesman for the five operator groups said members provide employment for an estimated 20,000 miners.

In addition to the telegrams to UMW at Washington, similar telegrams were sent to R. R. Humphreys, president of UMW District 17 in Charleston, and Larkin S. Philpott, president of UMW District 29 in Beckley.

"This strike does not arise from any labor disputes between operators and employes who are members of UMWA, but arises from efforts of employe members of that organization and others to influence, by pressure tactics, the passage of black lung legislation now pending in and under consideration by the West Virginia Legislature," the telegrams read.

"The National Bituminous Coal Wage Agreement between the operators and UMWA obligates the operators to afford specified liberal wages and benefits amounting to a total of more than \$50 a day to employes."

"The signatory operators have performed and are performing their obligations under that contract. The contract likewise obligates the employe members of the UMWA to work and not to engage in work stoppages in violation of the contract," the telegrams continued.

"If the mine workers are unwilling to perform their obligation under the contract

and the UMWA is either willing or unable to control the actions of its members—and to maintain the integrity of the contract—the contract is rendered meaningless and ineffectual.

"West Virginia coal operators signatory to the National Bituminous Coal Wage Agreement with UMWA call upon the mine workers of West Virginia to stop this unlawful strike and upon the UMWA to use immediately all means at its disposal including all powers available to it under the constitution and bylaws of that organizations—to fulfill the UMWA obligations under the contract and to maintain the integrity of that contract.

"West Virginia coal operators have stated publicly, and now reiterate that they favor legislative action which would clarify—and make it indisputable—coal workers' pneumoconiosis under the West Virginia Workmen's Compensation Law and which would assure a fair and equitable procedure for determining existence of, and providing for, the compensation of disability resulting from that disease.

"Any differences which may exist between the operators and UMWA and its members concerning the form of such legislation," the telegrams concluded, "can be no possible justification for the unlawful strike being engaged in throughout West Virginia."

The southern coal operators made no reference to the other two UMW Districts in the state whose members are participating in the work stoppage to draw attention to the black lung legislation.

Some of the state's miners say that they are also away from their jobs to focus attention on the desirability of having President Nixon reappoint John O'Leary as director of the U.S. Bureau of Mines.

A mass rally of miners is set here Wednesday to bring the miners' call for a liberalization of workmen's compensation benefits to the State Legislature.

The mass meeting will include busloads of miners from all over the state wearing the traditional hard hat and the black lung movement's symbol—a skull and crossbones inscribed with the words "black lung."

The miners are seeking legislation with a presumptive clause that a miner suffering from pneumoconiosis, commonly called "black lung," may presume he contracted the disease while working in a mine. The clause carries a five year work stipulation. The burden of proving the disease was the result of mining, now lies with the miner.

Several bills are now before the Legislature on black lung and House of Delegates Speaker Iver Bofarsky has said one of the bills will come to the floor this week for consideration.

[From the Morgantown (W. Va.) Dominion-News, Feb. 26, 1969]

**CONSOL EXECUTIVE STATES COMPANY'S BLACK LUNG POSITION**  
(By Ray Martin)

An official corporate position on black lung legislation pending in the West Virginia State Legislature has been stated by William N. Poundstone, executive vice president of the Consolidation Coal Co.

Mr. Poundstone made the Pittsburgh-based corporation's views known through telegrams sent to John L. Rozance, Christopher Coal Co. president, and other Consol officials. Copies of the telegram were distributed to United Mine Workers locals whose members are employed by Consol subsidiaries.

The text of Mr. Poundstone's telegram was as follows:

The following is Consol's position regarding pneumoconiosis legislation: We feel that disability due to pneumoconiosis or 'black lung' should be made compensable. We believe that it has been included in our existing legisla-

tion, but feel that since some doubt exists, we support a definition of 'black lung' in proposed legislation to insure that men with the disease are compensated. We further believe that present benefits are not sufficient under present conditions and should be raised. We would like to work with the UMW and the Legislature to accomplish these needed revisions."

Earlier this month the West Virginia Coal Association, of which Consol is a member, attacked what it called the "sideshow antics" of advocates of "black lung" legislation and called for an impartial evaluation of medical facts about the pulmonary condition by physicians qualified to make such determinations.

"At that time—and only then—will the Legislature of the State of West Virginia be competently equipped to make an intelligent decision concerning the many different bills now before it on pneumoconiosis," said the Association's vice president, Stephen G. Young.

Mr. Young referred to a resolution adopted by the West Virginia State Medical Association which called on the Legislature to appoint a panel of experts in pulmonary disease "to conduct a thorough objective study."

Mr. Young stressed that the Legislature shouldn't enact any legislation on pneumoconiosis until such a medical study, was completed. Legislators did not respond to the Medical Association resolution.

David D. Johnson, a Charleston lawyer representing the Coal Association, told the Senate Judiciary Committee that "if a substantial part of the proposed increases in Workmen's Compensation are enacted, the end result will be a lot of now-active coal miners being unemployed."

At the Feb. 11 public hearing before the joint meeting of Senate and House Judiciary Committees, Mr. Johnson voiced his opposition to the various black lung proposals. He joined George Burnette, an attorney for four UMW Districts, in asserting the black lung had been subject to the state's laws since 1949.

The lawyer explained that the reason that no miner had received compensation for black lung was the inability to provide X-ray evidence of the disease.

Tom Whyte, Consol's general counsel and representative in the Coal Association said he believed there was no disagreement between his firm and the position taken by the association "We're traveling the same path," he said.

Despite the fact that no miner has ever received a compensation award for coal workers' pneumoconiosis, Mr. Whyte reiterated the view that state law already covered the disease, adding that Consol was agreeable to spelling out a definition of the disease in the law.

Mr. Whyte said Consol was opposed to adoption of the presumption clause contained in some of the pending bills. He said the company strongly supports a requirement that X-ray evidence of the disease be present before a compensation award is made.

Proponents of Black Lung Association legislation assert that X-rays do not reveal every incidence of pneumoconiosis and that pulmonary tests be used as well.

Autopsy and biopsy are the only sure ways to detection of black lung according to proponents of the pending legislation. Many doctors look with disfavor on the biopsy procedure, labeling it as painful and sometimes harmful. Autopsies come only after a man's death.

The Consol representative said that increases in some of the compensation payments (now ranging from \$16 to \$47 a week) are required in view of escalated costs of living.

Bills relative to black lung and general

workmen's compensation are bottled up in the Legislature. Speculation as to when legislative action will come on black lung ranges from today through March 4, four days before the session ends.

Meanwhile, Sen. Neal A. Kinsolving, R-Kanawha, announced renewal of an effort to give the state mines director authority to make rules and regulations affecting the health and safety of miners. He will seek to amend a bill now before the committee on mines and mining. An earlier proposal of the Charleston Republican was buried in committee.

The House Judiciary Committee has scheduled a hearing Friday on H.B. 842, sponsored by Dels. Cleo Jones, R-Charleston and Albert L. Sommerville Jr., D-Webster Springs, which would make employers subject to law suits under certain circumstances in industrial accident and death cases.

Existing state law prohibits legal recourse against an employer who carries Workmen's Compensation and pays the required premiums.

Some Capitol observers regard the Jones-Sommerville proposal as compromise legislation to the pending black lung bills.

[From the Morgantown (W. Va.) Dominion-News, Feb. 27, 1969]

**CHARMBURY EXPLAINS WHY HE REJECTED MINES POST**

(By Ray Martin)

After a fiery blast at U.S. Department of Interior attitudes and actions, Dr. H. Beecher Charmbury, secretary of mines and mineral industries in Pennsylvania, rejected a possible appointment as director of the U.S. Bureau of Mines.

Before announcing his rejection of the director's post, Dr. Charmbury was told by an aide to Secretary Walter J. Hickel there was no assurance he would get the post.

In view of the various actions which preceded the Feb. 14 telephone call to Washington from Harrisburg, Dr. Charmbury told the aide in effect that "this is one helluva way to run a railroad."

In announcing his decision not to accept the federal post, Dr. Charmbury made a reference to the infighting that went on after it was learned he was being considered for a top spot in the Interior Department.

He said that he was honored by "being the first Pennsylvanian to be offered a post," in the Nixon Administration.

"I have given this (offer) very serious consideration and discussed it with a great many people but in view of our new concepts of mine safety and conversation programs which have been instituted in Pennsylvania, I want to see the programs completed," he said.

"The programs are already benefitting not only the men working in the mines but also the people living in the coal producing areas," he added.

"We are leading the nation in coal mine safety and conservation and I am certainly proud of our accomplishments."

This was as close as the Pennsylvanian came to revealing just what actually happened to cause him to change his mind about transferring his activities from Harrisburg to Washington.

Dr. Charmbury originally had been designated by the White House as one of two top-ranked candidates for appointment as assistant secretary in charge of minerals.

In that post, Dr. Charmbury would have directed the activities of the Bureau of Mines, the U.S. Geological Survey, the Office of Coal Research, the Oil and Gas Division and oil imports.

Washington sources said the Interior Department caved in to industry pressure and withdrew Dr. Charmbury's proposed appointment as assistant secretary.

### Industry thinks he's too tough.

The coal and oil industries, these sources said, immediately protested the proposed appointment. They did not want to take the chance that the Pennsylvania official would insist that the Keystone state's strong regulation on mine safety, water and air pollution and strip mine restoration be implemented as the federal level.

The success of Pennsylvania's mines and conservation program has been played down at the national level.

Dr. Charnbury was called to Washington two weeks ago and urged to take the assistant secretary post immediately. He declined on the grounds he had to discuss the offer with Pennsylvania's Gov. Raymond P. Shafer and other political leaders, including the two U.S. senators from the state.

The Pennsylvania mines secretary left for Arizona on vacation. He was called back to Washington Feb. 14—two days later—and told that he no longer was being considered for the assistant secretaryship and was urged to take the \$36,000 a year post as Bureau of Mines director.

Dr. Charnbury posed a number of questions about just how broad his authority would be as director and to whom he would be responsible.

He returned to Pennsylvania's capital city and discussed the switch with aides and others. Late on Friday, Feb. 14, Dr. Charnbury called Secretary Hickel's office to say he would take the job as director of the mines bureau.

It was then that he was told that even the director's job was "merely a recommendation" and there was no assurance he would get the appointment. He then washed his hands of the Interior Department and commented on its methods.

Secretary Hickel's office said that Dr. Charnbury's withdrawal and the "strong support" for John O'Leary's reappointment as Bureau of Mines director obviously increases Mr. O'Leary's chances.

A spokesman for the secretary referred to the incumbent mine director as "a pretty outstanding man."

But there was no firm decision yet to retain him, officials said.

It was learned that three key Bureau of Mines officials now have left their posts: Elmer L. Hoen, administrator of the controversial oil program; Rear Adm. Onnie P. Lattu, director of the office of Gas and Oil; and William S. Flory, director of the Office of Minerals and Solids.

The secretary's office said Mr. Hoen had resigned while the other two officials had been asked to leave.

The Interior Department announced the appointment of Thomas P. Holley as an assistant to the secretary.

[From the Morgantown (W. Va.) Dominion News, Feb. 27, 1969]

ALL LEGISLATORS FROM AREA BACK LAWS FOR MINERS

(By Ray Martin)

CHARLESTON.—Members of the Legislature from Monongalia and Barion Counties today voiced support for strong coal mine health and safety legislation.

Del. Clifford B. Hoard, D.-Monongalia, said that the county's three-man delegation in the House of Delegates is firmly committed to the passage of the strongest possible laws concerning the miners.

Mr. Hoard said he had not yet had an opportunity to examine House Bill 1040, reported to the House Wednesday. Printed copies of the bill were to be distributed today.

Dels. Robert W. Dinsmore and Harry U. Howell, both Monongalia County Democrats, served on the committee which fashioned House Bill 1040. The measure includes some of the proposals contained in bills sponsored

by the Black Lung Association and the United Mine Workers as well as seven other bills dealing with "black lung" or coal workers pneumoconiosis.

Mr. Dinsmore was an advocate of the so-called presumptive clause concerning the miner's lung disease. The Morgantown attorney served as a member of the subcommittee which prepared the bill subsequently adopted by the House Judiciary Committee.

The freshman legislator also supported a provision which would have spelled out that X-ray evidence of the disease was not necessarily conclusive proof for proving compensation claims. This provision was abandoned late Wednesday.

The bill as reported to the House contains no reference to X-rays and simply refers to medical diagnosis of occupational pneumoconiosis.

Mr. Dinsmore said efforts would probably be made Friday to insert additional provisions of House Bill 814, the Black Lung Association proposal, which was omitted in the preparation of House Bill 1040.

Del. J. E. (Ned) Watson, D-Fairmont, who serves as chairman of the House Judiciary Committee, said he would seek a suspension of House rules Friday to permit prompt passage of the new bill.

Del. Nick Fantasia, D-Kingmont, whose father was injured in a coal mine accident said, "There's no question of where I stand. We need a strong law. While we may not get everything we want, we must take a start somewhere."

Del. William J. Parker, D-Fairmont, said that he has shown his feelings about the need for strong legislation in several ways already. The Fairmont delegate is pressing for a legislative committee study of the administration and enforcement of the state's mine laws. He plans to renew his battle for this study on the floor of the House today.

Sens. William Morland, D-Morgantown and O. G. Hedrick, D-Fairmont have both sponsored mine health and safety measures in the Senate and have pledged adoption of the best attainable law.

Mr. Moreland, who serves on the Senate's Judiciary Committee, made several attempts this week to force committee action on black lung bills referred to that committee. The committee's chairman, Sen. William T. Brotherton Jr., D-Charleston, remains firm in his announced position of waiting until the house-passed bill reaches the Senate before taking any action.

[From the Morgantown (W. Va.) Dominion News, Feb. 27, 1969]

MINERS OF COUNTY JOIN MOVE—OPINIONS ARE AIDED IN MOORE'S OFFICE

(By Ray Martin)

CHARLESTON.—A delegation of Monongalia County Coal miners took part in a series of activities here Wednesday designed to focus attention on the need for occupational disease legislation.

Elijah Wolford of Morgantown was chosen as the official spokesman for northern West Virginia coal miners and as such was the first speaker at a meeting held in Gov. Arch A. Moore's office.

Wolford told the governor that the miners came to Charleston to "impress upon you the need" for new legislation. "If coal is going to be produced in West Virginia," he said, "the laws as well as the machines used in productions will have to be improved."

The Morgantown miner and member of the Safety Committee at Humphrey No. 7 mine at Mt. Morris, Pa., cited several conflicting provisions of the state's mine law.

"We want laws with teeth, not words," Wolford declared.

Governor Moore expressed his concern about the inconsistencies in the law and said that he has directed John Ashcraft, his

appointee as head of the State Department of Mines, to conduct a thorough review of the law and its administration.

The governor then read a portion of his State of the State message relative to mine safety and health. All of the miners present in his office were given a copy of the January message to the legislature.

When the governor completed the reading of his previous message, Wolford reminded him that the miners were not only interested in compensation, but "we're here to stop the cause of black lung."

Governor Moore expressed his concern over Social Security Administration policies which penalize workers who get workmen's compensation awards and who also get disability payments under social security.

The Federal government deducts the amount paid by the state from its checks to the disabled worker.

While in Congress, Moore sponsored legislation to remedy the situation. He said that the worker pays for the federal benefit and is entitled to it, irrespective of any awards he gets under the employer paid injury program.

The governor renewed his promise to call the legislature into special session to enact black lung legislation if it failed to do so before the session ends March 8.

He questioned the miners about their failure to bring up the problem at either the January, 1968, or Sept., 1968 sessions of the legislature.

Charles E. Brooks of Winifred, president of the Black Lung Association, told the governor the state's miners had looked to the leadership in the UMW to keep their promises in seeking such legislation in the states, including West Virginia.

That promise Brooks said, was renewed at the Denver, Colo convention in September, 1968.

"When it became evident that the UMW wasn't going to do anything, we, as individual miners, formed the Black Lung Association. We hurriedly got a lawyer and told him to hurry up with some legislation on black lung."

Brooks described the UMW-sponsored bill in the legislature as "good, but that, too, is weak."

He observed that all of the bills introduced sought to do something for the miner but asserted that the Black Lung Association bill, while not perfect, came closer to meeting the miners' needs.

Miners from all areas of the state made brief statements of their positions to the governor, including a delegation from the disabled Miners and widows organization. That group has 17 units in the state and is in the process of extending this organization beyond the state's borders.

The governor told the miners that he could not and would not fault them for the tactics they employed to bring their problems to public attention.

Wolford also addressed the miners assembled in Municipal Auditorium who had gathered there to hear a progress report on the drive to secure occupational disease legislation.

"In the early hours of the morning a small group of miners set out on a journey from a northern county to come here to Charleston to give our meager support to our fellow mine workers from the southern part of the state, who are giving their all in support of good, strong black lung legislation," the Morgantown resident said.

"Being a native of Kentucky and working in mines in the southern part of West Virginia, I can easily understand why miners in the southern part of the state are more intent on getting a good mine health and safety bill passed.

"Miners who have worked in the northern counties only do not know that there is a

difference in the dust conditions in mines in the north and in the south.

"Let's have some representatives from the southern part of the state go into the northern part of the state and educate their brothers," he said.

After a reference to meetings held in Morgantown, at which he served as chairman, Wolford said, "Several times I have been asked why I have become involved. I have a two-part answer to this question.

No. 1—I am obligated to help a brother in adversity. No. 2—Because I am sick and tired of all of us being called dumb coal miners. The sad part of this is that up until 1968 the people who have been calling us dumb have been proving the point by cheating and killing us with inadequate mine health and safety laws.

"When this meeting is adjourned, we are going to march out of here and show the world that we are not dumb and that we will no longer be cheated or die because of poor mine legislation in the State of West Virginia," Wolford said.

The three leaders of the Physician's Committee for miners' health and safety—Drs. I. E. Buff, Donald Rasmussen and H. A. Wells—made brief remarks at the auditorium rally.

Former State Sen. Paul Kaufman an attorney retained by the Black Lung Association, explained the differences in the various bills which had been introduced by legislators.

In addition to Wolford, miners from other sections of the state also spoke briefly at the rally.

Rep. Ken Hechler, a Huntington Democrat, drew a resounding wave of applause when he told the assembled miners that "no longer are we going to sit back and meekly accept the mouldy crumbs of compromise, grudgingly thrust forward by those who are more concerned with production and profits.

"No longer are we going to let them ignore the human values which mean life itself: the right to breathe, the right to work where conditions are safe, the right to speak without fear of punishment and, yes, the right to strike when conditions become intolerable," the Fourth District Congressman said.

Admitting that he was "wrong" when he had earlier advised the miners to return to their jobs, Hechler said he was still behind the miners 100 percent.

"Don't forget, I am the original 'fink' labeled by the UMW national leadership because I had suggested the UMW wasn't doing enough.

"By the way," Hechler asked, "how much is the UMW national leadership helping you with this strike and the efforts to get good tough legislation?"

Continuing, the Huntington democrat said, "I was talking with a member of the Safety Committee of the Humphrey mine at Mt. Morris where they had the fire and narrow escape recently. He put it very eloquently when he said that he had read about democracy in the school history books, but raised the question: Why is it that democracy is a good thing for all the American people except the coal miner?"

"That's a good question. Once we win this fight for black lung, we might start asking whether you have democracy in the UMW, too," Hechler said.

The Congressman ended his remarks with the presentation of a \$1,000 check to the Black Lung Association.

After the meeting adjourned, several hundred miners marched from the auditorium down the Kanawha Boulevard to the State Capitol. They were given a police escort and traffic was rerouted from one side of the divided highway.

[From the Morgantown (W. Va.) Dominion News, Feb. 27, 1969]

#### PANEL ENDS ITS WORK ON BILL

(By Ray Martin)

CHARLESTOWN.—Ten minutes before the scheduled beginning of a miners' rally in the Municipal Auditorium here Tuesday—about three miles from the Capitol—Del. J.E. Ned Watson, D-Fairmont, emerged from the House Judiciary Committee room to announce that the committee had completed its work on a "black lung" bill.

The news traveled fast, although the actual contents of the 32-page bill were not revealed until nearly four o'clock, two hours later. In the interim the committee reassembled and made further changes in the bill which is now numbered House Bill 1040.

After the bill was reported to the House by its Judiciary Committee chairman, the Fairmont Democrat explained that no action could be taken on the bill until Friday.

In response to questions posed by Del. Warren McGraw, D-Pineville, Chairman Watson said that the bill could not get its first reading until Thursday. The bill was scheduled to be printed over night. House rules preclude any action until each member has a printed copy of a bill on his desk.

Miners who had filled the House galleries left when Watson explained that the bill would get its first reading Thursday and then be open to amendment on Friday.

The Fairmont Democrat said that once amendments are acted upon, a motion will be made Friday to suspend the rules to enable passage of the bill and its subsequent transmittal to the Senate.

Senate sources continue to hold to the previously stated position of Sen. William T. Brotherton Jr., D-Charleston, that the Senate would take no action on black lung legislation until it receives the House-passed bill.

The committee-drafted bill provides a presumptive clause for "occupational pneumoconiosis," which was bitterly attacked by representatives of the state's coal industry.

The clause reads as follows:

"If it be shown that the claimant or deceased employee has been exposed to the hazard of inhaling minute particles of dust in the course of and resulting from his employment for a period of 10 years during the 15 years immediately preceding the date of his last exposure to such hazard and that such claimant or deceased employee has sustained a respiratory disability consistent with a diagnosis of occupational pneumoconiosis, then it shall be presumed that such claimant or deceased employee is suffering from occupational pneumoconiosis which arose out of and in the course of his employment. This presumption shall not be conclusive."

The latter phrase leaves the door open for an employer to prove, if he can, that the worker didn't contract the disease in the course of his work.

The bill amending the Workmen's Compensation Act states that the terms "injury" and "personal injury" shall include occupational pneumoconiosis and any other occupational disease.

Occupational pneumoconiosis is defined as a disease of the lung caused by the inhalation of minute particles of dust over a period of time and in which the dust is due to causes and conditions arising out of and in the course of employment.

The term occupational pneumoconiosis includes but is not limited to silicosis, coal workers pneumoconiosis (commonly known as black lung), silico-tuberculosis, and anthracosis-silicosis and any and all other diseases of the lungs not specifically designated but which result from the inhalation of minute particles of dust.

Eligibility for compensation is based on the requirement that the West Virginia worker has been exposed to the hazards of occupational pneumoconiosis over a period of not less than 10 years during the 15 years immediately preceding the date of the worker's last exposure to such hazards.

One of the proposals dropped by the committee after its initial announcement would have provided that X-rays alone are not the conclusive evidence factor in determining the presence of the disease.

As now proposed, the bill removes a cardinal point which the coal industry insisted be contained in any such legislation. Industry wanted X-ray evidence to be the controlling factor.

The bill contains provisions for excluding a worker from benefits if he fails to wear a safety device or violated posted safety rules. Supporters of the Black Lung Association bill wanted this provision dropped from the bill.

Missing from the bill is a clause pertaining to attorney's fees, which was contained in the United Mine Workers' proposed legislation.

It contains provisions, however, for denying benefits to a widow found to be engaging in prostitution. The same principle is applied to widows or widowers found to be living under a common law marriage situation.

The bill provides a schedule of payments for certain medical and hospital expenses and abolishes the present Silicosis Medical Board and replaces it with an Occupational Pneumoconiosis Board. An Occupational Diseases Medical Board would also be created under the bill prepared by the House Judiciary Committee.

The first stage silicosis payment provided in existing law is eliminated. Under that provision a worker who accepted \$1,000 payment automatically waived his rights to further compensation.

House Bill 1040 provides that no additional award shall be made to any claimant for compensation for occupational pneumoconiosis who has been exposed to the dust hazard subsequent to his initial award.

The bill unveiled Wednesday apparently makes no change in the statute of limitations contained in the Workmen's Compensation Act. This allows a worker to seek compensation within three years of his last exposure to the hazard.

The proposal pegs compensation payments to the average weekly wage paid in West Virginia, a figure which is computed annually. The Black Lung Association proposal called for payments based on the individual workers average wage.

If a person is disabled by occupational pneumoconiosis, his minimum weekly benefits would be \$26 and the maximum benefits would be computed—after July 1970—at 66 and two thirds per cent of the average weekly wage in West Virginia.

At present, the average wage in the state is \$117. At 66 and two thirds per cent this would make the maximum benefit \$78.

Until July 1970, however, the maximum would not exceed 43 per cent of the average wage, or \$50.31. The current maximum payment under the compensation law is \$47.

All workmen's compensation claims are paid out of a fund contributed to by employers whose employees are covered by the compensation plan.

Because workmen's compensation is not compulsory in West Virginia, the proposed law stipulates that the employer must have paid his premium for the quarter in which the worker was injured in order for the employee to get benefits.

The UMW contract provides that all coal operators signatories must carry workmen's compensation.

The Judiciary Committee chairman said

the bill "is as strong as can be supported by any responsible body of medical opinion."

[From the Morgantown (W. Va.) Dominion-News, Feb. 28, 1969]

BOYLE RAPS HECHLER AT PUBLIC HEARING—  
RANDOLPH DEFENDS COAL COMPANIES  
(By Ray Martin)

WASHINGTON.—W. A. (Tony) Boyle, president of the United Mine Workers of America, Thursday used a public hearing on coal mine health and safety legislation to conduct an unprecedented and continuous attack on a member of Congress.

Despite long standing rules which forbid personal attacks on a member of one body of the Congress by a member of the other body and repeated attempts by senators to change the subject, the UMW president persisted in a series of attacks against Rep. Ken Hechler, D-W. Va. At one point, Boyle threatened to stuff a bologna down Hechler's throat.

He charged that Hechler got attention at meetings on black lung because the Huntington Democrat was talking to persons who contracted black lung before he (Boyle) was born.

The UMW president also vilified a critic to such an extent that Sen. Harrison Williams, D-N.J., chairman of the Senate Subcommittee on Labor, said that the man would have to be afforded an opportunity to appear before the committee.

Senator Williams told Boyle that he had not considered consumer critic Ralph Nader as an "expert" on mining and mine safety. Because of this reasoning, the New Jersey Democrat said, Nader would not have appeared before this committee.

Boyle, after several generalized verbal attacks on Nader, said he "would fight him in the back alleys or anywhere he could find him."

Williams then announced that in fairness and as a result of Boyle's attack, the committee would have to extend an opportunity to Nader to present his views.

After asserting that Boyle had been deficient in union leadership functions, Nader, in a message read to West Virginia coal miners in Charleston on Jan. 26, said, "The time has come for you to invite Mr. Boyle to West Virginia and have him exercise his right of replying to these facts. You may conclude that he is no longer worthy of being your leader, that you need new leadership that will fight for your rights and not snuggle up close to the coal operators and forget about the men who are paying the dues and paying the price."

The miners at the Charleston Civic Center rally responded with a unanimous resolution inviting the UMW president to be in Charleston when the West Virginia Legislature held hearings on black lung legislation and to present the miners' case. The hearing was held Feb. 11 and Boyle was absent.

UMW Vice President George Titler released the text of a statement which he had intended to make at the Feb. 11 hearing. He did not, however, address the committee.

After asserting that Nader had never been inside a coal mine, Boyle told the Senate committee that 2,000 UMW delegates who attended the organization's convention last year in Denver, Colo., wanted him to violate the UMW constitution and accept the union's presidency for life.

Boyle said he rejected the proposal.

He said he also turned down an offer of the convention delegates to double his salary.

With reference to the salary statement, Senator Williams said, "We (the senators) would do the same thing."

Boyle then made an oblique reference to President Nixon's acceptance of a pay increase under legislation initiated by former President Johnson. He also attacked the

Johnson Administration's mine safety bill which was sent to Congress in January by Secretary of Interior Stewart Udall.

Because Hechler served as a White House aide to former President Truman, Boyle tried to link him with the nearly \$4 million fine assessed against John L. Lewis, then the UMW president, and the UMW in the 1950s.

Boyle said he never heard of West Virginia's Fourth District congressman until after November, 1968, and the Farmington No. 9 mine disaster.

During a portion of Thursday's hearing, Hechler was seated next to Boyle on a front row seat in the auditorium of the New Senate Office Building. George Titler, a West Virginian and UMW vice president, had been active in previous election campaigns of the Huntington Democrat.

The greater portion of Boyle's two-hour appearance before the Senate committee was utilized to justify his position as the leader of the country's coal miners and in attacks on critics of the UMW.

"There is nothing new about those who try to jump on the bandwagon or those who attempt to carry the flag when it presents an opportunity for personal publicity or to become a Pied Piper. Such false prophets lead people astray by distorting the truth, indulging in falsification and distorting every facet of the truth in order to create evidence of self-importance," Boyle said.

"During that long and lonesome struggle, from the creation of the union in 1890, until 1966, we did not receive any support from anyone until one coal company, of all the coal companies in the United States, was found to be in our corner in the strategy to improve the health and safety of the coal miners," the UMW chief said.

He identified the one coal firm as Consolidation Coal Co.

Sen. Jennings Randolph, D-W. Va., asked Boyle if all of West Virginia's coal companies didn't support the UMW position in 1966. The legislation concerned the applicability of federal mine laws to companies employing less than 15 miners.

Boyle said Randolph was correct.

The UMW president told the committee the union had spent \$2 billion for the rehabilitation of miners who had been injured. He said that they had been sent to clinics and hospitals in all parts of the country.

Randolph asked about the source of the money.

Boyle told West Virginia's senior senator the funds had come from the royalty which the UMW gets on every ton of coal mined.

Randolph told the committee members he was trying to point out that the union didn't engage in the project alone.

After reiterating the union's opposition to legislation which would penalize miners for violation of safety rules or laws, Boyle said, "Several states do provide for penalties against coal operators and miners."

"However, our research has determined that the penalties are invariably applied against the coal miners, but rarely against the coal operator."

Sen. Winston Prouty, R-Vt., pressed Boyle for details of the union's research.

After the question was rephrased in several ways without getting a reply, Prouty thundered, "You've said it on Page 14 of your prepared statement. You shouldn't make statements you can't back up."

Boyle said the research consisted of verbal conversations with miners who had been fired.

[From the Morgantown (W. Va.) Dominion-News, Mar. 1, 1969]

PANEL LAUNCHES INQUIRY

(By Ray Martin)

WASHINGTON.—The Senate Labor Subcommittee will seek information about industry

or union reprisals against coal miners who complain about unsafe health and working conditions in mines, it was announced Friday.

The information will be sought as part of a committee investigation which began Thursday on four mine health and safety bills.

Two members of the Senate panel headed by Sen. Harrison Williams, D-N.J., asked United Mine Workers President W. A. (Tony) Boyle Thursday what job protection the union afforded miners who complained or protested about unsafe working conditions.

Following his objection to inclusion of penalties against coal miners who violate safety rules and regulations, Boyle said, "Several states do provide for penalties against coal operators and miners. However, our research has determined that the penalties are invariably applied against the coal miner, but rarely against the coal operator. For these reasons, we reiterate our opposition to financial penalties being imposed upon coal miners."

Sen. Winston L. Prouty, R-Vt., asked Boyle to provide the committee with the results of the UMW's research.

After the Vermont Republican asked the question in several different ways without getting a direct response from the UMW president, Boyle acknowledged the union didn't have any research findings in the generally accepted sense.

"We never wrote it down," Boyle said.

Turning to another area, the UMW president told the Senate committee that a number of safety committee members had been fired.

Williams asked for details on this point.

The union leader said he didn't have the records.

"As a union, aren't you supposed to protect your members? Don't you have records of grievances?" the committee chairman asked.

Boyle said grievances are handled in accordance with a set procedure and indicated to the committee that the UMW generally supports the company's action because mine management is responsible for the mine's operation.

"The UMW will not abridge rights of mine operators in running the mines," Boyle said. "We follow the judgment of the coal operators, right of wrong," he added.

The committee chairman then asked about job protection for the thousands of coal miners who are pressing the West Virginia State Legislature for better health laws.

The House of Delegates of the State Legislature Friday passed an amended version of the so-called black lung bill reported out by the House Judiciary Committee Wednesday.

The U.S. District Court in Charleston will hear arguments Saturday morning on a suit brought against the UMW International union, Districts 17 and 29 and the 49 locals within the districts. The suit filed by the Eastern Associated Coal Corp., Youngstown Mines Corp., United States Steel Corp., Olga Coal Corp., Kanawa Coal Operators Association and the Logan Coal Operators Association seeks to halt the miners' work stoppage and asks damages of \$1.1 million per day for the duration of the stoppage.

Boyle didn't respond to Chairman Williams' question directly.

"If I thought a national strike would bring about new laws from Congress, I would do it now. But, I know legislators won't be black-jacked into taking action," Boyle said.

The New Jersey Democrat said it appeared to him that the West Virginia miners were protesting an unsafe working condition and were seeking a remedy, particularly for the future.

Senator Prouty said Friday he would continue his effort to get documented informa-

tion about charges that miners have been fired for protesting unsafe working conditions.

The Vermont Republican said he would ask for information about the number and frequency of mine safety committee inspections. Coupled with this, he said, is the number of times mines have been closed by the action of mine safety committees.

Fred Blackwell, committee counsel, Friday said the committee's staff could be "profitably used" in seeking the information raised by the questions of Chairman Williams and Senator Prouty.

Blackwell said that he expected that questions of a similar nature would be asked of Bureau of Mines personnel when they appear before the committee in a later session.

The UMW contract calls for a mine safety committee selected by the local union at each mine.

When committee members conduct an investigation of an explosion or disaster they are paid their regular rates of pay by the employer. On other occasions they are paid by the local union.

The contract states: "The mine safety committee may inspect any mine development or equipment used in producing coal. If the committee believes conditions found endanger the life and bodies of the mine workers, it shall report its findings and recommendations to the management. In those special instances where the committee believes an immediate danger exists and the committee recommends that the management remove all mine workers from the unsafe area, the operator is required to follow the recommendation of the committee."

The UMW contract also states: "If the safety committee in closing down an unsafe area acts arbitrarily and capriciously, members of such committee may be removed from the committee. Grievances that may arise as a result of a request for removal of a member of the safety committee under this section shall be handled in accordance with the provisions providing for settlement of disputes."

Chairman Williams said the present hearings should not be "complicated by the bankruptcy arguments so frequently leveled at this type legislation" in the past.

He cited recent statements of the National Coal Association which predict a bright future for coal.

[From the Morgantown (W. Va.) Dominion-News, Mar. 2, 1969]

#### INJUNCTION AGAINST STATE MINERS DENIED (By Ray Martin)

CHARLESTON.—Federal Judge John A. Field Jr. Saturday denied an injunction to 27 West Virginia coal operators, who sought to get striking miners back on the job, on the grounds that U.S. District Courts have no authority to grant such relief.

The authenticity of the United Mine Workers of America contract, submitted by the operators, was challenged.

Judge Field's ruling came after nearly two hours of argument by attorneys representing coal operators in the southern West Virginia field and counsel for the UMW.

Attorneys said northern coal operators didn't take part in the court action or name union locals in districts because they were of the opinion that that area's miners would return to work Sunday. This has been disputed by many miners, who have maintained a vigil at the State Capitol in support of black lung legislation.

David M. Johnson, a Charleston attorney who represented the West Virginia Coal Association in opposing black lung bills before the State Legislature, acted as counsel for the coal operators.

Mose Boirasky of Charleston represented the UMW as attorney of record. Willard P. Owens, a Washington UMW lawyer, was

admitted to practice before the court in the proceeding.

Johnson contended the action of the miners in walking off their jobs Feb. 19 was a breach of contract.

Owens insisted the black lung legislation, sought by coal miners, actually was a result of "working conditions under existing contracts."

The coal operators sought a damage award of \$1.1 million per day for each day of the walkout's duration.

While Judge Field denied the temporary restraining order sought by the operators, he left open the question of damages. He said that that would have to be taken up as a separate matter.

Johnson claimed officials of mine union locals had "systematically and methodically" participated in actual direction of the walkout.

He said UMW leadership had not taken positive steps to restrain the locals.

Owens countered by saying that while UMW had admitted the walkout was not a proper method of pressing claims of miners, it had no authority to order back the men who were seeking improvement of working conditions.

The UMW lawyer said the organization's contract didn't cover all conditions of employment, adding that UMW had no right to stop the miners' efforts to get legislation to improve their working conditions and would not do so.

Owens told the court that neither the UMW, its districts 17 and 29 or the 49 locals had been served with legal papers pertaining to the case.

The union attorney said that local UMW unions are not a party signatory to the contract.

On the basis of this, he said, neither the local unions nor district officers could be held accountable for any alleged breaches of contract.

Owens said that the no-strike clause cited by the coal operators was not contained in the most recent UMW contract.

The union lawyer said the strike was being encouraged by "a member of Congress, certain doctors and certain lawyers."

"We advise against black-jacking legislators," he said.

The plaintiffs filed a printed copy of the October, 1968, contract between the UMW and the several coal operators' associations as an exhibit with their petition.

Owens told the court this was not a complete copy of the contract. He said the complete copy would have shown that the no-strike clause is no longer in existence. After the court had handed down its ruling Owens was asked whether he would have insisted that the plaintiffs file an exact copy of the UMW contract if the case had continued.

Owens said he would have taken this action.

Sources at the Department of Labor in Washington told the Sunday Dominion-Post that the contract reportedly signed October 4, 1968, has not yet been filed with that agency. The federal agency used the contract copy for checking on compliance with an assortment of laws concerning collective bargaining agreements, as well as welfare and pension programs.

Miners received a printed copy of the contract in October, indicating that it was to be signed Oct. 14. Last week they received another printed copy and that copy contained the printed names of persons purportedly signing the agreement.

No area miner has been able to see a copy of the actual agreement, although several have gone to Washington for that purpose.

The Labor Department also pointed out that there is no way of knowing what coal companies are covered by the respective contracts.

[From the Morgantown (W. Va.) Dominion-News, Mar. 3, 1969]

#### MINES STILL OUT—STRIKE SPREADING (By Ray Martin)

CHARLESTON.—As word reached the State Capitol this morning that the miners work, stoppage in support of stronger health and safety laws had spread to neighboring Pennsylvania, the Senate Judiciary Committee was putting the finishing touches on its "black lung" bill.

Duquesne Light and Power Company's Warwick No. 3 mine was idled this morning by a group of roving pickets. The mine is located between Bobtown and Greensboro.

Miners are still out in Monongalia County, according to the Christopher Coal Company office there.

Last week John Kelly, president of United Mine Workers Local 5159 at Bobtown, said after citing the difference between Pennsylvania and West Virginia laws, that the situation had not reached a critical stage in his state. He acknowledged, however, that more could be done in Pennsylvania to reduce dust levels in mines.

Members of the Senate committee headed by Sen. William T. Brotherton Jr., D-Charleston, worked until midnight yesterday at the Capitol hammering out the committee's black lung bill.

Sens. William Moreland, D-Morgantown, and O. G. Hedrick, D-Fairmont, are members of the committee.

Technical changes were still being made to the Senate measure early today.

It differs from House Bill 1040 on several key points. The House passed its bill Friday by a 95-0 vote after adoption of both committee and floor amendments.

The Senate bill, it was learned, contains a more definitive description of pneumoconiosis (black lung) than approved in the House-approved bill. The measure also would prohibit subsequent claims for aggravated forms of the lung disease with the exception of the massive fibrosis stage.

The House bill provided compensation payment on the basis of 43 per cent of the average state salary this year and 46 per cent next year.

The Senate measure also redefines the so-called presumptive clause. It says simply that if the worker shows the tangible signs of pneumoconiosis, it will be presumed that he contracted it in the course of his employment.

Methods of proving that the worker has the lung ailment are more restrictive in the Brotherton Committee bill. The House-passed bill permits a show of the claimant's ability to function normally or to undergo normal prolonged exertion when compared to average men of same age and general physical condition as a factor in determining eligibility in addition to x-rays. These examinations are regarded as pulmonary function tests.

The Senate version of the black lung bill calls for x-ray and "other scientific tests." Some members of the committee expressed the belief that the term "scientific tests" would rule out the pulmonary test allowed in the House bill.

Present plans, it was learned, call for Senator Brotherton to report the committee's bill to the floor of the Senate today as an amendment to House Bill 1040.

At that point, the House-passed bill would come before the Senate on a first reading and be printed in the Senate Journal for the amendment stage tomorrow. Technical amendments would be introduced from the Senate floor.

Passage of the bill in the Senate could come tomorrow or Wednesday and is dependent upon whether rules are suspended requiring a second and third reading on successive days.

Miners from the Morgantown area were

again in evidence at the State Capitol today, shifting their scene of operation from the House gallery to the Senate gallery.

Elijah Wolford, official spokesman for northern area miners, said today that members of UMW Local 1058 as individuals, Sunday presented the miners from that local some money to help cover the cost of their frequent trips to Charleston in support of the black lung bill.

Local 1058 is comprised of miners who work at Christopher Coal Company's Humphrey No. 7 mine at Mt. Morris, Pa.

[From the Morgantown (W. Va.) Dominion-News, Mar. 2, 1969]

#### BLACK LUNG DEADLOCK IS PREDICTED IN SENATE

CHARLESTON.—A deadlock on "black lung" legislation may develop in the State Senate Monday when its Judiciary Committee unveils its version of a black lung bill.

Sen. William T. Brotherton, D-Charleston, Judiciary Committee chairman, said Saturday his committee has drafted a bill which is entirely different from the measure passed by the House Friday. The House bill has been referred to Brotherton's committee.

The Charleston Democrat said his committee will recommend Monday that its bill be substituted for the House bill. If the Senate approves this action and passes the bill it would set up a deadlock between the Senate and House over which bill to enact into law.

If the Senate passes its own bill it would require the appointment of a conference committee representing the House and Senate to attempt to agree on a compromise bill acceptable to both branches of the State Legislature before next Saturday's adjournment of the current 60-day session.

Miners maintaining a vigil in the State Capitol said Saturday they had no intention of returning to the mines until the legislature passes a black lung bill containing the provisions they support.

Meetings were scheduled Sunday in the northern panhandle and the Morgantown area by the United Mine workers in an effort to get the miners back on the job. Miners here said telephone calls were being made to miners in the northern part of the state, indicating that since the House had passed an amended version of the black lung bill Friday the battle had been won.

Meanwhile, a spokesman for the coal operators sharply criticized the bill which was approved by the House in a 95-0 vote.

Paul Morton, president of West Virginia Coal Association, said the action of the House is "a dire warning to all business and industry in the state.

"It has opened the Pandora's box," he said. Morton said "The bill is not just social legislation, but galloping socialism in purest form."

He said the bill was a "classic example of bowing to pressure from mass demonstrators with total disregard for sound reasoning and medical facts.

He asserted the legislation approved by the House would allow "every miner to almost automatically file for benefits under the bill upon his retirement whether he is disabled or not."

Nagman Foster, a Lookout miner, said "We're not going back until that law is passed. It's 'no law, no work.' We'll go back when the governor signs it."

Another miner who is a member of local 750 at Cabin Creek said "We can't return to work until this goes through the Senate. It has some good points now . . . I'm satisfied, but we think there should be some improvement to the bill."

The man asked that his name not be used because "the company laid me off for working in the black lung crusade."

A Boone County miner said, "We don't

know the sentiment of the Senate . . . all our hard work could be done away with the Senate floor. We certainly hope we'll have the support of the Senate . . . it might ease the pressure around here. We don't want to miss any more work . . . but we're not going back until we get a good law."

Another miner added "Kanawha County won't be back . . . not until we get what we want."

A large sign decorated a column in the rotunda of the capitol. Made by the wife of a disabled miner from Gallagher, it proclaimed: "I am physically, mentally and sexually disabled. I have black lung."

Del. Robert Dinsmore, D-Monongalia, played a key role in getting amendments to the measure adopted in the House Judiciary Committee before Del. J. E. Ned Watson's committee reported additional amendments to House Bill 1040, the committee-written bill.

Del. Warren McGraw, D-Wyoming, halted house passage of the bill as the "most significant piece of labor legislation in this century."

A new mine safety bill which one Kanawha County senator has labeled "meaningless" has been reported out and recommended for passage in the State Senate.

Sen. O. G. Hedrick, D-Fairmont, chairman of the Mines and Mining Committee, said the bill will "tighten up safety procedures in mining." Hedrick said the bill would "straighten and clarify existing laws but not change them too much."

Kanawha County Sen. Nell A. Kinsolving, a Republican, failed to get the committee to adopt his amendment to the Hedrick bill which would give the state Mines director power to promulgate rules and regulations for deep mining.

Kinsolving said he was baffled as to why his move had gathered no support, either from miners or the UMW.

Hedrick suggested the chances of additional mine safety bills coming out in the Senate were practically nil. He said his committee probably would not meet again this session.

[From the Morgantown (W. Va.) Dominion-News, Mar. 4, 1969]

#### MINERS' DEMANDS FOR COMPENSATION MORE THAN JUSTIFIED

Black lung and coal mine disasters are symptoms of a social disease. As long as they continue needlessly they will diminish our claim to be a civilized nation.

The soft coal miners of West Virginia are currently involved in what can be construed as an open revolt against a system which has brutalized them for generations. They are up against some mighty tough adversaries, and they deserve all the help they can get.

The miners have shucked their customary fatalism to become political activists and an estimated 42,000 miners in the state have walked off the job in the biggest outpouring of indignation and anger in decades.

Their immediate target is the West Virginia State Legislature, where a strengthened Workmen's Compensation Act that would make life more nearly bearable for the victims of black lung—the notorious miner's disease—is under consideration.

The House of Delegates has passed a bill which will go a long way toward easing the disgrace which the miners of West Virginia have been subjected to over the course of years. That body of the Legislature passed the measure by a 95-0 vote.

We would hope—and indeed, insist, that the State Senate respond in a similar vein and adopt the House-passed bill rather than engage in legislative trickery designed to cheat the miners once again.

Some quarters have been critical of the tactics utilized by the miners to make their presence felt in the legislative chambers of

the State Capitol. Most of the critics have been advocates of the status quo concept and this means a continuance of the second-class citizenship which the miners of this state have endured for generations.

Legislatures of this state have been generally influenced by interests such as the coal operators and other big business. The tide has turned somewhat. And it turned because the miners made their presence felt in Charleston and in a way the miners, to use an old adage, put their money where their mouths are.

It is recognized that business entities spend large sums of money to influence the course of legislation and engage polished lobbyists, often in the form of legislators, and the miners lacked such degrees of expertise. However, the miners exercised their rights as citizens under the United States Constitution as well as the Constitution of West Virginia to coax a good law out of the Legislature. In doing so, the miners endured an added hardship by failing to report to their customary jobs at the mines.

This action has inconvenienced some who are not miners, but little real progress has ever been made in this country by acquiescence to injustice without the discomfiture of the comfortable few.

The stakes for the miners were high and they were willing to pay that price. They should be lauded rather than scorned. Their ardor and diligence will yield ultimate benefits for every man who toils for a living in this state and who is injured in the course of that toil.

The miners of West Virginia will doubtless be supported by miners of the other 28 coal mining states as Congress goes through the periodic motions of seeking new mining safety and health laws. This effort should get the enthusiastic support of the entire nation. It doesn't take too much manipulation of the slide rule to determine that the price of safety is ultimately a lot less expensive than the cost of misery, death and a slag pile heaped high with the bodies of wasted men.

An essential ingredient from the federal level is the sincere and effective enforcement of appropriate laws dealing with the mines. Coal miners and others have called upon President Nixon to reappoint John O'Leary as director of the U.S. Bureau of Mines in recognition of the outstanding job he has done in the past four months to make America's mines safer and healthier places in which to work.

We think the reappointment of Mr. O'Leary is an excellent idea and implore the President to act promptly in this matter, thus reassuring all Americans that he favors the most safe and healthy climate in our mines that man is capable of devising.

Although forsaken in many instances by their logical leaders, the miners of America are to be commended for their effort to bring the 18th century health and safety standards under which they work to the level of the 20th century methods of coal production. We wish them complete success and at the same time renew this newspaper's vow that it will not forget the horror in Mountaineer Mine No. 9 between Nov. 20 and Nov. 29, 1968, and we do not intend to permit the Federal Government, State Government, operators, union and miners or the voters to forget about it and accept half-way measures that have followed previous accidents.

[From the Morgantown (W. Va.) Dominion-News, Mar. 4, 1969]

#### INJUNCTION TO REQUIRE MINERS TO WORK NIXED

(By Ray Martin)

CHARLESTON.—New light was shed on the relationship between the state's coal operators and the United Mine Workers of America

and the UMW's relationship with coal miners as the result of a hearing in the U.S. District Court for Southern West Virginia here Saturday.

The culmination of the two-hour hearing before Judge John A. Field Jr. was that the 27 coal operators acting through their several associations were denied an injunction to force coal miners back to their jobs. The court rejected the operators' plea on the ground that the Norris-LaGuardia Act barred the issuance of such injunctive relief.

The suit was filed on behalf of United States Steel Corp., Youngstown Mines Corp., Olga Coal Co., Eastern Associated Coal Corp., Kanawha Coal Operators Association and Logan Coal Operators Association by the Charleston law firms of Dayton, Campbell & Love and Jackson, Kelly, Holt & O'Farrell.

David D. Johnson of the latter law firm argued the case before Judge Field. His first step was to have Attorney Ernest H. Gilbert Jr. ask the court's permission to remove two of the plaintiffs from the proceeding because they were entered erroneously. The two were Youngstown Mines Corp. and Olga Coal Co.

Mose E. Boiarsky of Charleston represented the UMWA with Willard P. Owens, a UMW attorney from Washington, presenting the union's case to the court.

Initially, Owens raised the point that the court was without jurisdiction in the case because that no service or process, the complaint, or notice of hearing had been effected on the defendants.

After citing Section 301 of the Labor Management Relations Act of 1947 and Section 4 of the Norris-LaGuardia Act which prohibits injunctions of the nature sought by the coal operators, Owens said:

"Any temporary restraining order limiting the right of employees to picket at or about plaintiffs' mines and facilities would be in conflict with the freedom of speech guaranteed by the Federal Constitution's First Amendment and by West Virginia Constitution, Article III, Section 7."

The union attorney also told the court that the restraining order sought by the employers would violate the right of employees peaceably to assemble and to petition the Government for a redress of grievances, guaranteed them by the federal and state constitutions.

"The National Bituminous Coal Wage Agreement of 1968 does not contain a no-strike clause and does not deny to plaintiffs' employees the right to engage in a work stoppage," he said.

The Washington lawyer asserted that the plaintiff's Exhibit A was "not a full or complete copy of the National Bituminous Coal Wage Agreement of 1968."

He said the 1968 agreement expressly repealed the no-strike clauses contained in earlier labor-management agreements. The plaintiffs were basing their case, in part, on the argument that the no-strike clause had been violated and hence this was a breach of the contract.

The UMWA attorney stressed that individual UMWA locals are not parties to the contract. Identification of individual companies is impossible to ascertain according to the U.S. Department of Labor. The UMWA International signs the agreement with the several coal associations.

The court was told that the unions have not authorized, engaged in or encouraged any work stoppage or strike, nor have said unions authorized, engaged in or encouraged and picketing of any of plaintiffs' mines.

"Unions' Constitution does not give them either the authority or control to require their members to comply with and perform said contract, or to compel them to work for plaintiffs against their will," Owens said.

"The National Bituminous Coal Wage Agreement of 1968 does not require employees of any plaintiff to work or perform

services for any plaintiff, as work is scheduled by the plaintiffs. The unions deny that they have engaged in, encouraged, ratified or approved any work stoppages at any of the said mines, but aver that any such work stoppages are a result of the voluntary action of the employees of the plaintiffs in petitioning the Legislature of the State of West Virginia to enact legislation to protect them and to compensate them for respiratory injuries commonly known or referred to as 'black lung', and that any such work stoppages, on information and belief, are the result of activities of an association known as the 'Black Lung Association'.

"Unions further state that plaintiffs, and each of them, are fully aware of these facts and that such work stoppages are not the result of any grievance arising under the National Bituminous Coal Wage Agreement of 1968."

The union attorney said since plaintiff companies seek money damages against unions, plaintiffs admit they are not suffering irreparable injury. He also disputed the plaintiffs' contention that District 17 and District 29 of UMWA were "labor organizations." He called them "administrative divisions" of UMWA.

Owens stressed that the wage agreement doesn't cover all conditions of employment of the miners and that the State of West Virginia has held that workmen's compensation is part of the contract of employment.

He said the miners were engaging in a constitutional right to petition the Legislature for an improvement in working conditions and the "UMWA has no right to stop this and won't."

The court was told that unions have advised their members, through local union officers and members, to cease the work stoppage and return to work, and further have disavowed any strike action and have verbally and in writing so notified representatives of the plaintiffs.

Meetings held by UMWA locals throughout the state Sunday failed to spark a return to work movement among the idled coal miners. Acting independently of the union, miners have adopted a "No Law, No Coal" slogan and spokesmen for the miners said there will be no return to work until the State Senate passes the House-approved black lung bill and Gov. Arch A. Moore Jr. signs it into law. The new legislation would become effective July 1.

After telling the court that the UMWA advised its members against "blackjacking legislators," Owens said the strike was being encouraged by a member of Congress, certain doctors and certain lawyers."

[From the Morgantown (W. Va.) Dominion-News, Mar. 5, 1969]

#### JOURNAL MIXES UP HECHLER'S QUOTES

(By Ray Martin)

WASHINGTON.—The United Mine Workers Journal got its quotations a bit mixed up in its latest effort to impugn the motives of Rep. Ken Hechler, D-W. Va.

Writing in the March 1 issue of the UMW Journal, Rex Lauck, assistant editor, said:

"We found it hard to understand the reasoning behind Rep. Ken Hechler's sudden attacks on the United Mine Workers and its leadership until a friend with a long memory and a good filing system called our attention to an article in the defunct Pageant Magazine.

"In its April, 1959, issue the magazine described with Hechler's consent: How to Get Elected to Congress.

He advised:

"First you pop off to get attention, regardless of the merit of your ideas.

"Then you pose as the champion of the average man against the 'interests'.

"Then after you are rebutted, no matter

how strong the facts against you you reply at once as the 'lonely campaigner' seeking the sympathetic support traditionally given the underdog.

"The truth of your statement or the merit of your argument has nothing to do with your response or your conduct.

"Finally, you adopt the imaginary 'we' as the shining knight defending the oppressed people against the imaginary brutalities of the interests.

"That explains much about how this man Hechler operates. Shades of Joe McCarthy!"

Asked about the latest UMW Journal charge, the Huntington, W. Va., Democrat said, "Hrumpf! I never wrote or said anything like that in my life."

The annals of the Library of Congress not only unmistakably put the lie to the UMW Journal article but allow the Fourth District Congressman to bask in some reflected glory.

It was on March 24, 1959, that former Vice-President Hubert Humphrey, then a member of the U.S. Senate, said, "There were a good many highly interesting political campaigns last fall. One in particular was that of Ken Hechler, who was elected to Congress from West Virginia's Fourth District. Ken Hechler, in winning, had to overcome the distinct handicap of having lived in the state for little more than a year when he announced as a candidate in the Democratic primary against two native-born sons.

"The story of Ken Hechler's campaign to victory appears in the April issue of Pageant magazine. It is fascinating reading and should give encouragement to others who have wanted to take an active role in politics."

The former vice-president talked of a visit he had made to Charleston, W. Va., for a Democratic Women's Day program and then said, "West Virginia can be proud of the men and women who have represented the state in the Congress throughout the years. They can take special pride in our colleagues, Senator Byrd and Senator Randolph, and men in the House such as Rep. Ken Hechler."

The late Sen. Estes Kefauver, D-Tenn., said on the floor of the U.S. Senate on that day in March 1959, "I join with the distinguished member from Minnesota (Senator Humphrey) in congratulating Rep. Ken Hechler and to commend the fine article about him published in Pageant magazine. It was most fitting that Mr. Hechler be recognized in this fashion, because he represents what a real citizen should be in this country of ours.

"Ken Hechler, before he was elected to Congress from West Virginia, gained widespread recognition as a stimulating and outstanding professor in the field of political science," Kefauver said.

The late President John F. Kennedy while serving as a senator from Massachusetts also heralded the magazine article about Hechler.

The April, 1959, issue of Pageant contains an article written by Howard Cohn entitled "How to Get Elected to Congress."

The closest thing to the "credo" reported by UMW Journal and contained in the Cohn article is "Ken Heckler's 10 rules for Campaigners."

They are:

- "1. Pay Attention to the average person.
- "2. Be true to your own personality.
- "3. Be constructive and campaign cleanly.
- "4. Turn every attack on you into an asset. Couple an immediate answer with your own constructive approach to the problem.
- "5. Remember—your most effective workers are under 20 (they're enthusiastic) and over 60 (their word is respected).
- "6. Avoid 'strategy meetings' that cause dissension waste time.
- "7. Venture forth around the district every day. Don't be deskbound."
- "8. Don't tie your hands with job promises.
- "9. Don't promise the moon to pressure groups.

"10. Be able to laugh at yourself and enjoy it."

[From the Morgantown (W. Va.) Dominion-News, Mar. 5, 1969]

**HICKEL DOESN'T TAKE POSITION—SUPPORT LAGGING ON COMPENSATION—SAFETY BILL BACKED**

(By Ray Martin)

WASHINGTON.—Interior Secretary Walter J. Hickel Tuesday refused to take a position on a Congressional proposal designed to encourage states to improve their Workmen's Compensation laws.

Under persistent questioning by Rep. Carl D. Perkins, D-Ky., Chairman of the House Education and Labor Committee, Hickel finally agreed that coal miners are exposed to occupational hazards equally as those faced by uranium miners.

A bill introduced by Perkins and six other members of the House would extend the existing Longshoremen and Harbor Workers' Compensation Act to employes not covered by state workmen's compensation laws. The Perkins plan specifies that any employe who suffers death or disability as the result of pneumoconiosis in a state whose compensation laws don't cover the disease would be eligible for coverage under the federal statute.

Assuming it enacts the so-called black lung bill, the West Virginia Legislature would be the fourth legislature in the nation to include pneumoconiosis as a disease compensable under workmen's compensation.

The Hickel-Perkins exchange came during the course of Hickel's appearance before the House Labor Subcommittee which began hearings on mine health and safety legislation. Rep. John Dent, D-Pa., chairs the subcommittee.

John F. O'Leary, U.S. Bureau of Mines director, joined Hickel in testifying before the committee in support of the Nixon Administration's mine safety and health bill which was sent to Capitol Hill late Monday.

Rep. Ken Hechler, D-W. Va., said he was gratified by the strong statements on behalf of mine health and safety made Tuesday by Hickel and O'Leary.

"In general, the Nixon administration bill is a good one, although there are a number of improvements which should be made," the Huntington Democrat said. "For example, the standard of three milligrams of respirable dust per cubic meter of air recommended by the Public Health Service should be attainable at an earlier date than the bill recommends.

"We ought to stop putting the emphasis exclusively on the industry's definition of 'technology,' and put the emphasis instead on what level of coal dust is injurious to the coal miner.

"Any law will be meaningless without a good administrator. It is obvious from his outstanding record of enforcing the law since taking office on Oct. 20, 1968, that John O'Leary has become a symbol of coal mine health and safety throughout the nation. A clearcut announcement that John F. O'Leary will be retained as mines director will do more to reassure the coal miners of the nation that their safety will be protected than any amount of legislation.

"I am disturbed by retention of the Board of Review in the administration's legislation. This would mean more delay and possible blocking of effective health and safety regulations," the West Virginia Congressman said.

In sending the bill to Congress, President Nixon said, "The workers in the coal mining industry and their families have too long endured the constant threat and often sudden reality of disaster, disease and death. This great industry has strengthened our nation with the raw material of power. But it has also frequently saddened our nation with

news of crippled men, grieving widows and fatherless children.

"Death in the mines can be as sudden as an explosion or a collapse of a roof and ribs, or it comes insidiously from pneumoconiosis or black lung disease. When a miner leaves his home for work, he and his family must live with the unspoken but always present fear that before the working day is over, he may be crushed or burned to death or suffocated. This acceptance of the possibility of death in the mines has become almost as much a part of the job as the tools and the tunnels.

"The time has come to replace this fatalism with hope by substituting action for words. Catastrophes in the coal mines are not inevitable. They can be prevented, and they must be prevented," the President said.

The White House suggested a number of actions which could be taken under existing laws and proposed strengthening the law in other aspects.

Nixon's proposals for legislation have bipartisan support in the House of Representatives.

A copy of the President's legislative proposal was not available as the House subcommittee began its hearing.

Hickel said, however, "The need for this legislation is unmistakable—there has been no improvement in the overall fatality rate since 1947."

The cabinet officer said he considered the bill's single most important feature to be a provision which would require the secretary to develop and promulgate regulations for mandatory health and safety standards for all coal mines.

Hickel proposed a dust standard of 4.5 milligrams which would become effective 60 days after passage of the law. He would have the Bureau of Mines determine it eventually could be lowered to three milligrams, the standard recommended December by the Public Health Service.

Taking a page from British mine procedure, Hickel said the Nixon proposal would require that each miner be given an annual chest x-ray. Any miner who shows substantial evidence of development of black lung would be assigned at the miner's option, either to another area of the mine where the respirable dust concentrations do not exceed two milligrams per cubic meter of air or to an area in excess of two milligrams if the miner continuously wears a respirator.

Noting that the White House measure embodied health and safety in a single bill, Hickel said, "In my opinion, those who oppose health legislation are the same people who oppose safety legislation. I firmly believe that the Congress, like the Executive branch, can consider both subjects simultaneously and enact one bill covering both health and safety. I urge that you do so. We must avoid the 'divide and conquer' approach."

The UMWA supports a separate bill for health and another for safety. The union contends that those who favor the single-bill approach want to kill all the legislative proposals.

"No longer can there be a claim that the safety and health of the workers in one of our major industries are luxuries that we can afford. . . . Yet, the way we mine coal today is not humanitarian, resourceful, or efficient. It is inexcusably wasteful of our most precious asset—the human being," Hickel said in concluding his testimony.

The Bureau of Mines director readily agreed with Chairman Dent's assessment that the bureau had not been fulfilling many of the requirements of existing law, particularly those health responsibilities outlined in Title I of the law.

He pointed out that except for the disasters most of the injuries and fatalities in the mines come from actions over which mine inspectors have no jurisdiction.

O'Leary told the committee that 44 miners had died in mine accidents since the Farmington disaster in November, 1968.

The mine agency director reviewed the steps he has taken since the West Virginia mine tragedy.

He said that the inspection staff had to be upgraded. He noted that only 20 members of the 250-man force had degrees in engineering. He said he favors scrapping the present requirement that mine inspectors have five years experience in the mines before establishing knowledgeability for appointment. He would use the term "adequate" instead of a specified number of years, thus enabling him to utilize more college-trained personnel.

Noting that this was only the third piece of mine legislation in 47 years, Chairman Dent said today's mechanized mines are working under laws and rules established in the days of manual mining.

The Pennsylvanian said he visited a mine two weeks ago which he had helped to open during the Depression days and found the electrical wiring installed then was still in use.

The committee chairman asked the Department of Interior to supply the committee with details about dust standards and state-federal cooperation agreements.

Dent said the latter was included in the last effort to obtain meaningful legislation as a compromise tactic. He said he didn't think such agreements were satisfactory and perhaps the federal government should have total responsibility for mine health and safety and the required inspections.

[From the Morgantown (W. Va.) Dominion-News, Mar. 6, 1969]

**A 10-DAY MOURNING PERIOD SOUGHT BY MINERS**

(By Ray Martin)

CHARLESTON.—A group of Monongalia County soft coal miners Wednesday responded to the State Senate's emasculation of House Bill 1040, the so-called "black lung" bill, with an appeal to United Mine Workers President W. A. (Tony) Boyle.

Another group of miners made an appeal to President Richard Nixon, asking that the state be declared a "disaster area."

Elijah Wolford of Morgantown, official spokesman for northern area miners supporting passage of the House-passed pneumoconiosis bill, said a telegram had been sent to Boyle asking him to declare a 10-day mourning period for the 78 miners who were killed in the Farmington No. 9 mine disaster last November.

The telegram will be followed by a petition signed by the state's miners.

Wolford said the appeal, supported by many miners from the state's southern coal fields, asked that the UMW president make the period one of national mourning.

The union's wage agreement provides for "memorial periods." That section of the contract reads as follows:

"The international union, United Mine Workers of America, may designate memorial periods not exceeding a total of 10 days during the term of this agreement at any mine or operation, provided it shall give reasonable notice to the coal company."

There was no immediate reaction as to what Boyle's response might be in support of the group of miners.

UMWA Vice President George Titler reportedly conferred with Senate president Lloyd G. Jackson, D-Hamlin, and Sen. William T. Brotherton, Jr., D-Charleston, Senate Judiciary Committee chairman, prior to the Senate's action Wednesday.

Miners supporting black lung legislation invited Boyle to come to the State Capitol in February to testify in their behalf. He did not come and Titler—although he had a prepared statement—did not testify before the

hearing held Feb. 11 by the Senate and House Judiciary committees.

The telegram sent to President Nixon said: "The coal miners of West Virginia, who are seeking the adoption of a meaningful law to provide compensation for miners who suffer from pneumoconiosis, need your help. Some of the miners who already suffer from this dread disease and who have received no help and mighty little solace from the state over the years are actually in a state of poverty in its real meaning. We ask that you declare the state of West Virginia a disaster area so that the federal government, if necessary, can take action to bring this needless and careless disregard of human life to an immediate end."

Sen. Neal Kinsolving, R.-Kanawha, led an unsuccessful fight to have the more comprehensive House Bill 1040 adopted by the Senate, but his measure failed by 28-5.

Kinsolving, who has worked in the mines, asserted that until the mine operators have to pay monetary damages, the "Miners will have neither help nor safety in the mines."

The Charleston Republican sought unsuccessfully to include an amendment to the bill which would have permitted damage suits against mine operators in accidents involving gross negligence.

He said the concept of workmen's compensation had outlived its usefulness and hoped that the next session of the Legislature would review this subject.

Kinsolving said the present dilemma facing the Legislature "is the result of many years of neglect."

Coal miners scattered around the State Capitol remained resolute in their stand of "no law, no coal."

The Black Lung Association said, in a statement, "The West Virginia Coal Association accuses the West Virginia Black Lung Association of 'emotionalism' and the State Legislature is accused of bowing to the 'pressure' tactics of 42,000 frustrated coal miners. Let him who is without sin throw the first lump of coal."

"Surely, the 'pressure' of the miners' presence in Charleston at this time is no greater than the pressures exerted long and continuously by the tremendous economic forces arrayed against them. The 'emotionalism' charged against the West Virginia Black Lung Association appears to be the heart of the Coal Association's case."

"Conveniently ignoring the expert testimony given at the full legislative hearing, the Coal Association and those writers sympathetic to the Coal Association position against decent black lung legislation, can see little merit in the case for the coal miner," the statement said.

The Black Lung Association statement went on to list some of the conclusions reached by medical witnesses who appeared at the Feb. 11 hearing.

[From the Morgantown (W. Va.) Dominion-News, Mar. 6, 1969]

#### UMW JOURNAL IGNORES STATE MINERS' STRIKE

(By Ray Martin)

The current issue of the United Mine Workers Journal takes no recognition of the fact that nearly 40,000 coal miners were off their jobs in support of black lung legislation.

The March 1 issue takes note of the West Virginia House of Delegates Judiciary Committee black lung compensation bill, but does not report the suit filed against the union in the U.S. District Court at Charleston, which was dismissed last Saturday.

Justin McCarthy, Journal editor, wrote:

"The fight at the federal and state levels will not be easy and many of our new found supporters in the continuing battle for health and safety in America's coal mines can be expected to desert us along the way. The

public interest is at a high pitch right now and has been since the Consol No. 9 mine disaster of last November. We would hope that his public interest could be sustained. But the history of such battles makes us skeptical that public interest will be maintained.

"In the long pull ahead to get constructive legislation at the state and federal levels it will be the United Mine Workers of America that, as always, will be the shock troops and will carry on the battle until legislation is signed into law by the President of the United States and by the various coal state governors.

"UMWA members should not be confused by superficial coverage on television and in some newspapers. The 'instant experts' who like to see their pictures on the television screens and see their names in the newspapers as new found friends of the coal miners will stop sounding off when the television cameras and the reporters pencils have found more exciting stories to record.

"Then it will be up to you coal miners and the union that has represented you for nearly 80 years to carry on the fight to a successful conclusion.

"Better health and safety in America's coal mines will be won in the long run as it always has been won; through the untiring, determined, constructive efforts of the coal miners' union, the United Mine Workers of America . . ."

Rep. John M. Slack Jr., D-W.Va., is quoted in the Journal as saying, "It is my own personal conviction that stronger federal mine safety legislation alone will not bring completely acceptable conditions of work underground. We must look farther afield for that, and only prolonged research will assure us of suitable end results.

"I am dismayed by the trend of recent publicity—by the callous, heartless, self promotional antics of the few who have appointed themselves arbiters of mine safety standards." The West Virginia Democrat said.

Representative Slack assailed proposals to fine coal miners for violations of federal safety standards.

Noting that the budget provides for less than 300 federal coal mine inspectors, Representative Slack said, "It is unlikely that any news aimed at improving mine safety and health conditions can muster significant impact on present conditions without the active support and dedicated leadership of the UMWA as part of its continuing program to improve working conditions in all respects."

He said there is no qualified spokesman for any mining interest who is opposed to safer working conditions, "if it can be established that new regulations will mitigate an identified danger without destructive cost increases."

The Journal concludes its reporting of the West Virginia congressman's words in this fashion:

"Meanwhile, let there be a moratorium on silly charges against 'the interest' and a pause in the finger pointing at UMWA President W. A. Boyle, Vice President George Titler, Secretary Treasurer John Owens, and their colleagues.

"Let us have law, based on fact, and let us define by law what must be done. Having passed a good law, we can be confident that Mr. Boyle, Mr. Titler, Mr. Owens, and the knowledgeable leadership of the United Mine Workers of America will claim their usual position in the van (sic) of a vigorous drive for safer conditions in coal mining."

[From the Morgantown (W. Va.) Dominion-News, Mar. 7, 1969]

#### BLACK LUNG SESSION SLATED TO BEGIN TODAY (By Ray Martin)

CHARLESTON.—Del. Robert Dinsmore, D.-Morgantown, Thursday was named chairman

of a five-man House committee to meet with a like number of Senators in an effort to iron out differences between the "black lung" bills passed by the two houses of the Legislature.

Sen. William T. Brotherton Jr., D.-Charleston, will head the Senate members of the conference committee. Only one of the Senate conferees supported House Bill 1040 in that body.

The conferees are slated to meet today at an unspecified hour.

There are two principal differences in the measures passed by the Senate and House. One is the so-called presumption clause and the other is the definition of pneumoconiosis and the need to show x-ray evidence of the lung ailment.

When the Senate substituted its bill for the House-passed measure, pneumoconiosis was described in this fashion:

"Pneumoconiosis is defined as a disease of the lungs caused by the inhalation of minute particles of dust over a period of time which has produced pinhead or larger nodulation which can be identified by x-rays or other like objective medical evidence of equal diagnostic value, and a pneumoconiosis shall be considered to be an occupational pneumoconiosis when the pneumoconiosis results from causes and conditions arising out of and in the course of the employment. The term 'occupational pneumoconiosis' shall include, but shall not be limited to, such diseases as silicosis, anthracosis-silicosis, coal-workers' pneumoconiosis commonly known as black lung or miners asthma, silico-tuberculosis (silicosis accompanied by active tuberculosis of the lungs), coal-workers' pneumoconiosis accompanied by active tuberculosis of the lungs, tuberculosilicosis, asbestosis, siderosis, anthrax and any and all other dust diseases of the lungs not specifically designated herein . . ."

The House-passed bill contains this language:

"Occupational pneumoconiosis is defined as a disease of the lungs caused by the inhalation of minute particles of dust over a period of time and which said dust is due to causes and conditions arising out of and in the course of employment. The term 'occupational pneumoconiosis' shall include, but shall not be limited to silicosis, coal workers' pneumoconiosis (commonly known as black lung), silicotuberculosis (silicosis accompanied by active tuberculosis of the lungs), anthracosis-silicosis and any and all other diseases of the lungs and conditions and diseases secondary to occupational pneumoconiosis which are not specifically designated herein . . ."

Another section of the House bill states: "Impairment of the claimant's ability to function normally or to undergo normal prolonged exertion when compared with an average man of his age and like general physical condition shall be considered in the determination of claimants disability from occupational pneumoconiosis."

The House conferees are expected to insist that any compromise bill contain the broad presumption clause contained in the House bill as well as the definition of pneumoconiosis. House members are reported ready to accept some of the Senate amendments which actually strengthen the House measure.

In appointing conferees, Senate President Lloyd G. Jackson, D-Hamlin, did not select any senators from southern counties, where the "black lung" problem is reportedly the worst.

In addition to Brotherton, a Charleston attorney who introduced Senate Bill 216 from which the House took its presumption clause, Jackson named two other Kanawha County senators: Mario J. Palumbo, a Democrat, and John T. Poffenbarger, a Republican. Both men are attorneys.

William Tompas, a Weirton Democrat, was the sole senate supporter of House Bill 1040 who was named to the conference committee. The Senate roster lists Tompas as a "clerical-investigator."

Chester R. Hubbard, a Wheeling Republican and attorney, was the fifth senator named to the conference committee.

In addition to Dinsmore, who is an attorney, House Speaker Ivor F. Bolarsky, D-Charleston, named three other freshman legislators to the conference committee. All of the House participants are lawyers.

Cleo S. Jones, Charleston Republican, is the only delegate with previous service on the conference committee. He was in the 58th Session of the Legislature.

Other House conferees are Odell H. Huffman, D-Princeton, Orton A. Jones, R-Spencer, and Anthony J. Sparacino, D. Beckley. The conferees are all members of the Judiciary Committee of their respective legislative bodies.

Miners from all parts of the state continued their vigil in the State Capitol, reiterating their slogan, "No law, no coal."

Widows and surviving children from last November's mine disaster at Mannington are expected to join the miners here.

Saturday night is the deadline for the regular 60-day session of the Legislature. The session has been extended through Tuesday by Gov. Arch A. Moore Jr., but only to consider the budget.

If no acceptable "black lung" measure comes out of the session, Moore has told miners in a face-to-face meeting on the Statehouse steps that he would have legislation introduced at a special session of the Legislature he has scheduled for July.

[From the Morgantown (W. Va.) Dominion-News, Mar. 6, 1969]

#### SENATE FURTHER DILUTES BLACK LUNG MEASURE—CONTESTED ISSUE STILL "UP IN AIR"

(By Ray Martin)

CHARLESTON.—The State Senate Wednesday passed a "watered-down" version of a "black lung" compensation law, leaving the measure without the sought presumptive clause and the controversial issue still up in the air.

The Senate on a vote of 34-0 approved an even weaker version of the bill brought to the floor this week by the Senate Judiciary Committee.

The committee earlier had emasculated a strong House of Delegates measure by diluting a presumptive clause and recommending X-ray diagnosis of the hard-to-identify disease.

The House will be asked to accede to the Senate amendments Thursday, but this may fail and the bill would go to a conference committee. Del. Robert Dinsmore, D-Monongalia, may get the chairmanship of the conference group.

Dinsmore, a freshman legislator, worked on a House Judiciary Subcommittee that came up with the bill containing a strong presumptive clause and no other requirements of proof of the disease. That bill, a blending of six measures submitted to the House, passed the lower body 95-0.

Sen. William Brotherton, D-Kanawha, chairman of the Senate Judiciary Committee, guided the bill through the upper body Wednesday.

Brotherton had been sponsor of a bill supported by the West Virginia Black Lung Association, a lobby organized to push the legislation. He said the senators must choose between "social legislation" and laws based on "medical evidence." He said the House passed "social legislation."

The Senate accepted the amended version of the bill yesterday, only after an effort to pass the House bill—numbered 1040—with-

out any differences. Sen. William Moreland, D-Monongalia, led this effort, which was beaten 28-5.

Then came the amendments. The most important allows methods other than x-rays to be used as proof of "black lung." But the definition of "black lung" in the bill itself requires x-ray proof.

Sources around the Capitol indicated that House members likely will push for their version of the "black lung" definition—which does not require an X-ray.

The same sources indicated there will be a fight by the delegates to put some type of presumptive clause back into the measure.

Action on the bill is expected to be quick, because the Legislature ends its regular session at midnight Saturday.

Rule suspensions on each side would make it possible to introduce, amend and approve the bill the same day. Normal processes require three days for action.

The Senate bill provides that pneumoconiosis must be diagnosed in any case and, if a person with that diagnosis has worked two of the previous 10 years in a mine, it is presumed he got the disease in his employment.

This was nearly identical to the House bill for that period, but the Senate did not go into the clear presumption after 10 years.

The Senate committee's definition of pneumoconiosis, claimed by the West Virginia Black Lung Association to restrict diagnosis specifically to X-rays, was amended.

As the bill passed, pneumoconiosis was defined as a disease of the lungs caused by inhalation of dust over a period of time which has produced pin-head or larger nodulation that can be identified by X-rays or "other medical evidence."

By comparison, Brotherton said the Senate bill "allows greater benefits" and contained no statute of limitation on reopening of claims after an initial award.

The judiciary chairman said afterward that he thought it was "a good bill," but said he expected the House to refuse to accept it—which would force it into conference committee.

[From the Morgantown (W. Va.) Dominion-News, Mar. 6, 1969]

#### HOW THEY VOTED

CHARLESTON.—Sen. Neal Kinsolving, R-Kanawha, Wednesday tried to amend the Senate Judiciary Committee's version of a "black lung" bill by striking it and inserting the strong House of Delegates bill in full.

The motion was defeated 28-5, and the Senate later adopted a "watered-down" version.

The five who voted for adoption of the tough House version were:

Sens. William Moreland, D-Morgantown; Neal A. Kinsolving, R-Charleston; Robert K. Holiday, D-Oak Hill; V. K. Knapp, R-Hurricane; and William Tempas, D-Weirton.

#### Voting against:

R. E. Barnett, D-Bluefield; Theodore M. Bowers, R-New Martinsville; John H. Bowling Jr., D-White Sulphur Springs; William T. Brotherton Jr., D-Charleston; Robert W. Burk Jr., R-Vienna; John E. Carrigan, R-Moundsville; Bernard L. Crawford, D-Beckley; J. Frank Deem, R-St. Marys; John Pat Fanning, D-Iaeger; Noah E. Floyd, D-Williamson; Carl E. Gainer, D-Richwood; O. G. Hedrick, D-Fairmont; Walter A. Holden, D-Clarksburg; Chester R. Hubbard, R-Wheeling; Tracy W. Hylton, D-Mullens; J. Kenton Lambert, R-Parsons; Clarence E. Martin Jr., D-Martinsburg; E. Hans McCourt, D-Webster Springs; C. H. McKown, D-Wayne; Mario J. Palumbo, D-Charleston; John T. Poffenbarger, R-Charleston; Ray E. Sawyers, D-Hinton; Brad Sayer, R-Gay; William Sharpe, Jr., D-Weston; Lyle A. Smith, D-Huntington; W. Bernard Smith, D-Logan;

Dallas Wolfe, R-Rowlesburg; and Senate President Lloyd G. Jackson, D-Hamlin.

Sen. John I. Rogers, R-Keyser, was absent when the roll-call vote was taken.

[From the Morgantown (W. Va.) Dominion-News, Mar. 7, 1969]

#### POLICY EXPLAINED BY McNUTT

CHARLESTON.—West Virginia University at Morgantown, the largest user of soft coal among state agencies, is the first government agency to feel the effect of the miner's work stoppage, Charles F. McNutt, director of the state purchasing division, said Thursday.

WVU arranged to have coal trucked in from Pennsylvania under an emergency purchase order, McNutt said.

The state official said he had not received reports from other government agencies which would indicate the need to make special purchase of coal.

The usual contract, McNutt said, does not penalize the vendor when he is unable to perform under the terms of his contract. Fire, floods and other natural hazards over which the vendor has no control are recognized as mitigating circumstances.

Strikes fall into that category, state officials said. "If the strike continues," McNutt said, "I expect to be faced with requests for emergency purchase orders from other state agencies."

Asked whether the state would turn to out-of-state coal companies for its coal as WVU did, McNutt said, "We'll probably arrange to buy it from non-union strip or truck mines in the state."

He said that such coal would be purchased at prevailing contract prices. In some cases, he added, it might be necessary to pay 10 percent more, particularly if the coal has to be brought in from another state.

[From the Morgantown (W. Va.) Dominion-News, Mar. 8, 1969]

#### WEST VIRGINIA UNIVERSITY STUDENTS, WIDOWS BACK BLACK LUNG BILL—TIMETABLE IMPERLS SAFETY PROPOSAL

(By Ray Martin)

CHARLESTON.—West Virginia's soft coal miners drew support in the corridors of the State Capitol and the governor's office Friday from two different groups in their fight for liberalization of the state's workmen's compensation law.

About 60 West Virginia University students under the name "Emergency Black Lung Committee" joined miners at the Capitol lobbying for passage of a so-called black lung bill. Three women whose husbands died in the Mannington mine disaster last November also came to the Capitol.

Virtually all United Mine Workers of America members in the state have left the pits in a massive lobbying action in support of a measure initially proposed by the Black Lung Association. Hundreds of miners have been present at the Capitol daily since mid-February.

The number of miners, who started leaving their jobs Feb. 18, now numbers more than 40,000, according to spokesmen for the coal miners.

Spokesman for miners supporting the West Virginia Black Lung Association have vowed they will not return to work until the law is changed.

The House of Delegates last Friday passed an amended black lung bill including many of the provisions sought by the miners. The vote was 95-0.

On Wednesday the State Senate passed its version of a black lung bill by a 34-0 vote. The action came after the Senate rejected a move to replace its Judiciary Committee-written bill with the House-passed bill. The

vote was 28-5, with one senator absent at the time of the roll call.

A joint Senate-House conference committee, comprised of five senators and five delegates, met three times Friday in an effort to reach agreement on differences between the two bills. Late Friday night it was reported that the conference had made no progress toward settlement of those differences.

House conferees are led by Del. Robert Dinamore, D-Morgantown, and Senate conferees are under the chairmanship of Sen. William T. Brotherton Jr., D-Charleston.

The regular session of the Legislature comes to an end at midnight Saturday.

The black lung bill conference committee will resume its deliberations Saturday and many Capitol observers have expressed fear that it will may be in the last hour of the legislative session that the fate of the bill is known.

Although Governor Moore extended the current legislative session by three days the additional time can only be used for budgetary matters.

Key issues of contention before the conference committee surround the so-called presumptive clause and the definition of pneumoconiosis. The miners support the language contained in House Bill 1040 on these points.

Many members of the House regard these two points as the "guts" of the bill and have asked that their conferees not yield to the somewhat weaker Senate provisions.

The WVU students raised \$600 on the campus Thursday to finance their 200-mile trip to Charleston. They paraded around the Capitol rotunda and outside the governor's office carrying signs in support of the black lung movement.

The three widows, Mrs. Sara L. Kaznoski, Mrs. Mary K. Rogers and Mrs. Nora Snyder had a brief meeting with Governor Moore. They also watched the Senate session.

They were introduced in the Senate by Sen. William A. Moreland, D-Morgantown, who said they were three women who since last November have become concerned about mine safety and health.

Seventy-eight men died in the explosions and fire inside the Mountaineer Coal Co. No. 9 mine at Mannington last November. The women's husbands are still entombed in the mine.

The governor told the women he stands for improved mine safety and health legislation. He said if the Legislature does not pass a satisfactory bill for black lung compensation, he would include it in his "call" to the Legislature at a planned special session in July.

It was learned that most, if not all, of the local unions of the United Mine Workers in Monongalia County will hold special meetings Sunday, concerning the present walkout.

Andrew Morris, UMW field representative, said he had received numerous calls from union members concerning future action to be taken by the locals regarding the black lung legislation before the Legislature.

The union representative said it would be necessary to wait for information from Charleston on the outcome of the pending legislation.

When this information is at hand, Morris said, the local unions will be able to consider their course of action.

Morris said he had told local union leaders that the membership would have to decide the future course of action.

While the fate of the black lung bill is argued by the Senate and House conferees, question arose over the passage of Senate Bill 301 by the House of Delegates.

Passed by the Senate Thursday, the bill sponsored by Sen. O. G. Hedrick, D-Fairmont, and Senate President Lloyd G. Jackson, D-Hamlin, provides for pay increases for mine

safety instructors, mine inspectors, mine rescue teams and amends the existing mining law.

As of late Friday the Senate-passed bill had not yet arrived in the House. Several members of the House indicated that the bill might be killed in the legislative timetable.

Rules call for referral to a committee after it has been reported to the House. The committee would have to give its approval of the bill before it is placed on the first reading in the House.

Second and third readings could be waived, members said, but time would not allow a committee to act on the Senate bill and arrange for its printing so that every delegate would have a copy of the measure.

In addition to the increases in salary authorized in the bill, the measure would require that members of mine rescue teams be restricted to men who are 50 years of age or less.

The Hedrick-Jackson measure would reduce the length of service required prior to designation of a miner as a foreman. Present law requires five years experience in the mines. The bill would reduce the time to three years.

It also states that an applicant for a foreman's position in a gassy mine must have had prior experience in such a mine.

The Senate bill adds two safety measures to the existing law.

It calls for inspection of mine escapeways weekly. The present statute specifies that such inspections are to take place every two weeks.

The Hedrick-Jackson bill would require all unattended permanent belt conveyors to be equipped with automatic sprinkler systems as a fire protection measure.

The bill calls for new mine mapping procedures, including that mine maps be filed semi-annually.

Efforts made by Preston County's land surveyor to allow surveyors as well as engineers to make the maps was defeated by the Senate.

[From the Morgantown (W. Va.) Dominion-News, Mar. 9, 1969]

#### DELEGATE BLASTS MOORE AND QUILTS (By Ray Martin)

CHARLESTON.—Del. John M. Bobbitt, a Huntington Republican and physician, Saturday night resigned as a member of the House of Delegates after a bitter attack on Gov. Arch Moore's tax policies and actions of the Legislature, including passage of the Black Lung bill.

Bobbitt charged that the Legislature, prodded by the Governor, had seen fit to double the tax on manufacturers again and that some legislators supported the move as a matter of political expediency.

When the House passed its black lung bill last Friday, Bobbitt was the only delegate voting against it. He changed his vote to "aye" after becoming the target of jeers from miners in the gallery.

"If the Governor dealt a blow to the solar plexus of the West Virginia economy, then the Legislature supplied its own karate punch when it acquiesced to the executive will," Bobbitt asserted.

The two-term delegate said the State had suffered a net loss of industrial jobs over the past two years as a result of its tax policy.

"This Legislature compounded the felony when it knuckled down before the onslaught of a somewhat hysterical special interest group," he said. "The hysteria generated by a mere handful of rabble rousers was enough to dictate policy to the House of Delegates. Equally frightening was the sight of a few delegates supposedly voting on a workmen's compensation bill, actually boasting of the bill as 'social legislation.'"

"The fact that this House would capitulate so quickly has struck fear into the very heart of most industries. The psychological impact of our action may well be felt for many months to come."

Bobbitt told the House, "I find the philosophy and direction of current state government inconsistent with my own beliefs and ideals. My personal sense of intellectual honesty, my understanding of what is best for my native West Virginia are both in conflict with the events of these past few weeks."

He then put on his coat and walked out.

[From the Morgantown (W. Va.) Dominion-News, Mar. 9, 1969]

#### BLACK LUNG BILL PASSES WITH PRESUMPTIVE CLAUSE

(By Ray Martin)

CHARLESTON.—West Virginia has a black lung law with a presumption clause.

Acting 10 minutes before the final gavel would have fallen on the regular 60-day session of the Legislature at midnight Saturday, the State Senate accepted the conference report on the black lung bill and voted to enact it by a vote of 32-2.

Sens. Brad Sayre, R-Gay, William R. Sharpe, D-Weston, voted against the bill.

Sen. William T. Brotherton Jr., D-Charleston, chairman of the Senate conferees, said the bill was "not the best bill in the world" but it would benefit all those who suffer from pneumoconiosis.

"Many on strike may feel that they didn't get what they wanted," Brotherton said.

Sen. William A. Moreland, D-Morgantown, noting that time precluded a reading of the conference committee report, said he hoped that the people of West Virginia would recognize the effort as an improvement on existing law, "which has done many injustices."

He appealed to the miners to give the new law a chance to see if it solves the problems they have faced.

Moreland was one of five senators who had a fight in the Senate earlier this week to accept House Bill 1040 intact.

The bill authorizes a minimum of \$26 weekly compensation for black lung or on industrial accidents and a maximum of 45 per cent of the average weekly wage of all state workers as computed annually. After July 1, 1970 the maximum would go up to 50 per cent with the same minimum.

This represents an increase from 43 per cent for 1969 in House Bill 1040. The maximum in 1970 would have gone to 47 per cent in HB 1040.

Approximately 30 minutes before the Senate acted, Del. Robert Dinmore, D-Morgantown, appeared on the House floor to report the conferees had reconciled differences over Senate and House versions of the bill.

"The proposal which we now submit to the House will, in the opinion of your conferees, provide this state with the most progressive black lung legislation in the world," Dinmore told the House.

He said the bill "will provide a strong foundation upon which we can build as time and necessity dictate."

There were only two major areas of disharmony, Dinmore said. First, the presumption clause, which, as it stands now is substantially the same as the House bill; and, second, the definition of the disease of pneumoconiosis was modified to include all types of medical evidence.

The House voted 93-0 in accepting the bill. There were seven absentees.

In defining black lung, the conference committee said it must produce "pinhead or other nodulations or pathological or abnormal physiological change generally accepted by recognized specialists in the field of respiratory disease."

The new law says that x-ray evidence is not necessarily conclusive.

The presumption clause follows the Senate pattern and assumes the worker contracted the disease in the mines after he proves that he has it.

In a quick review of the bill Paul Kaufman, attorney for the West Virginia Black Lung Association, said the conference committee bill eliminated medical and hospital payments for persons suffering from black lung.

Coal miners will assemble in Beckley at 2 p.m. Sunday to review the bill and determine their future course of action.

[From the Morgantown (W. Va.) Dominion-News, Mar. 11, 1969]

#### NEW BLACK LUNG LAW EXPLAINED

(By Ray Martin)

In addition to recognizing coal workers' pneumoconiosis (black lung) as a compensable disease, amendments to the Workmen's Compensation Act passed by the Legislature Saturday increased payments to all injured workers and their survivors and changed some practices in the administration of the state compensation program.

The act will take effect July 1. It awaits the signature of Gov. Arch A. Moore.

The new act includes occupational pneumoconiosis as an "injury" or "personal injury" within the meaning of the workmen's compensation law. However, workers must be employed by employers who are not delinquent in the payment of the premiums to the compensation fund in order to be eligible for compensation awards.

Compensation for black lung or death therefrom will not be paid unless the worker has been subjected to the black lung hazard in West Virginia "over a continuous period of not less than two years during the 10 years immediately preceding the date of his last exposure to such hazards."

Costs of the compensation award may be divided among the employers by whom the claimant was employed for as much as 60 days during the period of three years immediately preceding the filing of the application for compensation. The allocation will be based upon the time and degree of exposure with each employer.

The disease is described in the new act in this way:

"Pneumoconiosis is a disease of the lungs caused by the inhalation of minute particles of dust over a period of time which has produced pinhead or other nodulation or pathological or abnormal physiological change generally accepted by recognized specialists in the field of respiratory diseases as supporting a diagnosis of pneumoconiosis and which can be identified by X-rays or other medical evidence and a pneumoconiosis shall be considered to be an occupational pneumoconiosis when the pneumoconiosis results from causes and conditions arising out of and in the course of the employment."

The term "occupational pneumoconiosis" includes, but is not limited to such diseases as silicosis, anthraco-silicosis, coal worker's pneumoconiosis (commonly known as black lung or miner's asthma), silico-tuberculosis (silicosis accompanied by active tuberculosis of the lungs), coal worker's pneumoconiosis accompanied by active tuberculosis of the lungs, tuberculo-silicosis, asbestosis, siderosis, anthrax and any and all other dust diseases of the lungs meeting the definition of occupational pneumoconiosis.

The act specifies that X-ray evidence shall not necessarily be held conclusive insofar as it bears upon the absence or presence of occupational pneumoconiosis.

Workers who willfully expose themselves to the hazards of pneumoconiosis through failure to use protective devices or adherence to posted safety and health standards are disqualified as compensation recipients.

Operating under the premise that occupational pneumoconiosis is permanent disabili-

ty and not subject to any kind of medical or surgical rehabilitation technique, the act specifically disallows any payments for medical, surgical, dental and hospital treatment. Other workers covered by the compensation program are entitled to such coverage.

The new act provides for the payment of funeral expenses not to exceed \$750 if death results from a cause recognized by the act.

Benefits under the act are based on the average weekly wage of the individual worker and the average weekly wage paid all workers in West Virginia. The latter figure is compiled annually by the state employment commissioner.

Starting July 1, 1969, and continuing until July 1, 1970, the worker will get a minimum of \$26 per week and a maximum weekly benefit computed on the basis of 66 and two-thirds per cent of his average weekly earnings not to exceed 45 per cent of the state's average weekly wage. After July 1, 1970, the maximum figure would be increased to 50 per cent of the state's average weekly wage. The minimum would remain at \$26.

With the exception of occupational pneumoconiosis cases, the new act provides that when an award for temporary total disability is later changed to permanent partial disability only that amount of compensation paid in excess of 10 weeks shall be considered compensation under the new category.

Impairment of the employee's ability to function normally or to undergo normal prolonged exertion when compared with an average man of his age and like general physical condition may be considered in the determination of the employee's disability from occupational pneumoconiosis.

The bill passed earlier by the House of Delegates used the word "shall" where "may" appears in the paragraph above.

The present Silicosis Medical Board will be known as the Occupational Pneumoconiosis Board after July 1.

The so-called presumption clause in the act reads as follows:

"If it can be shown that the claimant or deceased employe has been exposed to the hazard of inhaling minute particles of dust in the course of and resulting from his employment for a period of 10 years during the 15 years immediately preceding the date of his last exposure to such hazard and that such claimant or deceased employe has sustained a medically diagnosable disease of the lungs consistent with a diagnosis of occupational pneumoconiosis, then it shall be presumed that such claimant or deceased employe is suffering from occupational pneumoconiosis which arose out of and in the course of his employment. This presumption shall not be conclusive."

The new act provides for an average increase of \$10 a month in payments made to widows, surviving children and dependent parents.

Although rules applicable to joint Senate-House conferees preclude inclusion of any material not covered in the bills before them, this provision emerged in the bill which was passed by the Legislature Saturday:

"In computing benefits payable on account of occupational pneumoconiosis, the commissioner shall deduct the amount of all prior workmen's compensation benefits paid to the same claimant on account of silicosis, but a prior silicosis award shall not, in any event, preclude an award for occupational pneumoconiosis otherwise payable under this article."

The new act repealed a provision which allowed a first-stage silicosis award of \$1,000. That award precluded any subsequent claim for the same disease.

Under the terms of the act, the compensation commissioner, the occupational Pneumoconiosis Board and the Occupational Diseases Medical Board shall submit a report to the governor in September each year. Based

on facts available as of the preceding June 30, the report is to include a statement of the causes of the injuries for which compensation awards were made, an explanation of the diagnostic techniques used by the respective medical boards and all examining physicians to determine the presence of disease and the extent of impairment attributed to the disease.

The annual report must contain a description of the scientific support for the techniques used by the various doctors and technicians. It must also contain a summary of public and private research relating to problems and prevention of occupational diseases.

The reports, which are to be made available to the Legislature and the public, will also include a detailed statement of all disbursements, and the condition of the compensation fund, together when any specific recommendation for improvements in the workmen's compensation law and for more efficient and responsive administration of the law.

[From the Morgantown (W. Va.) Dominion-News, Mar 11, 1969]

#### UMW JOURNAL SEEKS MORE U.S. RESEARCH

(By Ray Martin)

WASHINGTON.—The latest issue of the United Mine Workers Journal carries a plea for additional taxpayer funds for the Office of Coal Research, continues its attack on UMWA critics, and announces publication of a pamphlet on 'black lung.'

Joseph P. Brennan, UMWA's Research and Marketing Department director, notes that the Office of Coal Research will get \$13,800,000 in the fiscal year starting July 1, 1970. This amount represents a decrease from \$13,700,000 in the current fiscal year.

"It is apparent to all that the Office of Coal Research (OCR) and with it the federal research program for the coal industry has come to a moment of truth," Brennan said.

"If the budget for 1970 is any indication of the future, it is evident that OCR has arrived at a crisis!" he declared.

Six "facts" were listed by Brennan to underscore his contention of a "research crisis in coal." They were:

"Fact 1. The OCR budget has not grown to any degree for the past several years. Instead, the office has been forced to witness a cut-back in funds and the elimination of worthwhile projects."

"Fact 2. As the funding has stagnated, the available money has become more and more concentrated into a relatively few projects. For the coming fiscal year, for example, five projects will receive a total of \$11.5 million, or 86 per cent of the entire OCR budget."

"Fact 3. Because of the lid on spending, OCR has not been able to carry through on several promising projects that have been proven in the laboratory, but now require pilot plants to demonstrate commercial feasibility."

"Fact 4. Little new money has been available to seek out and contract for research in areas of immediate concern to the coal industry, or of long-range significance to the national welfare. When the money needed to administer OCR for fiscal 1970 is added to the \$11.5 million for the five major projects mentioned above, only a little more than \$1 million is left to carry on the current pre-pilot plant work of OCR and begin on other promising research programs of potential value."

"Fact 5. The budget squeeze has precluded extensive OCR work in many areas, including improved methods of electric generation, research in the field of health and safety, and a program aimed at reducing the adverse environmental impact caused by the consumption of coal."

"Fact 6. Because OCR functions by contact research, the lack of funds has driven away

from OCR many research organizations which could, if funding were available, lend their talents to further the attainment of the mandate given to OCR by Congress."

Brennan then spells out the role of coal in relation to other sources of energy and concludes his thesis in these words:

"In any event, there has developed a technology crisis in the coal industry, a crisis which threatens to undercut the economic position of coal and the ability of the industry to meet the needs of American people in the years ahead. We suggest that an early resolution of this crisis is in the interest of not only the coal industry, but all of the American people. We also suggest that the funds appropriated from the Federal Treasury for coal research will return to that Treasury many times the investment and that the real winners will be the American people, who in the final analysis pay all of the bills.

"So it is, that this is in many ways a year of decision for coal. Certainly, all those with an interest in coal must strive to secure for OCR a level of funding consistent with the congressional mandate to that Office and also consistent with potential inherent in the vast coal reserves that underlie our great nation," Brennan said.

Rex Lauck, assistant Journal editor, wrote: "On this page is an article by the UMWA's Director of Research and Marketing, Joseph P. Brennan, about the crisis in coal research. We urge our 'instant experts' to read this article. Research money for coal mine health and safety is badly needed."

The Journal's editorial page announces publication of a pocket-sized pamphlet on "Black Lung—the facts on the crippling dust disease—coal workers' pneumoconiosis—and what can be done about it." Copies of the 22-page booklet, which were distributed to congressional offices, are available by writing to the Journal's editor.

[From the Morgantown (W. Va.) Dominion-News, Mar. 13, 1969]

CONGRESSMAN WANTS APOLOGY FROM BOYLE, UMW CHIEF

(By Ray Martin)

WASHINGTON.—Rep. Ken Hechler, D-W. Va., has demanded an immediate apology from W. A. (Tony) Boyle, president of the United Mine Workers of America, for an erroneous quotation appearing in the March 1 issue of UMW Journal. The Huntington Democrat also asked for an opportunity to present his views on health and safety legislation in a future issue of the Journal as well as having the Journal reprint an April, 1959, magazine article from which the quotation was reportedly taken.

He also called for a moratorium on personal attacks.

In a speech on the floor of the House, Hechler said:

"Someone has been caught redhanded. The United Mine Workers Journal issue of March 1, 1969, contains an article which purportedly quotes statements that I allegedly made. These alleged quotations are a completely false and total fabrication.

"The UMW Journal states that it obtained the quotations from a 'friend with a long memory and a good filing system.' I believe that this 'friend' ought to have the guts to step forward and identify himself.

"If it is true that he works on Capitol Hill, I pity the office in which he works because that kind of memory and that kind of filing system would produce complete chaos within a congressional office. I doubt whether he has the intestinal fortitude to identify himself.

"The UMW Journal article purports to quote from the April, 1959, issue of Pageant magazine which included a story on 'How

to Get Elected to Congress.' The Pageant magazine article does contain some quotes from me which are my '10 rules for campaigns,' including such items as: Pay attention to the average person, be true to your own personality, be constructive and campaign cleanly, turn every attack on you into an asset—couple an immediate answer with your own constructive approach to the problem.

"The UMW Journal states without qualification that what I said in April 1959, was: first you pop off to get attention regardless of the merit of your ideas. Then you pose as the champion of the average man against the interests. The truth of your statement or the merit of your argument has nothing to do with your response or your conduct."

The West Virginia congressman, who has been in the forefront of the campaign for better mine safety and health legislation, told his House colleagues:

"In its desperate efforts to discredit me because of my fight for coal mine health and safety legislation, the UMW Journal has falsely fabricated ideas which I have never expressed, never entertained or ever dreamed of. The enormity of this deliberate attempt to defame my character is clearly apparent from the following text of the telegram which I have sent to W. A. Boyle."

At the conclusion of his remarks, Hechler introduced the copy of the UMW Journal article written by Rex Lauck, assistant Journal editor; the 1959 Pageant article written by Howard Cohn, along with statements made in the Congress by Sens. John F. Kennedy, Hubert H. Humphrey and Estes Kefauver. The various documents were ordered printed in the Congressional Record.

The text of Hechler's telegram to Boyle was as follows:

"Page 13 of the March 1, 1969, issue of the UMW Journal contains a false and malicious article signed by Rex Lauck and entitled 'Ken Hechler's Credo is Revealed.' This article purports to quote what are alleged to be 'Hechler's own ideas' as allegedly expressed in the April, 1959, issue of Pageant magazine. The UMW Journal article concludes: 'That explains much about how this man Hechler operates. Shades of Joe McCarthy!'

"I trust that you are aware of the fact that the article in the UMW Journal is worded in such a fashion as to be designed to defame my character. Thousands of readers of the Journal, including a large number in my Congressional District, are being fed these deliberately falsified statements which bear no resemblance whatsoever to anything I said in the Pageant article, or anything I have either said or thought before or since the appearance of this article.

"Even if you should remove the direct quotation remarks and present this material as a paraphrase instead of an allegedly direct quote, the entire article in the Journal is false, malicious and designed to defame my character.

"I trust you do not condone the printing of such malicious misinformation by a man listed on the masthead of the Journal as 'assistant editor.'

"I demand an immediate apology for this false quotation, attribution and characterization in the article, and the opportunity to present my views on health and safety legislation in a future issue of the Journal as well as a reprint of the April, 1959, Pageant article.

"The cause of health and safety legislation is far bigger than any personal differences which may have arisen between us. We cannot afford to continue to divide the forces supporting effective action to clean up the coal mines, protect the safety of thousands of coal miners and prevent the occurrence of black lung.

"We must seek out and welcome new recruits in this fight instead of condemning

those who may not have carried the battle as long as others.

"Only through the aroused conscience of millions of Americans can effective legislation and a sound administration be obtained. Over 40,000 coal miners in West Virginia alone are determined to obtain the protection they have failed to enjoy, and without which they will continue to suffer the risk of being burned, buried, crushed or gassed.

"I appeal to you to declare a moratorium on these personal attacks and issue a call for all forces to join in a cooperative effort to win the fight still ahead of us."

[From the Morgantown (W. Va.) Dominion-News, Mar. 14, 1969]

DR. ZINN OUTLINES FUNCTION OF CENTER (By Ray Martin)

Dr. Raymond D. Zinn, U.S. Public Health Service Officer named as director of the Appalachian Center for Environmental Health, visualizes the new center here as "playing a vital role in the future health and environmental happiness of all the people of Appalachia."

Appointed to the post by the Environmental Control Administration of the U.S. Department of Health, Education and Welfare, Dr. Zinn was in Morgantown to consult with Dr. James G. Harlow, West Virginia University president, and Dr. Charles E. Andrews, WVU provost for health sciences.

The 46-year-old native of Cairo, Ritchie County, expects to take up residence here sometime in April and just prior to the time when ground is scheduled to be broken for the new federal facility which will adjoin the WVU Medical Center.

A 1948 graduate of WVU, Dr. Zinn received his DVM degree summa cum laude from Ohio State University in 1957.

Dr. Zinn joined the U.S. Public Health Service in 1959. That career with the PHS includes two years service as epidemic intelligence officer at the National Communicable Diseases Center, Atlanta, Ga.

In 1961 he was assigned to the National Heart Institute at Bethesda, Md.

For the past six years he has been assigned to the Division of Research Services at the National Institutes of Health. During the last two years he has been chief of laboratory aids branch at NIH.

In this capacity, Dr. Zinn has been responsible for central support of all intramural research programs at NIH. He has previously assisted in the establishment of research facilities operating on a national basis.

Dr. Zinn will not be in control of the scientific aspect of the new center's programs. Each phase of the program's mission, he said, will have its own scientific chief.

His prime mission at the moment is to get the center operational at the earliest possible date. Construction is due to start within a few weeks and is scheduled for completion in 1971.

The center will be concerned with identification and resolution of human problems resulting from the interplay between man and the various facets of Appalachian environment.

Particular emphasis will be placed on health related studies in human ecology, Dr. Zinn said.

The center will, in cooperation with universities, state and local agencies, carry out research in epidemiological investigations and ecological studies to provide a clearer definition of the immediate and direct effect of environmental conditions of health. Also of concern to the center will be the indirect and long-range effects of environmental conditions on health.

The new federal facility will direct services and provide technical assistance, including training, to the people of the region

relative to effective means of controlling environmental factors in Appalachia.

Current programs scheduled for the new center include studies of work-related respiratory diseases of coal miners, improved water supplies, solid waste disposal, community and recreational area sanitation, housing hygiene and injury control.

Dr. Zinn looks forward to the challenge which the new center will provide.

The native West Virginian has an intense desire to make a contribution to the future health of West Virginians as well as all the people who live in Appalachia.

As he puts it, it is not just enough to make sure that a man has a healthy, clean environment in which to work eight hours a day. If he goes home to a place which is just the direct opposite of the work environment, it negates the progress made in work conditions because he spends 16 hours a day in the lesser environment.

"Great emphasis has been placed on men living longer," Dr. Zinn said. "But what good is this longer life if man can't be healthy and happy?" he asked.

The Appalachian Laboratory for Occupational Respiratory Diseases (ALFORD) which is now located in space provided by WVU will be but one of the center's units. It will expand its research on black lung and other respiratory ailments, Dr. Zinn said.

He is married to the former Mary Mann of Renick and the couple have an eight-year-old son.

The center will be built on land adjacent to WVU's Medical Center and which was turned over to the federal government for this purpose.

When fully operational, it will have a staff of 200 research and administrative health personnel.

[From the Morgantown (W. Va.) Dominion News, Mar. 16, 1969]

LEGISLATURE IGNORES MINE BILLS: 33  
PROPOSALS INTRODUCED  
(By Ray Martin)

Thirty-one bills and two resolutions relative to mining, mine safety and health and operations of the state department of Mines were introduced in the 1969 session of the 59th Legislature.

Of the lot, six bills ultimately cleared the hurdles posed by the State Senate and House of Delegates and wound up on Gov. Arch A. Moore Jr.'s desk.

Provisions of 10 bills, four in the Senate and six in the House, were used in one form or another to provide the basis for House Bill 1040, fashioned by the House Judiciary Committee, the so-called "black lung" bill, which has been signed into law by the governor.

Del. Robert W. Dinsmore, D-Morgantown, as chairman of House conferees on the bill, played a key role in obtaining favorable action on the legislation in the final hour of the regular session of the Legislature a week ago. Sen. William D. Moreland, D-Morgantown, was a staunch advocate of the House measure in the State Senate.

A measure introduced by Sen. O. G. Hedrick, D-Fairmont, increasing the salary scale of the supervising oil and gas inspector from a range of \$5,000-\$8,000 to \$7,000-\$11,000 has been signed by the governor. The bill also increased the pay of the regular oil and gas inspectors from a range of \$5,600-\$7,400 to \$6,000-\$9,400.

A bill sponsored by Senator Hedrick and Sen. Walter A. Holden, D-Clarksburg, has been vetoed by Governor Moore. It would have made the provisions of the state's mining laws applicable to surface mines and would have authorized the director of the Department of Mines to promulgate rules and regulations applicable to such mines.

The Hedrick-Holden proposal included this provision: "Any surface mining supervisor and surface mining inspectors who

were on permanent tenure June 30, 1967, shall be reinstated under such tenure without being required to take an examination.

Sen. J. Frank Deem, R-St. Marys, sponsored a bill to increase the salary of the deputy director for oil and gas. It was sent to the governor's desk for signature.

Senator Hedrick joined Sen. Lloyd G. Jackson, D-Hamlin, the Senate president in sponsorship of another measure which found its way to Governor Moore's desk.

This measure provided for increases in the salaries of mine safety instructors, mine inspectors, mine rescue team members and electrical inspectors.

The Hedrick-Jackson bill defined "return air," required that persons examining gassy mines be certified, required that a mine foreman in a gassy mine have had previous experience in a gassy mine, changed the qualifications for a fire boss, required that escape ways be inspected weekly, permitted men and mine cars to share the same cage lift during the development of a new mine, and required the filing of mine maps showing the status of the mine as of Jan. 1 and July 1 each year.

The sixth bill sent to the governor spells out regulations for oil and gas drilling.

The Senate let a House Concurrent Resolution die which would have directed the Joint Committee on Government and Finance to make a study into the need and desirability of amending the laws of the state relating to health and safety of persons employed in underground coal mines. It was killed in the Senate Rules Committee.

Del. William J. Parker, D-Fairmont, introduced a House resolution to create a special committee to investigate causes of the Mountaineer Coal Co. disaster last November and to determine if mining laws need strengthening. It was killed in the House Judiciary Committee and its chairman, Del. J. E. Ned Watson, D-Fairmont, said that the House Concurrent Resolution, which was later killed in the Senate, would extend beyond adjournment of the Legislature. The simple resolution, he said, would lose its effect with adjournment.

A bill which would require trust funds, such as the United Mine Workers Welfare and Retirement Fund, to submit to the jurisdiction of West Virginia courts passed the House. It died in the Senate Rules Committee. It had been introduced by Del. Warren McGraw, D-Pineville.

Two bills which would have eliminated the immunity against legal action which employers now have in workmen's compensation cases died in House and Senate committees.

Also killed in committees of the two houses of the Legislature were two bills which would have imposed a 10-cent per ton tax on coal to pay the cost of benefits to persons contracting occupational respiratory diseases.

Several bills giving the director of the state Department of Mines authority to promulgate rules affecting safety and health died in committees.

Del. Robert Nelson, D-Huntington, introduced a bill creating a Division of Mines and Minerals in the State Department of Labor and transferring present Department of Mines functions to it. The bill was killed in committee.

Also killed in committees were proposals which would have required mine foremen and section foremen to examine all working places in a mine at least once during each coal-producing shift. When certain dangerous conditions were found during such inspections, the foreman would have to remove employes from the area and the workers would lose no pay because of their inability to work.

The bill would have prohibited the employer from firing the foreman for carrying out the action called for in the proposed law.

One bill, which died in committee, in addition

to granting the Department of Mines director rule making power, would have:

Prohibited the transportation of employes on conveyor belts. And specified that no conveyor belts be in excess of 500 feet and that a series of belts would be permitted only under specific criteria.

Required methane gas readings at 15-minute intervals where machinery is used at the face of a mine.

Required reversible fans as part of the ventilating system.

Established specific rock dusting criteria.

Required that all motors and electrical appliances be totally enclosed and explosion proof and display the U.S. Bureau of Mines permissibility seal.

Required that where roof bolting near the face is impractical, timbers or light hydraulic jacks would have to be installed to protect the miners.

Required that no mining machine be approved in the future which doesn't provide an automatic canopy of armor plate to protect the machine and the workers who use it.

Required that automatic recording barometers be installed in the offices of the mine superintendent, ventilation engineer, and mine manager and that all mine officials be notified when barometric pressure falls two-tenths inch in a two-hour period and if the pressure drops three-tenths of an inch in a three-hour period all underground employes are to be evacuated.

Required that respirable dust in each mine not exceed three milligrams per cubic meter of air.

Required that no transportation moving in excess of three miles an hour be used unless approved by the Department of Mines director in writing.

Required that an adequate cache of canned foods and water be provided for emergency use in the immediate vicinity of each mine telephone.

Required escape holes of at least 30 inches in diameter be drilled at the rate of 10 per square mile or one for each 64 acres of the mine and appropriately recorded on a map filed with the Department of Mines.

Required that each mine operator provide at least two complete sets of oxygen equipment and assure the presence of two persons trained to use such equipment with each operating section of each shift.

Established a method for bleeding off methane gas.

Required that the existing communication system of each mine be augmented by drilling communication holes into short openings off from the main arteries of the mine that there be at least 25 such communication holes within each square mile of the mine; that two spare spools of two-wire lines each shall be stored in a protected place near each communication hole and that all such communication holes be connected with the outside central at least quarterly for testing by actual use.

A separate bill calling for the establishment of telephone or other communications system in the mines was passed by the House and defeated in the Senate.

CREDIT INVESTIGATIONS AND  
PRIVACY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. GALLAGHER. Mr. Speaker, since the hearings held by our Special Subcommittee on Invasion of Privacy of the Committee on Government Operations

in March and May of 1968, nationwide attention has been directed toward the practices and procedures of credit bureaus and credit reporting organizations. Influencing as they do the life of every American, such business intelligence firms are a vital segment of the American society as well as essential contributors to the prosperity of the American economy. It was their pervasive impact on our people which was the basic reason why my colleagues on the House Committee on Government Operations and I determined to bring congressional investigative tools to bear on these organizations which had received little, if any, public scrutiny.

Since our hearings, the credit bureau industry itself prepared their "Credit Bureau Guidelines to Protect Consumer Privacy." I was pleased to announce this important step of self-policing and self-regulation on January 13, 1969. While there may be some questions about the content of the guidelines and some legitimate concern about how effective the Associated Credit Bureaus, Inc., will be in enforcing compliance within the credit bureau industry, I feel that they represented a promising first step. As is widely known, the wheels of legislative machinery grind slowly; the guidelines provide the consumer with some protection now.

But, Mr. Speaker, perhaps the most important results of our credit industry investigations has been to generate increased public concern and knowledge. This has not only taken the form of newspaper and magazine articles; business intelligence firms and the social and constitutional questions they pose are the topic of academic interest as well. Today, for example, I received a first-rate treatment of the legal issues involved in the actions of credit bureaus and credit reporting firms. Volume 57, No. 3 of the Georgetown Law Journal contains an extensive student note entitled "Credit Investigations and the Right to Privacy: Quest for a Remedy." This discussion of the question of privacy in the context of the activities of commercial firms was chosen by the executive board of the Georgetown Law Journal as the outstanding student work of the year.

And outstanding it is. It is an excellent overview of the legal issues involved and provides a valuable source of research for those of us in the U.S. Congress, members of State legislatures around the country, and Americans whose lives can be adversely affected by errors in or misuses of credit reports.

Mr. Speaker, I am very pleased I was able to be of assistance in the preparation of this important work. I am delighted to enter the covering letter from the editor of the Georgetown Law Journal and the splendid student note into the RECORD at this point:

THE GEORGETOWN LAW JOURNAL,  
GEORGETOWN UNIVERSITY LAW  
CENTER,

Washington, D.C., March 27, 1969.

HON. CORNELIUS E. GALLAGHER,  
House of Representatives,  
Washington, D.C.

DEAR SIR: Enclosed is a copy of the Georgetown Law Journal in which the article on

Credit Investigations and the Right to Privacy was published. I personally consider it an important contribution to both the Journal and to an understanding of this very real social and legal problem. As a note of interest, the executive board of the Law Journal recently attested to its quality by voting it the outstanding student work of the year.

I would also like to take this opportunity to express my personal appreciation for your valuable cooperation and assistance in the preparation of the article. It certainly would have been difficult, if not impossible, to have produced a work of such quality without your help.

Again, I express my thanks for the interest you have shown in the Journal.

Sincerely,

HARRY J. STEVENS III,  
Editor in Chief, Volume 58.

NOTES—CREDIT INVESTIGATIONS AND THE RIGHT TO PRIVACY: QUEST FOR A REMEDY

The United States, according to a current aphorism, has a credit-based economy,<sup>1</sup> and social commentators are predicting that the cash transaction will soon join the bald eagle as a vanishing American breed.<sup>2</sup> The phenomenal increase in both consumer installment credit<sup>3</sup> and the element of risk which accompanies the grant of a loan or the issuance of a credit card has fostered the growth of organizations which collect information on credit applicants. These credit bureaus and credit reporting agencies compile data on an individual's<sup>4</sup> financial standing, his personal life, or both. They have files on over 100 million individuals and write an additional 100 million credit reports each year.<sup>5</sup> The pervasive reach of the credit investigation business provoked one critic to make this observation: "If your name is not in the records of at least one credit bureau, it doesn't mean that you don't rate. What it does mean is that you are either under twenty-one or dead."<sup>6</sup> Despite the potential, and present, threats to privacy<sup>7</sup> inherent in the credit bureau industry, it is as yet virtually unregulated<sup>8</sup> and has managed to retain an almost complete anonymity. This Note will examine the procedures used by the credit industry to gather information, analyze their legal shortcomings, evaluate possible judicial remedies, and suggest workable legislative controls.

THE SETTING

The subscribers to credit bureau services include not only credit grantors such as oil companies and department stores, but also insurance companies and landlords.<sup>9</sup> A particular subscriber, before deciding whether to extend credit, write an insurance policy, or lease an apartment, will request a report from the bureau. A typical credit report contains the applicant's name, address, marital status, bank references, and a notation of his bill-paying habits.<sup>10</sup> It may also contain information about his employment history, present salary, approximate bank balance, a record of loans, mortgages, installment purchases, and charge accounts, as well as legal involvements including arrests, law suits, divorces, and bankruptcies.<sup>11</sup> Some reports, especially those on insurance applicants, may comment on the individual's character, his reputation in the community, and even his drinking habits.<sup>12</sup>

The information contained in a report is drawn from many sources; much of it may already be in the bureau's files.<sup>13</sup> Many bureaus systematically collect data on arrests, lawsuits, and divorce petitions from newspapers and court records.<sup>14</sup> Other public records may also be checked and an independent investigation conducted. The latter might include contacting the applicant's bank, his

employer, and perhaps his neighbors.<sup>15</sup> Information from all these sources is coordinated by the bureau and reported to the subscriber for a fee which ranges from as little as \$.22 to \$25 or more depending on the type and quantity of information required.<sup>16</sup>

The information gathering and reporting process raises two problems. The first is one of accuracy. Reports may contain errors of identification,<sup>17</sup> and the information may be incomplete, misleading,<sup>18</sup> or simply false. While arrests, lawsuits, and convictions are collected systematically,<sup>19</sup> settlements and dismissed charges are often unreported;<sup>20</sup> and, if a claim is disputed, it is unlikely that the credit bureau will remove the "no pay" evaluation or allow the subject to present his side of the story.<sup>21</sup> Furthermore, the informational sources may be biased.<sup>22</sup> This problem is most acute in insurance investigations by firms which rely on hearsay statements from neighbors and other associates of the applicant for much of the information in their reports.<sup>23</sup> Damaging inaccuracies caused by these shortcomings, as well as accurate information which no longer has any relevance, may remain in a person's file indefinitely.<sup>24</sup>

The problem of inaccuracies is compounded because the person who is refused credit or insurance is usually not given a reason for the rejection of his application or even told that he was investigated.<sup>25</sup> Most contracts between credit bureaus and their subscribers state that all information shall be held in confidence and that the identity of the reporting agency shall not be revealed to the subject of the report.<sup>26</sup> If a credit applicant is fortunate enough to learn of the existence of a report on him and the name of the reporting agency, the bureau may apprise him, in a general sense, of the cause of his failure to obtain credit. In most instances, however, he will not be allowed to examine the record and check its accuracy.<sup>27</sup>

The second major problem in credit bureau investigations is the invasion of privacy. While the subjects of these reports have little or no access to them, the information can apparently be obtained quite easily by others.<sup>28</sup> Most credit bureaus do require a legitimate business reason before making a report;<sup>29</sup> however, they seem to be singularly lax in investigating their prospective customers.<sup>30</sup> Employees of the credit bureau<sup>31</sup> or of its subscribers are another source of information leakage. Although the subscriber contracts to keep its information confidential, strict control is almost impossible.<sup>32</sup> Moreover, access to credit bureau files is not restricted to the agency's employees. Local police and federal investigators are usually permitted to examine the records<sup>33</sup> and some federal agencies, acting in their capacity as credit grantors, deal directly with credit bureaus.<sup>34</sup>

In addition to the dangers of undue publication, the type of information that is obtained may itself constitute a threat to privacy. Although reports are usually restricted to items such as credit standing and public record information, they may also comment on an applicant's morals, sexual behavior, emotional stability, mental health, or drinking habits.<sup>35</sup> This information is obviously highly volatile and extremely on hearsay, it can easily be incorrect or misleading. Such data extends far beyond the public record stage and should place a heavy burden of trust and responsibility on credit investigators.

JUDICIAL REMEDIES

Accuracy

Despite the scope and nature of credit investigations and the serious inaccuracies or misinformation they may produce, the individual who is the subject of a credit report is all but unprotected in most jurisdictions. Most of the actions against credit bureaus are liberal suits;<sup>36</sup> they are seldom successful, however, because the majority

Footnotes at end of article.

view is that a report by a credit bureau to a particular subscriber whose legitimate business interests are involved or appear to be involved is conditionally privileged.<sup>37</sup> Thus in the absence of malice, the subject of the report has no cause of action against the credit bureau, regardless of the falsity of the report.<sup>38</sup> The basis for the privilege is that the credit bureau is performing a necessary and useful business which benefits those who have a legitimate interest in the report.<sup>39</sup>

The privilege is only conditional, however, and may be lost in several ways. The bureau loses the privilege if it releases the report to the general public or to disinterested as well as interested subscribers.<sup>40</sup> The rationale for this exception is that the publication of defamatory material by a business for profit can be upheld solely on the ground of public convenience. Individual rights should not be made subservient to business exigencies more than is necessary to satisfy reasonable public interests. These public interests are "adequately served by extending the immunity of privileged communications only so far as to embrace communications to subscribers who have special interest in the information."<sup>41</sup> The definition of an "interested subscriber" is vague, however, and a superficial inquiry into the subscriber's motives will apparently insulate the credit bureau from liability.<sup>42</sup>

The qualified privilege is also vitiated if the statement is made with malice. Most courts interpret this as express or actual malice and thus require a showing of bad faith, ill will, or other improper motive.<sup>43</sup> The burden is on the plaintiff to prove both the falsity of the statement and that it was made with express malice.<sup>44</sup> A few courts hold that the privilege is lost if a report is made with a wanton and reckless disregard of the rights of another.<sup>45</sup> Another minority view is that the privilege is abused if the credit bureau makes a statement which it asserts to be true when it lacks probable cause or reasonable grounds for believing the truth of the statement.<sup>46</sup> A similar due care requirement has been laid down in several other cases,<sup>47</sup> but the majority of courts reject it<sup>48</sup> and hold that negligence will not destroy the privilege.<sup>49</sup>

The consequence of the present state of the case law is that the consumer is given almost no protection while the credit bureau has an all but absolute immunity. Malice rarely exists, and when it does, it is difficult to prove. A court seeking to give the subject of a report a more substantial remedy could profit from a study of cases which have denied the privilege where there were no reasonable grounds or probable cause for a credit bureau to believe the truth of a statement in a report,<sup>50</sup> where the credit bureau had not used due care in the collection of information,<sup>51</sup> or where the report had been substantially different from the information gathered.<sup>52</sup> Courts could also hold to a stricter definition of "interested subscriber" and deny the privilege if the credit bureau releases a report to a person who it knows has no proper interest<sup>53</sup> or if it fails to make an adequate investigation to confirm the interest.

Perhaps both the public interest and that of the subjects of the reports would best be protected by a denial of the qualified privilege altogether. The reasoning of two early cases which denied the privilege completely seems more valid today than the rationale of the most recent cases which have affirmed it. In *Pacific Packing Co. v. Bradstreet Co.*,<sup>54</sup> the court held that the only just and safe rule was one that would place a penalty on falsehood. The court believed that "the company that goes into the business of selling . . . reports about others should assume the responsibility for its acts, and must be sure that it is peddling the truth."<sup>55</sup> The reasoning behind the denial of the qualified priv-

ilege in Great Britain, first expressed in *MacIntosh v. Dun*,<sup>56</sup> is even more compelling: "Then comes the real question: Is it in the interest of the community, is it for the welfare of society, that the protection which the law throws around communications made in legitimate self-defense, or from a bona fide sense of duty, should be extended to communications made from motives of self-interest by persons who trade for profit in the characters of other people?"<sup>57</sup>

There is little modern precedent for holding credit bureaus liable for negligent misstatements.<sup>58</sup> The few courts that do allow an action for the negligent misuse of language also require privity of contract,<sup>59</sup> although a few have implied that liability may be found when there is a relationship that creates a duty to inform correctly. This relationship usually exists when there is reliance by the plaintiff and a foreseeability of harm if the information is false.<sup>60</sup> The plaintiff in a recent case<sup>61</sup> attempted to hold a credit reporting agency liable for a false report that she and her son were business partners. While recognizing the general rule that there is no liability for negligent misstatements, the court held that the defendant had some duty of care to the plaintiff since it knew that reports would be acted upon by its subscribers. This seeming departure from earlier precedent was negated, however, by the court's conclusion that the company still retained the qualified privilege defense.<sup>62</sup>

Despite contrary decisional authority, public policy would be better served if credit bureaus were held to a standard of negligence, or even strict liability. Although the typical credit contract contains a disclaimer of accuracy,<sup>63</sup> credit reports are taken at their face value by subscribers and the risk of harm from mistakes and misstatements is obvious. A policy decision must be made and, as the English rule explains,<sup>64</sup> there is a greater social value in denying the privilege.<sup>65</sup>

Since denial of the privilege would make credit bureaus strictly liable for defamatory statements, courts might be reluctant to take this approach. They should not balk, however, at finding liability for negligent misstatements. Because proving negligence is extremely difficult for the subject of a credit investigation, a false or misleading report should create a presumption of negligence which could be rebutted by a showing that the credit bureau had used some care in the collection and transmittal of the information. For example, the bureau could show that it had clarified hearsay information from public records if this were possible, that it had made a followup investigation into the results of lawsuits and arrests, either from public records or the parties themselves, and that it had transmitted the information correctly. While this remedy may seem harsh, it would afford greater protection for the subjects of credit reports and ensure more accurate information. The credit bureaus would not be able to complain of any resultant increases in their expenses since they would undoubtedly pass them on to the credit grantors in the form of an increased fee and then to the consumer as a higher interest rate or service charge. Thus, in the final analysis, the public would pay so that each of its members might be protected.

The danger of inaccurate data could be lessened if investigatees were given access to their files to correct mistakes and distortions before the information is disseminated among credit grantors and insurance companies. No effective method is presently available to compel such access,<sup>66</sup> and credit investigators are reluctant to grant it voluntarily.<sup>67</sup> Adoption by the Judiciary of Professor Alan Westin's suggestion<sup>68</sup> that personal information be treated as a property right, with all its due process implications,

would alleviate this problem. Due process requires that protected rights cannot be infringed without such notice and opportunity to be heard as is "appropriate to the nature of the case."<sup>69</sup> If personal information were to be considered a property right protected as "fundamental"<sup>70</sup> under the due process clause of the fourteenth amendment, credit and insurance investigators would probably be compelled to notify the investigatee that an investigation is about to be commenced, allowing him to state his objections to particular types of inquiries about to be undertaken, and giving him a chance to correct or at least note his objections to particular items contained in the final report.

Treating personal information as a constitutionally protected property right is not a wholly novel concept. Courts have traditionally held that the personal information in bank records is to be treated as a "property right" of the depositor and is to be protected accordingly.<sup>71</sup> Moreover, while it is true that cases arising under the due process clause of the fourteenth amendment have not involved the "taking" of "personal information,"<sup>72</sup> it is also true that courts once believed that the fourth amendment was limited to searches and seizures of physical property and rebuked attempts to extend its protection to non-physical property—that is, evidence obtained by wiretapping and eavesdropping.<sup>73</sup> In *Silverman v. United States*,<sup>74</sup> however, the Supreme Court became aware of the extreme invasions of privacy wrought by the growing sophistication of electronic eavesdropping devices<sup>75</sup> and extended the protection of the fourth amendment to oral statements.<sup>76</sup> This expansion of the fourth amendment concept of property was a reaction to technological advancements unforeseen by the drafters of the Constitution. Similarly, the steady growth of computerized credit and insurance investigating bureaus<sup>77</sup> would seem to justify a further expansion of protected "property" rights.<sup>78</sup>

The foregoing constitutional argument for compelling the granting of access to credit files rests on an assumption that the requirements of "state action" under the due process clause of the fourteenth amendment<sup>79</sup> could be satisfied. To constitute state action, the involvement of the state need neither be direct nor exclusive.<sup>80</sup> In *Evans v. Newton*,<sup>81</sup> the Supreme Court noted the difficulty in distinguishing state action and private action: "What is 'private' action and what is 'state' action is not always easy to determine. . . . Conduct that is formally 'private' may become so entwined with governmental policies or so impregnated with a governmental character as to become subject to the constitutional limitations placed upon state action."<sup>82</sup> A "private" organization which is regulated or otherwise significantly involved with the government may become so "entwined with governmental policies" or "so impregnated with a governmental character" as to be treated as a state for the purposes of the fourteenth amendment.<sup>83</sup> Since insurance companies are heavily regulated by state authorities,<sup>84</sup> their activities are arguably state action.<sup>85</sup> Furthermore, an investigating agency is generally considered the "agent" of its client;<sup>86</sup> thus, an insurance investigating agency could likewise be held subject to the fourteenth amendment's due process limitations.<sup>87</sup> Whether a credit investigating agency would be held subject to constitutional limitations under this theory would, of course, depend upon whether the state was sufficiently involved in the client's business.

Likewise, it may be argued that failure to regulate credit or insurance investigating agencies<sup>88</sup> amounts to state inaction clothing these agencies with a measure of state authority sufficient to satisfy the fourteenth amendment.<sup>89</sup> It is also suggested that a corporate credit or insurance investigating

agency may be held to be "acting as a state" when its activities become so extensive and so intrusive as to take on a quasi-governmental character.<sup>90</sup> Although none of these theories of state action have ever been applied to the precise situation under discussion, the rapid expansion of the concept<sup>91</sup> has brought such a result well into the realm of possibility.<sup>92</sup>

#### Privacy

The right to privacy<sup>93</sup> has been defined as a legal concept of the power of an individual to determine the extent to which another individual or group may obtain his ideas, writings, or other indicia of his personality; obtain or reveal information about him; and intrude into his life space.<sup>94</sup> Inherent in this definition are two significant problems, both of which arise in a credit investigation context. One is the release of information to persons who have no legitimate business interest in it; the other is the collection of information of a highly personal nature.<sup>95</sup> These problems have no relation to the truth or falsity of a report, but are intimately tied to the concept of a right to privacy.

While a remedy for the first problem, the distribution of information to persons other than credit grantors, might seem to be available in the cases which have allowed a cause of action for the publication of private facts about the plaintiff,<sup>96</sup> this line of attack has two drawbacks. First, publicity is a prerequisite; publication of a private fact to a plaintiff's employer<sup>97</sup> or to a small group of people<sup>98</sup> is not an invasion of privacy. Second, the fact must be private; matters of public record, such as birth or marriage dates,<sup>99</sup> or military records,<sup>100</sup> are not protected. Furthermore, as in all privacy actions, the invasion must be offensive to ordinary sensibilities.<sup>101</sup>

These limitations on an action for the publication of private facts are unrealistic and unnecessarily harsh. The definition of publicity should be modified to include the release of information to any person or persons other than those, such as credit grantors, who have an immediate and legitimate interest in it. A release of information to one person who misuses it can have as damaging an effect on the investigatee's reputation as a general publication.<sup>102</sup> The requirement of private facts should be construed narrowly<sup>103</sup>—information should not be considered a part of the public record merely because it is published in credit bureau files or department store records. In fact, several cases have held that publicizing another's debts can lead to liability on the grounds that a person's debts are not a matter of public interest and that their publication serves only to expose the debtor to ridicule and disgrace.<sup>104</sup>

The second problem, the collection of particularly sensitive and personal information such as that pertaining to morals, character, emotional stability, or sexual behavior, is one which the courts have been unwilling to remedy. The intrusive nature of the collection of this kind of information makes any consideration of publicity irrelevant. There are cases holding that an intrusion into a plaintiff's personal life is an invasion of privacy, but the intrusion must be an extreme one. The courts have found a cause of action for physically intruding into a person's home,<sup>105</sup> peering through his windows,<sup>106</sup> or harassing a debtor to collect a debt.<sup>107</sup> In cases involving electronic eavesdropping, the courts have not been hesitant to focus on the probe into the private area of an individual's personality;<sup>108</sup> in at least one case involving a credit bureau, however, an action on this ground failed.<sup>109</sup>

When credit bureaus seek highly personal information, an investigatee might ask for an

injunction against further intrusions by asserting a constitutional right to privacy based on *Griswold v. Connecticut*.<sup>110</sup> In *Griswold*, co-directors of a birth control clinic were convicted as accessories under a Connecticut statute<sup>111</sup> prohibiting the dissemination of information and devices to prevent conception. While a majority of the Supreme Court allowed the defendants to assert the constitutional rights of married couples<sup>112</sup> and declared the statute to be an unconstitutional infringement on the right to privacy, the individual Justices differed as to the appropriate rationale. Justice Douglas, writing for the Court, found a violation of the penumbra of privacy emanating from the first, third, fourth, and fifth amendments.<sup>113</sup> Justice Goldberg, joined by Chief Justice Warren and Justice Brennan, rested his concurrence on the ninth amendment.<sup>114</sup> Yet another view was set forth by Justices Harlan<sup>115</sup> and White,<sup>116</sup> who found that the right to marital privacy is a fundamental right protected by the due process clause of the fourteenth amendment. Although the decision was widely viewed by commentators as heralding a renewed judicial concern for the protection of privacy,<sup>117</sup> lower courts have consistently refused to extend *Griswold* beyond its facts.<sup>118</sup> This disinclination to extend the privacy doctrine might be explained, in part, by language in *Griswold* implicitly requiring a court to balance the interests of the state against intrusions on the individual's right to privacy,<sup>119</sup> thus apparently limiting the application of the doctrine to the more extreme invasions.<sup>120</sup> Notwithstanding the fact that relatively few of the investigations launched by credit or insurance investigators will involve such extreme invasions of privacy,<sup>121</sup> the reasoning of *Griswold* might be useful where the bounds of reasonable investigation are overstepped.<sup>122</sup>

Credit bureaus should not escape liability for an invasion of privacy with a defense of consent. An applicant for an insurance policy is usually unaware that an investigation will be made and thus gives no consent. Furthermore, although an applicant for credit gives an implied consent to check his references, he does not consent to a full-scale investigation nor to the transmission of information to individuals unrelated to the credit transaction.<sup>123</sup>

#### LEGISLATIVE REMEDIES

The presently available judicial remedies fall far short of providing adequate protection against the dangers of inaccuracy and invasion of privacy inherent in credit investigations. Moreover, legislation regulating credit bureaus is, with one exception,<sup>124</sup> almost nonexistent.<sup>125</sup> A substantial number of states regulate investigations by detective agencies,<sup>126</sup> but most of the statutes specifically exempt agencies investigating applicants for credit or insurance.<sup>127</sup> Even if these exemptions did not exist, however, the private detective statutes would not, in most instances, provide adequate remedies for the privacy problems that arise in a credit or insurance investigation context. These statutes place no limitations on the type of information that may be gathered by private detectives, and the only limitation on the method of investigation is an occasional provision prohibiting unauthorized entrance into a home.<sup>128</sup> Furthermore, dissemination of information to outsiders is permitted if authorized by the licensee<sup>129</sup> and, in some cases, by the client of the licensee as well.<sup>130</sup> Provisions protecting the individual against inaccurate or distorted data gathered by the investigators are similarly of limited value. For example, while several of the statutes provide sanctions for the willful making of false reports by the investigator or his employees,<sup>131</sup> only two, one expressly<sup>132</sup> and one by implication,<sup>133</sup> provide sanctions for failure to exercise due care in the making of such reports. All but one private detective

statute are silent on the issue of access by an investigatee to the investigator's files to correct inaccuracies before a report is given to a client.<sup>134</sup>

An Oklahoma statute<sup>135</sup> is the only legislation, state or federal, which specifically deals with the credit bureau problem. It concentrates on the issue of access and provides that "[w]henever an opinion upon the financial or credit standing of any person is about to be submitted for the purpose of establishing a financial or credit rating of customers, to be used by the retail business concerns, the person . . . submitting such opinion shall first mail a copy of such opinion to the person about whom the opinion is given."<sup>136</sup> It also establishes civil and criminal penalties for willfully making false credit or financial reports.<sup>137</sup> While the statute is a positive first step, it provides only a limited remedy for a credit bureau's refusal to correct a report<sup>138</sup> and does not prevent outsiders from obtaining a copy of the report without the consent of the investigatee. Moreover, since its terms are limited to retail credit situations, it would seem to exempt agencies investigating insurance applicants.

Although the regulation of businesses is considered an appropriate state function,<sup>139</sup> state inaction has prompted several federal proposals for the regulation of the credit investigation industry.<sup>140</sup> Congressman Zablocki recently introduced a limited bill<sup>141</sup> which would require a credit grantor to supply an applicant for credit, upon his request, with the name of any credit bureau investigating him and require the credit bureau, also upon request, to furnish the applicant with the credit report if it contained derogatory entries. This bill is inadequate because it places the burden on the applicant to request the report and does not address itself to the problem of maintaining confidentiality of the report. Senator Proxmire has stated that he will introduce, as an amendment to the Truth-in-Lending Act,<sup>142</sup> a bill to remedy some of the evils surrounding credit investigations.<sup>143</sup> His proposal attempts to avoid the compiling of inaccurate data by requiring credit bureaus to maintain the currency of their records.<sup>144</sup> It would resolve the access problem by providing that a credit bureau must give notice to an investigatee "whenever information is obtained . . . which is a matter of public record and bears adversely upon his credit worthiness, standing or capacity, and provide a reasonable opportunity to such individual to submit an explanatory statement with respect thereto."<sup>145</sup> While this latter provision is commendable because it places the burden on the credit bureau to notify the applicant, the duty of notification should not be limited to matters of public record.<sup>146</sup> A derogatory statement from a private source may be equally as damaging as one from a public record. Furthermore, without such notification, an applicant will be no more aware of a derogatory matter from a private source than from a public record; in fact, the reverse would be more likely. The objective of providing the investigatee an opportunity to correct the report before its dissemination would not be completely fulfilled if such a distinction is retained. Another gap in the proposal is that it fails to provide a remedy if the credit bureau refuses to correct the report after the applicant gives notice of an inaccuracy. A credit bureau should either be required to correct a false report or, if some doubt remains as to the correctness of the information, at least include the applicant's objections as part of the report to potential credit grantors.<sup>147</sup>

The Proxmire proposal recognizes the importance of maintaining the confidentiality of the credit report and provides a two-pronged approach to the problem. The proposal would compel credit bureaus to initiate internal procedures to assure the confidentiality of the report<sup>148</sup> and would require

Footnotes at end of article.

that the express consent of the applicant be obtained before information could be released to persons other than credit grantors.<sup>140</sup> This latter provision should be expanded by adding that consent by an applicant to the release of information to a specified person who is not a credit grantor should not be construed, in the absence of a clear agreement to the contrary, as a general consent.

Finally, the proposal is unclear as to whether it applies solely to credit investigations for potential credit grantors or whether it would also cover investigations of applicants for insurance. Its coverage should be made manifest and specifically extended to encompass the latter type of investigation.<sup>140</sup>

#### CONCLUSION

The needs for safeguards in the collection and transfer of personal information has increased with the advent of the computer and the resultant elimination of physical limitations on data storage.<sup>141</sup> While only a minority of credit bureaus presently have computerized systems in operation, many others are contemplating the future use of computers.<sup>142</sup> This trend portends several adverse effects. First, the purchase of a computer usually results in the collection of more information.<sup>143</sup> Second, it creates the danger of a rigid computer program which does not contain all significant information; individuals may be selected or rejected on certain preprogrammed criteria which leave no room for consideration of special circumstances.<sup>144</sup> Third, because the information is computerized, it will be presumed accurate.<sup>145</sup>

Perhaps the most threatening aspect of the computerization of credit bureau information is the possibility of a centralized personal information file on all citizens.<sup>146</sup> Credit bureau executives are discussing the merits of a national system of information sharing<sup>147</sup> and the president of one large credit corporation told the House Subcommittee on Invasion of Privacy that his company could have every American's name on its computers within five years.<sup>148</sup> The creation of a file on every American would have many of the dangers of a government dossier with none of the advantages.<sup>149</sup> While credit bureaus are needed to protect lenders and merchants and to ensure the free flow of credit, an intense scrutiny of their operations is also required. Credit bureaus operate on a national scale and affect the personal interests of millions of Americans; the most immediate need is for legislation, both at the state and federal levels, to control their practices and procedures.

Even in the absence of such legislation, however, the courts should adapt existing judicial doctrine to meet the realities of the credit bureau industry. The invasions of privacy involved are not as "shocking" as a wiretap or the unauthorized publication by a newspaper of an individual's life story replete with sordid details. They are smaller intrusions into each person's life, but the potential harm is just as great because they affect the privacy of so many. The concept of privacy held by most courts, considered revolutionary during the Warren-Brandels era,<sup>150</sup> seems more fitted for the 19th century than the 20th; a "new privacy" must be formulated to protect the individual from the technological advances of the computer age.

#### FOOTNOTES

<sup>1</sup> Bazelon, *Money Must Go*, *ESQUIRE*, Oct. 1968, at 166.

<sup>2</sup> See Westin, *The Snooping Machine*, *PLAYBOY*, May 1968, at 130.

<sup>3</sup> Consumer installment credit has surpassed the \$100 billion mark and is expected to increase by approximately \$7.3 billion in 1968. Presently, an estimated 60% of the average individual's income is used to pay credit obligations. *NEW REPUBLIC*, Oct. 5, 1968, at 5; *Hearings on Commercial Credit Bureaus Before the Subcomm. on Invasion of Privacy*

*of the Comm. on Government Operations* 90th Cong., 2d Sess. 5 (1968) [hereinafter cited as *Credit Bureau Hearings*].

<sup>4</sup> Credit bureaus are sometimes distinguished from mercantile agencies, such as Dun & Bradstreet, which collect information on the financial standing of businesses or individuals engaged in business. See 15 *AM. JUR.* 2d *Collection and Credit Agencies* § 3, at 551 (1964).

<sup>5</sup> The Associated Credit Bureaus of America, Inc. (ACB of A), a trade association of credit bureaus, has 2,068 member bureaus that exchange information freely. They have files on 96 million people, and serve 365,000 credit grantors to whom they issued more than 100 million consumer credit reports in 1967. *Credit Bureau Hearings* 109-21. Retail Credit Co., the largest private investigative agency in the United States, does some credit investigations, but most of its work involves insurance investigations. Insurance investigations are similar to credit checks and are used by insurance companies in deciding whether to write a policy for a prospective customer. Retail Credit Co. has "7000 investigators, maintains dossiers on 42 million people, and grosses more than \$100 million annually." A. WESTIN, *PRIVACY AND FREEDOM* 159 (1967). Retail Credit has 62 subsidiary credit bureaus which are members of the ACB of A. *NEW REPUBLIC*, Apr. 27, 1968, at 11.

<sup>6</sup> H. BLACK, *BUY NOW, PAY LATER* 37 (1961).

<sup>7</sup> See generally H. BLACK *supra* note 6; M. BRENTON, *THE PRIVACY INVADERS* (1964); V. PACKARD, *THE NAKED SOCIETY* (1964); Morris, *What the Credit Bureaus Know About You*, *READER'S DIGEST*, Nov. 1967, at 85.

<sup>8</sup> See notes 124-38 *infra* and accompanying text.

<sup>9</sup> See *Wall Street Journal*, Feb. 5, 1968, at 1, col. 6.

<sup>10</sup> *Credit Bureau Hearings* 5.

<sup>11</sup> *Id.*; Morris, *supra* note 7, at 86.

<sup>12</sup> *Wall Street Journal*, Feb. 5, 1968, at 16, col. 3.

<sup>13</sup> See note 5 *supra*.

<sup>14</sup> *Credit Bureau Hearings* 10. The Credit Bureau of Greater New York has a division which compiles the names of civil litigants and criminal defendants in the local courts. It has reports on 14 million suits, judgments, and other actions. M. BRENTON, *supra* note 7, at 26.

<sup>15</sup> M. BRENTON, *supra* note 7, at 26-27. Some credit bureaus, however, such as Credit Data Corp., a computerized firm which is not a member of the ACB of A, confine themselves almost exclusively to their files. *Credit Bureau Hearings* 67-69 (testimony of Harry C. Jordan, President, Credit Data Corp.). But the insurance inspector firms usually make an independent investigation of each applicant. *Hearings on the Retail Credit Co. Before the Subcomm. on Invasion of Privacy of the Comm. on Government Operations*, 90th Cong., 2d Sess. 3 (1968) (because these hearings have not been officially published, page numbers cited herein refer to the unofficial transcript) [hereinafter cited as *Retail Credit Hearings*].

<sup>16</sup> A. WESTIN, *supra* note 5, at 309-10.

<sup>17</sup> See *Wall Street Journal*, Feb. 5, 1968, at 16, col. 3.

<sup>18</sup> An adequate statement for some recipients may become misleading if it is passed on. A man may tell his draft board that he is divorced, without adding that his former wife has remarried. The credit grantor, believing that the applicant has an obligation for alimony, may deny him credit. Karst, "The Files: Legal Controls Over the Accuracy and Accessibility of Stored Personal Data," 31 *LAW & CONTEMP. PROB.* 342, 354 (1966).

<sup>19</sup> See note 14 *supra* and accompanying text.

<sup>20</sup> *Credit Bureau Hearings* 10-11. Each year approximately 780,000 derogatory items are entered in the files of the Credit Bureau of Greater New York. The great majority of them, about 550,000, are information on law-

suits taken from court records; however, one important fact, the outcome of the suits, is never recorded. The reason given for the failure to include the disposition of the suits is prohibitory expense. *Wall Street Journal*, Feb. 5, 1968, at 1, col. 6.

<sup>21</sup> Karst, *supra* note 18, at 373.

<sup>22</sup> *Credit Bureau Hearings* 11.

<sup>23</sup> While every retail credit investigator is taught the importance of confirming unfavorable information, these inspectors average 11½ reports per day. *Retail Credit Hearings* 47-52. Since each report consists of a field investigation as well as the preparation of the formal report, little time is available for thorough research. *Id.*

<sup>24</sup> Even the large bureaus remove reports from their files only after five or ten years. Karst, *supra* note 18, at 372.

<sup>25</sup> *Retail Credit Hearings* 26, 53.

<sup>26</sup> See 15 *AM. JUR.* 2d *Collection and Credit Agencies* § 3, at 551-52 (1964). Retail Credit Co.'s contract states that:

[t]he undersigned desiring to use your [Retail Credit's] service at the regular prices established by you agrees that all reports will be submitted and received subject to the following conditions.

All reports, whether oral or written, will be kept strictly confidential: except as required by law, no information from reports nor your identity as the reporting agency will be revealed to the persons reported on. . . . Retail Credit Contract (copy on file with the House Subcomm. on Invasion of Privacy).

<sup>27</sup> See *Wall Street Journal*, Feb. 5, 1968, at 16, col. 3. Retail Credit Co. will neither confirm nor deny that a report was made on an individual. This policy is designed to protect its sources of information: "[I]t would result in a suppression of information if each individual sought to correct his file in detail or sought to correct a particular report or detail. And just because the legal processes are so involved and the time factor is so involved, we feel that the whole business information process would be slowed down." *Retail Credit Hearings* 32 (testimony of W. Lee Burge, President, Retail Credit Co.).

<sup>28</sup> See *Credit Bureau Hearings* 6-9; *Wall Street Journal*, Feb. 5, 1968, at 16, col. 3.

<sup>29</sup> A nonsubscriber can obtain information from many ACB of A credit bureaus if he pays their fees and can establish a logical business reason. Morris, *supra* note 7, at 88. The Retail Credit Co. requires the users of their services to be reputable business firms with a legitimate need for business information. *Retail Credit Hearings* 46. The President of Retail Credit admitted, however, that occasionally reports are made as "favors." *Id.*

<sup>30</sup> See *Credit Bureau Hearings* 64-65. Reports have allegedly been made on prospective bridegrooms and jurors. M. BRENTON, *supra* note 7, at 37.

<sup>31</sup> At the Credit Bureau of Greater New York, more than 500 employees have ready access to the 8.5 million files. The 14,000 employees of the other ACB of A affiliates in the United States enjoy the same freedom of access to their employers' files. *Wall Street Journal*, Feb. 5, 1968, at 1, col. 6.

<sup>32</sup> *Credit Bureau Hearings* 112.

<sup>33</sup> The ACB of A even advertises this fact. Two years ago, one of their publications stated that the Washington and regional offices of the FBI are among the largest users of credit bureau services. *Credit Bureau Hearings* 6. Investigators from such federal agencies as the FBI and the State Department receive copies of more than 20,000 records from the Credit Bureau of Greater New York every year. The executive manager of the New York bureau said in an interview: "Frankly, we don't ask the government what they're doing. . . . We don't feel that's our prerogative." *Wall Street Journal*, Feb. 5, 1968, at 16, col. 3.

<sup>34</sup> The FHA has credit bureau reports containing information on the applicant's marital stability. These can be purchased by pri-

vate mortgage lenders for \$1.50 each. *Credit Bureau Hearings* 1-2; A. WESTIN, *supra* note 5, at 160. A number of agencies, such as AID, the Civil Service Commission, and the Veterans Administration employ the Retail Credit Co. to make employment checks. Retail Credit's estimated annual government business is approximately \$250,000 in personnel investigations and \$250,000 in other business, mostly credit, annually. *Retail Credit Hearings* 56.

<sup>32</sup> See note 12 *supra* and accompanying text. Insurance investigation records are particularly troublesome because insurance companies are interested in what they call "moral hazards." This category includes extramarital affairs or heavy drinking. Some insurance companies refuse to write policies on persons suspected of being homosexual. When asked if it was fair to limit a report solely to the unconfirmed suspicions of neighbors, a representative of Hooper-Holmes, an insurance investigation company with files on over nine million people stated: "We won't say he's a homosexual . . . We'll report, for example, that certain people feel he has homosexual tendencies." *Wall Street Journal*, Feb. 5, 1968, at 16, col. 3.

<sup>33</sup> Libel, the written form of defamation, is an invasion of the plaintiff's interest in reputation and good name by a communications which may injure him in the eyes of others. W. PROSSER, *TORTS* § 106 (3d ed. 1964). Truth is an absolute defense in a defamation action. *Id.*

<sup>34</sup> *E.g.*, H. E. Crawford Co. v. Dun & Bradstreet, Inc., 241 F.2d 387 (4th Cir. 1957); Erber & Strickler v. R. G. Dun Co., 12 F. 526 (C.C. Ark. 1882); Wetherby v. Retail Credit Co., 235 Md. 237, 201 A.2d 344 (1963); Shore v. Retailers Commercial Agency, 342 Mass. 515, 174 N.E.2d 376 (1961); Barker v. Retail Credit Co., 8 Wis. 2d 664, 100 N.W.2d 391 (1960); Annot., 30 A.L.R.2d 776 (1953). *Contra*, Johnson v. Bradstreet Co., 77 Ga. 172 (1886); Pacific Packing Co. v. Bradstreet Co., 25 Idaho 696, 139 P. 1007 (1914). The privilege is not recognized in Great Britain. *E.g.*, MacIntosh v. Dun, [1908] 18 A.C. 390 (P.C.).

<sup>35</sup> The conditional privilege has even been used to deny access to a report in discovery proceedings. *Retail Credit Co. v. Garraway*, 240 Miss. 230, 126 So. 2d 271 (1961). The court held that the plaintiff could not use discovery to obtain the reports until he proved malice in their publication even though their contents might have helped him prove his case. *Id.* at 241, 126 So. 2d at 275.

<sup>36</sup> "The communication related to something in which the writer [Dun & Bradstreet] had an interest or duty, to one having a corresponding interest or duty, and was made in protection of that interest or in performance of that duty." H. E. Crawford Co. v. Dun & Bradstreet, Inc., 241 F.2d 387, 393 (4th Cir. 1957). Another court felt that the harm done by credit investigations is insignificant in relation to the benefit that subscribers derive from the frank reports. *Watwood v. Stone's Mercantile Agency*, 90 U.S. App. D.C. 156, 194 F.2d 160 (1952).

The application of the privilege can have harsh results. See *Wetherby v. Retail Credit Co.*, 235 Md. 237, 201 A.2d 344 (1963). In *Wetherby* the female plaintiffs were denied life insurance on the basis of a Retail Credit report containing accusations by neighbors of wild parties and lesbianism. After the company denied access to the reports, the plaintiffs hired a man for \$400 to obtain them. He did so, apparently by breaking into the offices of Retail Credit and stealing them. *Id.* at 239, 201 A.2d at 345.

<sup>37</sup> *E.g.*, *Watwood v. Stone's Mercantile Agency*, 90 U.S. App. D.C. 156, 194 F. 2d 160 (1952); *Trussel v. Scarlett*, 18 F. 214 (1882); *Pollasky v. Minshier*, 81 Mich. 280, 46 N.W. 5 (1890); *King v. Patterson*, 49 N.J.L. 417, 9 A. 705 (Ct. Err. & App. 1887); see *Calvin v.*

*New York, N.H. & H.R.R.*, 341 Mass. 293, 168 N.E. 2d 263 (1960).

<sup>38</sup> *King v. Patterson*, 49 N.J.L. 417, 431, 9 A. 705, 712 (Ct. Err. & App. 1887). The court added: "Society is organized, and courts are established for the protection of the rights of individuals. Unrestrained by those legal principles, which control the acts and conduct of other persons under like circumstances, these agencies, in the vastness of their operations, might become instruments of injustice and suppression so grievous that public policy would require their entire suppression." *Id.*

<sup>39</sup> It has been held that the bureau need not show that the subscriber actually had a legitimate interest in the subject of the report. A publication is privileged if the person receiving it reasonably appears to have a duty, interest, or authority in connection with the subject matter of the report. *Watwood v. Stone's Mercantile Agency*, 90 U.S. App. D.C. 156, 194 F. 2d 160 (1952). An employer has been held to have sufficient interest in his employees to be an interested subscriber. *Watwood v. Credit Bureau*, 97 A. 2d 460 (D.C. 1953).

<sup>40</sup> *E.g.*, *H. E. Crawford Co. v. Dun & Bradstreet, Inc.*, 241 F. 2d 387 (4th Cir. 1957); *Hooper-Holmes Bureau v. Bunn*, 161 F. 2d 102 (5th Cir. 1947).

<sup>41</sup> *H. E. Crawford Co. v. Dun & Bradstreet, Inc.*, 241 F. 2d 387 (4th Cir. 1957).

<sup>42</sup> *E.g.*, *Mil-Hall Textile Co. v. Dun & Bradstreet, Inc.*, 160 F. Supp. 778 (S.D.N.Y. 1958). See also *Sheehan v. Tobin*, 326 Mass. 185, 93 N.E. 2d 524 (1950). The privilege has been lost in some instances where there has been less than express malice based on the rationale that "[t]here is no social utility in reports that are made recklessly or without reasonable grounds. The injury to the subject of the report can be great and the person receiving the report gains nothing." *Shore v. Retailers Commercial Agency*, 342 Mass. 515, 521, 174 N.E. 2d 376, 380 (1961).

One of the few cases to impose a responsibility to substantiate the veracity of the information received is *Dun & Bradstreet, Inc. v. Robinson*, 233 Ark. 168, 345 S.D. 2d 34 (1961). In *Robinson*, a mercantile rating agency reported, without verification, that certain persons had told its investigators that the plaintiff had discontinued his business. The court held that the report was defamatory and that the privilege was lost because the defendant, by not confirming the damaging hearsay information, had acted with conscious indifference and reckless disregard of the plaintiff's rights. *Id.* at 173-74, 345 S.W. 2d at 37, 40.

<sup>43</sup> *Stationers Corp. v. Dun & Bradstreet, Inc.*, 62 Cal. 2d 412, 398 P. 2d 785, 42 Cal. Repr. 449 (1965).

<sup>44</sup> *Altoona Clay Prods., Inc. v. Dun & Bradstreet, Inc.*, 367 F. 2d 625 (3d Cir. 1966); *Hartman Co. v. Hyman*, 87 Pa. Super. 358, *aff'd*, 287 Pa. 78, 134 A. 486 (1926); see *Locke v. Bradstreet Co.*, 22 F. 771 (D. Minn. 1885).

<sup>45</sup> *E.g.*, *Pavlovsky v. Board of Trade*, 171 Cal. App. 2d 110, 340 P.2d 63 (1st Dist. Ct. App. 1959).

<sup>46</sup> *H. E. Crawford v. Dun & Bradstreet, Inc.*, 241 F.2d 387 (4th Cir. 1957); *Shore v. Retailers Commercial Agency*, 342 Mass. 515, 174 N.E.2d 376 (1961); *Pecue v. West*, 233 N.Y. 316, 135 N.E. 515 (1922). In one early case, however, a credit bureau was held liable when it issued a report containing information which was substantially different from the information received at its office. The court said that "any right or privilege may be so carelessly used as to lose the protection which it would otherwise afford." *Douglas v. Daisley*, 114 F. 628, 634 (1st Cir. 1902).

<sup>47</sup> See note 46 *supra* and accompanying text.

<sup>48</sup> *Altoona Clay Prods., Inc. v. Dun & Bradstreet, Inc.*, 367 F.2d 625 (3d Cir. 1966); see *Dun & Bradstreet, Inc. v. Robinson*, 233 Ark. 168, 345 S.W.2d 34 (1961). One commentator

suggests that the credit bureau should have the burden of proving due care. Note, *The Mercantile Agency and Conditional Privilege in Defamation*, 11 S.C.L.Q. 256 (1959).

<sup>49</sup> See *Douglas v. Daisley*, 114 F. 628, 634 (1st Cir. 1902), discussed in note 49 *supra*.

<sup>50</sup> *Cf. Harang v. Aetna Life Ins. Co.*, 400 S.W.2d 810 (Tex. 1966).

<sup>51</sup> 25 Idaho 696, 139 P. 1007 (1914).

<sup>52</sup> *Id.* at 704, 139 P. at 1010.

<sup>53</sup> [1908] 18 A.C. 390 (P.C.).

<sup>54</sup> *Id.* at 400.

There is no reason to suppose that the defendants generally have acted otherwise than cautiously and discreetly. But information such as that which they offer for sale may be obtained in many ways, not all of them deserving commendation.

It may be extorted from the person whose character is in question through fear of misrepresentation or misconstruction if he remains silent. It may be gathered from gossip. It may be picked up from discharged servants. It may be betrayed by disloyal employees. It is only right that those who engage in such a business, touching so closely very dangerous ground, should take the consequences if they overstep the law.

*Id.*

<sup>55</sup> One author argues that, in cases involving transfer of information, even applying the negligence standard is not enough and that such financial transactions should give rise to an absolute duty of accuracy. Green, *The Duty to Give Accurate Information*, 12 U.C.L.A. L. Rev. 464 (1965). Interestingly, in *defamation* the defendant who has no privilege available is held to a strict liability standard. W. PROSSER, *TORTS* § 108 (3d ed. 1964).

<sup>56</sup> *E.g.*, *Ultramares Corp. v. Touche*, 255 N.Y. 170, 174 N.E. 441 (1931).

<sup>57</sup> *Dale System, Inc. v. General Teleradio, Inc.*, 105 F. Supp. 745 (S.D.N.Y. 1952); see *Glanzer v. Shepard*, 233 N.Y. 236, 135 N.E. 275 (1922). In *Walker Bank & Trust Co. v. First Security Corp.*, the court found a bank liable to the beneficiaries of a life insurance policy because it failed to pay the premiums in accordance with an authorization of the policyholder who had an account at the bank. 9 Utah 2d 215, 341 P.2d 944 (1959). The bank claimed it owed no duties to the beneficiaries because they were not in privity of contract, but the court rejected the argument: "It is often stated that privity of contract is a prerequisite to holding one liable for a breach of a duty thereunder. But it is also recognized that there are duties to others that the immediate parties, where from the nature of the contract, it is plainly evident to the promisor that the contract is for the benefit of third persons and that a failure to discharge his duty would adversely affect them." *Id.* at 217-18, 341 P.2d at 945-46. It is questionable whether the subjects of a credit report would qualify as third party beneficiaries of the contract between the bureau and the credit-grantor; however, many credit bureau representatives contend that the purpose of their reports is to "help" people get credit. See *Credit Bureau Hearings, supra* note 3, at 110.

Telephone companies have been held liable for negligently omitting a name from their directories, based on implied contract and the companies' duty as a public servant. *E.g.*, *Masterson v. Chesapeake & Potomac Tel. Co.*, 55 App. D.C. 23, 299 F. 890 (1924). Moreover, in one case the company was held liable even though the plaintiff was not a telephone subscriber. *Loridans v. Southern Bell Tel. Co.*, 172 So. 2d 323 (La. 1965). In *Loridans*, the plaintiff shared an office with one Thomas, a telephone subscriber. Thomas made an agreement with the plaintiff to have both their names printed in the directory. When the plaintiff sued the telephone company for omitting his name, the court held that even if the contractual relation existed solely between the company and

Thomas as subscriber, such an agreement was in the nature of a third party beneficiary contract. Although a credit bureau is not a public servant in the same sense as a telephone company, these bureaus arguably have assumed a quasi-governmental power. Cf. A. WESTIN, *supra* note 5, at 325.

<sup>61</sup> *Serino v. Dun & Bradstreet, Inc.*, 267 F. Supp. 396 (D.S.C. 1967).

<sup>62</sup> *Id.* at 399.

<sup>63</sup> 15 AM. JUR. 2d *Collection and Credit Agencies* § 3 (1964).

<sup>64</sup> See notes 56-57 *supra* and accompanying text.

<sup>65</sup> The whole of tort law may be envisaged as a process of a protection of one man's interest at the expense of another's according to a norm of social policy. In the law of defamation, as elsewhere, we find a continuous comparison of the social value of the interests involved and the probable effect thereon of license or restraint upon statement and discussion. Immunity is granted or withheld on the principle of the residuum of social convenience deriving from the protection of one interest at the expense of another. Harper, *Privileged Defamation*, 22 VA. L. REV. 642 (1936).

<sup>66</sup> See generally, Karst, *supra* note 18.

<sup>67</sup> See notes 25-27 *supra* and accompanying text.

<sup>68</sup> A. WESTIN, *supra* note 5, at 324-25.

<sup>69</sup> *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306, 313 (1949); *accord*, *Armstrong v. Manzo*, 380 U.S. 545, 550 (1965); see *Sigma Chi Fraternity v. Regents of Univ. of Colo.*, 258 F. Supp. 515, 528 (D. Colo. 1966); *Halvorsen v. Grain Dealers Mut. Ins. Co.*, 210 F. Supp. 73, 76 (W.D. Mich. 1962).

<sup>70</sup> The Supreme Court has stated that in deciding whether a right is protected by the due process clause of the fourteenth amendment, a court must look to the "traditions and [collective] conscience of our people" to determine whether a principle is "so rooted [there] . . . as to be ranked as fundamental." *Snyder v. Massachusetts*, 291 U.S. 97, 105 (1933), *citing United States v. Texas*, 252 F. Supp. 234, 250 (W.D. Tex.), *aff'd mem.*, 384 U.S. 155 (1966).

<sup>71</sup> See, e.g., *Zimmerman v. Wilson*, 81 F.2d 847, 849 (3d Cir. 1936); *Brex v. Smith*, 104 N.J. Eq. 386, 390, 146 A. 34, 36 (Ch. 1929).

<sup>72</sup> Such cases have typically involved "takings" of either physical property rights or quasi-property rights intertwined with the economic well-being of individuals. E.g., *Green v. McElroy*, 360 U.S. 474 (1959) (quasi-property: employee dismissed after revocation of security clearance); *Nelson v. Hall*, 368 F.2d 103 (9th Cir. 1966) (physical property: confiscation of prisoner's automobile); *Collins v. City of Wichita*, 225 F.2d 132 (10th Cir.), *cert. denied*, 350 U.S. 886 (1955) (physical property: confiscation of right of way under powers of eminent domain); *Hecht v. Monaghan*, 307 N.Y. 461, 121 N.E.2d 421 (1954) (quasi-property: revocation of taxi driver's license).

<sup>73</sup> See, e.g., *On Lee v. United States*, 343 U.S. 747 (1952); *Goldman v. United States*, 316 U.S. 129 (1942); *Olmstead v. United States*, 277 U.S. 438 (1928). In *Olmstead*, the Court justified its refusal to exclude evidence obtained by wiretapping by drawing a distinction between "physical" and "non-physical" property: "The Amendment itself shows that the search is to be of material things—the person, the house, his papers or his effects. The description of the warrant necessary to make the proceeding lawful, is that it must specify the place to be searched and the person or things to be seized. . . . The language of the Amendment can not be extended and expanded to include telephone wires reaching to the whole world from the defendant's house or office." *Id.* at 464-65.

<sup>74</sup> 365 U.S. 505 (1961).

<sup>75</sup> *Id.* at 508-09, *citing S. DASH, R. SCHWARTZ & R. KNOWLTON, THE EAVESDROPPERS* (1959). See generally M. BRENTON, *supra* note 7; V. PACKARD, *supra* note 7.

<sup>76</sup> The Court avoided the "large questions" argued by the attorneys concerning the fourth amendment "Implications of . . . [the] frightening paraphernalia which the vaunted marvels of an electronic age may visit upon human society" and instead rested its decision on the fact that the eavesdropping was accomplished by a "physical penetration" and was therefore violative of the fourth amendment. 365 U.S. at 509-10. The physical penetration rule stemming from *Olmstead* and followed in *Silverman* was eventually overturned. *Katz v. United States*, 389 U.S. 347, 352-53 (1967). However, the broader concept of property under the fourth amendment established by *Silverman* has been reaffirmed. E.g., *Katz v. United States, supra*; *Berger v. New York*, 388 U.S. 41 (1967).

<sup>77</sup> See notes 151-59 *infra* and accompanying text.

<sup>78</sup> A somewhat analogous argument to compel access under the due process clause may be grounded on the theory that an applicant has the right to confront the evidence against him before being denied credit or insurance. The Supreme Court has determined that due process requires that an applicant be allowed to confront persons whose statements allegedly prevented him from being accepted by his state bar association. *Willner v. Committee on Character and Fitness*, 373 U.S. 96 (1963). Although denial of credit or insurance will not, in most cases, be as important as denial of entrance into one's chosen profession, the need for access to the records of insurance and credit investigators to correct inaccuracies is sufficiently important to merit further protection by the courts.

<sup>79</sup> The fourteenth amendment provides that "[no] State [shall] deprive any person of life, liberty, or property, without due process of law . . ." U.S. CONST. amend. XIV, § 1 (emphasis added). Thus, the argument that personal information should be treated as a fourteenth amendment property right must necessarily be grounded on "state action" rather than action by individuals. See, e.g., *United States v. Guest*, 383 U.S. 745, 755 (1966); *Burton v. Wilmington Parking Authority*, 365 U.S. 715, 721 (1961); *Shelley v. Kraemer*, 334 U.S. 1, 13 (1948); *United States v. Cruikshank*, 92 U.S. 542, 554-55 (1875).

<sup>80</sup> *United States v. Guest*, 383 U.S. 745, 755 (1966).

<sup>81</sup> 382 U.S. 296 (1966).

<sup>82</sup> *Id.* at 299.

<sup>83</sup> The question of finding state action through state regulation or other involvement has most frequently arisen in a civil rights context. See, e.g., *Robinson v. Florida*, 378 U.S. 153 (1964) (state health regulation requiring racially separate facilities); *Peterson v. City of Greenville*, 373 U.S. 244 (1963) (state regulation compelling discrimination by race in public accommodations); *Smith v. Allwright*, 321 U.S. 649 (1944) (state involvement in party primary elections).

<sup>84</sup> State governmental regulations have a substantial impact on many areas of the insurance business, including rates, terms of the insurance contract, and marketing and advertising. See generally Parker, *State Regulation—Today's Problems and Proposed Solutions*, 1964 ABA INSURANCE, NEGLIGENCE & COMPENSATION LAW SECTION 132.

<sup>85</sup> In an analogous situation the Supreme Court held that a street railway was so heavily regulated by federal agencies that it was subject to the limitations of the fifth amendment. *Public Util. Comm'n v. Pollak*, 343 U.S. 451 (1952); see *Boman v. Birmingham Transit Co.*, 280 F.2d 531 (5th Cir. 1960) (allegedly "private" bus company held to be public utility due to state regulation).

<sup>86</sup> *Credit Bureau Hearings, supra* note 3, at 20-21 (testimony of Alan F. Westin, Professor of Public Law and Government, Columbia University); *id.* at 108 (testimony of John L. Spafford, Executive Vice President, Associated Credit Bureaus of America, Inc.).

<sup>87</sup> The theory that a private organization can be an "agent" of the state for the purposes of the fourteenth amendment has been approved by the Supreme Court on several occasions. See, e.g., *Evans v. Newton*, 382 U.S. 296, 299 (1966); *Smith v. Allwright*, 321 U.S. 649, 663 (1944).

<sup>88</sup> See notes 124-38 *infra* and accompanying text.

<sup>89</sup> Several courts have determined that a state may be held to have acted by refusing to exercise existing authority to protect the constitutional rights of individuals. See, e.g., *Lynch v. United States*, 189 F.2d 476, 479 (5th Cir.), *cert. denied*, 342 U.S. 831 (1951); *Pickering v. Pennsylvania R.R.*, 151 F.2d 240, 250 (3d Cir. 1945), *cert. denied*, 332 U.S. 776 (1947); *Catlette v. United States*, 132 F.2d 902, 907 (4th Cir. 1943). This analysis might be taken one step further to hold that failure to pass and enforce regulatory legislation to control investigating bureaus, whose methods of operation may deprive individuals of their constitutional rights, is state action, clothing these agencies with sufficient governmental authority to satisfy the state action requirement of the fourteenth amendment. See generally Peters, *Civil Rights and State Non-Action*, 34 NOTRE DAME LAW. 303 (1959).

<sup>90</sup> The theory that "acting as a state" constitutes state action has been applied to a labor union and to a corporation running a company town. *Marsh v. Alabama*, 326 U.S. 501, 507 n.4 (1946) (corporation); *Steele v. Louisville & N.R.R.*, 323 U.S. 192, 198 (1944) (dicta) (labor union). One commentator has noted that courts will hold a state-created corporation subject to the same constitutional limitations as a state upon a finding of the "existence of sufficient economic power in the vehicle to invade the constitutional right of an individual to a material degree." Berle, *Constitutional Limitations on Corporate Activity—Protection of Personal Rights from Invasion Through Economic Power*, 100 U. PA. L. REV. 933, 943 (1952).

<sup>91</sup> See generally Abernathy, *Expansion of the State Action Concept Under the Fourteenth Amendment*, 43 CORNELL L.Q. 375 (1958); Horowitz, *The Misleading Search for "State Action" Under the Fourteenth Amendment*, 30 S. CAL. L. REV. 208 (1957); Williams, *The Twilight of State Action*, 41 TEXAS L. REV. 347 (1963).

<sup>92</sup> It may also be possible to hold credit agencies subject to the due process clause of the fifth amendment by asserting that their services are so widely used by the federal government as to become "public functions" and therefore subject to constitutional limitations. The Supreme Court has determined that the delegation of activities from governmental bodies to private bodies could, in some circumstances, convert these private bodies into agents of the State while performing these functions, thus making such activities "public functions" subject to constitutional limitations. *Evans v. Newton*, 382 U.S. 296 (1966). In *Evans*, the Court acknowledged that "the fact that government has engaged in a particular activity does not necessarily mean that an individual entrepreneur or manager of the same kind of undertaking suffers the same constitutional inhibitions," but left the determination of whether a "public function" could be found to a case by case analysis. *Id.* at 299-300; see *Terry v. Adams*, 345 U.S. 461 (1953) (party primary held to be integral part of elective process; delegation to private organization did not defeat "public function" character).

<sup>93</sup> See generally Pound, *The Fourteenth Amendment and the Right of Privacy*, 13 W. RES. L. REV. 34 (1961); Prosser, *Privacy*, 48 CALIF. L. REV. 383 (1960); Shils, *Privacy: Its Constitution and Vicissitudes*, 31 LAW & CONTEMP. PROB. 281 (1966); Warren & Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193 (1890).

<sup>94</sup> *Beane, The Right to Privacy and American Law*, 31 LAW & CONTEMP. PROB. 253, 254

(1966). Despite the breadth of this definition, the right has been construed narrowly by the courts. See Prosser, *supra* note 93. According to Dean Prosser "invasion of privacy," as construed by the courts, embraces not one tort but four: 1) an intrusion upon a plaintiff's solitude or into his private affairs; 2) publicity which puts the plaintiff in a false light in the public eye; 3) public disclosure of embarrassing or private facts about the plaintiff; and 4) appropriation for the defendant's advantage of the plaintiff's name or likeness. *Id.* at 389.

<sup>95</sup> The seriousness of the intrusion is compounded by the transfer of the information, even to those with a legitimate interest in it.

<sup>96</sup> *E.g.*, Trammell v. Citizens News Co., 285 Ky. 529, 148 S.W.2d 708 (1941); Biederman's of Springfield, Inc. v. Wright, 322 S.W.2d 892 (Mo. 1959). These cases are similar to the defamation cases, but the defense of truth is not available. See note 36 *supra*.

<sup>97</sup> The reported cases concern the communication to the employer of his employee's debts. The rationale for denying the cause of action is that the employer has a legitimate interest in the debts of his employees. Harrison v. Humble Oil & Ref. Co., 264 F. Supp. 89 (D.S.C. 1964); Yoder v. Smith, 253 Iowa 505, 112 N.W.2d 862 (1962).

<sup>98</sup> See Gregory v. Bryan Hunt Co., 295 Ky. 345, 174 S.W. 2d 510 (1943) (oral accusation of theft).

<sup>99</sup> Meetze v. Associated Press, 230 S.C. 330, 95 S.E.2d 606 (1956).

<sup>100</sup> Stryker v. Republic Pictures Corp., 108 Cal. App. 2d 191, 238 P.2d 670 (2d Dist. Ct. App. 1951); Continental Optical Co. v. Reed, 119 Ind. App. 643, 86 N.E.2d 306 (1949).

<sup>101</sup> Shorter v. Retail Credit Co., 251 F. Supp. 329 (D.S.C. 1966).

<sup>102</sup> Courts, recognizing the dangers of the release of personal information to unauthorized persons, but hindered by the general publication rule from finding an invasion of privacy, have used other methods to protect the individual. In one case the plaintiff's employer called the bank where the employee had a checking account and asked the bank manager to inform him if his employee were to do anything that might discredit the company. The bank later notified the employer that the plaintiff's funds had been depleted and that his checks had been returned for insufficient funds. The disclosure was made without the plaintiff's consent or knowledge. Although refusing to hold the bank liable for an invasion of privacy since nothing had been communicated to the public, the court found the bank liable for breach of an implied contract not to divulge transactions with its customers. Peterson v. Idaho First Nat'l Bank, 83 Idaho 578, 367 P.2d 284 (1961).

<sup>103</sup> A related but unresolved question is the effect of lapse of time on public records. In *Melvin v. Reid*, the defendants' motion picture included a portrayal of the plaintiff as a prostitute, a fact which had appeared in the records of her murder trial. 112 Cal. App. 285, 297 P. 91 (4th Dist. Ct. App. 1931). The court held that such inclusion did not violate her right to privacy since the facts were contained in a public record; it concluded, however, that the publication of the facts seven years after the trial and after her subsequent reformation, coupled with the use of her real name, violated her state constitutional right to pursue happiness. *Id.* at 290-93, 297 P. at 93-94.

<sup>104</sup> *E.g.*, Trammell v. Citizens News Co., 285 Ky. 529, 148 S.W. 2d. 708 (1941); see Biederman's of Springfield, Inc. v. Wright, 322 S.W.2d 892 (Mo. 1959).

<sup>105</sup> Young v. Western & A.R. Co., 39 Ga. App. 761, 148 S.E. 414 (1929).

<sup>106</sup> Souder v. Pentleton Detectives, 88 So. 2d 716 (La. App. 1955).

<sup>107</sup> Norris v. Moskin Stores, 132 So. 2d 321 (Ala. 1961).

<sup>108</sup> Fowler v. Southern Bell Tel. & Co., 343 F.2d 150 (5th Cir. 1965) (wiretapping by fed-

eral employees); Hamberger v. Eastman, 106 N.H. 107, 206 A.2d 239 (1964) (landlord installed listening device in tenant's bedroom); Commonwealth v. Murray, 423 Pa. 37, 223 A.2d 102 (1966) (wiretap by private detectives).

<sup>109</sup> Shorter v. Retail Credit Co., 251 F. Supp. 329 (D.S.C. 1966). In *Shorter*, a retail credit investigator went to the plaintiff's home and obtained certain information from his wife concerning her age, number of children, and the plaintiff's salary and occupation. The court held that the intrusion was insufficient to constitute an invasion of privacy. There was no public surveillance, no publication of the fact that an investigation was taking place, and no constant harassment or continued trespass on the plaintiff's property. The court said that when a privacy action is for an intrusion without publication, the plaintiff must show a blatant and shocking disregard of his rights, and serious mental or physical injury or humiliation. *Id.* at 332.

<sup>110</sup> 381 U.S. 479 (1965).

<sup>111</sup> CONN. GEN. STAT. REV. §§ 53-32, 54-196 (1958).

<sup>112</sup> The Court determined that the clinic directors could assert the invalidity of the act as an unconstitutional imposition on marital privacy because "the rights of husband and wife . . . are likely to be diluted or adversely affected unless those rights are considered in a suit involving those who have this kind of confidential relation to them." 381 U.S. at 481.

<sup>113</sup> 381 U.S. at 484-86.

<sup>114</sup> *Id.* at 487-99. The history of the ninth amendment and its place in constitutional adjudication has been discussed by a number of commentators. See generally Kelsey, *The Ninth Amendment of the Federal Constitution*, 11 IND. L.J. 309 (1936); Kutner, *Neglected Ninth Amendment: The Other Rights Retained by the People*, 51 MARQ. L. REV. 121 (1967); Redlich, *Are There "Certain Rights . . . Retained by the People"?*, 37 N.Y.U.L. REV. 787 (1962).

<sup>115</sup> 381 U.S. at 500 (Harlan, J., concurring).

<sup>116</sup> *Id.* at 502 (White, J., concurring).

<sup>117</sup> See generally Beany, *The Griswold Case and the Expanding Right to Privacy*, 1966 WIS. L. REV. 979; *Symposium on the Griswold Case and the Right to Privacy*, 64 MICH. L. REV. 197 (1965).

<sup>118</sup> See, e.g., Lamont v. Commissioner of Motor Vehicles, 269 F. Supp. 880 (S.D.N.Y.), *aff'd mem.*, 386 F.2d 449 (2d Cir. 1967) (right of privacy not applied to sale of registration records to outsiders by motor vehicle bureau); Davis v. Firment, 269 F. Supp. 24 (E.D. La. 1967) (right of privacy not applied to keeping hair long in public high school); People v. Aguilar, 65 Cal. Rptr. 171 (1st Dist. Ct. App. 1968) (right of privacy not applied to smoking marijuana); People v. Frazier, 64 Cal. Rptr. 447 (1st Dist. Ct. App. 1967) (right of privacy not applied to homosexual relationship between prisoners). *But see* Nader v. General Motors Corp., 292 N.Y.S.2d 514 (Sup. Ct. 1968).

<sup>119</sup> 381 U.S. at 485, 497-99.

<sup>120</sup> One state court expressly recognized the limitations of *Griswold* by stating that its protection extends only to those intrusions which cause "mental suffering, shame or humiliation to a person of ordinary sensibilities." Pare v. Donovan, 54 Misc. 2d 194, 200, 281 N.Y.S.2d 884, 890 (Sup. Ct. 1967).

<sup>121</sup> *But see* Wetherby v. Retail Credit Co., 235 Md. 237, 201 A.2d 344 (1963), *discussed in* note 39 *supra*.

<sup>122</sup> Arguments that the "penumbra" of privacy cited by Justice Douglas or the privacy guaranteed by the ninth amendment should be applied to prevent further intrusions by credit insurance investigators must necessarily be grounded on state action because the state action requirement of the fourteenth amendment, by implication, also applies to those provisions of the Bill of Rights applied to the states through the fourteenth

amendment. See, e.g., Bates v. Little Rock, 361 U.S. 516, 522 (1960); NAACP v. Alabama, 357 U.S. 449, 460-61 (1958); Marsh v. Alabama, 326 U.S. 501, 509 (1946); notes 79-92 *supra* and accompanying text.

<sup>123</sup> *Credit Bureau Hearings*, *supra* note 3, at 2. A person who names a bank as a reference probably does not know that many banks will not only confirm that he has an account but will even give a rough estimate of the average balance. Karst, *supra* note 18, at 373.

<sup>124</sup> OKLA. STAT. ANN. tit. 24, §§ 81-85 (1955); see notes 135-38 *infra* and accompanying text.

<sup>125</sup> Statutes specifically dealing with such businesses are usually revenue measures. *E.g.*, ALA. CODE titl. 51, §§ 450, 501 (Supp. 1967) (license tax); LA. REV. STAT. § 47-387 (Supp. 1952) (license tax); TENN. CODE ANN. § 67-4203 (item 29) (1955) (privilege tax); WASH. REV. CODE ANN. §§ 82.04.050, 82.04.220 (1962) (business and occupation tax).

<sup>126</sup> *E.g.*, ARK. STAT. ANN. §§ 71-2101 to -2112 (Supp. 1967); CAL. BUS. & PROF. CODE §§ 7500-83 (West 1964); IND. ANN. STAT. §§ 42-1207 to -1227 (1965); MD. ANN. CODE art. 56, §§ 75-99 (1968); MASS. GEN. LAWS ANN. ch. 147, §§ 22-30 (Supp. 1968); N.J. STAT. ANN. §§ 45:19-8 to -27 (1963); N.Y. GEN. BUS. LAW §§ 79-89a (McKinney 1968); PA. STAT. ANN. tit. 22, §§ 11-30 (1955).

<sup>127</sup> *E.g.*, ARK. STAT. ANN. § 72-2110 (Supp. 1967); CAL. BUS. & PROF. CODE § 7522(c) (West 1964); IND. ANN. STAT. § 42-1211(2) (1965); PA. STAT. ANN. tit. 22, § 25 (1955). Several of these states restrict the exemption to investigations of the personal habits and financial or credit responsibility of applicants for insurance or commercial credit. If the agency participates in other activities proscribed by the act, it will be treated as a detective agency. *E.g.* N.Y. GEN. BUS. LAW § 70.3 (McKinney 1968); PA. STAT. ANN. tit. 22, § 25 (1955).

<sup>128</sup> *E.g.*, CAL. BUS. & PROF. CODE § 7538(g) (West 1964); IND. ANN. STAT. § 42-1224(e) (1965).

<sup>129</sup> *E.g.*, CONN. GEN. STAT. ANN. § 29-161 (1960); DEL. CODE ANN. tit. 24, § 1315 (Supp. 1966); MASS. GEN. LAWS ANN. ch. 147, § 28 (Supp. 1968).

<sup>130</sup> *E.g.*, CAL. BUS. & PROF. CODE § 7538(a) (West 1964); IND. ANN. STAT. § 42-1218 (1965).

<sup>131</sup> The Indiana statute is typical. It provides that "no licensee . . . shall knowingly make any false report to his . . . client for whom the information was obtained." IND. ANN. STAT. § 42-1218 (1965). The licensee is also civilly responsible for the acts of his employees during the course of business. *Id.* § 42-1217. Presumably, a willful making of a false report by the employee to the licensee, which is then transmitted to the client, would be a violation of the statute—the willful acts of the employee being imputed to the licensee. A detective's license may be suspended or revoked if any of the provisions of the act are violated, and the licensee is required to file a surety bond with the state to cover any damages incurred in civil suits filed by parties injured by the willful, malicious, or wrongful acts of the licensee or his employees. *Id.* §§ 42-1218, -1224(2) (b). Litigation involving private detective statutes is frequently grounded on "false report" provisions. See Schander v. Weiss, 274 App. Div. 940, 83 N.Y.S.2d 575 (1948) (defamation suit); Bayer v. Pinkerton's Nat'l Detective Agency, 247 App. Div. 191, 286 N.Y.S. 663, *aff'd mem.*, 272 N.Y. 474, 3 N.E.2d 875 (1936) (malicious prosecution).

<sup>132</sup> The California Business and Professions Code provides that the investigator "submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such a report are true and correct." CAL. BUS. & PROF. CODE § 7538(c) (West 1964). Since a license may be suspended or revoked if a licensee has "violated

any of the provisions of this chapter," state officials would seem to have the discretion to revoke or suspend the investigator's license if he has failed to exercise due care. *Id.* § 7551(b).

<sup>123</sup> A New York court interpreted that state's applicable statute as follows: "[T]here is an imperative need on the part of a private investigator to exercise good faith and reasonable care in conducting investigations and in rendering reports and [a] lack of good faith or a failure to exercise due care would constitute 'cause' for revocation or suspension of the investigator's license." *Advance Detective Bureau v. Lomenzo*, 24 App. Div. 417, 418, 260 N.Y.S.2d 291, 293 (1965), *construing* N.Y. GEN. BUS. LAW § 74 (McKinney 1957).

<sup>124</sup> The Kansas statute requires detective agencies to keep a file record of their activities and provides that any person can apply to the secretary of state for an order allowing him to inspect the reports of a detective agency. KAN. STAT. ANN. § 21-1704 (1964). This statute may have negative aspects as well since it allows "any person" to request permission for an inspection, not just the investigatee.

<sup>125</sup> OKLA. STAT. ANN. tit. 24, §§ 81-85 (1965).

<sup>126</sup> *Id.* § 82.

<sup>127</sup> *Id.* § 83.

<sup>128</sup> If the credit bureau refuses to correct the report and such refusal is found to be "willful," this may presumably be used as evidence to show that the report was "willfully" false within the meaning of the statute. *Id.*

<sup>129</sup> "Regulation of certain lawful trades, occupations and business activities is a question for the legislature. Its determination comes within proper exercise of the police power of the State unless affirmatively shown so unreasonably oppressive, extravagant, and arbitrary as to needlessly invade property or personal rights as protected by the Constitution." *People's Appliance & Furniture, Inc. v. City of Flint*, 358 Mich. 34, 45, 99 N.W.2d 522, 528 (1959); see *Kelly v. Boyne*, 239 Mich. 204, 214-15, 214 N.W. 316, 320 (1927).

<sup>130</sup> For example, in stating that he would introduce a bill to remedy some of the abuses involved in credit investigations, Senator Proxmire specifically noted the lack of state regulatory legislation. CONGRESSIONAL RECORD, volume 114, part 19, page 24902; see *Credit Bureau Hearings*, *supra* note 3, at 16 (testimony of Alan F. Westin, Professor of Public Law and Government, Columbia University).

<sup>131</sup> H.R. 15627, 90th Cong., 2d Sess. (1968).

<sup>132</sup> Pub. L. No. 90-321 (May 29, 1968), 1968 U.S. CODE CONG. & AD. NEWS 1232.

<sup>133</sup> The purpose of the bill, Senator Proxmire stated, is "to protect consumers against the arbitrary or erroneous credit ratings, and the unwarranted publication of credit information." CONGRESSIONAL RECORD, volume 114, part 19, page 24902.

<sup>134</sup> *Id.* at 10,031 (§ 503(2)(C)).

<sup>135</sup> *Id.* (§ 503(2)(D)).

<sup>136</sup> The proposal apparently puts the burden on the applicant to request access to the files to correct any derogatory matter from a private source. *Id.* (§ 503(2)(B)).

<sup>137</sup> A bill introduced in California, but never enacted, took a slightly different approach to this problem. It provided that the sanction for failing to correct a false report upon notification of its falsity by the investigatee is the loss of the qualified privilege. *Karst*, *supra* note 18, at 375 n. 152.

<sup>138</sup> CONGRESSIONAL RECORD, volume 114, part 19, page 24902.

<sup>139</sup> *Id.* (§ 503(1)).

<sup>140</sup> Awareness of the problems of privacy in a technological age has not been confined to the United States; therefore, study of the comprehensive statutory schemes enacted elsewhere could be a useful aid in the drafting of legislation here. See, e.g., *Lehman, Right of Privacy in Germany*, 1 N.Y.U.J. INT'L L. & POL. 106 (1968).

<sup>121</sup> A. WESTIN, *supra* note 5, at 309. A recently developed memory system can store the equivalent of 20 double-spaced pages of typed data on every person in the United States on a 4800 foot reel of one inch tape. Westin, *supra* note 2, at 132.

<sup>122</sup> A. WESTIN, *supra* note 5, at 309; Los Angeles Times, June 10, 1966, at 14, col. 6; Christian Science Monitor, Sept. 6, 1966, at 14, cols. 2-3.

<sup>123</sup> A. WESTIN, *supra* note 5, at 161. "The impact of computers on organizational life is to destroy practical boundaries of privacy in record keeping which were once meaningful in this area as walls and doors were to conversational privacy before the advent of the new physical surveillance technology." *Id.*

<sup>124</sup> Lear, *Whither Personal Privacy*, SATURDAY REV., July 23, 1966, at 36. One may encounter difficulty explaining to a computer why he did not pay his bill. See *Credit Bureau Hearings*, *supra* note 3, at 19. But see *Journal of Commerce*, July 29, 1968.

<sup>125</sup> An individual trying to correct or clarify the "hard" information of a computer must have convincing evidence. With the reliance on computer tapes, written records tend to disappear, leaving the individual unable to show a past history different from that programmed. A. WESTIN, *supra* note 5, at 313.

<sup>126</sup> The expense of computers encourages sharing. *Karst*, *supra* note 18, at 342-60.

<sup>127</sup> Christian Science Monitor, Sept. 6, 1966, at 14, cols. 2-3.

<sup>128</sup> *Credit Bureau Hearings* 69 (testimony of Harry C. Jordon, President, Credit Data Corp.).

<sup>129</sup> Congress continues to debate the desirability of a National Data Bank containing information on individuals that is now scattered through many government files. While Congress debates, private industry may be doing almost the same thing. *Wall Street Journal*, Feb. 5, 1968, at 1, col. 6. Professor Westin suggests that an information anti-trust policy may be needed. *Credit Bureau Hearings* 19.

<sup>130</sup> See *Warren & Brandeis*, *supra* note 93.

#### AIR FORCE ASSOCIATION STATEMENT OF POLICY, 1969

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. SIKES. Mr. Speaker, the Air Force Association, a very distinguished group with highly patriotic motives, adopted at its 1969 national convention in Houston a statement of policy. This document is outstanding in its content, and it deserves wide circulation. I am pleased to present it for reprinting in the CONGRESSIONAL RECORD:

AIR FORCE ASSOCIATION STATEMENT OF POLICY, 1969

The new national Administration faces twin challenges which together represent a national task more complex than any within living memory. These are the Constitutionally imposed obligations of providing for the common defense while at the same time ensuring domestic tranquility.

There are voices abroad in the land, growing in numbers and in volume, that say that these goals are incompatible, that the one can be achieved only at the expense of the other, that the United States is neither powerful enough nor wise enough to do both.

The Air Force Association rejects out of hand any such philosophy of despair. We believe the United States can do both. We

believe it must do both. Peace and freedom must be viewed as an indissoluble entity, both at home and abroad. Any national effort that does not hold both goals to be attainable betrays the ideals of the Revolution in which this nation was born and from which it has taken its strength for almost two centuries.

Providing for the common defense requires a penetrating evaluation of present and potential threats to national security. Those who wish to provide for domestic tranquility at the expense of the common defense justify their position either by saying that the external threat has somehow lessened or that it has become too great to be coped with by other than diplomatic means. The one is wishful thinking. The other represents at best apathy, at worst the prospect of appeasement.

We view the threat to our nation's security as greater than ever. At the same time, it has become more complicated. A decade ago the threat represented a simple bipolar confrontation between the world's only two nuclear superpowers—the United States and the Soviet Union. Now it is three-pronged. The Soviet Union has tightened its grip on its satellites by naked force while continuing its buildup of both sophisticated advanced weaponry and conventional forces. Red China continues its domination of the landmass of Asia by sheer weight of numbers while at the same time thrusting toward full-fledged status as a nuclear superpower in its own right. Both Communist powers urge, aid, and abet so-called "wars of national liberation" in the less-developed areas of the world. Any one of these developments poses grave risks for the United States in its position as leader of the Free World. Taken together they represent a threat of greater magnitude than any this nation has faced to date.

To the Air Force Association the facts are clear. While there may be areas in which the United States can negotiate safely and with advantage to ourselves and to our adversaries, such negotiations must proceed from a basis of undefeatable strength and in concert with our Allies, who must provide a fair share of that strength. Domestic problems must be solved in ways that do not weaken our position at the international bargaining table. Our adversaries are counting on both external and internal conflicts to weaken American strength and American will. This need not happen. It cannot be permitted to happen.

At the same time, the Air Force Association recognizes that the quest for freedom and justice for all Americans at home makes equally compelling demands on our national resources and national will. There is no contradiction here. Indeed, the U.S. military has pioneered in the erasure of racial, ethnic, religious, and social discrimination. Likewise, it has succeeded in imparting educational experiences and vocational skills to those whom civil society had discarded as unteachable and unusable. The aerospace industry, on which the armed forces depend for advanced weaponry, has accumulated skills and resources which are being put to work in the solution of pressing domestic problems ranging from education to housing. Taken together, the military-industry team, which protects our national interest against foreign enemies, constitutes at the same time a vital national resource that contributes on an ever-increasing scale to solutions for many of our domestic ills.

The greatest single factor in the current debate over national purpose and national resources obviously is the war in Vietnam. The unpredicted costs and ill-defined objectives of that conflict helped to create the economic and social pressures that are now eroding the public support for essential defense measures and programs. Hence, the military and political lessons of Vietnam require the closest scrutiny. In the military

sense, Vietnam has demonstrated anew the utility and flexibility of properly managed airpower in close support of ground troops, as a highly effective tactical weapon, and as an indispensable logistic tool—all in the context of overall strategic deterrence. The impasse in Vietnam is not military. Rather, it marks the failure of a political doctrine to evoke the kind of response from our adversary that it was expected to evoke.

Out of the bitter Vietnam experience must come a broader understanding of the range and nature of military power required for the 1970s as well as the need to correlate political policies to the military facts of life. Our forces must be tailored to deter aggression across the spectrum of conflict, from subversion and guerrilla activity to the potential intercontinental exchange of massive nuclear weapons. In achieving such a posture we must take full advantage of available technology and ensure that future technological advances—whether defensive or offensive—do not become a monopoly of a potential adversary.

We must order our priorities so as to separate peripheral threats from those that are vital to our own national survival and that of our Allies. We cannot, as in the case of Vietnam, rob our strategic forces of money and technology to pay for indecisive and expensive adventures in conventional warfare. Above all, the American people must be told the truth about the price and the purpose of our military and political commitments.

American resources are vast but not unlimited. American willingness to make sacrifices and take risks in the interest of peace and freedom must be shared by those who share the benefits of that peace and that freedom. In the future, therefore, we should examine carefully all political and military involvements into which our friends and Allies are unwilling to accompany us or even support us.

The Air Force Association believes that the time for a deep and searching reassessment and evaluation of national purposes, priorities, and interests is long overdue. A new national Administration provides an ideal opportunity for such an appraisal. Parochialism, partisanship, self-interest, and self-deception have no part in it. All such narrow considerations must be swept aside in a quest for national unity in a spirit of candor and trust.

Only thus can both the common defense and domestic tranquillity best be served.

FOREIGN BUILDING STONES

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, it is distressing to me to receive a report indicating that for the very first time foreign building stones will be used on a government building in lieu of domestic marble or stone. The building on which foreign building stones are to be used is the Hirshhorn Museum and Sculpture Garden.

I am concerned because the justification for the use of the foreign product, which admittedly is a very beautiful Italian marble, is that the cost to the Federal Government will be considerably less than if domestic products were used. The reason for the higher cost of domestic products primarily has been due to the higher wages the American work-

men and craftsmen in the stone industry are paid when related to foreign workers in a similar industry.

This Congress has in the past years increased the minimum wage rates and, of course, this increases the cost of the final product. Now we are told our products cost too much for the Government to use.

The building, which is under construction at the present time, involves some \$14,000,000 and is an extension of the Smithsonian museums.

As a basic national policy, the Federal Government should have a buy-American policy in the construction of its buildings and facilities even though we may be able to obtain materials at a lower cost from foreign producers.

The reasons for this are many:

First. We have a serious balance-of-payments problem. It is my understanding that in a report to be released shortly to the American people, we will be told that our balance of trade for the first quarter was very unfavorable to the United States and, though part of this is obviously due to the longshoremen's strike, it is aggravated by governmental agencies purchasing foreign products at the expense of the domestic products, thus sending American dollars abroad.

Second. Another reason for using American materials in Government buildings is that these buildings will stand as a monument to American ingenuity, workmanship, and our heritage. As a part of America and as a tribute to its people, these buildings should be built with domestic materials, not foreign.

Third. A third reason for using our American products is that the basic policy of the U.S. Government should be to help promote our home industries through governmental contracts, particularly when the home industries may have had the cost of their products increased due to our policy of maintaining a high standard of living and adequately compensating the workingmen whereas foreign industries have not necessarily followed a similar policy.

It will be my purpose to try to stop the use of foreign stone in the construction of the Hirshhorn Museum and Sculpture Garden by all reasonable means.

MONROE KIMBREL SPEAKS ON INFLATION

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. STEPHENS. Mr. Speaker, in a major address to the Independent Bankers Association of America in Las Vegas, Nev., Monroe Kimbrel, the president of the Federal Reserve Bank of Atlanta warned Tuesday, March 18, that some of American businesses are edging the country deeper into inflation by "planning for inflation" instead of "planning for production."

Mr. Kimbrel, former president of both the American and the Georgia Bankers

Associations, made his remarks in a speech at the 39th annual convention of the Independent Bankers Association of America, which was held March 17-19 in Las Vegas.

His speech is highly informative, and I think it will be of interest to all of the Members of Congress. I submit it, therefore, for insertion in the RECORD:

WHAT DOES INFLATION COST?

(By Monroe Kimbrel, president, Federal Reserve Bank of Atlanta)

At this time of year, many of us like to look back and measure our accomplishments. I could, therefore, take the easy way and spend my allotted time reminding you of the good things we have gained.

You recognize, I am sure, that we as a nation achieved much in 1968, and the future looks very bright. You also no doubt recognize that the nation's banks shared in this growth, with deposits and earnings up sharply.

I will not, however, enlarge on these points of which you are aware, but should like to discuss the losses we suffered because of the failure to stem the acceleration of inflation during 1968.

Let us consider three developments that, although they cover only a part of the loss incurred by inflation, do merit our serious reflection.

1. At the end of 1968, the dollar—as measured by consumer prices—was worth almost 5 percent less than it was a year earlier.

2. The United States, partly because of the inflationary trend, lost the major part of its favorable position in world trade.

3. In some instances, planning for inflation was substituted for planning for production by a change of emphasis in making judgments on spending and investing. (In my opinion this is the greatest loss.)

No doubt, some businessmen are happy about their ability to charge higher prices; their financial statements look better as a result. Also, corporations may point to increased earnings per share of stock.

Businessmen may be especially happy if the increase in the prices of goods they sell is more than the increase in the prices of goods and services they buy. This happiness, however, will sour if the prices of the merchandise or services they offer do not continue to rise over the prices of their purchases.

Not everyone has been so fortunate; and as costs catch up, it is likely that the number retaining this particular type of lead will be greatly diminished. In the long run, the benefits of inflation will inevitably accrue to only a few persons.

One does not have to go far to find many persons who in 1968 lost through inflation. Consumers, as a group, found that, in the end, the major part of 1968's growth in income was an illusion. In 1967, the per capita disposable income, or average income per person after Federal taxes, was \$2,744; during the year, the average income increased by \$182 to reach a total of \$2,926 per capita. Measured in current dollars (that is, with out allowance for deterioration in purchasing power), the increase was about 7 percent.

The consumers may not have been acquainted with the statistics, but they learned through hard experience of the attrition in their purchasing power as the year progressed.

Statisticians tell us that, when this \$182 gain is deflated for the increase in prices, the per capita gain in personal disposable income during 1968 was only 3 percent.

To refute the belief that the economy gains from inflation, I call your attention to an article in the February 17 issue of the *Wall Street Journal* reviewing various case studies gathered from throughout the nation. The article concludes, "Inflation is

shattering many Americans' complacent belief that every year they are living a little better than before."

In the words of the article, many persons report "less bowling, more overtime; no cookies for the kids; retiree stops eating three times a day; and cutting out pork and veal and substituting salads."

The uneven impact of inflation extends beyond those with relatively low incomes. For example, while attending a meeting recently I talked with a businessman who is also the trustee of a preparatory school. He complained that the funds laboriously accumulated over the years for construction of a badly needed building this year fell far short of the present cost because of rising prices.

A city official attending the same meeting was acutely aware of the rising costs of government and capital improvements caused by inflationary conditions. Under inflationary conditions, the economy gets out of joint, and you as bankers, I am sure, have heard many such complaints.

Bankers well know that the price of money, like the prices of goods and services, has increased briskly. Yields on long-term government securities are the highest since the Civil War. Higher rates are charged on loans and investments, and reflect higher earnings on bank statements.

But inflated expenses cut net profits and the dollars banks earned from higher interest rates bought less. What is more, every fixed income asset on the bankers' books decreased in market value as interest rates rose—a recurring development in inflationary periods.

When the general public becomes aware of the decreased purchasing power of its money, many of its members find it more difficult to save and begin to wonder if it is even worthwhile. If curtailed saving becomes widespread, the nation will experience a weakening in one of the chief forces responsible for its economic growth and high productivity. The fact is, the savings of the American people, of consumers as well as businessmen, provide much of the capital investment funds required for economic growth.

The second loss during 1968 because of inflation was a deterioration of the country's competitive position in world trade.

Our total balance of payments for 1968 looks very good on the surface. During 1968, this nation achieved a balance of payments surplus for the first time since 1957. Balance of payments, of course, includes financial transactions and other non-trade factors.

I shall not go into the details of how this surplus was achieved except to suggest that many of the forces creating last year's surplus may not be as strong this year. The stock market boom, the repatriation of corporate funds, and the success in curtailing lending abroad by U.S. banks all played a part in achieving a substantial increase in financial flows into this country.

The total conceals the serious deterioration in the trade surplus of the United States. In prior years, we have been able to count on selling substantially more goods and services abroad than we imported. This favorable balance of trade helped carry the load of government expenditures abroad and drains through financial transactions.

The United States was competitive in world markets during the early 1960's largely because it was able to keep the prices of its exports relatively stable, whereas many foreign countries suffered internal inflation. We have lost this advantage.

In 1968, the excess of the value of this country's goods and services exported over those imported was more than \$3 billion less than in either 1966 or 1967. Rising prices here have made our exports less attractive to foreigners and have attracted more imports. Most experts see little hope for improving this situation very much until we bring our rising prices under control.

The shifting of emphasis toward inflationary considerations when making decisions to spend or invest may turn out to be the greatest loss during 1968 because of inflation.

Traditionally, the American businessman analyzed economic opportunities on the basis of how they would provide the services or produce the goods to meet the demands of the public. Success or failure, reflected by his profits, has typically depended upon the businessman's astuteness in discovering these opportunities and his efficiency in producing the goods or providing the services the public wants.

In contrast, in many countries of the world decisions to invest or to launch enterprises have been based almost entirely upon inflationary considerations. Investments there are not chosen because they are most productive in meeting the demands of the public, but because it appears they will benefit most or suffer least from inflation.

Under this philosophy, instead of measuring efficiency, profits may reflect only inflation. In the short run, rising prices may conceal mistakes; in the long run, resources are misdirected. Giving rewards to the inflation-minded destroys the very basis for the operations of a free enterprise system.

One of the things suggested in a recent review of economic history was that economists in 1834 believed the consumer, the investor, is motivated by fear when things are going down or are at the bottom. But when prices rise, as they are now, some people are motivated by greed. And this greed destroys rational judgment.

Could it be said today that a part of the American public is being motivated by greed, as shown for example by those in the stock market who disregard the current price-earnings ratio and the intrinsic value of some of their investments?

Moreover, unfortunately, there are those in the banking business who may have pursued the same misdirected goals. Some of us in the Federal Reserve would like to hear that bankers have begun to say "No" to certain of their loan applicants. We should like to see more consumers with less of this psychological fear of inflation, so that they will base fewer financial decisions on what prices may be tomorrow, next month, or in two months.

It is generally popular to blame rising prices on someone else. Four good targets are:

1. Labor, which is accused of pushing up wages faster than productivity;
2. Business, which is often charged with being over-eager to raise prices in order to maintain profits;
3. Government spending, which we all think should be reduced except for the things we are interested in; and
4. The Federal Reserve, which some claim has not been tight enough with its monetary policies.

A strong case has been made to support each one of these charges. Labor costs have risen. Employers complain of low productivity. Average hourly earnings of manufacturing workers rose over 6 percent between the end of 1967 and the end of 1968. Some workers experienced greater gains, and some less. There is no question, however, but that inflation itself was a major spur to the push toward high wages, and the average worker can scarcely be blamed for trying to maintain his income in the face of rising prices.

On the other hand, the workers can point to higher corporate profits in 1968 than in 1967. Even after substantially higher taxes, corporate profits rose from \$48.1 billion in 1967 to \$51 billion in 1968. But would not some businessmen respond that this was only the normal growth required to maintain incentives?

It is, of course, true that government spending has been high. The Federal deficit for fiscal 1968 reached \$25.2 billion and in the last half of calendar 1968 was \$11 billion.

To finance this, the U.S. Treasury had to borrow \$23.1 billion from the public in fiscal 1968 and \$11.3 billion in the last half of 1968. This borrowing on top of heavy demands for funds by the private sector had much influence on the high interest rates. Since a large part of the deficit was financed by additional bank credit, inflationary pressures were increased.

In early 1967, economic and financial experts pointed out that the nation was going to get into trouble if it did not increase taxes or reduce expenditures. There was no lack of warning, but Congress was slow to enact legislation to cope with the problem. Finally, with pressures having been built up for so long, the surtax program that was put into effect in mid-1968 has been slow to take effect. Ultimately, it may help.

Before condemning senators and representatives in Congress for dilatory actions, consider if it might not be true that they were reflecting pretty well the sentiments of their constituents. Is it not possible that the taxpayer hoped taxes could be reduced if the Federal Government would cut expenditures for everything but those projects which had his special approval.

How many of us wrote letters to our Congressman applauding the closing down of a local Federal facility or establishment? On the other hand, how many of us applauded our Congressman during 1967 and early 1968 if he announced he would have nothing to do with a tax increase?

Another popular whipping boy is the Federal Reserve System. Critics can point out that in the first half of 1968 bank credit rose at what they considered an excessively high seasonally adjusted annual rate of 6.5 percent. After mid-year, the annual rate of growth was even higher—about 21 percent in July and August and 15 percent in September. By the end of the year, the rate had slowed down a bit. With prices rising so rapidly, critics ask, "Why did the Federal Reserve supply the reserves to the banking system that made this growth in bank credit possible?"

You will find that I am on record as having suggested during 1968 that the bank credit growth was excessive. At the same time, it is only fair to point out that the Federal Reserve was caught in a trap that prevented it from exerting the pressures required to completely offset the effects of deficit Treasury financing. Alone, the Federal Reserve could not have held back the inflationary pressures completely without creating serious side effects.

You will recall that, because of the failure to take timely action in respect to fiscal policy, the Treasury was forced to borrow heavily during 1968, especially during the second half. Corporations and state and local governments were strongly competing for funds. Interest rates were high. How much higher they would have gone had not the Federal Reserve supplied some additional credit to the banking system no one knows. An even greater and sudden increase in rates, however, might have been disastrous, possibly including a failure in Treasury financing. Perhaps the Federal Reserve can be criticized for its policy judgments, but those who do so should remember the problem that was faced, who and what created the problem, and what might have been the consequences of a more restrictive policy posture.

In a democracy such as ours, responsibility for keeping our economic and financial affairs in order cannot be shifted to the shoulders of any one group. Neither can a democracy expect any agency it may set up, including a central bank such as the Federal Reserve System, to successfully do the job unless there is widespread public support.

Professor Reuf, the French financial expert, has stated that no democratic society can be expected to run its financial affairs successfully. "Is he right?" you may well ask.

American economic and financial history has shown that a society such as ours can manage its financial affairs when it wants to. We have made mistakes, sometimes we have refused to face reality, we have refused to accept discipline, and some special interests have at times forgotten the public interest. But the record of our American society is far better than that of most of the nations of the world.

When we have lapsed, we have eventually realized the disastrous consequences that could result unless we changed direction. We have then accepted the collective responsibility and stopped trying to shift responsibility to others. Political leaders, businessmen, and labor have responded by taking or supporting the needed steps to restore financial order.

Who is responsible for our present inflationary problem? Is labor, or business, or government, or the Federal Reserve to shoulder the blame? Perhaps all of them must accept some of the blame, but I am inclined to think we can place most of the blame on our own collective complacency—the failure of you and me and other Americans to accept the responsibility and to act.

I am confident, therefore, that we can bring inflation under control. More and more persons realize that, if the same inflationary conditions prevail in 1969 as in 1968, our losses can be compounded. The realization that these conditions must be controlled is perhaps getting our fiscal affairs in a more manageable state. With better control of our fiscal affairs, monetary policy may have more room to maneuver. Signs here and there attest that the frantic pace of the economy is abating.

Patience and determination can win the battle against inflation. Bowing to the temptation of inflationary greed and disregarding the need for discipline can make the battle much harder to win. If we all support those whose job it is to administer the discipline, victory can be ours.

#### A DREAM COME TRUE

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. HORTON. Mr. Speaker, there is in my district a very fine example of individual involvement with society and humanity.

It is a story about a couple, the Reverend and Mrs. John McCloud of Sodus, N.Y., who are using their own money to build a church. They both have full-time jobs and do their ministering on Sundays.

The McClouds have dedicated their time to helping their fellow men, because, "We saw so much to be done. Especially with the kids. So many of them going wrong because they were poor and didn't have anyone to teach them to live right."

And so the McClouds began going around from house to house on Sunday, their only free day.

I would like to share with my colleagues the text of a story by Herman Archunde that appeared in the Times-Union, March 17:

DREAM COMING TRUE: SODUS CHURCH  
RISES FROM A GRAVEL PIT  
(By Herman Archunde)

SODUS.—Slowly taking form in the ravaged pocket of an abandoned gravel pit close by the Buerman Road just east of here is a church.

It's a small church and it sits so low off the paved rural road that a passing motorist can almost look down on the tall and skeletal wood frame that will one day be its sharply pointed steeple.

A humble setting? Yes.

But though the elements in this scene aren't intended to be symbolic, they somehow add up to one shining word—hope.

The Rev. and Mrs. John McCloud (he's 64 years old, she's 63) have much hope; and perhaps in even greater abundance, faith. Together they are building the church. Every extra penny they earn goes into the building and into improving the scarred site on which it rests.

They have had some outside help. A few persons have donated money, others material, a stained glass window and a pulpit for instance.

But though the donations are welcome the McClouds are not soliciting.

Rev. McCloud, an ordained minister in the Church of God, believes one has to sacrifice to prove to others the sincerity of the effort. Or in his words "to show them you make the grade."

Surely, Mr. and Mrs. McCloud make the grade. Their aim is to help others make it too. That's why they're building the church.

The McClouds came to Wayne County from Florida five years ago because they needed jobs. They found them. Both work.

But here in Wayne they found a calling for another kind of work, one that pays not in dollars and cents but in spiritual satisfaction.

"We saw so much to be done," Estelle McCloud says. "Especially with the kids. So many of them going wrong 'cause they were poor and didn't have anyone to teach them to live right."

The McClouds began a sort of roving ministry, going from home to home, usually on Sunday, their only free day, and covering a territory that stretches from Ontario in the west to Wolcott in the east.

It's a lot of ground to cover, especially when there's only one day to cover it in, when your transportation is a battered '65 compact, and especially when, in the words of Mrs. McCloud, "there's so much need."

The church was the answer to bringing together their scattered flock.

They looked at a number of sites. Many of them were good. And at least once they almost nailed down a deal. But in the end either the land was too expensive or else the owner seemed unwilling to sell to a minister bent on building a church for a Negro congregation. Last April they found the gravel pit.

"It looked terrible bad when we first saw it," Rev. McCloud said. "But we saw where it could be fixed up." So they bought it.

They hired bulldozers and had the floor of the huge cavity filled and leveled. After that was done, they hired one carpenter and began building.

Today the sturdy gray brick walls of the church are up and the roof is almost complete. The frame for the steeple is in place. And the gravel pit is beginning to show signs of a gradual rejuvenation.

But there is still much work to be done.

The church needs a floor and windows; it needs seats, and light, and heat. And outside there are still holes to fill and ground to level and top soil to bring in for the lawn.

"I guess it'll be another year before it's really finished," Rev. McCloud said.

By April, however, he hopes the church will be far enough along that he can hold an Easter service. He's counting on it.

The other day Mr. and Mrs. McCloud led a visitor on a quick tour of the site.

"My son and I designed it," said Rev. McCloud with obvious pride.

Rev. McCloud is the father of 11 children by a previous marriage. He married Estelle 21 years ago after his first wife died. They

have had no more children and since the others are grown and gone, the McClouds are alone now.

The son who helped design the church is a mason now living in Paterson, N.J. He and some in-laws have provided more free labor, Rev. McCloud said.

"We've been able to keep the cost down a lot that way," he noted.

Behind the church the McClouds are building on a small addition where they intend to live. They now rent a home in Ontario.

"It's going to be a real pretty church," says Estelle who can hardly contain her joy in anticipation of the day when "everything will be just right."

"We'll have swings and slides for the kids over there," she says, pointing to one side of the building. "And here in front we'll have tables and chairs where grownups can sit and talk."

The way she describes it, one can almost see the happy people gathering on a Sunday morning, talking and laughing outside, and singing a joyful song inside.

Mr. Speaker, I feel that this work by the McClouds, gives us much hope for the future.

#### BANKING AND CURRENCY COMMITTEE TO CONDUCT COMPLETE REVIEW OF THE SMALL BUSINESS ADMINISTRATION

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. PATMAN. Mr. Speaker, the recent newspaper stories about the effects of conglomerates and one-bank holding companies have stressed the impact that such monopolistic practices have upon small business.

The small businessman cannot compete with industrial monopolies and, in addition, the small businessman cannot hope to obtain the necessary financing through the private business sector.

These were some of the reasons that the Small Business Administration was established in 1954.

It is no secret that lately the Small Business Administration has fallen far short of the goals and ideals under which it was established.

With the exception of a few limited programs, the agency is without funds to make loans to small businessmen. As an alternative, the agency must participate with commercial banking institutions to provide economic assistance and to compound the problem, the Small Business Administration allows these financial institutions to charge the highest legal rate on these loans. The interest rates on these loans put them virtually out of reach for the average small businessman. A number of small businessmen have told me that if they pay the high interest rates, they know they will not be able to repay the loan. However, they point out, that unless they obtain the financing, they will have to go out of business. In short, either way they are doomed.

The lack of lending funds for the Small Business Administration cannot be allowed to continue. However, to compound this situation, it is the manner in which the Small Business Administration has

operated that raises grave questions about increased lending authority for that agency.

It is a cruel hoax for small businessmen to be told by the Small Business Administration that the agency has no funds with which to make loans. At the same time, the newspapers are filled with stories of mismanaged Small Business Administration loan affairs. In addition, I find it hard to believe that with all the truly deserving small businessmen in the country who are in need of financial institutions, the Small Business Administration must search out people to receive loans or other similar SBA benefits.

Legislation is presently pending before the Banking and Currency Committee that would increase the amount that the Small Business Administration may have outstanding in its various lending programs. This is an extremely important piece of legislation. However, it will be no help to small businessmen to merely increase the authorized lending capacity of the Small Business Administration without making certain that the agency operates in the best interests of all small businessmen. To this end, the staff of the Banking and Currency Committee has begun a detailed examination of the operations of the Small Business Administration.

Mr. Speaker, it is anticipated that the staff will have collected and analyzed this preliminary data before the committee opens hearings on the increased authorization for the Small Business Administration. If the preliminary investigation by the staff uncovers sufficient evidence to warrant it, I will ask that the committee undertake a full-scale study of SBA before considering the new authorizations. In short, Mr. Speaker, I want to make certain that SBA is operating properly in every respect before we extend its lending programs.

The preliminary work of the committee staff has already turned up some shocking disclosures, including an attempt by SBA to cover up some of its mistakes.

Mr. Speaker, we need a strong Small Business Administration but we must make certain that the agency is properly managed and supervised so that it can meet the goals established for it by Congress.

#### LOWER VOTING AGE GAINING GROUND

**HON. JOHN P. SAYLOR**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. SAYLOR. Mr. Speaker, I have been impressed and encouraged by the appearance of a growing awareness throughout the Nation that the time has come to lower the voting age. I recently reported the actions of the Pennsylvania Legislature toward lowering the voting age; actions which auger well for an

early vote by the citizens of Pennsylvania.

The Pennsylvania action reflects what I believe to be a ground swell for lowering the voting age. Today I am inserting in the RECORD two editorials and one news story on this subject which I believe represents further proof of the growing trend.

The first editorial is from the Reynoldsville, Pa., Star wherein the writer notes:

By the level of their (the young people) education, experience and exposure to the affairs of the country and the world, they are no doubt moving into an area where we cannot ignore the contribution they can make by participation in making political decisions.

The second editorial, from radio station WTOP here in Washington, deals most directly with the current Maryland situation, but I found the comment on the "maturity" of our young people of particular interest.

Turning to the national scene, the article in the March 20 edition of the Christian Science Monitor should be, I believe, "must" reading for all Members of this House. A survey by the Monitor revealed that, of 257 Members questioned, 175 were for lowering the voting age. The article also points out that there are 51 Senators in favor of lowering the voting age. It also points out some qualifications to these numbers, but I believe it cannot be denied that there is a growing tendency by Members to favorably consider the proposition, and it is my belief that that tendency will convince more of our colleagues to join in efforts to lower the voting age nationally. The editorials and news story follow:

[From the Reynoldsville (Pa.) Star]  
A NEW VOTER BLOC?

Four times in our history of politics, the Constitution has been amended to permit the inclusion of large groups of citizens in the right to vote laws. Moves are now afoot to repeat this inclusion process by granting the franchise to those over 18 years of age.

We started out early in enlarging the electorate by striking down the tests for religion and property as qualifications for voters. It took a bloody war to at least grant our black citizens the right to cast a ballot.

Another period elapsed before the suffragettes won the ladies of the country the privilege of marking their x's for the candidates of their choice. And then just four years ago another amendment retired the poll tax test for voters which had disenfranchised hundreds of thousands.

In every instance there was a pitched battle of one level or another. We don't advance the privilege to anyone until it is proved they deserve it and can handle it when they get it.

We have routinely advised going slow on letting 18 year olds visit the polls with their elders. In the first place we wanted them to be able to enjoy themselves for a while until they had to assume the obligations of being a full-fledged citizen. As the events have transpired, many of them are assuming the obligations but have received little in the way of political consideration. A great bulk of them are familiar with paying taxes, assuming family responsibilities and bearing arms in protection of the country.

To be sure, the actions of a volatile minority of those between 18 and 21 have

branded the remainder with a sort of a notoriety that sort of slowed down any desires to include them in the voting ranks. Rioters and anarchists don't want to vote anyway. But fortunately, those who see the whole spectrum of youthful endeavor have made serious moves in this state to approve the age of 18 vote.

By the level of their education, experience and exposure to the affairs of the country and world, they are no doubt moving into an area where we cannot ignore the contribution they can make by participating in making political decisions.

One thing we have noticed of recent years is that you can't con them into much anymore. The goods has to be full cut, of good quality and at a good price. Maybe if they practice the same criteria on candidates, they may be a welcome addition.

[From WTOP radio and television editorial, Mar. 4 and 5, 1969]

#### VOTING AGE

The arguments being circulated in Maryland in opposition to lowering the voting age amount to a lot of illogical nonsense.

The most fraudulent among these is the implication frequently heard that all 18- and 19-year-olds are bent on violence, disruption, and other unsavory pastimes, and therefore are not to be trusted with the franchise.

This bias against all youth because of the antics of a few is patently unfair. It would make as much sense to deny the vote to all adults because a few adults have been seen to engage in murder.

As for maturity and education, the 18-to-21 group in the present day is much better prepared to be in the arena of public affairs than the same age group was 40 years ago or even 20 years ago. This is a reality which obviously makes some people uncomfortable. If you have doubts about the preparation of the typical high school graduate in 1969, just talk with the admissions officer in any university.

Even the old saw which says that the 18-year-old is handicapped by inexperience is out of touch with the reality of the electronic age. Instant, world-wide communication provides today's young people with experiences no other generation has shared at any age.

Two American Presidents—Eisenhower and Johnson—have supported lowering the voting age to 18. Two states—Georgia and Kentucky—have done so, with no shattering shifts in their political philosophies.

In Maryland, where a bill allowing 19-year-olds to vote is under consideration, much is being made of the possible danger to other constitutional reforms on the ballot if the voting-age question also appears. The obvious remedy is the structuring of separate votes, so that the failure of one issue need not affect others.

Some people undoubtedly feel more secure in themselves by proclaiming a lack of wisdom and maturity in the 18-to-21 group, but the facts say otherwise.

Maryland will have a stronger body politic if it broadens the electorate to include those 18 and up.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

[From Christian Science Monitor, Mar. 20, 1969]

DESPITE STUDENT UPHEAVAL: POLL IN HOUSE BACKS TEEN VOTE—A MONITOR SURVEY

(By Lyn Shepard)

WASHINGTON.—Despite recent campus disorders, sentiment in Congress is gravitating toward lowering the national voting age to 18.

A survey of House reaction by the Christian Science Monitor shows support for this pro-

posal surpassing a 2-1 margin of approval among the 257 congressmen responding.

A two-thirds majority of both houses would be needed, as well as ratification by three-fourths of the states, to amend the Constitution.

Another Monitor study published earlier this week found roughly 4-1 backing for teen-age voting rights from 51 Senators answering questionnaires.

Yet in the House, even more than in the Senate, knowledgeable sources caution against projecting these levels of support among those not responding to the poll.

"Getting Congress to consider and act on this type of 'reform,'" warned Rep. Howard W. Robison (R) of New York, "is like the proverbial 'pulling of hens' teeth.'"

"Perhaps we will do it," he wrote on his questionnaire, "but only, I suspect, if there is a groundswell of public interest in and support for the proposal."

WITH 175 FOR, 76 AGAINST

The House sampling found—at least on the surface—a phalanx of opinion endorsing 18-year-old voting: 175 in favor, 76 opposed, and 6 undecided. The study also unearthed surprising support among conservatives of both parties as well as nearly solid liberal backing.

These findings would seem to disprove the recent comment of Rep. Emanuel Celler (D) of New York that "teen-age voting has made very little progress [in Congress]."

Mr. Celler, chairman of the House Judiciary Committee, has refused for years to hold hearings on the issue. Yet the Monitor survey found 14 members of the 35-man panel in favor and only 4 opposed.

[Some 79 House members chose not to identify themselves on the questionnaire, so a greater number of Mr. Celler's committeemen may have actually responded.]

DIFFERENT AGE SUGGESTED

Nonetheless, House observers say, members who failed to answer the survey would be more likely to oppose lowering the voting age than those who replied. If they are right, it does not bode well for the proposal.

Even if the silent members were to divide their votes equally in a floor test, it should be noted, the measure would fall about 25 votes short of the necessary two-thirds majority. Should they tend to vote as those responding to the Monitor's straw poll did, though, it would clear the House with ease.

Interestingly, a dozen members remarked that the amendment would stand a better chance of passage were the voting age lowered to 19 or 20 rather than 18.

With others the question of the added year or two made no difference. They flatly opposed any change from the status quo.

"There is no real reason for it," contended Rep. David W. Dennis (R) of Indiana. "There has to be an age line somewhere; 21 is traditional and is generally consistent with legal majority. . . . The burden of proof is on those who want a change."

GENERATION GAP CITED

On the other hand, Rep. Robert G. Stephens Jr. (D) of Georgia argued that Congress should follow the example of his home state, which, he said, "has had confidence in the young people for many years." Georgia and Kentucky permit voting rights to 18-year-olds, Alaska to 19-year-olds, and Hawaii to 20-year-olds.

Mr. Stephens praised his state's initiative in granting what he called "an incentive for persons to take the voting privilege in a responsible position at an early age."

A new member of the Celler committee, Rep. Abner J. Mikva (D) of Illinois, also defended the proposed reform.

"One reason for the generation gap," he wrote, "is that the young people feel left out of the action. They are affected directly by too many of the consequences of an election to deny them participation in it."

Rep. William J. Randall (D) of Missouri, a conservative, said his opposition was based largely on timing.

"I am against bringing up the issue at this time," he explained, "because in my opinion it would be defeated. The recent instances of violence on our campuses have caused our mail to run very highly against 18-year-old voting."

SOME CONSERVATIVES IN FAVOR

Other unidentified critics were harsher in their judgment of the younger generation. "Immature," "irresponsible," and "radical" often popped up as adjectives describing those in the 18-21 category.

"Today a small minority of radicals and revolutionaries on college campuses can control student bodies of 10,000 to 18,000 students," one congressman charged.

"In the past," another observed, "I have felt that it might be good for 18-year-olds to be able to vote. But with all the uproar this past year I have very serious doubts as to their ability. . . ."

Yet some stalwart conservatives favor the idea of an 18-year-old voting-age minimum. Among them are Reps. John M. Ashbrook (R) of Ohio, Sam Steiger (R) of Arizona, Dan H. Kuykendall (R) of Tennessee, and William Jennings Bryan Dorn (D) of South Carolina.

In fact, New York's Mr. Robison asserts that the survey probably detected greater House enthusiasm for teen-age voting than if it had been taken a year ago.

"When we went to the campuses during the last campaign," he explained, "we found a great number of young people who felt this should have been passed by Congress years ago. But that doesn't mean their mothers and fathers feel that way."

M'CORMACK BACKS CHANGE

Speaker of the House John W. McCormack, a leader lately under attack from his party's liberal wing for allegedly losing touch with the times, wrote back a strong endorsement of the reform measure.

"To me," the Boston lawmaker reasoned, "the question is the educational ability of those 18 years old to assume with responsibility the fullness of citizenship through the exercise of suffrage. Americans 18 years of age clearly meet this test."

Despite such powerful backing, two other champions of youthful voting rights are clearly concerned about the political obstacles ahead.

"I think the bill's chances are slight," admitted Rep. Lloyd Meeds (D) of Washington, "primarily because the Congress, hopefully, will be working on 'election reform' as it relates to the Electoral College."

[Though Congress seldom has proposed more than one constitutional amendment to the states during its two-year sittings, the 87th Congress did this in 1960-62. It offered the 23d and 24th amendments, which were promptly ratified.]

Rep. James Harvey (R) of Michigan also is skeptical.

"Campus strife and disorder have created a most unfavorable atmosphere for this deserved legislation," he contends. "A handful [of student dissenters] may well block passage."

EDINBURG, TEX., ALL-AMERICA CITY

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. DE LA GARZA. Mr. Speaker, quite often in modern times we hear of the title, "All American," associated, of

course, with sports; sometimes also associated with youth, where we call a clean-cut young man an "all-American boy." But now, Mr. Speaker, we have the title, "All-America City," an award bestowed by the National Municipal League and Look magazine.

I am proud, very proud, to inform you that Edinburg, Tex., in my congressional district, has been chosen for this designation. This is the kind of an award I like to see given, Mr. Speaker, for you see no one individual, no one group is given the recognition. It is given to all the citizens of that community, rich or poor, black or white, for their contribution large or small toward making their city a better place to live. I am more proud for the citizens of Edinburg, Mr. Speaker, because this is not a rich area; it is not a prosperous metropolis; it is just an average small town, but indeed it is not average in its desire to better the lives of its citizens. This is what makes America strong; this is what makes it great: Its people, with faith in God, in their country, and in themselves, and working together they join hands and shoulder to shoulder attack mutual problems.

I am happy further to inform you, Mr. Speaker, and my colleagues in the House, that you share part of this great honor, for in some areas it was legislation which we have enacted here, under your leadership, Mr. Speaker, that aided the citizens of Edinburg along the way, and I know they would like for me to tell you this. Therefore, I very respectfully invite you, Mr. Speaker and my colleagues, to join me in extending a very warm "well done," and our congratulations and best wishes to the public officials and the citizens of Edinburg, Tex., All-America City.

NAZARETH COLLEGE

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. NATCHER. Mr. Speaker, an article appeared in the February 13, 1969, issue of the Record in Louisville, Ky., concerning Nazareth College. This outstanding college now has a new president, Charles M. Karcher, who, by the way, is establishing a splendid record.

It is a distinct honor to have Nazareth College located in the Second Congressional District of Kentucky and, along with our other universities and colleges in our district, Nazareth has a commendable educational program underway.

Mr. Speaker, the article entitled "President Karcher Reflects on Nazareth's Goals" is as follows:

PRESIDENT KARCHER REFLECTS ON NAZARETH'S GOALS

(By Joseph Duerr)

It's not unusual for Charles M. Karcher to pick up his morning mail at Nazareth College and find it addressed under the title of "Sister Superior" or "Very Reverend."

And he's accustomed to people calling him "Sister" or "Father."

Karcher was not at all used to these things more than a year and a half ago when he was the first layman to become president of the 155-year-old Nazareth College near

Bardstown. Now, he merely shrugs them off with a smile.

But titles aside, Karcher has not found that being the lay president of a predominantly all-girls college previously headed by Sisters has handicapped his work.

In his soft-spoken and thoughtful manner, he quickly points out that there is a "shared responsibility" and good rapport between the lay and Religious at the college. (Religious outnumber laymen on the faculty about 2-to-1.)

And he notes the good cooperation he receives from the Sisters of Charity, who operate the college, and the "excellent people" he can turn to for advice when problems arise.

The 56-year-old Karcher, a native of Leipsic, Ohio, did not come to the presidency without some experience in school administration. He served as executive head of two public school districts in Ohio before coming to Nazareth in 1961 as chairman of the education department.

Looking back on his year and eight months as president, he says he's "just pleased that every once in a while something goes right."

That may be a modest appraisal, because he proceeds to list a number of "right" things, like new learning programs, the role students have in college decision-making and new building plans (plans are now underway for a new dining hall and book store).

He's particularly proud of the school's new social service program, which prepares students for professional social work. ("We are one of the few private colleges in the country with this type of program," he says, "and (we) are being looked on by others as a resource college.")

With student discord plaguing some campuses around the country, Karcher cites the "immediate communication" at Nazareth between students (340 are enrolled full-time this semester) and the administration and the "voice students have in decision-making" at the college. (Students, for example, are represented on the college's top committee—the Administrative Committee.)

And he also likes to talk about the "responsible" work of the student government. "It has concerned itself with some important activities (including curriculum and discipline), which has resulted in betterment for the college," he explains.

This does not mean, though, that Karcher does not have problems. For he feels that they are basically the same problems facing larger colleges and universities but on a smaller scale.

Placing the college on a more stable financial foundation is the primary problem, he says. "All the others (including faculty recruitment and building construction) are somehow related to this."

What about the future of private church-related colleges, like Nazareth?

Karcher thinks there is a future, despite increasing financial problems, because the private college can "better innovate" than the state schools and because some parents will always be willing to pay a "premium" for their children's education in a private college.

But he also believes that the private college will have to limit its academic program "to those things which we can do well."

He says the "thrust now" in education, paralleled by the change in students, is toward the "humanitarian" fields (social work, speech therapy and teaching) and the "aesthetic" fields (music, drama and art).

Students today are "more service minded," Karcher observes. "They want more involvement and (they) seem impelled to do something. And they also have a keener appreciation for aesthetics."

Karcher and his wife live in Bardstown. They have two daughters—one is married and is living in Fort Hamilton, N.Y., and the other, a recent graduate of Nazareth College, is teaching first grade in the Jefferson County school system.

## BISHOP JOHN JOSEPH WRIGHT NAMED CARDINAL BY POPE PAUL VI

### HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, I know I express the feeling of great pride of the people of the archdiocese of Boston in learning of the elevation to cardinal of Bishop John Joseph Wright, as announced last week by Pope Paul VI.

As one who grew up in the same neighborhood as Bishop Wright, we always knew that this brilliant, dedicated young man was destined to become one of the great leaders of the world.

It was my privilege to serve with Bishop Wright as an altar boy at St. Angela's Parish in Mattapan, Mass. There, under the guidance and spiritual leadership of the late beloved Rev. Francis X. Ryan, John Wright exemplified the qualities of love of neighbor and respect for his parents—qualities so essential in today's society.

Bishop Wright was born in Boston on July 18, 1909, the son of Mr. and Mrs. John J. Wright of 698 River St., Mattapan. He is one of six children, having three brothers and two sisters. During his schoolboy days at Boston Latin School, he established himself as an outstanding scholar and debater. While attending school he worked as a stack boy at the Boston Public Library for 25 cents an hour. Another job that helped finance his education at Boston College was his work in the city room at the Boston Post newspaper.

At Boston College Bishop Wright continued in his academic achievements, graduating with a B.A. degree. From Boston College he entered St. John's Seminary at Brighton, Mass., where he remained for a year before going on to Rome to continue his studies in theology at the Pontifical Gregorian University.

Bishop Wright entered the priesthood in Rome on December 8, 1935. After his ordination he remained abroad to earn his doctorate in sacred theology, and to serve in parishes in Scotland, England, and France.

He returned to the United States in 1939 and became a professor of philosophy at his alma mater, St. John's Seminary. In 1943, he was appointed secretary to the late William Cardinal O'Connell and in 1947 he was appointed auxiliary bishop of Boston. A new Worcester, Mass., diocese was created by the Vatican in 1950 and Bishop Wright became its first bishop.

In Worcester Bishop Wright faced the challenge of instilling in Catholics of diverse ancestral backgrounds a feeling for their common religious heritage. Through Bishop Wright's dynamic efforts, 30 new parishes were established and an outstanding hospital, St. Vincent's, was created.

In a most colorful ceremony in Pittsburgh in 1959, Bishop Wright was installed by Cardinal Cushing as the new

Catholic bishop of the diocese of Pittsburgh. Here he showed not only his successful administrative qualities, but also his dedication to the needs of the community—through his active leadership in the areas of ecumenism, civil rights, and education.

Bishop Wright is a true humanitarian. I commend him for his service, I pray that his work in the years ahead will be fruitful—that he will have the strength and good health to continue in God's work. May the good Lord bless him in all his efforts.

Yes, we are proud of Cardinal-designate John Joseph Wright, very proud, indeed.

We salute this new prince of the church.

### OPINION POLL

## HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. MINSHALL. Mr. Speaker, under leave to extend my remarks I wish to insert my March 1969 opinion poll in the RECORD:

#### MINSHALL OPINION POLL, MARCH 1969

This year the Minshall Opinion Poll is being sent to every home in the 23rd Congressional District. I welcome your additional comments, however I regret that time and staff limitations will not permit me to personally respond to each return. Results will be made known to the news media and in a forthcoming "Washington Report." Please mail your completed questionnaire to Minshall Opinion Poll, 2243 Rayburn House Office Building, Washington, D.C. 20515. Let me know if you need additional copies.

- Do you favor one year of compulsory training for all young men?  
Yes . No .
- Do you approve of the proposed limited anti-ballistic missile system?  
Yes . No .
- Does the U.S. space program justify its cost?  
Yes . No .
- Should the voting age be lowered to 19?  
Yes . No .
- In cases of continued flagrant campus disorder, should federal funds for the college involved be suspended until order is restored?  
Yes . No .
- Should the Electoral College be replaced by a national popular vote for the Presidency?  
Yes . No .
- Do you favor financing the research and development of a Supersonic Transport aircraft at an estimated government cost of approximately \$1.5 billion?  
Yes . No .
- Are you in favor of continuing the 10% income surtax?  
Yes . No .
- Should the government subsidize a guaranteed annual income?  
Yes . No .
- Do you think the Nixon Administration has made a good start?  
Yes . No .
- If the Paris peace talks do not succeed in ending the war in Vietnam, what alternative would you suggest? -----  
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- What do you think is the principal problem facing the nation today? -----  
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EDUARDO MONDLANE AND  
FRELIMO

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. FRASER. Mr. Speaker, 2 months ago Eduardo Mondlane, a leader in the African liberation movement, was murdered. Mondlane was president of the Mozambique Liberation Front, more commonly called FRELIMO. An editorial in the March issue of "Venture" discusses in some detail the work of Mondlane and his organization. It states:

Mondlane's living memorial is a soundly structured movement which will be further developed. FRELIMO remains a model for other movements engaged in the struggle for self-determination in Southern Africa.

Following is the complete editorial:

EDUARDO MONDLANE

Africa lost one of its great leaders when Eduardo Mondlane, president of the Mozambique Liberation Front was murdered in Dar-es-Salaam on 3 February.

Mondlane's contribution to the struggle for African liberation and development was a vital one. FRELIMO has pioneered among the national liberation movements of Southern Africa a coherent revolutionary strategy of integrated activity in the military, political, economic, social and educational fields. Its strategy is inspired and shaped by an identifiably African political philosophy, and shares much with the thinking of Julius Nyerere and the Tanzanian example. FRELIMO shares Nyerere's ideals of non-alignment, self-reliance, socialism and democracy and is applying them to the armed struggle to replace Portuguese colonial rule in Mozambique with a new social and political order.

Frelimo's political creed has developed in response to the lessons learned in applying it in the war zones and liberated areas of Mozambique. Frelimo is more than a nationalist movement; it is, in the areas it controls, a government, and no mere government in exile. Party leaders move regularly and freely through the northern provinces of Mozambique. Frelimo has brought an administrative structure, educational and welfare services (albeit rudimentary in the face of obvious handicaps) and the possibility of popular participation, to areas of Mozambique which have known only the stultifying hand of Portuguese colonial rule. More than that the movement has worked to reconstruct the economy of the liberated areas, and is tackling from the base the problems of rural underdevelopment.

Mondlane from the party's beginnings recognised the importance of education, both academic and political, and the urgent need for administrative and vocational training at all levels. The work of the Mozambique Institute under the direction of his wife Janet Rae Mondlane has been a vital element in Frelimo's development. Its activities include wide-ranging educational programmes both in Tanzania and in Mozambique itself, training administrators for the liberated areas, training medical aides and directing welfare work among Mozambican refugees.

This then is the legacy of Eduardo Mondlane who left the soft option of American university life and the corridors of the UN to lead his people in their fight for political and economic independence. His book *The struggle for Mozambique* will be published by the Penguin African Library in May. He

wrote about Frelimo and the war in the July/August 1968 issue of *Venture*.) His intellectual energy and his enthusiastic capacity for human relationships won him many friends in all continents and he learned from many different creeds and social orders, yet his own personal contribution was distinctively African.

Superficial observers tended to assume that Mondlane was Frelimo, and that Frelimo was Mondlane. Yet he had no taste for the cult of personality and constantly emphasized the collectivity of Frelimo's leadership. The ideas and institutions that Mondlane did so much to develop are the organic product of seven years of collective struggle and find their most recent embodiment in the decisions of the second Frelimo congress held in July last year in the Niassa province of Mozambique, and in the subsequent resolutions of the central committee.

Mondlane's living memorial is a soundly structured movement which will be further developed. Frelimo remains a model for other movements engaged in the struggle for self-determination in Southern Africa.

It has inevitably been suggested that Mondlane's death was the result of divisions within Frelimo. Of course no guerrilla movement is entirely free from internal differences, and in contemporary Africa it is easy for outside agencies, not least the principal enemy in the struggle to exploit these. In the last 18 months Frelimo has not escaped such difficulties, but sources of strain were recognised by the collective leadership which successfully worked to correct them by democratic methods. The true nature of difficulties which gave rise to disturbances at Frelimo's secondary school and more seriously in its Dar-es-Salaam office in the first half of 1968 was recognized both by the Tanzanian government and by the OAU liberation committee. The disorders were the work of elements external to Frelimo, but doubts as to Frelimo's unity were not at first easily dispelled.

The July congress eliminated these doubts, and left Frelimo greatly strengthened. Delegates from all over Mozambique expressed their confidence in the policy followed during the six years since the first congress in 1962 and reaffirmed their confidence in the Frelimo leadership (and on issues where there was a division, majority votes were taken). The congress discussed in detail problems arising from the political and social structure development in the liberated areas, including the working relationship between the military and the civilian administration, methods of increasing production through agricultural and trading co-operatives and the development of local industries.

Frelimo's educational and welfare programmes were also scrutinised. The congress further agreed on important structural reforms which broadened the base of the congress and of the central committee, which was re-established, with elected members and a strictly legislative function. Executive functions now rest with the executive committee, consisting of the president and the vice-president and the secretaries of the specialised departments—defence, organisation, external affairs, social affairs and so on. These are appointed by the president.

At the end of August 1968 in its new character as a legislative body the central committee met to draw up new lines of action, analysing in detail the work of all departments, changing the structure of some of them and approving their programmes. (Details, which reveal the sophistication of the organisation, can be read in *Mozambique revolution*, official organ of FRELIMO, obtainable through the Committee for Freedom in Mozambique, 1 Antrim Road, NW3.) In the field of external relations which was the direct responsibility of Vice-President Simango it was noted with satisfaction that committees of support for the struggle of

the Mozambican people have been created in many countries, including recently in the west. The importance of improving understanding of Frelimo's position abroad was stressed.

The practical support which Eduardo Mondlane and other Frelimo spokesmen have succeeded in attracting in the United States, in Scandinavia and recently in Britain are a vital element in Frelimo's struggle. The three Scandinavian governments support the Mozambique Institute's educational and welfare programmes, and a number of religious and humanitarian non-governmental organisations in Europe and the United States also make important contributions. The message that the healthy and stable development of Mozambique, Angola and Guinea-Bissau lies in self-determination has made headway in the west. The shift in the Anglo-American position on the occasion of the last UN vote is some evidence of this (see *Venture*, January 1969).

Indeed the most likely motive underlying the assassination of Eduardo Mondlane is the recognition on the part of the enemies of African advancement in Mozambique that Mondlane and the Frelimo leadership had successfully foiled attempts to sabotage the movement from within and were making diplomatic progress in the west. It was no doubt hoped that the death of Mondlane would check Frelimo's progress.

Western supporters of the struggle for freedom in Portugal's colonies will be helping to carry on the work of Eduardo Mondlane if they continue to contribute materially to Frelimo's programmes, particularly in the field of education and welfare. They should also work for further changes in western policies towards Portugal, which continues to derive strength from her position within NATO and EFTA. It is through such channels, particularly NATO, that pressures must be exerted in favour of change. Meanwhile the African people of Mozambique will continue to bury their dead and maintain their struggle in all its aspects. In Mondlane's own words: "It is not that a change of attitude on the part of the west will alter the outcome of the struggle. But it could, we feel, help to determine the time it may take for us to win".

DWIGHT DAVID EISENHOWER

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 31, 1969

Mr. KUYKENDALL. Mr. Speaker, like millions of other Americans, I served under General Eisenhower in World War II, and I became a member of the Republican Party because of him. So it is no exaggeration to say that I owe him my present position in life.

But that is only a small part of the debt.

I owe him the same thing we all do—his immeasurable contribution to our Nation, and to the world.

His atoms-for-peace program; the Nation's system of superhighways begun under his guidance; the dramatic trip to Korea that laid the groundwork for the negotiations at Panmunjom—these are only a few of the items in his legacy.

There are the other things, the human things. The jokes about his golf game, at which he laughed as heartily as anyone. The charm of the photographs in the Nation's press of a proud grandfather romping with his grandchildren. And

above all, that fantastic charming grin that lit up his face like sunrise over the White House.

Rather than mourning his loss, Mr. Speaker, we should be profoundly grateful for having had him among us, at a time when we needed him so desperately. We will be remarkably lucky if we see another world leader in our lifetimes who can begin to measure up to him.

#### THE FIRST STEP IN DEFENSE

### HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. HAWKINS. Mr. Speaker, peace and war in Vietnam are the preoccupation of millions of people. As issues these are not the concern of only this Nation. Rather, viewed as they must be, in broad perspective, they extend beyond national boundaries. They touch the lives and futures of all men. Yet, it is wise to approach these difficult problems in such a manner as to assure that the national interest is well served by our policy decisions. If this can be achieved, and if our position in the world community is to be maintained, it cannot but follow that benefit will flow beyond the limiting confines of national self-interest. Our problem, then, is to examine critically our policies, our goals, and our methods.

Albert Einstein once said:

Until we are taught what our history books do not teach, that the fault is usually ours quite as much as some other nations, we have not taken the first step to that wisdom which alone can save us.

The history books do not record the full implications of nuclear power and weapons of destruction which flow from our knowledge of recent scientific applications of such power. Educated guesses can be made on such matters as deterrent effects and first and second strike capabilities. Yet, how secure are we when we base our decisions upon guesses—in the absence of knowledge? How much reliance can we place upon those who guess one way while others, equally as competent, conclude in a contrary direction? And if we follow the course of those who risk in the direction of even larger and more powerful weaponry, with escalating costs beyond those we have ever before been able or willing to bear, to what end are we being led?

Our military leaders and the scientists who support their views look only toward one objective—military supremacy. Who is there in the higher circles, where policy is determined, who listens to the scientists whose special province is the social and economic well-being of our people? Is there not need to pause and consider that the people, their hopes and dreams, are of greater importance than military power? Should the peoples' interests be sacrificed because of costs of the military? The history books cannot guide us in this specific—but a true historical perspective does reveal that the

ultimate result of a total disregard of the need of the people has led many a nation and society to fall and to disappear.

Our policies relating to war and peace are influenced by those who have access to information which is classified and withheld from the people. In the absence of facts and knowledge the people judge our national intentions by what they can see and by the effect of our actions upon them. We, today, talk of peace and disarmament. Yet we continue to spend unacceptable numbers of lives and amounts of money to achieve these. In Vietnam and other areas we move in such a manner as to drain our resources in manpower, goods, and money. We justify this in a way which satisfies none of those whose loved ones are killed or whose stomachs are empty or whose opportunities to achieve a better life are denied. What is needed is a rationale which can be more easily understood. Such a rationale flows from the deeds which lessen the personal impact of massive military undertakings. That such deeds are missing from the stage is evident if we consider our casualty lists—if we view the hunger found everywhere in our Nation—if we view the denial of significant opportunities for millions of people to achieve a better share of all that is good in our economy.

One has only to look critically at the Department of Defense to understand the cause and nature of the frustrations of so many of our people. Our men fight and die for the preservation of a concept of a government. Within this concept is embodied the principle of "liberty and the pursuit of happiness." Yet these are denied in too many instances. For where is there liberty if the chains of poverty and underemployment bind individuals to the lowest levels possible in our economic structure? How can there be acceptance of the stated objectives of our national policy of defense if the Department of Defense, without good reason, grants contracts to textile mills which violate Federal law pertaining to civil rights—the right to equal opportunity in employment? This action, the flouting of equal employment laws and regulations, demonstrates that "race relations" has low priority among the considerations which lead to policy in defense matters. So, what is national policy? Is it that of the Defense Department?

Who creates the policy of the Defense Department? There are few, if any, members of the minority group included among the civilian policymakers of that vast empire. Yet we state that military policy is the role of civilian authorities. If this be so, one can only wonder how much consideration is given to the social action programs by these civilians who are less than representative of the civilian community at large. Negro manpower is heavily involved in the fighting to which our uniformed forces are committed. It is not unreasonable to expect Negro civilians to be involved in the development of policy decisions which effect the conditions under which all personnel, military and civilian, must function.

In the race to achieve superiority in weapons and a destructive capability there is no certainty that this Nation will win. As a practical matter one

wonders how important the race is if in the process of testing relative strengths 50 or more American cities are wiped out in a first strike. Retaliation capability is poor consolation under such a circumstance. Even less impressive is the reasoning related to deterrent capability if we must assume that a nation is morally degraded and foolish enough to use its nuclear force.

Our only defense is some form of international control for the prevention of wars. Continued and uncontrolled expansion of our weapons systems coupled with the maintenance of military forces of great magnitude is folly of the first order. It deters only those who are not foolish enough to test our strength. But the process saps our national will as its costs mount to the point where human need is ignored because the military need is paramount. More sense is to be found in "making peace" by using our science and technology to solve the "people" problems of poverty, hunger, ill health, and the withholding of human dignity.

If it is our intent to convince the people of the world that we fight for their right to self-determination we may have a better chance of being believed if we change some of our approaches within our own Nation. Perhaps the first step is to provide clear evidence in the form of actions at home which grant to our citizens the opportunity to walk in dignity with freedom to determine their individual destinies. With the influence which its more than \$80 billion annual budget generates the Department of Defense can shape the forces which will change the climate in which our minorities now live, work, and die. Let us then take a first step by changing the philosophy of the Department which spends most of our money but provides the least evidence that it has a social responsibility.

In support of my position I directed a communication to the Secretary of Defense, the Honorable Melvin R. Laird, on March 18, 1969. I am awaiting a reply and action. A copy of my letter follows:

MARCH 18, 1969.

HON. MELVIN L. LAIRD,  
Secretary of Defense,  
The Pentagon,  
Washington, D.C.

DEAR MR. SECRETARY: A recently published column by Mr. Carl Rowan, appearing in the *Washington Star*, has called attention to the fact that within the Department of Defense there are currently no Negro civilian personnel who occupy policy-making positions. Such positions are defined in the column as those at and above the Deputy Assistant Secretary level. If one examines the telephone directory of the Department it is not difficult to identify by title approximately one hundred positions which may be considered to be in the category mentioned in the column.

I think it is not necessary to comment at length on the image which this situation projects to the concerned public. Negro manpower is heavily involved in the activities of the uniformed forces of our country. In view of this it is not unreasonable to expect Negro civilians to be involved in the development of the policy decisions which affect the conditions under which all personnel, military and civilian, must function.

The often stated lack of qualified individuals is no longer acceptable as a reason for the absence of Negroes in key positions.

Where there has been very real effort to identify qualified Negro personnel and where there is absent any calculated policy of exclusion, progress has been demonstrated. Thus, there exists an urgent requirement to ascertain what the factors are which have produced a situation such as now exists within your Department—a situation in which there appears to be a total exclusion of Negroes from policy-making positions.

I recall that approximately four years ago there were only five Negroes within the total Department of Defense whose grades were above GS-15. Today, I believe, the picture is worse. It is a matter of record that only one Negro has ever occupied a position in any of the military departments or the Department of Defense with a title of Deputy Assistant or higher. In view of this record, your consideration of the few Negroes now in supergrade positions for elevation to higher and more responsible roles is urged. Further, I would urge the active search for and the placement of other Negroes in policy-making positions of your Department.

In order that I may have a current picture of the utilization of Negro civilians in key positions of the Department of Defense, I request that the following information be forwarded to me:

1. The total number of supergrade positions, excluding scientific, currently allocated to the Department of Defense. (This should indicate grade and the military departments or the DOD in which the positions are to be found.)

2. The number and grade of Negro personnel currently occupying any of the above positions together with a summary description of the duties required of each of the incumbents.

3. The total number of positions, by Department or service, which are included in the Executive Level salary schedule and the title of those positions which remain to be filled.

Your personal attention to the critical nature of the problem presented by the absence of Negro personnel in key positions within the Department of Defense is imperative if significant changes are to be effected. I am certain that you join with me in seeking to assure that racial discrimination be eliminated as a factor in upgrading the role which Negroes and members of other minority groups play in providing civilian control of our military departments.

Sincerely,

AUGUSTUS F. HAWKINS,  
Member of Congress.

#### TAX REFORM SUGGESTIONS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 1, 1969

Mr. WYATT. Mr. Speaker, a very respected financial authority in Oregon has carefully noted the hearings on tax reform now proceeding in the House Committee on Ways and Means. He has written a letter to me containing some suggestions and observations which make good sense. Therefore, I now offer them for the interest of my colleagues:

HON. WENDELL WYATT,  
The House of Representatives,  
Washington, D.C.

DEAR SIR: At the present time there are several proposals for tax reform being considered by the House Ways and Means Committee. Some of these proposals appear to deserve serious consideration. However, there are some proposals that originated through

Mr. Stanley S. Surrey, Assistant Secretary of the Treasury for Tax Policy, that propose such drastic changes and which could have such serious consequences to our basic free enterprise system that I feel compelled to write to you and express some of my views in objection to such legislation. These proposals would not affect me individually but they would certainly affect a large number of people with whom I come into contact as well as affect our economy adversely.

Those that concern me most are:

1. A proposal for unified transfer tax which would put estate and gift taxes into a single tax, giving a single \$60,000 exemption adding together inter vivos gifts and death transfers to determine total transfer tax and adding the gift tax paid to gifts to determine higher estate tax brackets. This particular proposal appears to be designed for the purpose of discouraging lifetime giving. The economic consequences as well as the social consequences would be most unfortunate since it would discourage gifts to children and grandchildren, thus keeping this money out of immediate circulation where it would stimulate the economy. It would place an unbearable burden upon personal representatives, that is, executors and administrators, to discover all transfers made by a decedent during his life and would continue the present law while the new one is being developed. The result would be unbelievable complexity which would make it undoubtedly necessary to increase executor's and administrator's fees, thus further reducing the estate values and causing great hardship particularly in the smaller estates. I would hope that you would oppose such legislation.

2. Another proposed change would be to assess a capital levy on each generation by putting a transfer tax at regular rates on property going from one generation to another. This is an extremely dangerous proposal in my view in that small businesses would have to be broken up in order to provide funds to pay taxes and expenses of administration. Any estate planning to meet these changes would be almost impossible with the result that there would be a liquidation and sale of family businesses to raise the second and third taxes which would evolve. Congress has expressed a desire to preserve the small business enterprise which is the key to our system and such legislation would certainly frustrate this desire.

The incentive to accumulate estates would be destroyed since large estates in trust would be broken up by the successive tax levies with loss to our economy, of initiative and imagination.

This legislation is aimed at property left in trust and to encourage outright bequests and defeat the useful services for which trusts have previously been encouraged by tax legislation.

Even Mr. Surrey and his academic backers have been unable to come up with any solutions to the problems raised by the proposed legislation since it runs counter to long-established principles of law. As has been pointed out, Congress has never indicated a desire to levy additional taxes on transfers which put property in trust during the period of perpetuities. England has tried it and failed. We should learn from their experience.

3. To take the sting out of the first two matters, there has been purposed a 100 per cent marital deduction. This is just simply a device to try to win backing for the other two socialistic proposals. It would overdo in most cases the distributions to wives and cut out the children who could use it advantageously and put it more quickly into the general economy.

The above three proposals have no place in our system. They admittedly will not raise additional revenue but cost, according to the figures I have seen, anywhere from 400 to 900 million dollars. Therefore, having no revenue purpose in mind, the intent of the proposal is, to say the least, suspect.

The other proposals are income tax proposals and these are equally objectionable and the ones I feel the most objectionable are as follows:

4. Tax treatment of charitable contributions which would allow contributions but only to the extent that they exceed 3 per cent of gross income similar to our present medical deductions. This would discourage the small giver; thus, churches and other charitable organizations would be placed in such a precarious financial state that many could never recover. The second part of this proposal which is to assess capital gains on appreciation at the time of gift would similarly discourage charitable giving and leave our educational institutions, hospitals, etc. with no place to turn for support except the Federal Government and it appears that such proposals would be self-defeating.

5. The tax treatment of business income is proposed to be changed in one respect which would be to put sub-chapter "S" corporations in the same category as the self-employed as far as retirement benefits are concerned. One has only to look in the legislative history on the establishment of sub-chapter "S" to know that this is one of the principle reasons for it in the first place; that is, to give the share-holders and employees the same benefits as enjoyed by corporate officers and employees.

6. The last proposal which I feel is ominous is that the appreciation in the value of assets transferred at death or by gift be taxed as capital gains. The amount of the tax apparently would be allowed as a deduction from the taxable estate but not as a credit against the estate tax. Many small estates would be reduced under such a proposal by 50 per cent and a much larger percentage in the more sizeable estates. Double taxation would also result since nothing has been said about the carry-over of the decedent's cost basis.

Personal representatives would also find it very difficult to establish the cost figures and, in some cases, it would be an insurmountable task, all of which would cause an increase in fees to cover the services which are already begrudged by many, and, in some States, for very good reason. This is a completely unnecessary tax as are the others. Although there has been unfortunate tax legislation in the past, never before have such proposals been quite so onerous, at least to the extent that it has shaken me from my lethargy and stimulated me to write to you.

Anything you can do in objection to these proposals would be most appreciated, not only by me but by I am sure the vast majority of the citizens of this country.

Very truly yours,

(Name withheld.)

DWIGHT DAVID EISENHOWER

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March, 31, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, the long lines of people waiting outside the Capitol to pay tribute to Dwight David Eisenhower express more eloquently than words the esteem in which he was held by the people of this Nation.

General Eisenhower once said "I came from the heart of America" and so he did. He came from the vast heartland of our Nation and grew up in the open country of Kansas. In another generation there will be few men left who re-

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member America as it was when Dwight David Eisenhower was a boy.

Since its inception our Nation has grown and changed and the urban Amerca of tomorrow will bear little resemblance to the land that Washington and Jefferson knew. It will bear little resemblance that is in physical characteristics. But the heart of America is not the geographical center of the Nation, but rather that enduring quality composed of a history of democratic institutions and a belief in equal opportunity for all. This is the heart of America from whence came Dwight David Eisenhower.

He will be remembered best as the 34th President of the United States not for programs or policies, but rather for an attitude and a way of looking at life. He was honest and fair. He loathed to ques-

tion the motives of others. He liked people and saw the best in each man. In those dark days of the early fifties when suspicion and accusation were rampant in the land, a man like General Eisenhower was needed. He feared no one and trusted both friend and foe alike. He believed in the basic goodness of mankind and understood that good intentions could produce varying viewpoints.

In 1953 when he assumed the Presidency, the world was beset by division and mistrust. General Eisenhower brought with him the experience as the Supreme Commander of the Allied Expeditionary Forces. As such, he had brought together the military leaders of all the Allied Nations who worked with him to assure the victory of the free world. He saw no reason why that spirit

of cooperation and dedication to principle could not be continued and indeed expanded during peacetime. His foreign policy reflected this attitude. He was a man of principle, a man above party. When I came to the Congress in 1953, he assumed the office of the President. I remember the spirit of cooperation that existed between both sides of the aisle and between the legislative and executive branches.

His obvious and enormous dedication to the Nation was the motive force in his life of public service. We shall miss his honesty, his integrity, his devotion to duty. We shall also miss his smile and the warmth that reflected the heart of America—the love of mankind. It was to this heart that he appealed. It was this heart from whence he came.