

Government, and for other purposes; to the Committee on Rules.

By Mr. HUNGATE (for himself, Mr. BINGHAM, Mr. POEELL, Mr. POWELL, Mr. LOWENSTEIN, Mrs. CHISHOLM, Mr. KYROS, Mr. CULVER, Mr. ANDERSON of California, Mr. KOCH, Mr. MOSS, and Mr. PRICE of Illinois):

H.R. 10427. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. REID of New York:

H.R. 10428. A bill to amend 2 U.S.C. 7 to conform the election of Representatives to the election of the President; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H.R. 10429. A bill to amend title 38 of the United States Code to establish the rate at which assistance allowances shall be paid for programs of education pursued in the Philippines; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 10430. A bill to amend the Maritime Academy Act of 1958 to require payment of amounts paid for the training of merchant marine officers who do not serve in the merchant marine or Armed Forces; to the Committee on Merchant Marine and Fisheries.

By Mr. TUNNEY:

H.R. 10431. A bill making supplemental appropriations for the educational and cultural exchange program of the Department of State for the fiscal year ending June 30, 1969; to the Committee on Appropriations.

By Mr. WHALLEY:

H.R. 10432. A bill to amend title II of the Social Security Act to provide a 10-percent, across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.J. Res. 667. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. REID of New York:

H.J. Res. 668. Joint resolution to amend the Constitution to provide for the direct election of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mr. WINN:

H.J. Res. 669. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. DORN:

H. Con. Res. 210. Concurrent resolution authorizing the President to proclaim the period May 11 through May 17, 1969, as "Help Your Police Fight Crime Week"; to the Committee on the Judiciary.

By Mr. WOLFF:

H. Con. Res. 211. Concurrent resolution terminating the joint resolution of August 10, 1964, relating to the maintenance of international peace and security in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 370. Resolution creating a select committee to conduct an investigation and study of all aspects of crime in the United States; to the Committee on Rules.

By Mr. ROYBAL:

H. Res. 371. Resolution creating a special committee to conduct an investigation and study into the legal, political, and diplomatic status of lands which were the subject of grants from the King of Spain and from the Government of Mexico prior to the acquisition of the American Southwest as a result of the Treaty of Guadalupe-Hidalgo concluding the Mexican-American War in 1848; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

129. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to suspension of the construction of the Sentinel antiballistic missile system; to the Committee on Armed Services.

130. Also, memorial of the Legislature of the State of Kansas, relative to legislation to limit the number of questions to be asked in the 1970 census; to the Committee on Post Office and Civil Service.

131. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the payment of all medical expenses of members of the medicare program; to the Committee on Ways and Means.

132. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to expanding the medicare program to include persons who are recipients of aid to the permanently and totally disabled under the social security program; to the Committee on Ways and Means.

133. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to expanding the medicare program to include drug costs; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 10433. A bill for the relief of Eduardo and Giovanna Malorelli; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 10434. A bill for the relief of Mrs. Soo Ok Koo Campbell; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 10435. A bill for the relief of Robert A. Pickering; to the Committee on the Judiciary.

By Mr. CLAY:

H.R. 10436. A bill for the relief of Henry D. Espy, James A. Espy, Naomi A. Espy, Jean E. Logan and Theodore R. Espy; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 10437. A bill for the relief of Dr. Michael C. Shende; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 10438. A bill for the relief of William W. Brady; to the Committee on the Judiciary.

By Mr. HAGAN:

H.R. 10439. A bill for the relief of ToppSav, Inc., formerly known as the Topp-Cola Co.; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 10440. A bill for the relief of Hilarion Ngayan, Jr.; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 10441. A bill for the relief of Giuseppe Lo Piccolo; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 10442. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 10443. A bill for the relief of Cesar Farrell and his wife, Dora Poussin Farrell; to the Committee on the Judiciary.

H.R. 10444. A bill for the relief of Dr. Ismael M. Naanep and his wife, Dr. Belen Fernandez Naanep; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 10445. A bill for the relief of Robert Harry Urch; to the Committee on Interior and Insular Affairs.

By Mr. ROSTENKOWSKI:

H.R. 10446. A bill for the relief of Mr. Jean Jacques Wodzinski; to the Committee on the Judiciary.

H.R. 10447. A bill for the relief of Beatrix Francesca Morris; to the Committee on the Judiciary.

By Mr. ROUDEBUSH:

H.R. 10448. A bill to provide relief for certain members of the U.S. Navy recalled to active duty from the Fleet Reserve after September 27, 1965; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 10449. A bill for the relief of the estate of William E. Jones; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ALABAMA NEWSMAN ELECTED TO GRIDIRON

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. JONES of Alabama. Mr. Speaker, I wish to commend James Free, Washington correspondent of the Birmingham News since 1947, on his recent election to the world-famous Gridiron Club.

As most of us know, the Gridiron Club is composed of 50 Washington correspondents and editors.

Jim Free becomes the 288th member to be elected since the club was organized in 1885. His election is well-deserved recognition of his very able and conscientious work as a newsman in Washington for more than 20 years.

As the Washington news chief for Alabama's largest newspaper, Jim Free is noted for his knowledgeable commentaries on Washington events. His fairness in handling the facts in his news articles is well known to my colleagues from Alabama and other States.

His many readers admire his ability to ferret out new trends and developments and frame them in a meaningful way.

Jim Free was born in Gordo, Ala., and attended the University of Alabama. He has published a weekly newspaper and has worked for the Richmond Times-Dispatch, the Washington Star, and the Chicago Sun-Times Washington Bureau.

He is a former cochairman of the standing committee that admits newsmen to the House and Senate press galleries. He is a member of Sigma Delta Chi, the professional Journalism Society, and the National Press Club.

Jim's charming wife, Mrs. Ann Cottrell Free, is a noted journalist in her own right and devotes much attention to the conservation of issues. The Frees have one daughter.

I wish to commend Jim on his election to this elite group of newsmen. His membership in the Gridiron Club is a well-earned recognition of his talents and abilities as a newsmen.

KANSAS WINS ANOTHER FRIEND

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MIZE. Mr. Speaker, we have a great deal of which we are proud in Kansas, and we are always happy to extol the virtues of our State to all who will listen. It is gratifying, naturally, when someone agrees with our own high appraisal of Kansas life and Kansas virtues. A recent testimonial came from a young lady from Pakistan, Nilofer Hashmi. From 1962 to 1964, this young lady was a Fulbright student at the University of Kansas, where she obtained her master's degree in journalism. Her maiden name was Nilofer Ahmed. She is now the wife of an Indian student she met at the university, Shafiq Hasan Hashmi, and they live in Wellington, New Zealand, where he teaches political science at Victoria University.

She wrote to the Kansas City Star a few weeks ago and gave a glowing account of her impressions of Kansas, and especially the two Kansans who had befriended her the most, Mr. and Mrs. H. I. Sifers of Shawnee Mission, Kans. Under leave to extend my remarks, I wish to call attention to this account of a Pakistani girl's fond memories of Kansas. The article follows:

A PAKISTANI GIRL'S FOND MEMORIES OF KANSAS

(By Nilofer Hashmi)

Two red and gold leaves fell out of the envelope, dry and brittle, but their colors vibrantly alive. "It would give us a new lease on life to see you again—please try to come," Aunt Cecl wrote. "With this letter you'll find two leaves from the oak tree by the driveway to remind you of Kansas."

I could never forget Kansas, though now many thousand miles away. After many of life's experiences have become vague memories the warm, simple friendship of Kansas will live with me, I know, brighter than sunshine on ripe wheat.

I shall remember always a September day at the bustling London airport when, as a rather nervous Pakistani student bound for America and the University of Kansas, I stood amid a crowd of impatient passengers ready to go aboard the waiting plane. Call it coincidence if that suffices to explain how out of more than 70 persons I found myself next to a warm, friendly, kind-hearted couple—from Kansas.

Mr. and Mrs. H. I. Sifers to the world, they were thenceforth Uncle Harry and Aunt Cecl to me and in their house, from the day I set foot on American soil, I found a second home and a new family half way around the world from my own. The overflowing love and kindness of these warm hearted people for me, a foreigner, form one of my happiest memories of Kansas.

The travel agency representative who was to meet me with my ticket at the New York airport failed to make contact, but the

Sifers wouldn't hear of my cashing my travelers' checks, which I might need later, to pay my fare to Kansas City. Instead, they bought a ticket for me, assuring me that I could repay them later after being reimbursed by the travel agency.

It was to their cozy little home in Shawnee Mission that we went from the airport, where I was introduced to their sons and grandchildren. By the time they drove me down to the university and saw me comfortably settled down in a dormitory I already had the wonderful feeling of being cared for and looked after and not the loneliness of a stranger in a new land.

Looking back now I realize that I had never known what cold really meant until the bleak November winds started to howl. My Oriental apparel proved entirely inadequate.

"Why don't you wear socks?" a concerned American girl friend asked me, looking at my bare feet in flimsy sandals. I confessed I didn't have any, not being used to wearing them, but agreed to get some.

It didn't prove necessary. Next day outside my door was a sack with about a dozen pairs of socks. Apparently every American girl on my part of the floor had suddenly discovered "an extra pair she didn't need."

I am sure I can never forget the days of crowded study in the ivy-covered university buildings, the unending race to catch up with class assignments and term papers and the desperate evenings spent in the library. Or that very first day in class when a distinguished-looking professor outlined the staggering amount that had to be accomplished within the span of a few brief months, adding, "As you will see this is clearly impossible. But nothing was ever worth attempting that was not impossible."

Memorable too was my first American student party, so different from the more formal ones back home with its gay dancing, doughnuts and popcorn and music loud enough to raise the roof.

I was delighted with the friendly, informal atmosphere on the campus and the freedom to discuss and question new ideas presented in the classroom. Frequently I was invited by members of the faculty to their homes to meet their families. I spent many pleasant evenings and shared many hearty American meals with my thesis adviser's hospitable family.

When my Fulbright scholarship expired I found part-time work in the university's language laboratory. Imagine my surprise when, the very first day I reported for work, I was led to a table with a beautiful frosted cake and bottles of Coke. The kind laboratory supervisor and my new colleagues had found out it was my birthday anniversary!

I have a special personal reason also for my deep attachment to Kansas university. It was here that I met the boy I later married.

After some time I had opportunities to go to places outside Kansas, including a trip to Washington to attend a rather select student seminar. Soon I grew accustomed to being asked by students from California, New York and Washington who teased, "Kansas? Where's Kansas?"

"Kansas is where the grass is greener, the sunsets prettier, the fall brighter and the people friendlier," I retorted in mock-seriousness.

Nonetheless it was true. Nature has seldom been so spendthrift with color as in the riotous hues of a Kansas sky when the sun is sinking. (Kansans modestly attribute this to the presence of more dust particles in the air, but to me this explanation always seemed far too prosaic.)

Equally glowing are the russets and yellows of the leaves of a Kansas fall which, I believe, Mark Twain described as the most beautiful sight he had seen anywhere. I was captivated too by the vast seas of wheat with the wind

rippling through them in the daytime or with a large red unreal-looking harvest moon hanging low above at night.

Among my treasured memories also is a visit to a ranch in a tiny little place with a population of just a few hundred where I was thrilled by unending acres thickly carpeted with green and unbelievably huge herds of plump cattle. And here, for the first time, I rode a horse, encouraged by my host family in jeans and 10-gallon hats, all of them fearless riders down to the tiny 5-year-olds.

It was in Kansas, too, that I saw my first snow, an experience so breathtaking that it made me forget all about dormitory rules and I rushed outside, dazed with wonder, after the closing time of 11 o'clock at night.

Indeed, snow never lost a bit of its enchantment for me, even on the very coldest of days when Aunt Cecl would call from Shawnee Mission to tell me to be sure to wear my gloves and socks before going out.

Ready smiles and people eager to help are what I remember most of all about Kansas. Once, lost while traveling by bus, I asked the driver for instructions. To this day I can see him alighting from the bus, in which the passengers patiently waited, to spread out a road map on the pavement and show me where I was, all willingness and eagerness to help a stranger in need.

One of my gayest and most cheerful memories is of the Christmases spent in Kansas City with the family of which I had become a part; the gaily-decorated Christmas tree with colorful packages piled up at the foot, always including a large number for me; turkey cooked by Aunt Cecl as no one else could cook it; spicy Christmas pudding.

Outside on the snow-covered lawn stood a life-size Santa with his sleigh and reindeer.

As I basked in the affection and love of my American family my heart was full to the brim with happiness.

No, I could never forget the warm, friendly smile of Kansas or its wide-open welcome. Nor that little home in Shawnee Mission, my other home across the seas.

PFC. ORVILLE LEE KNIGHT

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. MATHIAS. Mr. President, I was very sorry to learn of the death of Pfc. Orville Lee Knight, of Dargan, Md., a victim of injuries which he received in combat near Bienhoa, South Vietnam, on April 8.

Private Knight, aged 20, had been in Vietnam less than 6 months and served with Company B, 2d Battalion, 16th Infantry Division.

A native of Dargan, Private Knight was the son of Francis and Whymlenia Knight. As a boy he was an active Boy Scout. After graduation from Boonsboro High School, he worked at the Fairchild-Hiller plant in Hagerstown and served as a member of the Dargan Volunteer Fire Company before entering military service.

Private Knight was married to the former Sarah Dagenhart, of Keedysville, Md. They had one child, a daughter, Samantha Jo, now about 6 months old.

Mrs. Mathias and I extend our sympathies to the family of Private Knight. In tribute to his service, I ask unanimous

consent that a recent newspaper article be printed in the RECORD.

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

DARGAN GI DIES OF BATTLE WOUNDS

Pfc. Orville Lee Knight died from injuries received in action near Bian Hoa, S. Vietnam on April 8.

A native of Dargan, Pfc. Knight was the father of an infant daughter. He had been in Vietnam less than six months.

The 20-year-old infantryman was serving with Co. B, 2nd Battalion of the 16th Infantry Division.

Inducted into the Army last June 6, he left for Vietnam on Nov. 6.

He was a graduate of Boonsboro High School, Class of '66 and had worked at Fairchild-Hiller before going into the service.

Pfc. Knight was the county's tenth casualty in the Vietnam war.

He was the son of Francis and Whyllenia Ingram Knight of Dargan, and attended Samples Manor Church of God.

In addition to his parents, he is survived by his wife, the former Kathy Dagenhart of 94 S. Main St., Keedysville and a six-month-old daughter, Samantha Jo; paternal grandparents, Mr. and Mrs. Arnold Ingram of Dargan; a brother, David of Dargan and two sisters, Mrs. Frances M. Grim and Mrs. Doris L. Gay of Dargan.

The Bast Funeral Home will announce funeral arrangements.

SALUTE TO LONGVIEW LEADER

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. ROBERTS. Mr. Speaker, it is with a great deal of pleasure that I join the citizens of Longview in saluting Harry Mosley, Longview city manager, as he completes 23 years of service to Longview.

During his years of service, Longview has experienced unparalleled growth and development. Men like Harry Mosley, with his untiring devotion to the citizens of Longview, provide the spark which builds great cities.

The April 18 edition of the Longview Daily News carried the following editorial which clearly traces Harry Mosley's important role in the development of Longview and east Texas:

[From the Longview Daily News, Apr. 18, 1969]

SALUTING HARRY MOSLEY

A record unmatched and without parallel in Texas or elsewhere in the nation has been achieved by Harry G. Mosley during the 17 years he has served as city manager of Longview.

The period from 1952 to 1969 may well be described as "the Mosley years" as it relates to municipal progress.

A summation of accomplishments puts into clear perspective his 17-year record of administrative leadership:

The city's population has more than doubled, from around 24,000 to 52,000; assessed valuations have tripled from \$40,377,820 to \$122,925,000; the police department has increased from 34 employees to 67, and the fire department from 25 to 63.

The area within the corporate limits has increased from 8.1 square miles to 22.8 square miles; 125.1 miles of water mains and 134.2

miles of sewer mains have been installed; and 158.5 miles of streets have been constructed. The water filtration system has been increased from three million to forty million gallons daily capacity.

The City of Longview has the highest credit rating (AAA) of any municipality in Texas, and perhaps in the United States. This has resulted in the savings to taxpayers of hundreds of thousands of dollars in interest on bonds.

Mr. Mosley, as the chief administrator, with the full support of members of the City Commission and his staff, has done a remarkable job of making possible the continued growth of the city. Had not his planning provided for more water, sewer lines, streets and other facilities, our progress could have been stymied intermittently. Let it be said to his credit, and to the credit of those who have served with him, that at no time has the lack of City cooperation and readiness retarded development.

Because of steady and substantial growth that has resulted in corresponding increases in valuations, Longview has had for many years sufficient revenues to maintain a comparatively low tax rate. This has been possible because of conditions and good management. City Manager Mosley and members of the City Commission, mindful of the accelerated growth pattern in recent years, have mapped plans for future development. A city planner has been employed; more parks and playgrounds have been projected; studies are being made of the needs of our fast-growing population, which now exceeds 52,000 (on the basis of the City's own estimate). Longview has now assumed metropolitan market status, and this places a larger responsibility on the City in meeting the needs and the challenges of continued growth.

Careful planning and able management have resulted in no increase in water rates, nor has Longview ever suffered a water shortage such as that experienced by many other cities. Today, plans are going forward for the building of another reservoir, assuring an adequate water supply for future years.

Longview's \$2,750,000 sewer treatment plant, which has received the acclaim of municipal officials and engineers throughout the country, was built on Harry Mosley's recommendation. It was the first of its kind anywhere, and a great deal of courage and knowledge had to be employed in making the decision to use it, but the city manager did not hesitate or waver because his studies had convinced him of the soundness of the new, revolutionary process.

Mr. Mosley has worked closely with the Gregg County Commissioners Court and the Texas Highway Department on a number of projects. These include Interstate 20, re-routing of S-149 to U.S. 80, extension of Spur 63 to Loop 281 along McCann Road (now in preliminary stage) and extension of U.S. 259 from U.S. 80 north to Judson (now under construction).

He also has been a key factor in our industrial development program.

As Harry Mosley completes 23 years of service with the City of Longview this week—six years as city secretary and 17 years as city manager—he can look in any direction and see great evidence of the very important part he has played in growth and progress unsurpassed or unequalled anywhere in East Texas. It would be impossible to measure the full extent of the impact he has had on this fine community.

He has been highly influential in building the Longview of yesterday and today, and we are confident he will continue his dedicated role in building the Longview of tomorrow. The blueprint of progress is implanted indelibly in his mind. The firm foundation that has been built over the years and the sound City government we have experienced

has made it possible for Longview to aim higher and do more on a larger scale in planning a bigger, better and finer city.

We congratulate Mr. Mosley on his 23rd anniversary as a city administrative official, and we commend him for his dedication and devotion to duty as well as for his brilliant record.

UNION LOCALS FIGHT TO OBTAIN WORK FOR THEIR EMPLOYER

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. GOODELL. Mr. President, locals 425 and 471 of the International Union of Electrical Workers—IUE—have been involved for the last several weeks in a valiant effort to obtain additional work for their employer, the Ford Instrument Co. of Long Island City, N.Y. At a time when many labor unions are being criticized for their demands upon management, the employees of locals 425 and 471 have turned the tables and are actively soliciting business for their company. Almost daily they are scouring the halls of the Navy Department, their principal customer, telling the story of their company's history and products.

Because of a change in Navy procurement requirements their company now faces a shutdown of its facilities. The union members have decided that their plant must be kept open.

Ford Instrument Co. has been a reliable Navy supplier since before World War I. It is said that every ship in the U.S. fleet carries at least one of their products. For the union's part, they have had only one 1-day work stoppage in 32 years. They have a long history of being vitally concerned with the Navy's needs for national defense and the production of quality products.

Several weeks ago members of this union asked me to intercede on their behalf with the Navy Department and their own management so that new business efforts could be coordinated. Despite numerous meetings with union officials, management, and the Navy Department, the outlook remains cloudy. However, with employees such as those of locals 425 and 471 the effort must succeed.

Mr. President, I ask unanimous consent that an article written by Victor Riesel, detailing their campaign, be printed in the RECORD.

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

REQUIREM FOR A WAR? NAVY PHASING OUT WIZARD GUN SYSTEM WHICH UNION CHIEFS SAY "COULD HAVE SAVED 'PUEBLO'"

(By Victor Riesel)

WASHINGTON, D.C.—This is the reulem for the Mark 87—a revolutionary system for placing and keeping guns on target. Perhaps this is also the reulem for the ghostliness in South Vietnam, but basically this is the story of labor leaders in a unique role—lobbying for the revival of production of a gun fire control system which they say could have saved the Pueblo from capture and the S.S. Liberty from a mistaken, tragic attack in Middle East waters in June '67.

The well-tested but almost stillborn Mark 87, which combines radar and computers for a fully automatic means of locating, tracking and bringing down targets, is being phased out. Navy specialists, who say that other gun fire control systems are like bows and arrows compared to the Mark 87, add that they are grieved to report they have no more money for the fantastic air, land and sea range finder.

Thus—no orders to the 55-year-old Ford Instrument Co. installation in New York City, which produced the first two Mark 87s. Thus the company, which had been counting mightily on further contracts, has decided to phase out its plan. Thus its work force, a smooth mix of 900 technicians, engineers, white collar people, mathematical geniuses, electronic specialists, porters, typists, et al., also will be phased out this year.

This will wipe out the jobs of 900 employees, most of whom belong to Local 425, International Union of Electrical Workers (IUE). Its national leader is one of labor's younger newer breed, the militantly liberal Paul Jennings, who will make headlines later this fall when he leads the assault on the General Electric Co. and Westinghouse in the labor conflict of the year.

So the IUE's national leaders have taken to the Hill. They are visiting senators. They are pressuring congressmen. They plead for the Mark 87's survival and are armed with impressive technical literature.

I recall no such labor campaign for a piece of fighting equipment.

"The Mark 87 can easily be updated," says the IUE leadership, "and used in the future against any conceivable change of enemy weaponry . . . (it) is a highly efficient system and can outgun any other control system in the world.

" . . . It can be reasonably stated that, if the Pueblo had been equipped with a Mark 87 guidance and two three-inch guns, she would not have been taken. . . . With the Mark 87 the Pueblo would have been able to blast the Korean ships out of the water before they could take any meaningful counteraction. The development and implementation of a broad Mark 87 program could save America from a repeat of the Pueblo crisis. Can the men who man the ships be denied this safety?"

Recently, the Mark 87 was tested on a strange new aluminum-hulled ship, a glorified PT boat, for inshore and river fighting. There were so many on-target hits that the admiral ordered a rerun. He thought no target finder could be so consistently successful. There must have been an error in scoring. But there wasn't.

At a private conference in Navy headquarters here Thursday, March 27, Navy procurement people wistfully discussed this wizardry with IUE leaders who had come to lobby for new Mark 87 orders.

The Navy officers said they were being forced to use a 20-year-old Mark 63 system. It is outmoded, but it is in stock. Thus, it will be woven into a new fleet of 20 LSTs (Landing Ship Tanks) now being built in San Diego. This is a four-year construction program. Thus, the ancient 63s will be virtually a quarter-century old when they are locked into the last of the new LSTs. Furthermore, it takes 18 men to run the 63 and four to service it. The Mark 87 uses three men, with two for service.

But the union people, local and national, who have been pushing for at least 12 new 87s to keep the Ford Instrument plant going, talk of more than production costs, more than the spectacular accuracy of this fire control system's digital mechanism, which monitors itself regularly and then alerts the crew if it finds itself faulty.

The union people talk of the "mix" at the plant—the working team which will now

be dispersed. They say that a Ford Instrument Co. piece of equipment is on virtually every Navy fighting ship. The union men, who've called only one one-day strike in 32 years, talk of a different kind of picket line—the kind on which the local's members wait across the world to be summoned to repair electronic and computerized fighting mechanisms.

They recall quite proudly how one of the "mix," the work force, was called on to solve a problem on the U.S.S. New Jersey when the Navy found it had to use Army shells. A Navy phone call to the Ford Instrument Co. produced a veteran engineer who developed calculations for an electronic brain to recompute the trajectories vital for a different weight shell. If Ford Instrument shuts down, whom will the Navy call, ask the union men. "At a time when our fighting men deserve the best," the union asserts, "and our nation demands the utmost defense from enemy attack, the further delay in the development of the Mark 87, with its attendant closing of the Ford plant, with its dispersal of a special skilled work team, can in no way appear justified."

But it may be that the military and the White House are phasing out more than a target finder, fantastic as that bit of cybernetics may be. It may be that the Mark 87 is being beaten into more than bows and arrows. It may be ploughshares coming up.

But if this is not the intent of well-briefed men, then it may be that a mighty, life-saving weapon is being junked by penny pinchers who find their target with pencils.

REPORT ON PUBLIC WELFARE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. UTT. Mr. Speaker, I would like to include in the Extensions of Remarks of the RECORD a letter and report from the Association of Former Grand Jurors of San Diego County, Calif. I believe that the views expressed by the association should receive wide circulation:

ASSOCIATION OF FORMER GRAND JURORS OF SAN DIEGO COUNTY, CALIF.,

San Diego, Calif., March 5, 1969.

The Honorable ROBERT H. FINCH, Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. FINCH: At the request of the Executive Committee of this Association, I am enclosing a report regarding the Welfare situation as it exists in San Diego County today.

At the last general meeting of this Association, which has a membership of 125 prominent and influential citizens, a growing concern over the escalation of County Welfare costs, resulted in the appointment of a committee to conduct an investigation of this entire situation. The three members of this committee are all highly qualified and knowledgeable of welfare problems. If they are not already known to you, may I submit the following qualifications:

Lara P. Good. General Good was Foreman of the 1939 San Diego County Grand Jury, the first Grand Jury to make a study of the growing Welfare problem. At that time Welfare had increased from benefits of \$79,000.00 paid in 1923, when the County had a population of 175,000, to \$4,000,000.00 when the County population was 425,000. These figures indicated that while the population increased only 2½ times in this sixteen year period, Welfare benefits increased 52½

times. The Grand Jury expressed alarm over this excessive growth in County welfare and recommended that steps be taken to remove the role of Public Welfare outside the realm of politics.

General Good has continued his study of Public Welfare, and as Chairman of the Welfare Committee of our Association of Former Grand Jurors, has kept us advised of current changes which have accelerated the dangers that jeopardize the balance of budgets in our county, state and nation. General Good was asked to serve as Chairman of the Investigative Committee issuing this Report.

Lawrence N. Turrentine. Judge Turrentine began the practice of law in 1913 at Los Angeles, and in 1926 moved his Law Office to San Diego. He was appointed Judge of the Superior Court of San Diego County in 1930, and thereafter was elected five times with opposition on only one election.

He served in all capacities on the Superior Court Bench, the last eleven years of his incumbency as Presiding Judge. During this period he served as President of the California State Conference of Judges, also a member of the State Judicial Council, and at the request of that Council he served on the Appellate Court Bench for six weeks. He retired in November, 1958.

Judge Turrentine has been recognized as the Dean of Judges in San Diego County, and was appointed an honorary Life Member of the Association of Former Grand Jurors; also an Honorary member of its Executive Committee. For the past 30 years or more he has been very close to the Welfare situation and is familiar with its problems in San Diego County.

MacArthur Gorton. Mr. Gorton has lived in San Diego since 1925. He is an authority on the history of this city and has for years been recognized as one of its most prominent and best known citizens. He managed the San Diego Social and Athletic Club from 1931 to 1956.

He served on the 1938 County Grand Jury and was Vice Foreman of the 1945 Grand Jury. He also served as Foreman for the Federal Grand Jury in 1963. He is a Past Chairman of the San Diego County Board of Public Welfare on which he served for seven years.

An authority on tax matters, Mr. Gorton represented the San Diego Chamber of Commerce at all meetings of the California Taxpayers Association. He also serves as Chairman of the Taxation Committee of the Association of Former Grand Jurors, and is also a member of the Executive Committee of this Association. He is highly knowledgeable on Public Welfare matters and has been deeply concerned over the way this program has ballooned in recent years.

The 1968 San Diego County Grand Jury Report states that while Welfare assistance is excessive, every member of their Public Welfare Committee is aware that much of this abuse of authority emanates from State and Federal levels and does not fall within the jurisdiction of the local Public Welfare Department. If this is true, we believe that drastic changes must be made on the higher levels.

Very truly yours,

JOHN A. DAVIS,
President.

REPORT ON PUBLIC WELFARE

To: Mr. John A. Davis, President, Association of Former Grand Jurors of San Diego County.

Your Committee, appointed to study the alarming growth of Public Welfare in San Diego County, has given much thought to the problems involved in the administration of Public Welfare locally, statewide, and nationwide, and has reached the following conclusions:

1. The attitude toward Public Welfare has

unfortunately changed from the idea that anyone who receives funds from other than his or her own earnings is none other than a charity case supported at public expense through the benevolence of the society in which he lives, until today recipients of welfare payments who are either unable, or do not wish to be employed, are entitled to be supported at public expense as a right to which they are entitled without any further justification.

2. The attitude that once existed on the part of our society generally that each family should support its own relatives, regardless of how distant such relationship might be, has now changed until even sons and daughters are absolved from contributing to the support of their parents without any stigma attached to them because of their refusal to make any contribution to such support—all this regardless of how affluent such sons and daughters may have become. No stigma attaches to them because they have asked society to take care of those who were once regarded as their own personal obligation.

3. Laws have been passed which even reject the idea that any estate of a deceased recipient of public welfare should be subject first to a lien by the county or state up to the amount of public welfare which had been paid such recipient during his or her lifetime. In other words, such sons and daughters who deny aid to their parents may now claim the estate of such parents without having to pay back to the state the aid such parent received.

4. When once the books of the county were open to inspection by any taxpayer to determine the amount of aid being paid to a recipient, the same as a taxpayer may by inquiry find out the amount of salary or wage that is being paid to a public employee, the recipient of public welfare is placed in a preferred class of recipient of public funds as compared with a public employee. This would appear to be in violation of the Amendment of the United States Constitution which declares that property cannot be taken from its owner without due process of law. But recipients of public welfare are placed in a preferred class of citizens, and their status on the public welfare rolls is denied to the taxpayer generally.

5. Despite all of the cases of fraud which have been proven in our courts, new rules are prescribed for the administration of public welfare which require the payment of benefits without any investigation of any kind as to the merits of the individual case, but assume that anyone who declares that he or she is entitled to welfare benefits should forthwith be so paid according to his or her own declaration of need. This is an open invitation for the commitment of further fraud against the taxpayers.

6. Many of those employed in the administration of public welfare are more concerned that claimants of public welfare aid receive their payments promptly than they are with the position of the average taxpayer who is required, by steadily increasing taxes, to support the public welfare program. Many taxpayers are actually receiving less in income than the recipient of public aid.

7. Public charges are constantly made about the impoverished condition of a large segment of our population claimed to be suffering from malnutrition, whereas, in most cases, the fault lies not with the amount of food supplied to them, but to their inability to select or plan a balanced diet.

8. Without doubt there is no larger percentage of our nation's population that is impoverished now than there was back in the 1900's, but we have raised the standard of living so high that it cannot be supported by a large segment of our population without government subsidy. Too many do-good-

ers insist that everyone, regardless of their income, should be provided with all modern electrical appliances, including colored TV's etc., which fringe benefits add to the ever mounting costs of public welfare.

9. Too much emphasis is being placed upon the slum type of homes in which people are living, and that these homes are sub-standard and must be replaced, when what is needed is for those who live in such homes to clean up, paint up, and improve their living conditions by their own efforts. Example after example has proven that when people who have no pride in improving their present sub-standard homes, are moved into a brand new modern housing project, such housing projects quickly deteriorate because they are subjected to the same living conditions, which rather proves the assertion that it is the bums who make slums, rather than the reverse.

10. The status of public welfare has got entirely out of hand. Today in San Diego County approximately 47% of the expense of government is concerned with public welfare in its various phases, and if the growth of public welfare is allowed to continue at the present rate the nation will go bankrupt:

(a) During the period from 1923 to 1939 when our San Diego County Grand Jury made its first study of the growth of public welfare, our population increased only two and one-half times, while public welfare expenses for recipients within the county increased more than fifty-two and one-half times.

(b) During the last 45 years, from 1923 to 1968, the population of San Diego County increased approximately eight times, while welfare payments during the same 45 years increased better than ninety times.

(c) The situation in San Diego County is simply a duplication of the growth of welfare elsewhere. It is nationwide.

11. Because of the migratory nature of our population, the removal of residential restrictions has worked a further hardship upon those states and communities to which people have flocked because of more comfortable living conditions and/or larger benefit payments. Once California required a residence of 15 years before eligibility for welfare benefits from the county tax rolls could be approved. Later the time limit was reduced to five years, and more recently, according to Supreme Court decisions, any time limit as to residential restrictions has been outlawed altogether. This has permitted a person moving to California to become immediately eligible for welfare payments by San Diego County where they have never lived or paid one cent of taxes, and local authorities are helpless to remedy the situation.

12. Reduction of public welfare will never be accomplished as long as the grant is given without obligation on the part of the recipient; and, whenever possible, repayment should be a requirement—more like a repayable loan.

13. The solution is not more paternalism, laws, decrees and controls, but the restoration of incentives for people to stay off of relief rolls.

14. The complete administration of welfare should be left in the hands of local county welfare officials who are familiar with conditions within their respective counties.

We believe the foregoing are constructive suggestions and would tend toward the solution of our welfare problems, keeping in mind the interests of those who are asked to contribute the funds as well as those who receive them.

WELFARE STUDY COMMITTEE,
L. N. TURRENTINE
MACARTHUR GORTON
LARA P. GOOD, *Chairman*.

SAN DIEGO, CALIF., March 1, 1969.

RESOLUTIONS ADOPTED BY DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JOHN STENNIS

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. STENNIS. Mr. President, the Society of the Daughters of the American Revolution met in Washington last week, bringing together sincere and patriotic Americans from throughout the Nation.

I am impressed with the dedication of its members to the fundamental principle upon which this Nation was founded and I find the society's outlook and spirit refreshing and inspiring amidst our troubled times.

The Daughters of American Revolution are vitally concerned about the future of the United States, as much so as any other organization in this country. I wish to commend the members of this society for the orderly and proper way in which they express their concern and recommend this pattern to all concerned Americans.

The DAR has proved and will continue to prove that an unruly demonstration, or a defiance of authority, is unnecessary to get a point of view heard. Clinging fast to the framework of this great democracy, made possible by the society's ancestors, the DAR has met in a serious and dignified way to adopt a number of resolutions that express their feelings on crucial matters facing this Nation.

Mr. President, I find these resolutions and the dignified and orderly manner in which the society expressed itself to represent the real meat of what democracy is all about. I am delighted and encouraged to see that our great form of government is manifested so well by the Daughters of the American Revolution.

I ask unanimous consent that the resolutions adopted by the society at its 1969 meeting be printed in the RECORD.

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

RESOLUTIONS ADOPTED APRIL 16, 1969
REDEDICATION

Whereas three hundred years ago a new ideal found root on these shores, and through trial and tribulation a new government and Constitution, founded on Faith in God, man, justice and opportunity for all, ultimately evolved; and

Whereas the current theme of our National Society is "One County, One Constitution and One Destiny"; and

Whereas to perpetuate the blessings accrued to mankind under the Constitution—the greatest charter of individualism—the National Society, Daughters of the American Revolution was founded to preserve history and to educate citizens not only in the privileges but also in the responsibilities of citizenship in this Republic; and

Whereas despite the sophistication of our age and the skepticism that has come to blight and weaken our Faith, Liberty under God remains the prized blessing of mankind;

Resolved, That the National Society, Daughters of the American Revolution carry forward the original spirit of America, surrendering to no foe the sacred trust committed to our hands, a trust we are honor

bound to pass on unimpaired to future generations;

Resolved, That the National Society, Daughters of the American Revolution rededicate themselves to the fundamental principles that impart wisdom and reason, justice and unity, courage, and faith in God.

APOLLO 8 ASTRONAUTS' READING OF GENESIS

Whereas America was founded as a Christian Nation; and

Whereas the majority of Americans respect their God for His protection and guidance through the centuries; and

Whereas the epic accomplishment of the Apollo 8 Project on December 24, 1968, is now history; and

Whereas the awesome, perilous flight of the three Astronauts proved without doubt what Americans working together toward a common goal can achieve; and

Whereas the reading of verses from Genesis by the three courageous Astronauts proved their fealty to the Country they serve, "One Nation under God";

Resolved, That the National Society, Daughters of the American Revolution express their joyous pride and warm admiration to these brave men of science, for expressing their Christian faith as they became the first human beings to look upon God's creation—Earth—"small and beautiful and blue in that eternal silence where it floats", and they found it good.

ANTI-BALLISTIC-MISSILE SYSTEM

Whereas it is folly to rely on treaties with the Soviets who have broken more than 100 major agreements; and

Whereas the Soviet invasion of Czechoslovakia in August, 1968, (which violated 17 agreements, one of which was only 17 days old) proves that "peaceful coexistence" is a fraud and that the Soviet communists have never abandoned their goal of world domination; and

Whereas Secretary of Defense Melvin Laird testified before the Senate Armed Services Committee in March, 1969, that:

(1) the Soviets "are going for a first-strike capability";

(2) the Soviets now have more than 200 "accurate" missiles of 20 to 25 megatons (which are 20 to 25 times the size of 95% of United States missiles);

(3) the Soviets have caught up with and passed the United States in numbers of land-based nuclear missiles, and are continuing to deploy more at a rapid rate;

(4) in slightly more than two years, the Soviet nuclear missile force has increased more than threefold, while the size of the United States nuclear missile force has been frozen;

(5) the Soviets have "deployed" and "launched" orbital bombs (the FOBS), which could be equipped with nuclear warheads;

(6) at the present time, the United States has no installed anti-missile defense, but the Soviets have been deploying their anti-missile system for the last three years, and are currently spending \$3.70 on defensive nuclear forces to every \$1.00 spent by the United States;

(7) the Soviets are "going forward with the deployment" of Polaris-type nuclear submarines at the rate of seven per cent per year and it is anticipated that they will be "comparable" to our Polaris fleet by 1971-74;

(8) our Polaris-Poseidon submarines will be vulnerable to a Soviet attack in about three years because of Soviet weapons advances;

Resolved, That the National Society, Daughters of American Revolution in the interest of a strong National Defense, support the restoration of United States nuclear weapons superiority and urge the rapid deployment of anti-missile defenses which can protect our Nation from any Soviet or Red Chinese nuclear attack.

TARIFF AND TRADE

Whereas in seeking to rebuild war-torn Europe and Asia and to aid emerging nations, the United States taxed her people and industries so heavily that many small and marginal firms failed; and

Whereas the United States government has created a critical situation in several industries by permitting a series of wage increases not justified by production increases and by canceling government contracts in various industries which attempted to raise prices to cover production costs; and

Whereas both the Trade Expansion Act of 1962 and the proposed Trade Expansion Act of 1968 frankly state that whole industries may be seriously injured; and

Whereas many earlier trade laws (still in effect) to prevent the dumping of foreign over-production have loopholes which permit evasion of the law while, at the same time, many other nations continue their restrictive tariff policies; and

Whereas the flood of imports contributes heavily to an ever-mounting unfavorable balance of payments which has weakened our dollar, drained away our gold and diminished our national prestige;

Resolved, That the National Society, Daughters of the American Revolution urge that the United States adopt a policy of enlightened self-interest and establish import quotas until foreign nations remove their costly non-tariff devices.

THE ELECTORAL COLLEGE

Whereas in providing the Electoral College, it was the intent of the Constitution of the United States of America to give American voters the same numerical representation in selecting a president as they enjoy in their representation in Congress, but this objective has long been thwarted by application of the unit rule or "winner take all" of the electoral votes to which a given State is entitled; and

Whereas the State of Maine by its recent action has demonstrated that it is within the power of the States, without Constitutional amendment or federal legislation to eliminate the unit rule, and Maine has now substituted a district plan of selecting electors, under which electors will be chosen by Congressional Districts and will vote for the candidate with the winning margin in the district, with two electors chosen at-large who will vote for the candidate with the popular majority in the State; and

Whereas the District Plan, by giving each voter one vote in his district together with the two votes of the electors chosen at-large to represent the vote of the State would be consonant with the provisions of the Constitution of the United States of America, in that it would retain the Electoral College and would require electors to represent the will of voters by Congressional Districts as well as the State; and

Whereas the method of direct election would mean abandonment of the federal system of representation, would risk federal control of elections, and would deprive the small or less populous states of the protection now provided by the two electoral votes representing their senators;

Resolved, That the National Society, Daughters of the American Revolution commend the State of Maine for adopting the District Plan of representation and voting in the Electoral College;

Resolved, That the National Society, Daughters of the American Revolution urge the several States to exercise their Constitutional powers; abolish the present bloc system of voting in the Electoral College; and adopt the District Plan, under which the body of electors comprising the Electoral College would represent the votes of each Congressional District and the two at-large votes to which each State is entitled, thereby

giving American voters equal representation in a presidential election.

SEABED ARMS TREATY

Whereas a draft treaty recently introduced by the Soviets at the 17 member nation United Nations Committee on Disarmament in Geneva would ban all weapons from the seabeds of the world; and

Whereas this plan prohibits placing on the seabed and the ocean floor and the subsoil thereof, objects with nuclear weapons or any other type of weapons of mass destruction, and the setting up of military bases, structures or installations, fortifications and other objects of military nature; and

Whereas such a sweeping elimination of all seabed military installations would include electronic directional devices for submarine, listening devices and other instruments vital to United States undersea operations; and

Whereas the Soviet willingness to cooperate in this treaty suggests the importance which they attach to seabed controls; and

Whereas the Soviets have never signed an agreement or treaty that did not at least temporarily advance their plans for world domination, nor have they kept their pledged word whenever it suited their purpose to break it;

Resolved, That the National Society, Daughters of the American Revolution in the interest of a strong national defense, urge that the United States retain control of all necessary military seabed installations.

CONSERVATION

Whereas man is part of the ecology of nature and through the decades has endangered the balance of nature by his exploitation and misuse of natural elements of air, water and land; and

Whereas it is imperative that those persons determining land use must take into consideration indiscriminate acquisition for highways, industrial complexes, housing developments, air ports and the destruction of the marsh lands, and for minerals, strip mining and oil recovery policies, watersheds and erosion, reclamation and irrigation, esthetic values and recreational needs; and

Whereas the future development of the national wealth and the standard of American life will depend upon adequate supplies of clean, usable water and a high percentage of environmental pollution derives from wasteful, antiquated, unsafe methods of city and industrial waste disposal, farm use of insecticides, fungicides and herbicides resulting in the deterioration of water quality; and

Whereas the air is becoming increasingly polluted by jet planes, motor vehicle fumes, industrial smoke and gases, uncontrolled fires and dust bowls threatening the well-being and even the existence of whole communities; and

Whereas careless cutting of magnificent forests, including the majestic monarch, the Redwoods (a national heritage), has resulted in loss of vital water-sheds contributing to soil erosion and uncontrolled floods; and

Whereas man by indifference, by greed or by necessity, has been responsible for the decimation or extinction of countless species of wildlife and unwarranted destruction of fish life;

Resolved, That the National Society, Daughters of the American Revolution support effective studies and laws to implement pollution controls of air and water, better use of land and prudent conservation of all natural resources, and cooperation among national, state and local authorities in order to find a common solution to these problems.

ATTACK ON POLICE

Whereas militant groups have openly announced their intention to destroy the local police forces of the United States as a neces-

sary step toward their goal of creating anarchy in this Country; and

Whereas leftists efforts to destroy the effectiveness of the local police and to stimulate demand for a national police force are being abetted by court decisions and propaganda; and

Whereas widespread anti-police propaganda discredits efforts of the local police to protect citizens from bodily harm and their property from looting and arson, and derides the policeman who attempts to protect himself from vicious attacks; and

Whereas police departments are often inadequately equipped and undermanned, and police are often so restricted in their use of arms that they must risk their lives unnecessarily; and

Whereas a bold, escalating plan for the destruction of local police has reached the stage of numerous bombings of police headquarters;

Resolved, That the National Society, Daughters of the American Revolution commend the local police of this Country for their efforts to protect law-abiding citizens and pledge them our support;

Resolved, That the National Society, Daughters of the American Revolution warn of the dangers of any plan for a nationalized police system.

LOSS OF INDIVIDUAL RIGHTS

Whereas the Constitution of the United States of America reserves all powers of government to the several sovereign states and to the people except those specifically allocated to the Federal Government; and

Whereas Americans, apathetically unaware of the magnitude of these losses, should be alarmed by the following partial list:

Citizens have been deprived of the right to own gold by Executive Order; the coinage of the nation has been debased; Silver Certificates have been withdrawn; and the dollar is being progressively devalued by inflation.

The right to know is abridged by bureaucratic practices of distortion or by classification of government information in order to withhold it, not only from the people but also from committees of Congress, and by Federal Communications Commission "guidelines" used to influence radio and TV programming.

The United States has been involved in two foreign wars without a declaration of war by Congress.

The right of parents to direct the education of their children is being increasingly curtailed by federal edicts; freedom of choice of schools and teachers is denied; children are being bussed in violation of the law.

The right to read the Bible and to pray in public schools is denied.

"Guidelines" in the implementation of the Gun Control Law of 1968 provide de facto gun registration by requiring detailed information from buyers of ammunition or materials for reloading shells for sports and recreation.

The right to sell or rent property has been sharply curtailed, and dictatorial use of the power of Eminent Domain often amounts to actual confiscation of property.

The right to conduct business is greatly hampered by numerous government regulations including; hiring and firing personnel; inspection of records; submission of innumerable reports; collection of withholding, sales, unemployment taxes and social security payments under severe penalties for non-compliance.

Farmers restrained by bureaucratic edicts, are restricted in the use of individual ingenuity and initiative, thereby limiting use of land, productivity, and hope of profit, thus depriving the nation of cheaper food and fiber for domestic use and for export;

Resolved, That the National Society, Daughters of the American Revolution stand

firmly for the restoration and preservation of Constitutional rights of individual citizens.

CIVILIAN BENEFITS OF DEFENSE RESEARCH AND DEVELOPMENT AND SUPPORT OF ROTC

Whereas the military research and development work of our industrial and university laboratories—so often distorted and attacked—not only enables the United States of America to neutralize potential threats to our national survival but also has provided civilian life with "walkie-talkie" radios, computers, lasers (with their medical application), transistors, worldwide television and meteorological reports by satellite with new developments in concentrated foods and in nutrition; and with materials never found in nature, withstanding the heats, speeds and pressures that technological progress generates; and

Whereas the ROTC programs at nearly 300 of our Nation's colleges and universities not only supply the bulk of the Air Force, Army and Navy officers needed in times of national emergency but also strengthen the character traits of self-discipline, self-reliance and adult responsibility demanded of today's businessmen, executives and statesmen;

Resolved, That the National Society, Daughters of the American Revolution deplore the action of any member of a faculty, student body or news medium who joins through ignorance and/or intent in demonstrations against Defense Research and Development programs or the ROTC;

Resolved, That the National Society, Daughters of the American Revolution commend and support Department of Defense Research and Development and every reserve Officers Training Corps enrollee and instructor devoting his efforts to the survival of our Nation.

VIETNAM

Whereas, Vietnam peace negotiations in Paris have been in session since May, 1968, and have produced no tangible results; and

Whereas American casualties have soared during these months of negotiations; and

Whereas the heavy loss of American lives combined with leftist anti-war agitation and lengthy peace negotiations may lead to an American demand for peace at any price;

Resolved, That the National Society, Daughters of American Revolution call for an end to Vietnam peace negotiations, to be followed by a public pronouncement of United States objectives in Vietnam, determined after full consideration and possible repudiation of any entangling alliances which may hamper United States freedom of action in achieving military victory in Vietnam under direction of United States military strategists for a prompt and decisive settlement of the Vietnam War.

STUDENT SUBVERSION

Whereas "militant activists" and "student radicals" not only have wantonly burned college and university buildings, with losses running into many millions, have unlawfully occupied administrative offices and have destroyed irreplaceable and invaluable records and property; but also have disrupted with physical violence, the educational pursuits of the great majority of serious and law-abiding students, all in the name of academic and intellectual freedom; and

Whereas the campus revolutionaries are now openly directing the violent disruption of education in the elementary and secondary schools across the nation, making demands which, if agreed to, lead only to more and unacceptable demands; and

Whereas the true purpose of most campus disorders is to tear down the existing structure of the educational institutions of the nation and to create a climate of anarchy in which to destroy the Republic of the United States; and

Whereas it is no secret that, to secure the downfall of the United States, the Marxist-

Socialists have had long range programs to debauch American Youth; the success of these programs being manifest (1) in their rebellion against all authority, (2) in the widespread use of drugs, and (3) in the breakdown of religious and moral values;

Resolved, That the National Society, Daughters of the American Revolution urge immediate discontinuance of the payment of any tax monies:

(a) To any student at any college or university who has participated in any action opposing administrative authority and in defiance of the law, and

(b) To any faculty member who has participated in or encouraged any action opposing administrative authority, and

(c) To any institution of learning whose administrative officials have not enforced the regulations of the institution;

Resolved, That the National Society, Daughters of the American Revolution urge the thousands of Americans, who financially support the college of their choice, to consider the uses to which their money is being put and to withhold their support from those institutions which condone or compromise with student terror tactics;

Resolved, That the National Society, Daughters of the American Revolution commend the many students and educators (amended to include) who have maintained high standards of academic achievement and who have adhered to the principles of decency, morality and religious faith upon which this country was founded and which have resulted in the greatest degree of freedom and the greatest prosperity ever known to man.

SEX EDUCATION

Whereas sex education is not new, most high schools having for years conducted courses which teach the biological facts of life; and

Whereas there is a new and comprehensive sex education program being promoted by a private organization for use in all schools from kindergarten through high school; and

Whereas leading promoters of sex education have published a brochure in which they state (we) "can be neither for nor against illegitimacy, homosexuality, premarital sex nor any other manifestation of human sexual phenomena"; and

Whereas a reputable psychiatrist has stated that sex education should not begin in grade schools because there is a phase of personality development from about ages 5 to 12 when a child develops his physical and mental strength, and premature interest in sex will distort the development of the personality; and

Whereas there is deep parental concern that such instruction unconnected with spiritual and moral values could cause a disintegration of character and moral standards in an entire generation of American youth;

Resolved, That the National Society, Daughters of the American Revolution oppose any sex education in primary and grade schools because of the undesirable psychological effects and urge their members to do everything within their power to prevent the teaching of the physical aspects of sex unconnected with spiritual and moral values.

SENSITIVITY TRAINING

Whereas Sensitivity Training, incorporating self-criticism, is a form of instruction given small groups of persons by a trained leader who uses his power of persuasion to induce individuals to abandon self and personal privacy of body and thought and to submerge themselves into an homogenized group which then becomes an entity subject to the direction of the leader; and

Whereas Sensitivity Training under such names as T-Groups (Training Groups), Dynamics, Human Relations, Group Counseling and other pseudonyms is being pro-

moted by educational, youth and rehabilitation groups and by many churches, business, industry, government and civic organizations; and

Whereas in spite of the alleged goals of Sensitivity Training—which are love, trust, freedom of communications—the programs often result in the loss of moral and ethical standards, abdication from social and personal responsibility, subversion of parental authority and could destroy the ability to distinguish right from wrong according to God's Law; and

Whereas many specialists in the field of psychiatry recognize self-criticism to be an integral part of the brainwashing technique used so destructively against American war prisoners in the Korean War, having originated in the U.S.S.R. in 1929 with the communist party slogan "Through Bolshevik self-criticism we will enforce the dictatorship of the Proletariat";

Resolved, That the National Society, Daughters of the American Revolution oppose Sensitivity Training programs and urge their members to make a thorough study of Sensitivity Training and then sponsor educational programs to publicize its inherent dangers.

ON DRAWING A LINE (PORNOGRAPHY)

Whereas it has been said that "art, like morality, consists in drawing a line somewhere"; and

Whereas on every side in this Nation we see moral decadence, coarseness of conduct and a general desecration of tradition—as evidenced in the printed and spoken word; in the theatre of cruelty; in motion pictures and in TV performances of brutishness, depravity and perversion; in the gyrations of popular dances; in the crudities of Op Art; and

Whereas it is a recorded goal of the Marxist world conspiracy and one of its rules for successful revolution to destroy the moral values of those nations whose governments the international socialists seek to destroy;

Resolved, That the National Society, Daughters of the American Revolution express their interest in the work of the Presidential Commission on Obscenity and Pornography and hope the Commission will conduct a comprehensive study of and an investigation into planned decadence in this Country to ascertain what elements are promoting and profiting by this lucrative traffic, and to identify those elements whether within or outside our borders; and

Resolved, That the National Society, Daughters of the American Revolution suggest such an investigation should formulate stern measures to curb this despicable business, beginning with a simple definition of pornography—in the belief that to survive, this Nation must acknowledge that "art, like morality, consists in drawing a line somewhere."

APPRECIATION TO THE PRESIDENT OF THE UNITED STATES OF AMERICA

Resolved, That appreciation be expressed by the National Society, Daughters of the American Revolution to the President of the United States of America for his message to the Seventy-eighth Continental Congress.

APPRECIATION TO THE PRESIDENT GENERAL

Resolved, That the National Society, Daughters of the American Revolution express to Mrs. Erwin Frees Selmes, President General, their sincere and grateful appreciation of her efficiency, courtesy, dedication and courage and for her inspired leadership in furthering the objects of our Society.

APPRECIATION TO THE CHAIRMAN OF THE RESOLUTIONS COMMITTEE

Resolved, That the appreciation of the members of the Resolutions Committee be expressed to the President General for the privilege of serving under Mrs. William D. Leetch, Chairman of the Committee, who

has shown such unusual tact, knowledge, ability and discretion in handling her assignment.

COURTESY RESOLUTIONS

Whereas the 78th Continental Congress of the National Society, Daughters of the American Revolution has been instructive, inspirational and enjoyable; and

Whereas the overall result is due to those who planned and took part in the programs;

Resolved, That the National Society, Daughters of the American Revolution express their deep appreciation to the Officers, Chairmen, their Committees, Pages, and all who participated in the programs, particularly:

1. The members of the staff, their loyal and courteous service during the year as well as during the Congress;
2. The United States Service Bands and their enjoyable evening concerts;
3. The musicians, artists and choral groups for their contributions to the programs;
4. Our own All-American National Chorus of which we are so proud;
5. The speakers for their fine addresses;
6. The coverage of press, radio and television;
7. The police and firemen for their courtesy and protection;
8. Each individual who contributed to the success of this 78th Continental Congress.

NATIONAL TIMBER SUPPLY ACT

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. OLSEN. Mr. Speaker, prior to entering this distinguished body I had the privilege of being closely associated with local government in my home State of Montana. In Montana, as in other Western States and a good many other rural areas, the county is the key to effective local government. It is the county which determines the adequacy of the road system so essential to get crops and livestock to market. It is the county which bears the basic responsibility for schools. People in rural areas throughout the country look to the county for police protection and other fundamental services paid for by their taxes.

It is because of my fundamental interest in the welfare of the counties of the United States that I rise today to speak in behalf of the National Timber Supply Act of 1969. There is a close and continuing relationship between timber harvest and county revenues particularly with respect to the timber management of the national forests.

I want to make it clear at the outset that the Government land I am referring to in my statement is not wilderness area but commercial forest land managed by the Forest Service.

Under the law, counties where national forests are situated receive 25 percent of the revenues from timber sold off those local Federal timber lands. These funds are paid to the counties to help defray the costs of construction and maintenance of county roads and to help defray the cost of schools. It follows logically that the improvement of timber stands on the national forests and their better management will inevitably provide greater revenues and thus directly benefit the counties which, I would re-

mind you, derive no property tax revenues from national forest lands lying within the county boundaries.

Perhaps of equal importance is the fact that the National Timber Supply Act will eliminate the necessity for the continuation of the Knutson-Vandenberg Act—16 U.S.C. 576—funds which are specified for reforestation of national forest lands which have been harvested. The Knutson-Vandenberg fund system, while serving a worthy purpose, has been a bone of contention between the counties and the Federal Government for many years. The inequities of the system have caused the introduction of numerous bills over the past 25 years. I have attended hearings on the issue. The amount of K-V funds—as they are called—deposited by the timber buyer varies widely depending upon the nature of the forest, the terrain involved, and other factors. Purchaser deposits for reforestation are a high percentage of stumpage costs, the apparent value of the timber sale is reduced and the 25 percent of receipts going to the counties is cut down.

There are county officials who feel that K-V funds tend to deprive the counties, therefore, of their fair share of timber sale revenues.

While the National Timber Supply Act does not repeal the K-V provisions, it will, when operating through the "high yield forest fund" make it unnecessary to use the act. It does not provide near enough money to do the needed cultural practices. The whole purpose of the proposed act is to stimulate better silvicultural practices which, of course, includes reforestation.

In essence the National Timber Supply Act and its funding methods will eliminate the counties' share of the timber sale revenues from being skimmed off the top for what is rightfully a Federal management expense. This is only right and just and will, in every case, work to the direct benefit of the citizens who live in those counties.

In terms of reforestation activities themselves, the National Timber Supply Act, while easing the counties' financial burdens, will provide more than 10 times as many dollars for reforestation as is now provided by K-V. Everyone benefits from this change and no one loses. This is rare legislation for this reason alone.

I am today directing these remarks by mail to the National Association of Counties urging that they solicit the support of every county governing body in the United States for the passage of the National Timber Supply Act. This act will respond to the President's plan to restore fiscal responsibility to local government and I thoroughly endorse both its intent and its climate effect.

THE DETERIORATING SITUATION IN IRAQ

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. JAVITS. Mr. President, I have been given a special report by the Amer-

ican Jewish Committee which describes the situation of the 2,500 Jews in Iraq as "deteriorating at an ominous rate." A situation of terror pervades the community there as restrictions are steadily tightened. The report speaks eloquently for itself. I ask unanimous consent that it be printed in the RECORD.

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

SPECIAL REPORT ON SITUATION OF JEWS IN IRAQ—AMERICAN JEWISH COMMITTEE

The situation of the Jews in Iraq is deteriorating at an ominous rate. The only ones working are a few teachers, a few businessmen and one professor whose services are apparently wanted and needed by the government. A system of self help, that is one family helping another had been built up; but even those who had are now joining the ranks of the have nots. There is want.

The people are terrified and terrorized. The ringing of the bell or a knock at the door is enough to frighten any of them. The fear was compared to that of the Nazi ordeal, and has brought the population collectively to an indescribably nervous pitch. The night of the executions the Chief Rabbi was asked to go to the prison to say prayers for the condemned men. He refused, as did his assistant; no doubt out of fear. Someone did go however, but was kicked out after only a few minutes.

It is reported that the hangings in Baghdad took place one by one in the presence of the other victims.

Restrictions have become intolerable. Personal effects cannot now be sold either. An entire family was arrested because a member sold a carpet. The explanation given is that such money will be spent to smuggle the people out of the country.

The economic situation of the Jewish community has reached a desperate point, and the oppressive policies continue. If there is any way through an international voluntary body or a friendly government to bring some assistance to this helpless group, it would be a life saving measure for them.

THE 1970 CENSUS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. BOLAND. Mr. Speaker, the probing personal questions the U.S. Census Bureau wants for its 1970 census threaten to violate every citizen's fundamental right to privacy. I am cosponsoring a bill—H.R. 3778—that would clear away this threat by making wholly voluntary the responses to all but six basic census questions. This legislation would prevent the Federal Government from carrying out searching inquiries into a citizen's private affairs without that citizen's consent. But the bill—and this point should be emphasized—will not restrict or inhibit the Government's ability to gather the statistics it needs for planning and administering its programs.

We have read of the complex and wide-ranging questionnaire that the Census Bureau proposes to send into the homes of this country next year. Though the Bureau's Director, A. Ross Eckler, assured the Subcommittee on Census and Statistics of the House Post Office and

Civil Service Commission in hearings on April 1 that the responses to this questionnaire would be kept strictly confidential, our mail reflects the opinions of our constituents who feel the requirement to answer some of the questions constitutes an unwarranted invasion of their personal privacy. And who should be in a better position to know when a question is too personal than the people who will be asked them?

In response to the mounting wave of criticism over the length of the form and the personal nature of the questions, the Secretary of Commerce recently informed Members of Congress that "questions relating to the adequacy of kitchen and bathroom facilities have been reworded to remove any implication that the Government is interested in knowing with whom these facilities may be shared." I am relieved to hear that the original 66-question form has been cut back to 23 questions, but I feel that these measures do not solve the basic complaint we have with the 1970 census; that is, individuals are still being asked to divulge what they regard as confidential information or else face the possibility of as much as 60 days imprisonment. No woman should be faced with the dilemma of admitting that she had borne illegitimate children or other personal information, possibly not even known by her husband, or face the possibility of a jail sentence. Admittedly, this is probably the most extreme example of the type of conflicts this census will create between the demands of the state and the individual's loyalty to himself and his self-respect. But an examination of the proposed census form and the many statements delivered by my colleagues on this matter in this Congress and in the 90th Congress have convinced me that the Senate Post Office and Civil Service Committee was correct when, in reporting a bill similar to H.R. 3778, it wrote on October 2, 1968:

Census questions are broad and in some cases invade areas of citizens' personal households and activities which go far beyond the necessity for enumeration. Although State and local governments have expressed strong interest in obtaining such information for justifiable reasons (including the distribution of public funds for education, welfare, and related government purposes), imprisonment for refusing to answer or answering falsely is a penalty too great to impose on any citizen (S. Rept. No. 1610, 90th Congress, 2d Session).

The bill reported by the Senate Post Office and Civil Service Committee last Congress, S. 4062, which would have repealed those sections of the United States Code providing jail sentences for persons refusing to answer or falsely answering census questions, was approved by the Senate on October 2, 1968, which, unfortunately, proved to be too late for the House to act. H.R. 3778 includes the changes proposed by S. 4062, and, in my opinion, provides a basic improvement not included in that bill. In addition to eliminating prison penalties, H.R. 3778 would make persons liable for a fine of not more than \$100 for failure to truthfully answer questions in the following areas only:

- (1) name and address;
- (2) relationship to head of household;

- (3) sex
- (4) date of birth; and
- (5) visitors in home at the time of the census.

By restricting compulsory questions to these areas, Congress would be more closely following the constitutional purposes of a census, which are to provide the basis for congressional districts—Constitution, article 1, section 2, and section 2 of the 14th amendment. Questions on personal matters such as the number of bathrooms in a given residence are irrelevant to this purpose and therefore not within the constitutional intent of the census.

We do not doubt that statistics derived from questions asked about marital status, years of school completed, employment status, kitchen or cooking facilities, heating equipment, number of bedrooms, presence of washing machines, television, and many other questions, are helpful to the national, State and local governments and private industry as well. Some of this information may indeed be vital to the planning of governmental programs. Therefore, we do not propose restricting the nature of the questions asked. We only are telling the Census Bureau that they may not force a person to answer questions beyond five specific categories related to the constitutional purposes for the census. We are leaving it to the individual citizen to determine which questions are too personal for him to answer. There is no better way to protect the right of privacy in this area because no one can determine what invades a person's privacy better than that person.

I cannot see how asking for voluntary responses to most of the census questions would make the census, to use Secretary of Commerce Maurice C. Stans' words, "unreliable and practically useless." George Gallup, Lou Harris, and countless other polling organizations have been proving for years that you can take accurate surveys without threatening to fine or imprison the person questioned. In fact, we may find that the Census Bureau will get more cooperation from the public if they ask rather than require people to answer questions. I know that if someone came up to me and explained the reasons for asking various questions and asked for my cooperation, I would feel more disposed to answer than if he had said, "Answer these questions or else you will go to jail for 60 days." Next year's census will for the first time be conducted largely by mail. Distortion and failure to respond seems more likely under these circumstances than when the census was conducted by direct, personal interview. Surely, under these new conditions, we should try to obtain the cooperation of the people rather than their hostility.

Furthermore, we should act at this time to let the Census Bureau know that many of the questions included in the 1970 census, such as requests for information on previous marriages, value of property, and number of children borne by a woman, including stillbirths, touch upon personal matters which Congress believes should not be the subjects of a national survey. We should warn the

census takers that although we are leaving the questions on this census to be answered voluntarily—since to completely remove them at this stage would involve great waste—the questions should be carefully reexamined and limited before the next census or else Congress may force them to make such restriction. We must demonstrate our recognition that a compulsory census on such personal matters increases the Government's power to conduct a regular, computerized surveillance of a citizen's every move, thought, word, and deed and represents a gratuitous intrusion by Government into the everyday lives of its citizens.

A recent Associated Press dispatch indicates that we must act soon on this problem. For even as the protests rise in Congress and throughout the land, under the orders of President Nixon, the administration has instructed the Government Printing Office to begin production of 150 million forms to be filled out by each household next year with the instruction that answers to the questions are mandatory. I believe that H.R. 3778 presents an ideal balance between the competing needs of the Government to know and of the citizen to retain some areas of privacy.

WORKWEEK 1969 AT SPRINGFIELD COLLEGE, A STUDENT-ADMINISTERED PROJECT DESIGNED TO RAISE FUNDS FOR BADLY NEEDED FACILITIES—WORKWEEK STANDS AS A POSITIVE REJECTION OF THE IRRESPONSIBILITY AND DESTRUCTION OCCURRING ON SOME COLLEGE CAMPUSES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. RANDOLPH. Mr. President, students at Springfield College, Springfield, Mass., have initiated and administered a project—Workweek 1969—designed to bring contributions to the college to aid in the growth and expansion of that institution of higher education.

The Springfield undergraduate has seldom been given to noise or display but rather has chosen the currently un-stylish path of cooperation. It is in this tradition and spirit that students of Springfield have foregone the placard and have instead chosen the shovel and paint brush as a means by which they offer aid to the capital fundraising campaign.

It is hoped that the goals of their efforts will be realized in the building of a library, a football-track-soccer complex, classrooms, and infirmary facilities.

Participating students are working in the Springfield community on a variety of odd jobs. The proceeds from their labors will augment funds being used to provide needed improvements.

It is gratifying to see students giving aid in a positive manner, so beneficial to themselves and their institutions.

This positive program was brought to my attention by Phyllis Lerner, a student of this institution. She is an alert and enlightened young lady.

THE BRUTAL TRUTH

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. DENNEY. Mr. Speaker, the April 13, 1969, issue of the New York Times contains an excellent article entitled, "The Brutal Truth" by C. L. Sulzberger. Having received permission, I insert the following in the CONGRESSIONAL RECORD:

THE BRUTAL TRUTH

(By C. L. Sulzberger)

SAIGON.—Last October the Central Office for South Vietnam (C.O.S.V.N.), Communism's executive committee for Vietcong operations, adopted a basic peace strategy which must be reversed by Hanoi if present efforts are to succeed. This basic strategy is called Resolution Eight and aims at "decisive victory."

"Decisive victory" is specifically described as: (1) American recognition of and negotiation with the Communist National Liberation Front (N.L.F.), now regarded as attained; (2)—American withdrawal from South Vietnam and destruction of U.S. military bases which "will certainly be accomplished"; (3)—creation of a "coalition government" in Saigon, including the N.L.F., to establish a "neutral South Vietnam."

TOTAL VICTORY

Such "decisive victory" is to be followed ultimately by what is called "total victory": independence, territorial reunification and a Socialist regime in [all] Vietnam." A later C.O.S.V.N. study session on Resolution Eight concluded:

"The enemy's rear is unstable. The puppet army and Government are disintegrating. . . . The fact that the Americans are talking with us in Paris means they have fallen into our trap. The fact that they declared an unconditional bombing halt over North Vietnam means they have recognized their failure."

To exploit this situation, Hanoi many weeks ago ordered "continuous, relentless and encompassing" offensives with "recurring climaxes and concentrating their main efforts on chosen targets." But it warned that Washington also is trying to find "a political solution to defeat us" and "we are resolved to defeat them in this situation. . . . We will defeat the enemy on the political front right in the United States. We will enlist the American people's support against the Vietnam war."

C.O.S.V.N. commanded its troops to "sustain your attack and don't let the enemy stop for a breath. . . . Build up secret self-defense and secret guerrilla strength in the urban centers. . . . Build up our strength in Saigon urgently for Saigon is the number one theater in South Vietnam. . . ."

"The primary objective of the political struggle movement in Saigon is to voice the people's demands for peace, to topple the Thieu-Ky-Hung clique, to establish a progressive government to negotiate with the N.L.F. and to bring about American withdrawal."

C.O.S.V.N. concluded: "political weakness causes the enemy to suffer failure after failure in the strategic field and drives him to

defeat. . . . We must engage in a protracted war and endure many hardships."

A subsequent analysis announced the Communists would cling to certain goals at the Paris negotiations including deescalation of the war and mutual withdrawal of all foreign troops in South Vietnam. It is reckoned that Hanoi can disguise its own troop withdrawal and later reopen "the war of liberation." This tactic is spelled out in documents taken from enemy corpses late last month.

General Giap, Hanoi's redoubtable commander, issued orders (also captured at the end of March) to sustain present attacks with a view to a "final major offensive either in May or the last part of June through the first half of July." Reinforcements for this effort are already marching down the Ho Chi Minh Trail in Laos toward South Vietnam.

SAIGON IS TARGET

This offensive would start only if there is no prior settlement in Paris and is labeled the Dong Khoi General Revolution. Saigon would be its primary target. There is even reference to "leveling" the capital. Special units are being prepositioned for attacks on Saigon's Tan Son Nhut airport, seat of the U.S. high command.

Several basic deductions can be made from these audacious plans. Although the Communists report their own high casualties accurately in order to insure adequate reinforcements will be sent, they exaggerate allied losses and distort the real military picture. They also rely heavily on "sleeper" agents hidden in Government-controlled areas and on accommodations reached with regions that are not as well "pacified" as Saigon thinks.

THE PRICE IN BLOOD

Communist troops already committed to this protracted offensive are being brutally punished. Nevertheless, Hanoi seems to reckon that if it continues paying the terrible price in blood, its own military resolution will outweigh Washington's political resolution. This hard-boiled audacity may yet prove justified.

Showdown could be deferred if, before May-June, the new Nixon peace initiative produces results. Otherwise there promises to be a terrible effort to raze Saigon. In either event the American people should be aware what Communist strategy calls for and what their own responsibility should be in helping their Government to articulate a response. For Communist strategy specifically reckons on "the American people's support" to secure its own victory.

POSTAL REFORM

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, the question of postal reform is now before the Post Office and Civil Service Committee. Today the chairman of the committee, THADDEUS J. DULSKI, appeared as a witness for the committee and outlined future plans. In connection with the hearing today, I received a letter from the Postmaster General explaining that he intends to submit to the committee legislative proposals for postal reform during the last week of May. I thought that the Members would be interested in the statement of both Chairman DULSKI and Postmaster General Blount, which I am submitting for the RECORD:

STATEMENT OF HON. THADDEUS J. DULSKI ON REFORMATION OF THE POSTAL ESTABLISHMENT AND H.R. 4, A BILL TO ACCOMPLISH THAT PURPOSE BEFORE THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, APRIL 22, 1969

Mr. Chairman, for the record I am Thaddeus J. Dulski, Representative in Congress from the 41st District of New York.

To qualify myself as a witness, I will state that I have been a member of this Committee during all of my ten years and three months of service in the Congress. I also served as Chairman of the Subcommittee on Postal Operations during the 88th and 89th Congresses.

I am the author of H.R. 4, to modernize the United States postal establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes.

I am accompanied by Mr. Charles E. Johnson, a member of the professional staff of this Committee for nearly seventeen years, and Mr. Frank C. Fortune, a member of the regular Committee staff.

I believe it will be helpful, at the outset, to review the background of this hearing and our posture on the matter of postal reform at this particular time.

The United States Post Office has a more direct, personal, and day-to-day effect on more Americans than does any other Governmental function.

A healthy, efficient, and responsive postal service is a vital force in the economic, cultural, and social growth of the nation. A weak one is a danger to the American way of life.

For several years past there has been a growing awareness that our vast, sprawling postal complex is heavily overburdened and in deep trouble. Delays, breakdowns, errors, damage, and other inconvenience to the public have become more and more frequent. Businessmen, public officials, and just plain citizens have demonstrated increasing concern with the condition of their postal system and the grave problems confronting it.

Public dissatisfaction is more widespread—and public demand for a change is more insistent—than ever before with respect to postal affairs.

Plagued as our people are by recurring rises in postal charges in the face of declining service, small wonder their mood is sullen. They feel they are entitled to a better deal all around.

There is, as well, unusual agreement among postal officials and independent authorities upon the need for sweeping reforms in postal policies and operations.

It is also a fact that public resentment soars to high levels whenever a pronouncement is made by a public figure criticizing the Post Office or warning that it is threatened with disaster.

In my experience, the most striking example of such a pronouncement by a public figure was the proposal on April 3, 1967, by former Postmaster General Lawrence F. O'Brien. He proposed that the Post Office be turned over—lock, stock, and barrel—to a corporation.

The immediate result was renewed clamor for major surgery in the postal establishment. The corporation approach was seized upon by sundry and assorted "experts" as the panacea for all postal ills.

The proposal was given impetus by the creation of a panel—called "the President's Commission on Postal Organization." This was on April 8, 1967, just five days after Mr. O'Brien's original suggestion.

Mr. Frederick R. Kappel, the highly regarded former Chairman of the Board of Directors for the American Telephone and Telegraph Company, was named Chairman of the Commission.

The Commission's report, entitled "Towards Postal Excellence," was submitted to former President Lyndon B. Johnson in July of 1968. The report strongly supports the corporation proposal.

Therefore, the two advocates for turning the Post Office over to a corporation are Mr. O'Brien, the architect, and Mr. Kappel, the signer of the Commission recommendations.

Yet, notwithstanding their strong advocacy of the corporation, both of these gentlemen have declined my requests that they testify before this Committee in support of their corporate recommendations. The requests were made early in March and again within the last ten days.

Each has stated that other obligations preclude his appearance here. Neither one has indicated any possibility of appearing in the reasonably near future.

I recognize that Messrs. O'Brien and Kappel, as private citizens, are under no statutory mandate to appear and testify.

Nevertheless, I do feel that they share a strong moral obligation—as the chief architects of a precedent-shattering change in historic public policy—to help complete the project they began.

It seems to me that the public interest demands they submit themselves to the requirements of established legislative process. It is my hope that both Mr. O'Brien and Mr. Kappel will be able to testify before these hearings are completed. I will continue my endeavors to arrange for their appearance.

The other major factor to be considered, of course, is the position of the new Administration on postal reform.

I have consulted at length with Postmaster General Winton M. Blount, and urged early submission of his official recommendations for postal reform.

The Postmaster General has advised me that he cannot be prepared to do this until the end of May. He also has urged that postal reform hearings be deferred until he can appear and testify at that time.

I fully appreciate the Postmaster General's situation, and his need to make certain that his official recommendation, once submitted, will serve the public interest.

He has been in office less than ninety days, and will have the responsibility of providing postal service long after he commits himself.

In contrast, the Kappel Commission conducted an exhaustive study, with a strong staff and at considerable expense to the Government, to arrive at its decision after a year and a quarter.

It was with the background of the Kappel report and my own intensive study that I introduced H.R. 4 at the start of the 91st Congress and declared that the most urgent issue facing us in 1969 is: "What we should do about the United States Post Office Department."

The issue has been intensified, now, by the Postmaster General's announcement that he will seek an increase in first-class postage, from 6 cents to 7 cents, as well as other postal rate adjustments to be detailed later.

Mr. Chairman, it is my firm conviction that positive steps toward postal reform must precede postal rate increases. First things must come first.

The public interest requires that we move promptly on postal reform.

THE NATURE OF POSTAL REFORM

Postal modernization has engaged a major share of my personal time and attention for the past 10 months.

I have made a thorough review of the Kappel Commission report and its four volumes of "Annex" material, as well as the records of certain existing Government corporations.

The Kappel report and annexes are comprehensive and analytical documents. I have been particularly impressed with their informative value with respect to the multitude of postal problems.

I strongly concur with the Commission's

findings that postal reform is an immediate necessity, and that no private firm would be willing to take over the postal system.

I differ, however, with the Commission's conclusion that a postal corporation is the only answer.

All of the worthy purposes that a corporation might achieve can be gained just as well—and with far less risk of serious disruption—while keeping the post office as a direct executive function in the normal framework of Government.

I was prepared to begin hearing testimony a month ago. In deference to the Postmaster General's position, I delayed until after the Easter Recess.

However, I could not, in good conscience, agree to further postpone Committee action and have proceeded, pursuant to public notice, with the hearings beginning today.

It is not my intention, in doing so, in any way to compromise the Postmaster General's situation. The hearings will have no adverse effect on the development and presentation of his plan.

He has my personal assurance that his official proposal will be welcome, when presented, and will receive full consideration by the Committee.

At the same time, I feel it is the direct responsibility of this Committee to take and to maintain the initiative in a legislative field that is of such vital concern to all of us.

As to postal rate increases, it is noteworthy that the third round of the heavy ones imposed only 16 months ago by Public Law 90-206 has not even taken effect yet.

In my opinion, the American public would reject outright a new round of rate increases unless the Congress first takes positive steps to improve postal service.

What I have said, Mr. Chairman, establishes the general frame of reference in which I ask the Committee to consider the relative merits of my bill, H.R. 4, and the corporation approach recommended by the Kappel Commission.

Each presents a suggested means for the solution of the many postal difficulties.

Each is the product of painstaking study of the postal system and of all possible means to improve it.

Each, in my judgment, represents one of the most comprehensive proposals to modernize the postal service yet placed before the Congress.

And each, I am sure, has been offered with equal good faith and concern for the public interest.

I certainly agree that major changes—possibly even radical changes—are needed in our postal policy and practices.

But I find nothing to prove that the only satisfactory remedy is to turn this great service over to a corporation.

We must take care that the cure is not worse than the illness. I think that this error could occur if we made the drastic changeover to a corporation.

A government corporation is justified only when a necessary governmental task cannot be accomplished in the normal Government process. This is not the case here.

The Post Office Department and its 700,000-odd employees are doing a remarkable job in the face of the burdens imposed on them.

They stand ready, willing, and able to do an even better job if we will only free them from existing handicaps.

As I have said, my studies show that every reform possible to a corporation can be achieved more quickly and effectively by sound legislation within the present framework of Government.

Most important, I believe this can be done without the inevitable disruption and turmoil involved in a change-over to a corporation.

My postal reform bill, H.R. 4, is intended to provide a responsible alternative to the corporation for the Congress to consider.

The bill is directed primarily to the three fundamental areas of change that are needed to permit the Post Office Department to do well the job for which it was created.

First, top postal management must be given authority, consistent with its responsibilities, to provide an efficient and economical postal system.

Postal management now is severely and unjustly hampered in its efforts to administer the Department in a businesslike way.

Second, there must be provision for the Department to install and utilize an updated financial policy that is fully responsive to operating needs.

The present financial arrangements are a hodgepodge of sometimes conflicting and often obstructive limitations. Immediate corrective action is required in at least two phases of the Department's financial activities.

And third, postal employee-management relations are in a sad state of disrepair and must be modernized to fit today's needs.

My bill would reorganize and greatly strengthen the postal establishment in these three vital areas, as well as in its related activities. It would retain the postal establishment as a regular Government Department, with the Postmaster General a member of the President's cabinet.

I sincerely believe that enactment of this bill would not only accomplish most of the Kappel Commission's recommendations, but, also, would truly achieve our own goal of "postal excellence."

A fairly comprehensive summary of H.R. 4 is on each Member's desk this morning. I commend it to the attention of the Members for purposes of our discussion.

I would like at this point to make some general comparisons of the major provisions of the bill as they relate to the five recommendations contained in the Kappel Commission's report.

The first recommendation of the Commission is "that a Postal Corporation owned entirely by the Federal Government be chartered by Congress to operate the postal service of the United States on a self-supporting basis."

The Postmaster General already has full management responsibility but he lacks a necessary measure of authority and flexibility of operations.

My bill retains the Post Office as an executive department headed by the Postmaster General, but—for the first time in history—it would grant a measure of authority and flexibility that is equal to his level of responsibility.

Thus, it would enable the Postmaster General and his Department to do every necessary thing that a corporation could do.

Under H.R. 4, the Department would have the objective of supporting itself from its revenues, with the exception of public service allowances, which would continue to be subject to Congressional scrutiny and appropriation.

The Department would be enabled to use its own revenues to pay its own expenses free of present overly-restrictive budgetary and appropriation limitations.

Provision is also made for periodic semi-automatic postal rate adjustments through a "Quadrennial Commission" whose recommendations would be submitted to the President once every four years.

The President would use the Commission's recommendations as the basis for rate proposals to Congress. His proposals would take effect as law in 120 days unless either the House or the Senate voted changes, in part or in full.

The second Kappel Commission recommendation is "that the corporation take immediate steps to improve the quality and kinds of service offered, the means by which service is provided and the physical conditions under which postal employees work,"

My bill provides a strong foundation for modernization of postal plant and equipment. It establishes a new Postal Modernization Authority, a body corporate headed by the Postmaster General.

The Authority would act as a "holding company" for all property and equipment, with authority

1. To issue, finance, and retire bonds secured by the property.

2. To conduct a vigorous research and development program.

3. To lease needed property and equipment to the Post Office Department on a cost-recovery basis.

The Postal Modernization Authority would be subject to the Government Corporation Control Act.

The third Kappel Commission recommendation is "that all appointments to, and promotions within, the postal system be made on a nonpolitical basis."

Title II of H.R. 4 prohibits all kinds of political recommendations, influence, and interference in the appointment of postmasters.

It also extends this prohibition to all other types of undesirable pressure or influence from any other source.

The fourth recommendation of the Kappel Commission is "that present postal employees be transferred, with their accrued Civil Service benefits, to a new career service within the Postal Corporation."

The recommendation also includes a general proposal, but no specifics, for a system of collective bargaining to negotiate and fix the pay, fringe benefits, and conditions of employment for non-managerial employees.

My bill contains a complete and specific labor-management relations program. It embodies all of the essential policies, principles, practices, and procedures that have been adopted in modern, progressive private enterprise.

It provides for (1) compulsory arbitration, (2) settlement of disputes in disagreement by an independent Labor-Management Relations Panel, and (3) clear-cut standards and guidelines for both management and labor in the field of employee-management relations.

The fifth and last recommendation of the Kappel Commission is "that the Board of Directors, after hearings by expert Rate Commissioners, establish postal rates, subject to veto by concurrent resolution of the Congress."

As pointed out earlier, H.R. 4 provides for periodic review and adjustment of postal rates by a Quadrennial Commission for the purpose of returning cost, exclusive of public service.

It also provides a semi-automatic procedure for proposed rate adjustments to take effect as law without the necessity of extensive, frustrating, and often bitter consideration of the complexities of postal rates before Congressional Committees.

Mr. Chairman, several of our colleagues on the Committee have sponsored postal reform bills of their own. Copies of those bills are at each Member's desk.

I am sure that their testimony in support of those measures will be of great value to the Committee. Suitable arrangements can readily be made for them to testify when they desire.

Additional dates thus far set aside for continued postal reform hearings are April 29th and 30th and May 6th, 7th, 14th, and 21st.

In the meantime, I will continue my efforts to have Mr. Lawrence F. O'Brien, as the chief architect of the postal corporation approach, and Mr. Frederick R. Kappel, who signed the report recommending that approach, testify before the Committee.

This concludes my statement, Mr. Chairman. I will be glad to respond to any questions to the best of my ability.

THE POSTMASTER GENERAL,
Washington D.C., April 21, 1969.

HON. ALBERT W. JOHNSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This letter is a formal acceptance of Chairman Dulski's invitation for me to appear before your Committee during the first week of June to present the Department's views and recommendations regarding Postal Reform legislation.

The Department is presently reviewing all facets of the Postal Service in order to develop a comprehensive postal reform proposal. Our plans call for submission of the Department's legislative proposal during the last week of May.

On behalf of the Department, I want to express our deep appreciation for the willingness of your Committee to defer making even tentative policy decisions on this extremely important and complex matter until the Department has had an opportunity to fully develop and present its comprehensive legislative proposal on postal reform.

As I have previously told Chairman Dulski, it is my firm conviction that it would be highly irresponsible for this Department to submit comprehensive postal reform legislation until the new postal management team has had an opportunity to fully analyze the problems of the Postal Service. During the very short time since we assumed responsibility for the operation of the Department, we have been extremely busy in recruiting top level personnel to fill the highly responsible positions in the Department, in addition to attempting to solve the day-to-day problems which confront us.

I believe it is critically important that the postal reform legislation, which is eventually passed by the Congress, be a bill which encompasses complete and major postal reform. To enact anything less would not be in the best interest of the Postal Service itself nor for the American citizens who demand and deserve the very highest quality of postal services.

I want to take this opportunity to express my complete willingness to cooperate with your Committee as it considers the long-range needs of the Postal Service. I am looking forward to the opportunity of appearing before your Committee, after we have had an opportunity to carefully analyze the problems confronting this Department and to submit our postal reform proposal to the Congress for its consideration.

To appraise the other Members of the House Committee on Post Office and Civil Service of the Department's views, at the outset of its scheduled hearings, I have taken the liberty of sending a similar letter to each of the other Members.

Sincerely,

WINTON M. BLOUNT.

TODAY WE CELEBRATE THE BIRTH OF J. STERLING MORTON, NEBRASKA PIONEER WHO FOUNDED ARBOR DAY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. CUNNINGHAM. Mr. Speaker, today, Nebraskans celebrate the birthday of J. Sterling Morton, a great conservationist who served as Secretary of Agriculture and was the founder of Arbor Day.

The first observance of Arbor Day—a day set aside to plant trees—was almost one century ago, April 10, 1872. The Nebraska Legislature made Arbor Day a

legal holiday in 1885 and changed the observance to April 22 to honor Morton.

From the work of this Nebraska pioneer, whose home was near Nebraska City, most States have an observance of Arbor Day. However, the date differs, depending upon the climate suitable for the planting of trees.

Arizona, Texas, Alabama, and other States in warmer climates observe Arbor Day in February. Florida's observance is in January.

In West Virginia, the climate is suitable for tree planting in both spring and fall and the Mountain State has an observance in each season.

J. Sterling Morton's home, Arbor Lodge, at Nebraska City, is now a Nebraska State park. It is a magnificent colonial mansion surrounded by 65 acres of woodland, including apple orchards.

Mr. Speaker, we Nebraskans are indeed proud of this conservationist whose statue is in the Hall of Columns of the Capitol along with those of other great Americans.

ACTIVITIES OF U.S. ANTI-COMMUNIST CONGRESS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WYMAN. Mr. Speaker, several organizations in the United States are engaged in continuing efforts to remind Americans of the incompatibility of communism with our way of life. Pure incompatibility would not be particularly significant if it were not for the additional fact that Communists continue dedicated and committed to the replacement of our way of life by conversion to communism through whatever means may be necessary including force, violence, and subversion. Much of our domestic violence of late has followed non-negotiable demands both on and off the campus from individuals and groups with established records of Communist activity or association. Not all, nor even perhaps a majority, but some, and most of these have been activists or ringleaders.

One of the American organizations seeking to help keep Americans alert to the continuing Communist subversion is the U.S. Anti-Communist Congress, Inc. headed by Wilson Lucom. Recently President Lucom's organization has printed in considerable quantity an educational stamp in which a member of the crew of the U.S.S. *Pueblo* has expressed interest for understandable reasons. At this point in the RECORD I include interesting correspondence relating to this educational activity by the U.S. Anti-Communist Congress:

UNITED STATES ANTI-COMMUNIST CONGRESS, INC.,

Washington, D.C., April 16, 1969.

HON. LOUIS C. WYMAN,
U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MR. WYMAN: The United States Anti-Communist Congress has created a very effective psychological weapon against communism in its educational stamp which has on it a picture of the Communist Hammer and Sickle with a large "X" crossing out the Communist Emblem. This message is understood all over the world in any language. In addition, the stamps contain the slogan "America Yes; Communism No!" together with our address.

One hundred million of these stamps have been distributed to date throughout the United States. We are receiving inquiries from many foreign countries as well as from the United States.

We have even had an inquiry from Peter M. Langenberg, a member of the crew of the U.S.S. *Pueblo*, who said he saw our stamp and is in sympathy with our organization. Attached is a copy of his letter.

Sincerely yours,
WILSON C. LUCOM,
President.

Attachment.

U.S.S. "PUEBLO,"

San Diego, Calif., January 31, 1969.

U.S. ANTI-COMMUNIST CONGRESS,
Washington, D.C.

DEAR SIR: On the back of a letter that I recently received there were several "stamps" similar to Christmas seals. Immediately I spied the words "anti-communist". Having spent several months in one of the thirteen "workers' paradises", I am in sympathy with your organization though I know nothing of it. Could you please send me some of your propaganda, I am certain that it would be well received by other shipmates of mine aboard the late U.S.S. *Pueblo*. Thank you.

Sincerely yours,

PETER M. LANGENBERG.

FEDERAL WATER POLLUTION CONTROL ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. LANDGREBE. Mr. Speaker, I would like to commend my colleagues in the House for their wise and prudent action in passing last week the Federal Water Pollution Control Act. This legislation, which provides for the control of pollution by oil, requires owners of vessels which have discharged oil to pay the costs of cleanup, provides for control of sewage from vessels, and the cooperation of all Federal agencies in the control and prevention of water pollution, is both necessary and long overdue. It has been my conviction that effective programs must be established to control the dumping of refuse and the discharge of wastes into all navigable waters from vessels. I have come to this realization over the last 10-year period, particularly as I have seen the waters of Lake Michigan, whose shores border on my district, become increasingly polluted because of the waste materials discharged by ocean-going vessels.

The problem of water pollution, of course, does not only affect Lake Michigan, but all of the Great Lakes as well as many inland streams and waterways. The bill which we have passed is a step in the right direction to improving and controlling our water pollution problems. It provides for strict penalties of up to \$10 million as the cost of cleanup which

the owner of the vessel guilty of pollution may be charged.

It is my conviction that with the opening up of a deep sea harbor in the Second Congressional District of Indiana, which I represent, there is an urgent need that this legislation which has now passed the House and will be sent to the Senate be enforced. We must be willing to use our skills and the necessary resources to solve the problems of pollution if we are to save our water, shoreline, and beaches from contamination as well as to prevent the severe effects pollution has on fish, wildlife, recreation, and our national health and safety.

WHOLESOME FOOD FOR THOUGHT

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WIGGINS. Mr. Speaker, all Members of this body receive hundreds of pieces of mail commenting, sometimes ineptly sometimes forcefully, upon the issues of the day. These letters are often a Congressman's closest link to his constituents.

When an informed citizen takes the time to write his Congressman, and states his positions succinctly and well, it behooves all of us to listen.

It is for that reason, Mr. Speaker, that I ask that a recent letter received by me from Mr. Bob Lancaster, of Santa Fe Springs, Calif., be included at this point in the RECORD. His remarks provide wholesome food for thought for all of us in this body:

MARCH 27, 1969.

Congressman CHARLES E. WIGGINS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WIGGINS: You are my man in Washington. Your voice is my only voice in the House. And that's why I'm writing to you now.

Your "Special Report" letters always tell me something. Your most recent letter outlines the need for an A.B.M. defense system, an up-dated Navy and a merchant fleet.

Consideration of these critical needs are a long time coming. And at this "late hour" it isn't a question whether the American people are willing to pay the price. It's too late to have a choice. We must pay the price even if it means a few unemployed astronauts and a few moon vehicles put in mothballs.

Perhaps more down-to-earth thinking will help guarantee safety to Americans at home and on the high seas. And restore the eagle as our national bird.

If there are still shortages and surpluses left from seven years of "preserving South Vietnam's independence" . . . it is a shortage of wisdom and guts . . . and a surplus of top brass wearing hats lined with dove feathers.

During the last two decades Washington has been the peace-mongering capital of the world. A "half-way" house. A soothing and smoothing hall . . . where ideals for both national and international justice have been pushed out to make room for the champions of appeasement.

Peacebunglers will never, never end a war by trying to negotiate peace with an enemy who hates everything we are and believe. And the "appeasers" don't stand a chance in a fight either. East-West Germany, North-

South Korea, and North-South Vietnam are only the beginning if we don't change our ways.

We could still be fighting Japan if we hadn't demanded an unconditional surrender, prefaced by a demonstration of punishment to their homeland. This got the message to their people, and their leaders suddenly became serious about talking. Men simply don't take action until it affects them personally. (Incidentally, Japan was better off, with America's business encouragement, after peace was established!)

A signal that something is wrong is the disgusting attitude our government has towards Peru. Allowing that country the satisfaction of pushing us around, only gives other nations a license to do the same. Tuna boat incidents are just as satisfying to Peru as the *Pueblo* capture was to North Korea.

It is also evidence to our own people that the United States no longer goes to the aid of its citizens . . . civilian or military, when attacked by a foreign navy craft on the high seas.

That's why I'm for the United States to act now on building a new Navy . . . equipped with up-to-date gear. And most of all, manned by men given authority to act without holding six months of committee meetings first.

You have stated your intent to support those appropriations to defend this country against all enemies. You and your colleagues are the only Americans of this hour who can authorize the re-establishment of United States military strength . . . to a force strong enough to cope with any enemy . . . including those who dwell among us! But it will never happen while Congressmen are play-acting before an audience they want to please. Your work is not to win popularity contests . . . in your home towns . . . your districts . . . your states . . . your country . . . or anywhere else in the world. Things that are good for the country may not be very popular.

In the tradition of our heritage . . . men of wisdom would enter the Capitol Building with lumps in their throats, full of awe. And they would enter the House chamber with tears of disgust for being such cowards in not taking action . . . for fear of offending those who might not like us if we show too much military muscle.

Mr. Congressman, haven't we been down this blind street before? Thirty years ago Congress was dilly-dallying with their pledge to defend the United States against two enemies . . . Nazi Germany and Japan . . . even though these nations had already informed the world of their intentions.

Two years later our President and Secretary of State thought they could sit down and talk . . . and make agreements with Japan. Patriotic and well-informed men were shocked at the naval-air attack on the United States. Is Pearl Harbor such ancient history that the hard lesson cannot be applied to what Russia and China will do . . . if we continue to display our weakness. Can we stop an attack on New York, Chicago, Los Angeles or the Panama Canal? What would happen if an attack was successful?

The seats of Congress are filled with a different American than 30 years ago. These "later day patriots" are knowledgeable men. Informed with up-to-the-minute, high-speed communication, plus the convenience of computer-digested facts and data . . . and they can be on the scene in person anywhere in the world . . . in a few hours.

They are educated beyond the dreams of their forefathers. But, Mr. Congressman . . . well-informed, highly-educated people are not necessarily wise thinkers. Wisdom is not the product of a computer. Wisdom is not even a product of an overabundance of education. Wisdom is a product of observation . . . and observers are saying when America gives up respect for God, for country, for

manhood, for womanhood, for marriage . . . and when the people lose self-respect, and respect for decency and order: then America will become another *has been* among the nations of the world. Let's not go the way of Spain, France and England.

Let's not make it easy for Russia or China by becoming senseless and defenseless. The United States stands to lose everything we believe in by putting trust in these two enemies of freedom. Look at their record . . . both have batting averages of zero for contributing to world peace. They both would like the United States out of their way. Russia cannot advance on Europe or Africa . . . and China cannot advance on the balance of Asia as long as the United States is a threat. What we need is a strong Navy, equipped with offensive weapons. And our own merchant fleet . . . instead of one we rent from the Greeks or the Japanese.

Those are my thoughts, Mr. Congressman direct from me to you. Because you are my man where it counts the most . . . where the roll is called.

Very truly yours,

BOB LANCASTER,
President.

NO REASON TO FEAR HISTORY'S JUDGMENT

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. SHIPLEY. Mr. Speaker, Dr. George S. Reuter, Jr., recently spoke to a service organization in Vermillion, S. Dak., concerning a great American, Lyndon B. Johnson. All of us know of the great worth of our former President in aiding mankind, but we may neglect to voice it. I thus extend my remarks in the RECORD and ask that "No Reason To Fear History's Judgment," be included:

NO REASON TO FEAR HISTORY'S JUDGMENT

(By Dr. George S. Reuter, Jr.)

INTRODUCTION

On November 29, 1963, I spoke on the subject "From Roosevelt to Kennedy to Eternity." At that late date, I had serious doubts about Lyndon B. Johnson as our President, but events have demonstrated that he will go down in history as one of the greatest of our chief executives. There was a time when I had doubts concerning President Harry S. Truman, yet time placed me on the side of historians and now we all agree he was one of our great leaders. Just as President Truman would have been elected again in 1952, so would President Johnson in 1968. In the former case, historians have validated this opinion, and the recent poll of the most popular Americans for 1968 indicates my thesis concerning LBJ is correct. President Johnson was ranked ahead of all Americans save President Eisenhower. Winning an election, however, is different from becoming a great President. I am convinced he has no fear from history's judgment either. A few of the reasons follow:

1. He demonstrated deep interest in the welfare of all mankind. One is reminded of Hemingway's novel *For Whom the Bell Tolls*. The novel derived its title from a 17th century sermon delivered in England by the Rev. John Donne. When anyone died in those days, the news was announced by ringing the bell of the village church. Hearing that solemn sound, the men would leave their shops and come in from the fields to inquire for whom the bell tolled. In the course of his remarks, the clergyman said: "No man is an

island entire to himself. Every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is less, as well as if a promontory were, as well as if a manor of thy friends or thine were. Any man's death diminishes me, because I am involved in mankind; and therefore, never ask for whom the bell tolls—it tolls for thee." LBJ reflected this interest in mankind.

2. He demonstrated deep concern by the outstanding domestic legislation he secured. Many centuries ago Plato wrote that "the direction in which education starts a man will determine his future life." The truth in his statement has never been more widely acknowledged than it is today. For today we are living in a period which future historians may refer to as the age of education. In the past five years the Congress has passed more than 40 bills supporting education.

LBJ imagined himself moving into the Presidency as another FDR, whose name for thirty years he often quoted. A few weeks ago David Wise wrote in "The New York Times Magazine:" "At the end of the day his face, creased with fatigue, is curiously Rooseveltian, not unlike the large portrait of FDR that hangs on the wall above Mr. Johnson's rocking chair." LBJ and FDR were giants in achieving domestic progress while in office.

3. He demonstrated leadership in selecting outstanding cabinet members and aides. Also, he was not afraid to retain able officials inherited from his predecessor such as Dean Rusk, Stewart Udall, Willard Wirtz, and Orville Freeman. His selection of Wilbur Cohen and Ramsey Clark will always be praised.

The accumulated grievances of centuries; the sudden disenchantment with a society that has failed to solve its problems; the traditional rebellion of the young against the old now taking bizarre and even riotous forms—these all call for the genius in human relations. Our society today faces not one but two revolutionary challenges. One is the now familiar revolution of rising expectations. The other is a new and pre-emptive revolution of rising impatience. LBJ was constantly solving these problems and planning wise answers for the future.

4. He demonstrated concern for the issues by constantly improving the status of mankind. Today many of our children are damaged by our failure to stimulate them intellectually in the years when they are most eager to learn—between birth and age 6. They are crippled for life because we have ignored their innate curiosity and their desire for achievement. These children, particularly the socially and culturally deprived child, could be given a head start in learning through creative, stimulating experiences in day care centers, nurseries or kindergartens. Yet few communities have been willing or able to provide these services. In the 1966-1967 school year only 148 of the nation's 11,970 public school systems with 300 or more pupils enrolled had nursery schools. In 1966, about 25 percent of all 5 year olds did not attend kindergarten or school. Eighty percent of all 4 year old children were not enrolled anywhere. Here is just one area where LBJ moved mankind ahead.

5. He demonstrated the need for justice and fair play. Two documents have profoundly affected mankind. The Divine Decalogue was one and it was handed down from Mt. Sinai, amid thunder and lightning, to Moses in 1491 B.C. The other; the U.S. Constitution was adopted in Philadelphia on September 17, 1787. Instead of abusing our great and benevolent government for its few glaring faults, all of us should offer up thanks that it is the chief means by which we have become the freest, safest, most secure, most prosperous, most enlightened people in all the long and tragic history of the human race.

Now, LBJ has encouraged, from his rich background, a new attack of the difficult issues. For example, the story of the Negro

in American law is one of horror. Our treatment of the Negro has forced us to live with a crisis of conscience, as we confronted the difference between the actual and the ideal in our law. The challenge has required moral exertion and strengthened the moral element. It has fortified the capacity of our order for self-realization, in requiring custom and history to yield in the end to constitutional principle.

When the cancers of rivalry, fear, prejudice and hatred between classes and races have been exorcized; when mutual concern and cooperative effort have come to be the rule rather than the exception; when justice and equality of opportunity overwhelmingly prevail, there will still remain profound and critical needs of human life to be met in the realm of the spirit. As the problems of American minority groups are caught in the glare of the public spotlight and ugly events expose our neglect of these problems, the plight of all minorities—including the American Indians—must no longer remain hidden in the shadows. Yes, for example, the magnitude of the Indian problems may be measured by the depth of its roots which go back through 450 years of exploitation.

LBJ acted wisely in this area, but difficult questions must still be faced with sensitivity. Nor can we ever be ashamed to speak of humaneness, of rehabilitation, of justice—these are essential to the spirit of mankind. When the history of freedom and justice is written, one of its greatest chapters will be of the progress toward equality for the American Negro from 1961 to 1969.

6. He demonstrated the need for orderly protests but has been critical of protests without reason. The American people have rallied to protect the U.S. Supreme Court against the enemies of law in a thousand battles, and they will do so again, in the dangerous conflicts in which we are engaged today. Yes, we appreciate the labors of the Court in maintaining the balance of our federal system. I salute LBJ in his stand to extend orderly protests to the dialogue stage. Neither of us will tolerate insane or un-American riots by students or adults.

7. He has demonstrated the necessity to be right regardless of "passing" praise. LBJ saw the necessity to save Asia's "soul." He didn't misjudge the danger, but no honest or moral American can seriously question his reasons for leading this nation along the path started by Eisenhower and Kennedy—the necessary conflict. He acted to arrest Communism in Vietnam. Just as President Truman acted properly in Korea, Greece, and West Germany, so LBJ followed the established guidelines of his predecessors. Vietnam costs us about \$30 billion a year and has taken some money from the general welfare programs, but LBJ has proved that we can have both "butter and guns."

CONCLUSIONS

Fate brought Lyndon Baines Johnson to the Presidency at a most critical hour. One is reminded of Tennyson's words:

"Ah! when shall all men's good

Be each man's rule, and universal peace
Lie like a shaft of light across the land,
And like a lane of beams athwart the sea,
Thro' all the circle of the golden year?"

LBJ was 40 years old when he moved into the U.S. Senate and now, leaving the White House and public life, he is 60. He has been in the U.S. House of Representatives before. He thus had the opportunity of about 30 years to work his way into history, and he has been remarkably successful in this area. He was thought by many writers and politicians to be about as unpopular as Herbert Hoover was in 1932, but now the polls show LBJ to be extremely popular. No President ever ended his tenure with any higher status. In the past the public esteem of a President during his period in office has borne no particular relationship to future judgment,

hence we have not built our case on this single point.

He can look back with satisfaction of five great years. He presided over a new age of progressivism. He has been subjected to as bitter criticism as any President in history. He has been the victim of vulgar snobbery because of his Texas origins and manners. The Bible says, however, "by the fruits ye shall know them." LBJ is indeed known for the fruits of his labors and will always be admired with a deep sense of gratitude by the people he was privileged to represent in both Houses of Congress and by the people of all sections of America and those who love democracy around the world. There are many good people, a few great ones, and LBJ is beyond a shadow of a doubt in the latter classification.

CALIFORNIA FLOODS—VOLUNTEER HELP

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. PETTIS. Mr. Speaker, the English man of letters, Samuel Johnson, said that "adversity has ever been considered the state in which a man most easily becomes acquainted with himself." It occurs to me, Mr. Speaker, that if this is true with individuals it is also true of communities. The floods of southern California which caused incalculable damage, have also brought to light qualities of human compassion and good will that, in my opinion, deserve recognition. I refer, Mr. Speaker, to men from the California Department of Corrections who cooperated with other groups in the region to bring assistance and relief to citizens in my district who suffered from the devastating floods.

Crews from the Pilot Rock Conservation Camp, north of Crestline, from the Prado Conservation Camp, south of Chino, the Don Lugo Conservation Camp, south of Chino, the Rainbow Conservation Camp, near Fallbrook in San Diego County, Puerta La Cruz, in San Diego County, and the Oak Glen Civilian Conservation Center near Yucaipa, with the personnel from the division of forestry, gave over 20,000 man-hours helping citizens in seven communities deal with the ravages of the flood.

Four conservation camp crews each consisting of approximately 17 well trained and equipped men worked several days and nights in flood fighting activities in the Forest Falls area northeast of Redlands. A deep snowfall with heavy water content had to be removed from many of the homes to prevent loss of life and property from roof cave-ins. The work of these crews was directed by local fire chief, Leonard Campbell.

The extremely heavy snowfall in the higher mountain elevations had overtaxed the capacities of the San Bernardino County Road Department and the division of forestry was asked to assist. For 6 days and nights four large bulldozers worked to open roads in the Green Valley Lake, Arrowbear, and Smiley Park resort areas. This operation was critical as the permanent residents needed access for supplies and medical attention.

Four 17-man crews worked 4 days on a sandbagging operation to prevent flood damage to homes and installations in the path of the Cucamonga Creek which had overrun its normal channel.

The heavy rainfall and strong winds caused many trees to go down blocking mountain highways in the Crestline and Cedar Springs area. A conservation camp crew worked several days sawing up these trees and removing timber and debris opening vital roads in this area.

A few miles downstream from the flood-ravaged community of Mount Baldy, the road into the Barrett Canyon home-site area was completely washed out. This area contains about 24 homes, a few of which are occupied by permanent residents who were totally isolated from any kind of assistance. A temporary footbridge was constructed so inhabitants in this area could have access to obtain necessary supplies. Mr. Don Henley, coordinator of the Civil Defense Office for the county of San Bernardino, called on conservation camp crews to assist in rehabilitating homes damaged by flood waters and heavy sediment deposits.

An informal community disaster committee including Mr. Guy H. Habenicht, of the Loma Linda Chamber of Commerce, Dr. Howard B. Weeks of Loma Linda University, and C. W. Shay of the California Division of Forestry surveyed damage in the Loma Linda area and then organized and directed a large force of volunteer workers from the university. Conservation crews did much of the heavy work in this area, digging out homes from February 27 to March 7. In order to obtain more hours of productive work by the crews, the Division of Forestry established a field kitchen and funds for the purchase of food were provided by Loma Linda University, the Chamber of Commerce at Loma Linda, the American Red Cross, and the county of San Bernardino.

Volunteer coordinator for Yucaipa, Mr. Jose Mulder, directed the work of four conservation crews in bringing assistance to those whose homes were damaged or destroyed in the Dunlap Acres settlement in Yucaipa. This assignment was completed after 5 days of work under the supervision of Assistant State Forest Ranger Larry Young.

Enthusiastic expressions of gratitude were voiced by community leaders in all these areas as well as by county supervisors. County supervisor, Don C. Beckord, whose district sustained heavy damage, observed that he "simply could not say enough in praise of the men who worked so tirelessly in bringing help to flood victims."

Jack D. Burke, State forest ranger, reported several acts of heroism and many examples of action above and beyond the call of duty by participating inmates.

Recognition should also go to the U.S. Army Engineers and to the U.S. Marines who participated in rescue operations, and to the American Red Cross whose representatives worked tirelessly to bring relief to those whose homes were damaged or destroyed by the flood.

I am proud, Mr. Speaker, to share with you and Members of this House my feel-

ings of gratitude and commendation for those who worked so unselfishly in meeting authentic human need. Their performance is an inspiration to all who saw them in action.

A STATEMENT OF CONSCIENCE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MIKVA. Mr. Speaker, popular opposition to the President's plans to deploy the hard-site anti-ballistic-missile system, the Safeguard, continues to grow apace. The President has said he plans a full-scale campaign to promote the Pentagon's Safeguard plan. Private citizens, however, are fighting just as hard against this monstrous military boondoggle. It remains to be seen in a contest between the people and the Pentagon who will come out on top on the ABM issue.

I was heartened to note recently that a group of distinguished Christian theologians from several Chicago schools prepared a Statement of Conscience opposing deployment of the limited ABM system. The theologians urged President Nixon and their fellow Christians, all religious people, and men of deep humanity to join them in their opposition.

It is my great honor, Mr. Speaker, to insert at this point in the RECORD a list of those signing the Statement of Conscience and the text of the statement itself.

The items referred to follow:

A STATEMENT OF CONSCIENCE

As Christian theologians deeply concerned about the responsibility for creation which man shares with God, we must strongly protest the limited deployment of the Sentinel ABM missile system recommended by President Nixon. Along with Hubert Humphrey, Senators Fulbright, Symington, Percy, and Kennedy, and some of America's leading scientists, we are convinced that the destructive arms race must be stopped now if mankind is to survive. Americans must come to realize that there is really no absolute missile defense against nuclear attack. Even a defensive system with ninety-eight percent reliability would not prevent massive destruction by the missiles that escaped its detection. Our only sane defense is to diffuse the tension existing in the world today which might force some nation in a moment of lunacy to release its nuclear weapons. Stockpiling of weapons and intricate defense systems only intensify the already existing tension and ultimately provide no more of a deterrent than the death penalty does for a potential murderer. It is thus imperative at this time in our nation's history that we take a risk for peace by channeling funds earmarked for the missile system into programs that would lessen the tensions in our own country and throughout the world. We have in mind programs of enlightened foreign aid, support of the World Bank and regional economic associations in the Third World, efforts at realistic population control and environmental management, elimination of poverty and injustice in our own country, and cultural exchange arrangements. These must become our priorities for the coming decade if we are to avoid increasing the frustration of deprived peoples throughout the

world which could easily lead to a nuclear confrontation. Our nation, which controls so much of the world's wealth, has a moral responsibility to assume a leadership role in this drive for peace.

We urge our fellow Christians, all religious people and all men of deep humility to join us in this protest against any deployment of the Sentinel ABM system and to express their opposition to the leaders of our government in Washington.

Those signing the statement were as follows:

Prof. Hugh T. McElwain, OSM. (Academic Dean), Prof. Sebastian MacDonald, C.P., Prof. Barry Rankin, C.P., Prof. John T. Pawlikowski, OSM, Prof. Florence Michels, OLV.M., Prof. Max Behnen, OFM., Prof. Nicholas Crotty, C.P.—Catholic Theological Union.

Prof. Thomas Cunningham, OSM.—Loyola University (Chicago).

Prof. Franklin E. Sherman, Prof. Carl E. Braaten, Prof. James A. Scherer, Prof. Wilhelm C. Linss, Prof. Wesley J. Fuerst, Prof. N. Leroy Norquist, Dr. Arthur O. Arnold (Dean of Students), Prof. Richard R. Syre, Prof. Morris J. Niedenthal, Prof. Robert Benne, Prof. Phillip J. Hefner—Lutheran School of Theology at Chicago.

Prof. Victor Obenhaus, Prof. LeFevre, Prof. Ross Snyder, Prof. Arthur L. Foster, Prof. J. Blenkinsopp, Prof. Robert S. Moore, Prof. Clyde L. Manschreck, Prof. J. Archie Hargraves, Dr. Edward F. Manthel (President), Prof. Albert E. Hurd, Prof. W. Widick Schroeder, Prof. Phillip A. Anderson, Prof. J. Robert Meyners—Chicago Theological Seminary.

PUBLIC REVERENCE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. FREY. Mr. Speaker, I commend the interesting and educational article by the Reverend Robert G. Howes on the first amendment to my colleagues:

PUBLIC REVERENCE

(Rev. Robert C. Howes) *

When the U.S. Supreme Court interprets the First Amendment of the Federal Constitution in a manner which radically contradicts the consistent practice of the majority of the states, it does no singular, minimal thing. Whatever the particular practice, that interpretation immediately becomes a precedent affecting the whole future of religion in our public life. As such it must deeply concern not only whose practice is denied but also those who are involved in any way with religion as subject to and supportive of public policy.

On June 25, 1962, the Supreme Court interpreted the First Amendment as barring the following prayer:

"Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country."

The prayer had been composed by a committee of religious leaders. It was made available by the State of New York for an entirely voluntary recitation by pupils and teachers in its public schools. Justice Stewart, in dissent, noted:

The Court has misapplied a great constitutional principle . . . What is relevant

*Father Howes is Associate Professor and Chairman of City and Regional Planning at the Catholic University of America, Washington, D.C. He is the representative in Washington of Citizens for Public Prayer, a national federation of citizens' groups backing a restorative prayer amendment.

to the issue here is not the history of an established church in 16th century England or in 18th century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government.

On June 17, 1962, the Supreme Court widened this interpretation to ban the Lord's Prayer and Bible reading in the public schools of Maryland and Pennsylvania. Once again, no teacher had been required to lead prayer, no pupil to join in reciting it. Specific provision was made for abstention on the part of those who did not wish to participate. There are many pleasant phrases in the two majority decisions. Most of them are collateral remarks, *obiter dicta*, that is remarks incidental to the real deciding reason. One could, and some did, assemble such remarks and claim that the court had done nothing more serious than to rule out a residual unfairness, leaving public religion itself wholly intact.

There are, however, other *obiter dicta* which are less sanguine. For instance, in the first decision Justice Douglas enumerates various instances of government accommodation to religion. Bishop James Pike, appearing before a Senate committee in 1962, called such reasonable accommodation "the great American middle way." Justice Douglas says "our system at the federal and state levels is presently honeycombed" with accommodation. "Nevertheless," he continues, "I think it is an unconstitutional undertaking whatever form it takes." In fact, the deed of the decisions, what the then Harvard Law School Dean Erwin Griswold called "the absolute and . . . extreme" reasoning of the court, is dangerously basic. Henry P. Van Dusen, then President of Union Theological Seminary, wrote:

"The corollary in both law and logic of the Supreme Court's recent interdictions is inescapable, prohibition of the affirmative recognition and collaboration by government at all levels with all organs of religion in all relationships and circumstances."¹

Fordham University Law School Professor Charles E. Rice said:

"The school prayer decisions, if followed, predictably will have the effect of raising agnosticism to the rank of the official public religion of the United States. The Court has now cast aside the historical affirmation by government in this country of the essential truth of theism, has embarked upon a search for 'neutrality,' a search incapable of success, and has substituted agnosticism for the theistic affirmation to which a small minority has objected so strongly. And for its action the Court can point to no durable justification beyond its own inflated rhetoric and a tortured historical interpretation."²

The Boston Pilot editorialized:

"ALL PUBLIC LIFE AFFECTED"

"The Supreme Court in the Lord's Prayer and Bible ruling has continued along a path unhappily familiar to all from its early decisions. The same tedious arguments emphasizing the 'establishment of religion' clause are brought forth to support a position which turns its back on the total American tradition and outlaws the present practices of 39 states . . . Let us suppose that the Lord's Prayer and the Bible are excluded from the American public schools for precisely the reasons given by the Supreme Court. What is the next step? Clearly, all other expression of religion in public life must now be deleted . . ."³

To suggest that pleasant phrases en route to decision can override the deed of the decisions themselves is to ignore the heart of

¹ The New York Times, July 7, 1963.

² The Supreme Court and Public Prayer (New York, 1964), p. 21.

³ June 21, 1963. The Boston Pilot is the official publication of the Catholic Archdiocese of Boston.

the matter. That heart clearly is the equation by the Supreme Court of "establishment" with public reverence, whether free or not, whether institutional and sectarian or not. Even to question such an equation, the court said in its second decision, is "of value only as academic exercises!" The situation is, in short, as it was a century ago when Abraham Lincoln commented on the Dred Scott decision;

When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity. . . . The Dred Scott decision covers the whole ground, and while it occupies it, there is no room for the shadow of a starved pigeon to occupy the same ground.⁴

Five years have passed since the first prayer ban. In those years, several significant things have happened.

(1) Literally hundreds of bills were introduced in both the House and Senate calling for a clarifying amendment to restore the First Amendment to its preban interpretation and to forestall a further widening of the court's logic. There were 117 such bills on the House side alone in the spring of 1964. Senate Joint Resolution Number 1 of the 90th Congress was signed by 42 senators of both parties. It proposed a restorative constitutional amendment which would read:

Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

(2) Catholic response to the prayer bans was openly mixed, though there is no possible doubt that Catholics were in great numbers part of the massive proamendment majority across the nation. The National Council of Catholic Youth officially recorded itself as opposed to the prayer bans and called upon all of its local units of work for reversal. Otherwise, where Catholic apathy and even support of the decisions showed itself, it has been suggested that an underlying cause was self-interest:

It may be that some of it is motivated by the thought that if public education can be completely secularized (so that, as it has been said "religion" in such quarters becomes "a dirty word"), then there will be an increased public demand for sectarian education which can combine religion with general education. This could then be an argument in favor of parochial schools, and as public schools decline, the argument for public support of parochial schools can be advanced in one guise or another.⁵

I hope this estimate is inaccurate. I fear it may be, in at least a partial sense, accurate. Our bishops wrote once that "religion is our chief national asset," and as such what happened to it anywhere at law must affect it everywhere. I am afraid some of us have simply failed to make the vital connection between what occurred in the prayer ban decisions and those aspects of the First Amendment which preoccupy us more immediately. Too many Catholics have simply failed to appreciate that any fundamental interpretation of the First Amendment by the Supreme Court must over a period of time operate in all areas of religion and public policy, including the area of government aid to nonpublic schools under religious auspices.

(3) Eleven of the 13 justices who passed on the New York prayer issue prior to its arrival at the Supreme Court ruled it constitutional. The attorneys general of 19 states submitted a "friend of the court" brief to the Supreme Court, prior to the first decision, which said in part:

"Our founding fathers, together with the great and God-fearing leaders of the last century and a half, would be profoundly shocked were they to have been told in their day that in this year of our Lord . . . a voluntary nondenominational acknowledgment of a Supreme Being and a petition for His blessings recited by American children in their classrooms is being seriously attacked as a violation of the Constitution of the United States."⁶

It was clear from Congressional reaction that a massive mall concurring with such judgments was hitting Capitol Hill. "King-size" was how Senator Dirksen described it. Resolutions endorsing what came to be called the Peoples Amendment for Public Prayer came from the National Conference of Governors, the National Conference of Mayors, legislatures of several states, the National Jaycees, the Veterans of Foreign Wars, the American Legion, and from such men as Billy Graham, Cardinal Cushing, the late Cardinal Spellman and Bishop Fulton Sheen. Sampling after sampling confirmed the will of the nation. The Gallup Poll in September 1963 recorded a three-to-one majority for reversing the court in its prayer decisions. In October 1964 the Harris Poll put the figure at 82 percent for amendment. Congressional home district polls backed the national sampling. Again and again there was no subject on which more of a congressman's constituents were united than on the need for a prayer amendment, and no subject in which "don't know" ran lower, or majorities ran consistently higher. At each hearing on prayer amendment proposals, thousands of proamendment petitions were presented. About 40,000 petitions were introduced on the very first day of the House hearings (1964) by Congressman Fallon of Maryland. To the Senate hearings (1966), were introduced in behalf of amendment 35,000 petitions from Pennsylvania, 30,000 from New York and 50,000 from the Midwest. In the spring of 1967 *Good Housekeeping* magazine came up again with an 80-plus percentage for amendment.

(4) Despite all this *not one single normal floor vote has been held in five-and-a-half years in either house of Congress on even the technicality of proposing a prayer amendment to the nation.* And hearings in this critical matter were forced in the House Judiciary Committee only after a discharge petition to bypass Chairman Emanuel Celler, who was bitterly negative, had nearly succeeded.

(5) In the wake of the prayer ban decisions, things have not stood still. A number of trends have developed. Two are of major importance. First, a trend toward a kind of fearful indecision on the part of public authority. School boards everywhere were from the start anxiously uncertain about whether and how religion was to survive in the public classroom. In some instances, boards have defied the court, but this is, patently, no solution to the problem. In a few instances, boards have tried to substitute various procedures, such as God sandwiched between Thoreau and Ben Franklin for morning assembly reading. These instances, however, remain so rare that each one is the subject of national notice. In most cases the net result has been one of the following: a) to rule religion out entirely; b) to emasculate religion before it is permitted in the school, thus reducing it to the merest art, history or literature; c) to decide any particular question involving religion in the classroom in favor of parents who might conceivably object to it along lines indicated in the prayer ban record. Secondly, there has been a trend toward enlargement of the prayer ban to affect other practices of public reverence. Courts and some attorneys general

have relied on prayer ban decisions to strike down kindergarten prayers and such substitutes as the singing of patriotic anthems. In the fall of 1966 the Supreme Court relied significantly on the decisions to knock out aid for church-related colleges in Maryland.

Meanwhile, it was again and again made clear by such opponents of religion in public life as Madalyn Murray O'Haire that the prayer ban would be used as a launching pad for further attacks on all surviving instances of public reverence. It is, of course, impossible to predict with precision just how far the court will go toward accommodating these attacks, but its defenses against them must be seriously weakened by the majority reasoning in the prayer ban cases.

Of course, at the very base of the prayer amendment issue stands the issue of parental rights. There is no question that God belongs in the homes and the churches of America. There is no question that a serious re-examination of His presence there is imperative. But religion is not strengthened at the hearth and the sectarian altar by denying it entry to the public classroom. Religion is not strengthened in the heads and hearts of American youth by wiping it off their lips precisely where most of them prepare for citizenship in a reverent society. What is rather indicated is a joint activity, carefully respectful of the right of dissent, which involves church, home and school. In its 1951 Statement of Belief, which recommended school prayer, the New York State Board of Regents said:

"We believe that thus the school will fulfill its high function of supplementing the training of the home, even intensifying in the child that love for God, for parents and for home which is the mark of true character training and the sure guarantee of a country's welfare."

In its *Decree on Education* Vatican II underlined how the principle of subsidiarity applies in public education:

"The Church gives high praise to those civil authorities and civil societies that show regard for the pluralistic character of modern society and take into account the right of religious liberty, by helping families in such a way that in all schools the education of their children can be carried out according to the moral and religious convictions of each family."

It is suggested by those who oppose a prayer amendment that the court banned only "prescribed" prayer and that other types of religious presence in the public classroom stand unaffected, indeed encouraged. There is at the very base of the court's decisions a fatal, secularizing equation. Once this equation has been repealed, there is certainly place for reexamination of the entire gamut of that presence. Various approaches to religion as a force for morality and civic strength can and should be tested. Citizens for Public Prayer fully support such testing, but at the right time. So long as the prayer ban remains, however, there can be no compromise. Generally, those who ask substitutes for the brotherhood of prayer call for a moment of silent meditation, classes in comparative religion or the rendition of God strictly in paintings, dates and poetry. Each substitution has its weakness. Collectively, they are totally inadequate to the need of the situation.

Let's take meditation first. It is most significant that the same day the Massachusetts legislature sanctioned meditation in the public schools of the state it petitioned Congress in support of a prayer amendment. A quiet God is better than no God. But a quiet God cannot provide that experience in pluralism which a spoken God encourages. One great advantage of the brotherhood of prayer consists, precisely in the fact that through it children from various religious backgrounds are taught that although they go freely to their separate churches and synagogues over the weekend, still they can freely

⁴ Columbus, Ohio, Sept. 16, 1859; *Galesburg, Ill.*, Oct. 13, 1958.

⁵ *Griswold, Erwin N. Utah Law Review*, Vol. 8, No. 3 (Summer 1963).

⁶ *United States Supreme Court, October term 1961, Document No. 468.*

find and pronounce together common words of uniting reverence each day during the week. Besides, meditation is extremely difficult even for adults. To suppose that grade school youngsters can meditate properly is a delusion.

As for classes in comparative religion, it may be that once the prayer ban is repealed we can move along these lines. But such classes will require teachers who have the wisdom of Solomon, and are objective enough to relate one religion to another without bias. And should these teachers fall even slightly, offended parents will rise to challenge them in the courts, just as parents who objected to the earlier prayer did.

In regard to religion as art, history and literature, it is true that under these aspects it belongs in many classes, so that children of a reverent people may review their inheritance. But what a tragedy it would be if God could come into school only as a footnote in classes otherwise preoccupied and minus any factor of reverence whatsoever! Religion is more than dates and pretty pictures and nice phrases. Religion is reverence. Any proposal which drains it of its prayerful blood is anemic to start with. In short, none of the suggested substitutes is, at least in its present state of refinement, adequate. None would in any way remove the tragic precedent of the two prayer ban decisions. Finally, the closer any one of them came to being a real collective reverence, the more likely it is that it would be challenged and struck down by courts under the compulsion of prayer ban logic.

MAJORITY-MINORITY PROBLEM

There is another item in the prayer amendment debate which must be pondered. This is the item of majority-minority relationships in a democracy. It has two facets. The first is: How should society accommodate in its practices a majority will against which there is marshaled a loud minority will? The second is: In the public classroom how should the dissent from prayer and the desire for prayer be handled with justice all around? In regard to the first question, it must at the outset be agreed that 50 percent plus one does not of itself make a thing right. Democracy must never be a matter of a bull-headed majority tyrannizing over a cowed minority. Neither must it ever be an oligarchy in which a miniscule elite, somehow wiser, forces its preference on an unwilling majority. This latter state becomes what *The Boston Pilot* has called a "tyranny of the few." One thing is clear: As in all such controversial situations, a dissenting minority must be assured to the maximum reasonable extent its right of silence and abstention. To permit a minority's preference to dominate public practice, however, thus denying to an overwhelming majority its will, is an intolerable travesty of democracy. In this case, a strong argument can be mounted in support of the traditional, pre-ban interpretation of the First Amendment. Even Justice Brennan, siding with the majority in the second prayer ban decision, concedes that its factual position is far from conclusive:

On our precise problem, the historical record is at best ambiguous, and statements can readily be found to support either side of the proposition.

But even if the court's reading of the history and the semantics were accurate, the case for a clarifying amendment would still stand. No people in a free society are required to be prisoners of words which, in that hypothesis, do not say what the people wish them to say and do not permit practices which the people overwhelmingly wish to provide for themselves and for their children. As in the flag salute situation, what is required of a wise judiciary is not a decision rendering the majority silent before an intolerant minority but one that allows the greatest prudential accommodation for dissent while the majority will prevails. The second

facet of majority-minority relationships here can be expressed in a question: Is school prayer an unconscionable intrusion on the rights of the dissenting child and his parents? It must be repeated that in the three prayer ban states, school prayer had been entirely voluntary for both teacher and pupil. Tolerance is, and must continue to be, a two-way street. So long as he is respected in his right to be different, the dissenting child must learn to respect the right of the majority of his fellow students who wish to pray together. Dean Griswold's treatment of this critical matter is excellent:

Must all refrain because one does not wish to join? . . . No compulsion is put upon him (i.e. the dissenting child). He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps coming to understand and respect what they feel is significant to them. Is not this a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the minority group?

A related question is often posed. Whose prayer? The answer is simple. Once the civil right of public reverence is restored in the public school, the American people again will select, with a minimum of mistakes and a maximum of good common sense, a reasonably nondenominational prayer. To suppose that any group of Americans with a sectarian majority would be so callous of its neighbors as to insist on a sectarian prayer in their public schools is to fly in the face of the great bulk of American experience. But even should, in a rare instance, such a prayer be proposed, recourse for remedy would still be open with the courts. What is clearly urgent in this entire issue of majority-minority rights is a reasonable pluralism, the kind of adjustment and prudential accommodation which mature men make with their neighbors in any complex matter in which a common decision is required. With such a responsible pluralism, the solution to difficulties such as wording a proper amendment and coming up with consensus prayers is easy. Without it, we become quickly a jungle of selfish predatory religious groups, careless of neighbors and haggling over every approach to that harmony which has so long been the major motif of our people.

A few words of prayer by children in a public place will not alone change the world. The brotherhood of prayer remains an important part of an important pattern. Clearly, however, much more than this is at stake in the fight to write a Peoples Amendment for Public Prayer. The whole matter of a reasonable and, reasoned pluralism is involved here. So is the survival intact of all practices of public reverence. So is every other controversial aspect of church-state relationship. So, finally, is the very workability of the democracy itself. It is simply incredible that there are still Catholics concerned with democracy, education and pluralism who cannot, or will not, understand these things. John Donne wrote that "no man is an island." It can be said with equal force that no decision of the U.S. Supreme Court fundamentally interpreting the First Amendment against the expressed will of the nation is an island—a minimal, a singular thing. Remedial action now, loud and long, is emphatically indicated. Seldom has the alternative to such action been put more strongly than by Father Joseph Costanzo, S.J., professor of historical jurisprudence at Fordham University:⁷

American believers are losing by default. They have taken their spiritual heritage for granted. They have allowed a creeping gradualism of secularism, under one specious pretext or another, to take over their pub-

⁷ *Op. cit.*

⁸ *This Nation Under God* (New York, 1964), pp. 131-32.

lic schools. A vociferous and highly organized pressure group is exercising its own form of indirect coercive pressure upon the American community.

JOB CORPS CLOSING FOOLISH ECONOMY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. JOHNSON of California. Mr. Speaker, in considering the closing of some 57 Job Corps centers throughout the Nation, including many of our fine conservation centers, I am at a loss to understand why a going program of proven value should be discarded for an unproven effort, which I fear will only amount to a token replacement of this fine program.

The order to cut the heart out of the Job Corps program in the name of economy, will prove to be foolish, false economy which will cost this Nation greatly in the months and years ahead.

The concept of conservation of our natural and human resources has been proven time and time again. During the depression days of the 1930's, the Civilian Conservation Corps took boys off the streets and gave them solid foundations upon which to build productive lives. Graduates of the old CCC program have served with us here in Congress, succeeded in business, and become leaders in education, science, the trades, labor and all other fields of endeavor. But most important most of those given a second chance through the CCC became solid citizens of this Nation of ours.

Because of the outstanding successes of this program I was among those Representatives in Congress who sponsored and actively worked for establishment of a similar program for the 1960's. This effort resulted in the enactment of the Job Corps legislation.

In the succeeding years, there is no doubt but that the wisdom of this effort has been more than justified. It is true that the 1960's are not the depression days of three decades ago, but we have found that even in these days of high employment and relative affluence there are many among us who have not been able to make the grade, primarily because of a lack of opportunity to learn the basic skills by which they can earn a living.

Would you hire an 18-year-old with a low third-grade education who could hardly read or write?

This is the average for young men entering the Job Corps camps I have visited in the Second Congressional District of California. In 6 months of training, the corpsman has advanced 2 years in reading, a year in math. He has developed the ability to write, has a knowledge of how to get a job, knows about income taxes and most important he is working for a salary which will require him to pay income taxes. He has returned to society.

It is tragic that this program should be crippled now that it has proven itself

by combining education with good hard work to provide young men with an opportunity to become self-respecting, self-supporting, contributing members of society.

By active recruitment programs, we talked these young people out of environments in which they could grow up only with hopelessness. Now we are breaking faith with these young people, tossing some back into these environments without the means of earning their own way, and abandoning others who have not had the opportunity to participate. The consequences will be tragic, I am sure.

It appears that these Centers will be replaced at some future date, with "minicenters" located in urban areas. These, apparently, will be located close to the trainees homes. One of the strengths of the conservation center program is that these boys are taken out of the environments which have caused the problem throughout their formative years and are able to get away and stand on their own feet away from these influences and I think the reversal of this would be a terrific mistake.

In reviewing the list of those Centers facing extinction, there appears no rhyme nor reason to why some of these were selected. The three in my congressional district—Toyon in Shasta County, Sly Park in El Dorado County, and Five Mile Center in Tuolumne County—all had fine records and good community support.

Yesterday, Secretary of Labor George P. Shultz testified before the House Education and Labor Committee that the average cost of training a Job Corpsman was \$7,241. Statistics I have collected from the three Job Corps Centers in the second district indicate that their records, then, are well below the average. The reported costs at the Toyon Job Corps Center, \$4,757 per trainee—the second lowest of all Bureau of Reclamation-operated Centers yet not one of three to survive the "economy" ax—at Five Mile Center near Sonora, \$5,200 per trainee, and at Sly Park Center near Placerville, \$5,500 per trainee. If these are Centers with below average costs, I ask: "Why these?"

Mr. Speaker, I must emphasize that these are current 1969 figures—what it is costing today. These do not reflect the value of outstanding conservation work accomplished by these young men—estimated at \$2,000 per year per man.

When you add all these up, it comes out to a mighty inexpensive program which yields tremendous returns on the investment—lifetime dividends of self-respect and economic independence for the individual.

In addition the human resources we have conserved and channeled into productive activity, we must also consider the natural resources which are enhanced by the efforts of the Job Corpsmen who truly are "learning by doing."

The "doing" means new campgrounds, additional recreation facilities, improved water supplies, better fire-fighting base facilities which will yield tremendous economic returns years to come through faster forest-fire suppression, improved

timber stands which in future years will mean greater timber sale returns.

During 3 years of operation, corpsmen at the Toyon Camp have completed some \$1,328,000 in work projects, including some of the largest campground installations ever built in the National Parks System. Additionally, the corpsmen provided some 10,000 emergency man-hours in firefighting, search and rescue work, and battling floods and storms. At the Five Mile Center, corpsmen have completed \$946,250 in work projects beneficial to the national forests. Since 1966, corpsmen have spent 27,632 man-hours in fire suppression work, the value of which would amount to \$55,260. At Sly Park the project value to the national forests and the local community amounts to \$897,000 plus thousands of man-hours on the firelines and other disaster work.

These contributions do not reflect in the cold statistics upon which the decision to close these centers was apparently based.

Nor are other community efforts reflected in the cold statistics. Take, for instance, the Toyon Center. Through a cooperative agreement with the Shasta County Welfare Department, welfare recipients receive work experience training at the center, giving volunteer assistance while learning themselves to be more employable. The Toyon Center has hired four of these former welfare cases and 23 others have gone from welfare to gainful employment using these new skills.

This is meaningful manpower training. It works. We must not buy a pig in a poke by discarding it for an untried program which still is in the formulative stages.

As you can see, Mr. Speaker, I am tremendously concerned with the impact the proposed closings will have upon the individual trainees. Without minimizing this, I must mention also the impact of the decision upon the communities in which these conservation centers are located. Again, let me use, for example, the three centers located in the second district which now face extinction. Each of these centers is situated in counties of substantial unemployment. Each of these areas have very restricted payrolls and economies in which the Federal Government is investing heavily through a variety of programs in order to achieve some element of economic stability.

The abrupt closing of these centers will mean increased unemployment and will deflate severely the economies of the areas.

For instance, Toyon Job Corps Center in Redding has an operating budget of some \$760,000 a year. It has 158 Job Corpsmen enrolled actually at the center at the moment with a staff of 48. Loss of this payroll and budget will be a severe blow to the community of Redding and Shasta County.

The Sly Park Camp in El Dorado County, which has an operating budget for the camp of \$640,000 per year, has 38 employees and 120 trainees.

Finally, at Five Mile Center near Sonora we have a \$718,000 annual operating budget based on some 160 corpsmen and 46 full-time employees.

The closing of these projects in these communities is going to be a serious blow and, if we must make up for this loss through other employment development projects sponsored by the Federal Government, it seems to me that we are robbing Peter to pay Paul.

In conclusion I want to say that since this announcement was made I have received a variable flood of wires, letters, phone calls from the communities affected. Not a single word has been spoken in favor of the closings. These are communities which have met their responsibilities as is indicated in the following telegram from the chief of police of the city of Redding:

There is considerable local concern that projected cutbacks in the Job Corps Program may force closure of the Toyon Civilian Conservation Center in Shasta County. The program is well accepted in this area and has proven to be a definite asset to the community. This area has a great deal to offer these boys and they certainly have a great deal to offer the community. The populace in the greater Redding area is in favor of continuing the Job Corps program in Shasta County.

And from the sheriff of Shasta County, John Balma:

I am happy to give my appraisal of the local Job Corps Center, located at Toyon, Shasta County, California.

Granville W. Tilgham, Center Director, is a very good administrator. More important, he is a fine man and well thought of in our Community. His cooperation with our Department has always been the best.

The Corps have benefitted our Community by adding more than \$1,000,000.00 worth of recreational and conservation projects to the area in projects like Shasta Divide Nature, Davis Gulch Nature Trail and the Judge Francis Carr Memorial Campsite along Whiskeytown Lake; Knob Cone (Old Man) Campground, Fisherman's Point Rest Area and the clearing of debris (after the 1964 flood) along Shasta Lake; planting of more than 80,000 trees for beautification and erosion control on the Spring Creek-Keswick Watershed, Rip Rapped and constructed floating docks for Reading Island boat launch near Cottonwood; contributed about 10,000 man hours in forest fire fighting; assisted the Shasta County Sheriff's Department and the local Civil Defense Department in two search missions—one for a Central Valley girl and the other for the victim of a plane crash.

The young people in the Center have participated in Community affairs by being members of local church choirs; assist church, civic, social, service and fraternal organizations with local college, high school, teen-clubs, and in community center groups; participate in City League sports; assist in parking and general activities at the Shasta County Fair; work with law enforcement agencies in the better understanding of law enforcement and respect for law officials; conduct social, cultural and educational exchanges on Center with youth and adult groups; participate in local stage plays; make public appearances including television appearances for educational and public relation purposes.

The Corps have engaged in Community projects by contributing blood to needed persons and particularly Veterans of World War I Barrack No. 1031; improved grounds of historical cemeteries at Shasta and Central Valley, improved grounds for local public schools, Bella Vista Head Start School and the school for the Handicapped at Shasta; assisting the City of Redding in an improvement of the Linden Avenue and drainage

area; cleanup streets in impoverished areas; placed sand bags around an elderly couple's home in Central Valley for protection against flooding; two corpsmen assisted in the arrest of a would-be robber and five other corpsmen alerted a local Redding store owner that his store was unlocked several hours after closing time; corpsmen have helped local agencies in the delivery of food baskets to needy families at Thanksgiving and Christmas time; donated funds from corpsmen have contributed to the purchase of items for food baskets; assisted in the construction of a Senior Citizen's building in Redding. Most of the community type projects have been done by staff and corpsmen on weekends through volunteer services.

I hope this information will assist you in evaluating the Toyon Job Corps.

Speaking for the chief probation officers of the entire State of California, Ted L. Smith of Merced, president of the Probation Officers Association:

The impending closing of Job Corps Centers threatens to deprive the criminal justice system throughout the United States with curtailment of an effective training program for deprived and delinquent children. Returning 200,000 hard core teen agers to local jurisdictions, already unable to provide the training they need and desire, is risking possible civil disturbance during the coming summer months. California's Chief Probation Officers Association supports the Job Corps Programs and strongly urges reconsideration towards retention of the Centers.

Local government unanimously endorses the preservation of these centers. Typical is the resolution of the board of supervisors of the county of Tuolumne:

Whereas, the Tuolumne County Board of Supervisors has been informed of the contemplated closure of the Five Mile Civilian Conservation Center located in this country, and

Whereas, this Board of Supervisors is thoroughly familiar with the operations of this center since its establishment in August, 1965, and

Whereas, the corpsmen assigned to this center have compiled an outstanding record in the successful accomplishment of many assignments of great material benefit to the public, ranging from fire protection to site improvement projects in the Stanislaus National Forest, and

Whereas, of far greater importance, this center has provided an effective means by which under-privileged young men have been given the opportunity of discovering and developing their individual potential through intensive programs of education and manual training, and

Whereas, it is essential that America have trained, productive workers upon whom it can depend, rather than unskilled, idle men who depend upon it, and

Whereas, the Five Mile Civilian Conservation Center has proved to be an effective means of providing the education and training so essential to the future welfare of our country.

Now, therefore, be it resolved that this Board of Supervisors does hereby urge the U.S. Labor Department to rescind its order to terminate the Five Mile Civilian Conservation Center effective as of July 1, 1969, and

Be it further resolved that copies of this resolution be forwarded to the Hon. Richard M. Nixon, President of the United States; the U.S. Labor Department; the Hon. George Murphy and the Hon. Alan M. Cranston, United States Senators from California; the Hon. Harold T. Johnson, Member of Congress; the Hon. Ronald Reagan, Governor of

California; Harry D. Grace, Supervisor of the Stanislaus National Forest and to such other officials as may hereinafter be directed.

And Mayor George K. Moty of Redding telegraphs:

I have just learned of the President's order closing the Toyon Job Corps Center in Shasta County, as one of the 57 Centers ordered closed. I am sorry to hear of this decision and I hope that you and your fellow legislators can do something to cause a reconsideration of this decision. The Toyon Job Corps Center has been an asset to Shasta County. The staff and the Corpsmen at this Job Corps Center have completed many beneficial projects for the Forest Service at Shasta Lake and for various communities in Shasta County including the City of Redding. Our experience with the Toyon Center has been most favorable. We have seen the Corpsmen of the Center participate within various activities within our city, including intramural athletic and recreational programs, participation in church activities and the accomplishment of certain projects within the community. From this observation we are convinced that Toyon was doing a satisfactory job of training and educating these young people so that they could become useful citizens of whatever community they subsequently chose to live within. I further understand that 71 percent of the enrollees of the Center have obtained employment upon leaving the Center. I therefore respectfully urge you to do what you can to cause a reconsideration of this decision by the Executive Branch and to make it possible for the Toyon Job Corps Center to remain in operation.

The business community is backing this program. Beverly Barron, president of the Tuolumne Chamber of Commerce in Sonora writes:

The word of the probable closing of our 5-Mile Job Corps Center, in Tuolumne County, has been received with sorrow.

Although the Tuolumne County Chamber of Commerce does not pretend to be authoritarian on the educational values involved in the Corps, we do feel that the 5-Mile Job Corps Center, here, has been doing a most beneficial job.

Further, we are always cognizant of withdrawal of any enterprise in the county, because of the effect upon our economy.

Our Board of Directors, at last Monday evening's meeting, unanimously requested that I send you this letter, protesting the possible closure of the Center. Your continuing efforts in this behalf, will be deeply appreciated.

And from Fank B. Plummer, president, Greater Redding Chamber of Commerce:

The Board of Directors of the Greater Redding Chamber of Commerce with over 500 businesses in membership strongly opposes the closing of the Toyon Job Corps at Project City, California. The hundreds of boys passing thru this camp have been accepted by this community and marvelled at for the changes brought about in their demeanor while here. Boys who could not read or write have been enabled to learn these basic rudiments of living and have gone out to secure jobs in private industry.

We have been deeply appreciative, in this tourist economy, of the fine camps for tourists that these boys have constructed for us. They are now involved in the largest project ever attempted by the Job Corps—the construction of 416 new camp sites for the coming season. Our county has an unemployment rate of 14.2%, so you can get some idea of what these new camping spaces

mean to our economy. The construction work of all kinds that the Job Corps has completed here must run into the millions.

The budget of the Toyon Job Corps has brought \$750,000 into this community annually since its inception and we have been deeply appreciative of this.

We respectfully submit that this is no time to cut back projects of this kind. It would be far better to cut back severely the \$80 billion military budget.

And, Howard H. Heilman, president of the El Dorado County Chamber of Commerce, Placerville, wires:

The proposed closure of the Sly Park Job Corps Center in El Dorado County, California is unanimously opposed by this Chamber of Commerce. Meeting in regular session this date the County Chamber's Board of Directors established such position on the basis of the Sly Park Center's success in its training function and its reliable role in this community. Documentation of this opposition is being prepared and will follow this message forthwith.

From the educator's viewpoint, this has been "a most effective means of combating the great problems of the educational and economic dropouts of today." Gilbert A. Collyer, president of Shasta College in Redding, writes:

During the past week an announcement has come to us that the Job Corps Unit located at Toyon, just a few miles from our college, is being closed. We wish to write in connection with this closure since we have been greatly impressed by the effectiveness of this particular Federal project.

We have become rather closely acquainted with some of the work the unit has done in our community and we have met, personally, boys that were trainees. Each experience we have had with the unit has impressed us that the activity is accomplishing strong results insofar as we could measure it at this particular point.

We, of course, are not acquainted with the overall financial aspects of the program and as to how the cost of operating it may compare with other efforts to solve the problems of young men who have dropped out of the mainstream activities. I am sure that other programs will also help in this direction, but would be very skeptical that all activities should be transferred closer to the urban centers. I am sure that bringing young men into a location farther away from the congested urban areas is a very favorable aspect to the whole training program.

In addition, I could state that these trainees have won the respect of the people of the community and the surrounding region and that, while ethnically they have introduced greater heterogeneity into the area, this has been viewed favorably by most people.

I would urge your strong consideration of keeping a unit like Toyon active as a most effective means of combating the great problems of the educational and economic dropouts of today. In addition, I believe that a unit located in such surroundings will prove a valuable check on the effectiveness of various kinds of approaches to the entire problem.

Mr. Speaker, the most appealing plea came from a Job Corps trainee himself:

If they close this up, there goes my second and last chance.

Are we going to rob this boy of that last chance?

Are we going to throw these boys back on the streets without the ability to become contributing members of society?

SOLID WASTE PROBLEMS INCREASE

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. JONES of Alabama. Mr. Speaker, a timely and pertinent warning about the multiplying problems of the increasing amounts of solid wastes was printed in the April 20 issue of *This Week* magazine.

As our population increases and as the level of consumption rises, our Nation's towns and cities are faced with a growing problem of disposal of garbage and the castoff of modern life.

Many new techniques are being considered, but much more attention needs to be paid to this mounting problem.

So that my colleagues can know more of this serious matter, I ask that the article by Thomas Fleming from *This Week* magazine be included at this point as a part of my remarks:

ENGULFED IN GARBAGE

(By Thomas Fleming)

You people have been spoiled for 50 years. Rain or shine or earthquake, your little pail of garbage has been picked off your doorstep every Tuesday or Thursday. Until recently, you didn't give a damn what happened to it after that.

Are you listening? That is the voice of a modern garbage man. His name is Leonard Stefanelli and he was speaking to a group of fellow San Franciscans. But he might well have been speaking to the entire nation, warning Americans that they are in danger of being engulfed in garbage.

His is by no means the only ominous voice. Dr. Phillip R. Lee, Assistant Secretary of Health, Education, and Welfare, says, "We have been running to keep pace with the growth of the . . . problem, and we are losing the race." Professor Ross E. McKinney of the University of Kansas warns, "We have already allowed the problem to exceed the solution."

There are some prophets around the country predicting that by the year 2000, garbage collection may dwarf civil rights, national defense, and crime in the streets as our No. 1 political problem.

It is by no means a fanciful prediction. Recent reports indicate that Americans are already spending \$4,500,000,000 a year for refuse collection and disposal services—a sum that is exceeded only by expenditures for schools and roads.

Why is garbage becoming so big and costly a problem? Approximately 500,000 tons of residential, commercial and industrial wastes, or 5.3 pounds per person are generated in America each day. In an average year, a family of six creates 3,860 pounds of trouble for the garbage man. Of this, 990 pounds is genuine garbage—leftover food scraps and the like, what the experts call "putrescent matter"—and 2,870 pounds is rubbish.

This last statistic is the real explanation for the garbage crisis. In earlier decades, Americans carried most of their food home in paper bags. Practically everything today's supermarket shopper buys is enclosed in plastic or cardboard or glass containers.

It doesn't really matter where the junk comes from. The problem is how to collect it efficiently and what to do with it once it's collected. To the citizen, collection would seem the most important facet of the problem. Garbage strikes have threatened a half dozen American cities with disease and social chaos in the last year or so.

Sanitation experts are far more worried, however, about what to do with the stuff once it is collected. They note that 85 per

cent of the money we are spending on garbage is currently going into collection (yet a startling 12 per cent of the residential population, receives no formalized collection service) and only 15 per cent of our cash is being spent on disposal.

Many people are under the impression that most garbage is burned in incinerators. Actually, there are only about 300 incinerators in the entire nation, most of them in large cities. Most of our garbage goes to what is familiarly known as the *dump*. There are 12,000 of these *land disposal sites*, as the experts call them, and a recent report of the Public Health Service declared that 94 per cent of them were "unacceptable and represent disease potential, threat of pollution, and land blight."

Nor should incinerator owners start congratulating themselves. The same government experts condemn 75 per cent of these as inadequate, either because they fail to burn enough of the garbage shoved into them or because they pour unhealthy amounts into the atmosphere as air pollution.

Aside from the disgraceful condition of most dumps, there is the blunt fact that we are running out of room for them. New York will run out of space altogether in four to eight years. Philadelphia has been trying to burn 90 per cent of its wastes for well over a decade. San Francisco has had a running battle with surrounding communities over where to put refuse.

All this adds up to what might be called, *The Lament of the Garbage Man*. "People make jokes about garbage men," Eugene L. Pollock, editor and publisher of *Solid Wastes Management*, a national magazine for the sanitation industry, says, "They tend to think of them as people of little standing in the community. They don't seem to realize they are talking about the fifth largest service industry in the country. Nor do they seem to realize that a lot of these so-called garbage men are executives running multimillion-dollar operations, often using computers." He also notes several major schools grant Ph.D.s in refuse disposal techniques.

Leonard Stefanelli is typical of the new breed of garbage executive. He is president of the *Sunset Scavenger Co.*, one of the two private contracting firms which handle refuse collection and disposal in San Francisco. A good-looking, well-dressed 33-year-old, Stefanelli told a gathering of San Franciscans last year, "You people think of us garbage men as donkeys with strong backs and weak minds. But the fact is that we have spent tremendous amounts of money on modern research and development to try and reduce the bulk of waste as much as possible before disposing of it."

Most people know that garbage men feel underpaid. But few realize a more significant item in the garbage man's tale of woe. It is very dangerous work. The National Safety Council recently reported that their accident rate is highest in the country.

A great deal, however, is being done. A number of ingenious solutions are being tested or toyed with by scientists and sanitation experts around the country. One of the problems of the open dump is being solved by sanitary landfill—one of the best and cheapest methods of disposal now available. Usually it involves shredding, milling and compacting the refuse into an indistinguishable mass, which is dumped in trenches scooped out by bulldozers. It is then covered with seven or eight feet of earth, and natural decomposition over the next 25 years converts it into normal soil.

Landfill not only eliminates the old smoking, rat infested dump, it can also create new recreational sites for land-short cities and suburbs. Virginia Beach, Va., is building an outdoor theater on a 15-year-old landfill site. The Borough of Etobicoke in metropolitan Toronto has built a ski hill out of what they call "selected sanitary waste"—1,500,000 cubic

yards of old refrigerators, stoves, bed springs, lumber, chemicals—everything but food wastes. The twin-peaked hill is expected to be 130 feet high when completed. Other communities have constructed golf courses, baseball and football fields and even swimming pools on landfill sites.

Around our larger cities, land is simply too scarce and too valuable to put garbage in it. San Francisco and Philadelphia are about to begin experiments in shipping their garbage 200 to 300 miles away by railroad.

Philadelphia has hired a private firm to lug the stuff out to the central part of the state, and dump it into abandoned strip mines. The cost will be \$5.39 a ton, a big saving over the current \$7.50 a ton for incineration. Rhode Island University, under a grant from the National Center for Urban and Industrial Affairs, is studying the possibility of burning garbage at sea in huge incinerator ships and tossing the residue overboard at selected dump sites.

The inventive Japanese have come up with another idea, a giant compacter said to reduce trash to 10 per cent of its original volume. The Japanese at first claimed that the resulting hard blocks of garbage could be used for construction work. But experts quickly demolished this idea. As garbage decays, it emits methane gas, and if you sealed these bricks inside a concrete building, within a year or so there could be an explosion.

The fondest dream of the modern sanitation expert is making garbage profitable. In the old days farmers paid for the privilege of collecting and removing garbage from Philadelphia. Today collectors get up to \$8.33 a ton for this work—plus the refuse itself—and the price is considered to be a real bargain. Paper was once salvaged for the production of cardboard. Now it is stored until a private collector comes and picks it up—at a charge of \$100 a month for this service. Some people have experimented with burning garbage to produce steam which, in turn, would run electric turbines. The Town of Hempstead on Long Island has an incinerator that drives a 2,500-kilowatt electric power plant and a 420,000-gallon-a-day water desalting plant. But neither here, nor anywhere else, has anyone made such operations profitable.

The brightest hope in this department has been composting. For over 25 years, various countries—Israel, Holland, Scotland, and the United States—have experimented with pulverizing and reducing the garbage to manageable brick form and selling the stuff to farmers to enrich the soil. A few years ago, a *Fortune Magazine* story grandiosely announced the opening of a composting plant in St. Petersburg, Fla., operated by the International Disposal Corp. The \$1,500,000 plant lasted from July, 1966 until the early months of 1968, when it was closed as a public nuisance because of an odor problem. But after remodeling it is expected to start again soon.

The Florida plant joined a long line of composting plants, stretching from Scarsdale, N.Y., through McKeesport, Pa., Mobile, Ala., Norman, Okla., Phoenix, Ariz., and Houston, Tex.—most of which are already closed or closed part of the year. The reason lies in that earlier statistic about the preponderance of rubbish in today's garbage. Plastic bottles, aluminum cans, paper and glass are not very soil enriching.

Yet the composting idea has value. "These commodities we are throwing away today may someday be in serious short supply," says Dr. Walter R. Hibbard, former director of the Bureau of Mines. Dr. Athelstan Spilhaus, president of the Franklin Institute in Philadelphia, argues that we ought to "bank" potentially valuable wastes until we know how to get at their ingredients economically.

Still another solution would be the creation of self-destructive bottles and cans. Jerome Gould, the noted industrial designer,

is working on such a project as is Samuel F. Hulbert of Clemson University in South Carolina. Hulbert says his bottle will have the same basic elements as glass but when it breaks it will become soft and greasy and melt away.

Back on the practical, everyday level, some people are trying to take the minor headaches out of the garbage problem. Some companies have recently perfected a garbage can with a bottom made of rubber cement, that thuds instead of rattles in the early dawn. New Haven, Conn., is experimenting with the use of kitchen sink grinders in a high-rise apartment complex. The reduced garbage is piped to a central building for disposal.

All these changes, experiments and improvements point toward one conclusion. The garbage crisis can and must be solved.

The alternative may well be the policy currently being pursued in the state of Zulia, Venezuela. The government had to declare martial law and send in National Guard troops to suppress rioting stemming from a strike of sanitation men which left four dead and dozens injured. To prevent a repetition of the upheaval, authorities hastily passed several laws which clearly demonstrate the dangers of uncollected garbage in a free society. One of the laws stipulates that no couple will be allowed to marry unless they both produce certificates proving they are up-to-date in their refuse collection payments.

THE 1968 ATA NEWSPAPER SAFETY WRITING COMPETITION

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GALIFIANAKIS. Mr. Speaker, when the American Trucking Association, Inc., recently named the winning entries in its 1968 newspaper safety writing competition. I was delighted to note that a young man from the congressional district I was privileged to represent at that time was honored for an editorial entitled "Live Beyond Labor Day."

I salute the writer, Michael B. Smith of the Winston-Salem Journal, for the outstanding contribution he has made to highway safety. Additionally, I should like to call to the attention of all the Members of this distinguished body the content of Michael Smith's prize-winning editorial:

LIVE BEYOND LABOR DAY

There are several approaches one can take when writing an editorial about traffic safety on the eve of a traditionally bloody holiday. There is, for instance, the didactic approach, with its solemn instructions to Drive Carefully. The Life You Save May Be Your Own, or Speed Kills, Take It Easy, or If You Drink, Don't Drive, or Buckle Up For Safety, Buckle Up. It is all fine advice and it is all generally ignored.

There is the statistical approach, which will tell you that since Henry Bliss stepped off a Manhattan streetcar into the path of a speeding horseless carriage in 1899, two million other people have died in traffic accidents—more deaths than in all our wars combined. Statistics will inform you that 609 Americans died in automobiles during the Labor Day weekend last year, 30 of them in North Carolina. But few people are ever really impressed by statistics until they become one.

Finally there is the dramatic approach, with its corollary, the scare approach. Newspaper files are full of large glossy photos of bent automobiles, jagged windshields, torn metal and blood-soaked upholstery. Any Highway Patrolman or ambulance attendant or mortician knows what happens when a human body moving at, say, 70 miles an hour meets a tree or a bridge abutment or a two-ton piece of steel. Oh yes, we are temporarily sobered by talk of smashed skulls and crushed chests, but we secretly believe that *It can't happen to me*. It can.

There are many ways to illustrate the dangers of driving on a holiday, but none of them will prevent about two dozen North Carolinians who are alive today from being dead by midnight Monday, when the counting stops. Only one absolute means of protection comes to mind, and we urge it on all our readers: Please stay home this weekend. Stay home.

ROTC CONTROVERSY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. NICHOLS. Mr. Speaker, there has been a good deal of controversy, both on campuses in particular and around the country in general, regarding the ROTC program. There has also been a great deal of misleading information disseminated, some intentionally by those who serve their own purposes and some unintentionally by those who are just plain uninformed, about this very fine program.

The April 1969 issue of Army Digest presents a very factual, and I might add "official," statement by the Department of the Army's Office of the Director of Individual Training for ROTC Affairs. This article was brought to my attention by Mr. J. T. Rutherford, himself a former Member of this body and currently the executive director of the Association of Military Colleges and Schools of the United States.

In an effort to see that the true facts regarding the ROTC program are given wider distribution, I insert the text of the article at this point in the CONGRESSIONAL RECORD:

ROTC UNDER FIRE: AN AMERICAN INSTITUTION MEETS THE TEST

(By Army Digest staff in cooperation with Office, Director of Individual Training for ROTC Affairs)

At campuses across the country, graduates in cap and gown soon will be receiving diplomas from college presidents, visiting deans or VIP's imported as commencement speakers to impart words of wisdom to the fledgling captains of industry, commerce, and various professions.

At 268 of these campuses, some 17,000 young men will be exchanging mortar boards for military hats, and academic robes for jackets with gold shoulder bars denoting brand new lieutenants. These are the students who, for the most part, elected as sophomores to fulfill their obligations of citizenship in a free Nation by enrolling in the advanced Reserve Officers Training Corps program.

Some of these dedicated young men will make a career of the military services. Each year the Army alone needs—in fact must have—at least 15,000 to fill its requirements

for leaders educated in a wide variety of fields that go to make up a modern, progressive Army.

Others will meet their minimum military obligations, then return to civilian pursuits while remaining available for duty via the Reserve Forces. These graduates often have been recruited, even before leaving the campus, by commercial organizations. For while the Army must have its input of young leaders, many of these firms also are anxious to recruit the same talents. Increasingly, there is competition for the potentials for advancement represented by these young men—potentials which are increased by their proven leadership fostered through ROTC training and then developed by several years of actual military service.

Many of this year's graduates will have been scholarship winners, their tuition and incidental expenses paid through ROTC programs. Many others will have been assisted to a greater or lesser degree. It is safe to say that many hundreds of the graduates would never have been able to attain a college education were it not for ROTC assistance.

As sophomores, these men had the foresight to recognize the advantages of enrolling in advanced ROTC. They voluntarily joined despite the current criticism and vociferous outcries against the program that faces ROTC on many campuses—criticism and outcries that appear strange indeed when one considers that for many years the military services were criticized for not having a "rapport with world events," for "living in a world of their own," with leaders whose "military mind" and thinking were simply products of a "trade school."

Basic to such criticism was the implication that the military services needed the leaven of large numbers of leaders educated in many fields—men who could understand and evaluate worldwide political, economic and sociological conditions, who could comprehend the interplay of events in a world of power politics, who could generally chart the Nation's path through the maze of highly complicated events that mark the making of history.

For more than half a century the Army has made every effort to get just such men. And ROTC has provided increasing thousands of them, until today the Corps of over 150,000 is the largest and least expensive pre-commissioning educational system in the Army. Its graduates—by the hundreds and by the thousands each year—represent all academic disciplines. They come from varied ethnic backgrounds, from all parts of the Nation. They can be found on active duty from second lieutenants up to lieutenant generals.

Yet today the system is facing criticism from several sources. Ironically, much of the criticism comes from the same people who just yesterday were complaining that the Army was hidebound and needed leaders of greater depth and breadth of vision. Today these same people would do away with the very system that is producing exactly such leadership. Among evidences of this attitude:

Some members of staffs and faculties of various institutions of higher learning claim that the ROTC curriculum is below academic standards.

Demands are made to withdraw academic credit for ROTC courses.

The rank of the Professor of Military Science has come under scrutiny. Some educators feel sincerely that only the colleges or universities should have the right to designate professors. Some feel that the entire idea of military training on campus is in conflict with the purposes and ideals of the American system of higher education—disregarding entirely this Nation's tradition and history of dependency on a citizen army.

Some of the criticisms—those which hit the headlines all too often because of their character and source—come from small but

highly organized and extremely vociferous dissident groups. One group has actually prepared in great detail a complicated printed plan to "smash the military machine in the schools." These students carry on actual campaigns of terror—reviling other students, defiling uniforms, carrying on intense campaigns against incoming students aimed at browbeating impressionable newcomers from signing up for the Corps.

It is significant to note that some dissident groups appear to fight ROTC merely as part of a larger plan for fomenting actual revolution in the Nation. They seek to introduce class warfare among the youth of the country on the basis that ROTC produces large numbers of well-educated officers—and according to their warped view, the officers are the "oppressors" of the enlisted ranks. They would not only emasculate ROTC but would eliminate it altogether, and eliminate all military leadership along with it.

ANSWERING THE CRITICS

Yet despite all criticisms the senior ROTC enrollment today continues to thrive and grow stronger. This spring even larger numbers of young men than usual will be completing their courses to enter the Army as second lieutenants. Admittedly, the peak enrollment today may be attributed in part to selective service accompanying the Vietnam conflict. But historically enrollments in the advanced course have fluctuated according to international tensions.

Many of the critics of the program for obtaining young leaders do not realize that just as the Army has changed from the old days of close order drill, Wednesday afternoons off, bailing out the enlisted man after payday, so has the ROTC changed. It's a far cry today from the era when most efforts went into an hour or two of drill a week, combined with a few dull lectures on military courtesy and a stilted course or two on military history.

The ROTC curriculum has kept pace with the changing needs of an ever more technological Army. It actively seeks to develop fledgling leaders with the education that makes them aware of political, economic and sociological conditions, that produces future leaders with the potential for continuing growth in many fields.

ORIGIN AND HISTORY

Although ROTC had its formal beginnings with passage of the National Defense Act of 1916, training in colleges and universities dates back to 1819 when Captain Alden Partridge, former superintendent at West Point, established Norwich University, Vermont, as a military college. Similar training was provided at many other colleges and military academies, such as Virginia Military Institute, most famous graduate of which was Gen. George C. Marshall. It is noteworthy that a young officer, later to become Gen. John J. Pershing, established the Pershing Rifles as a crack drill unit back in 1892.

The Land Grant Act of 1862 provided for military training to be required at the so-called Land Grant Colleges, mostly state universities, in return for land concessions from the Federal government. Thus the Nation gave practical expression to its time-honored philosophy—civilian control of the military establishment based on a system that expects every citizen to be a vital part of the national defense, subject to call for military duty in time of war. This philosophy has been expressed by American statesmen, educators, legislators throughout our entire history. Today ROTC embodies the principle of drawing officers for our Armed Forces from the mainstream of American life in all its diversity.

KEEPING PACE

Through the years following World War II, studies have constantly been made to keep

curricula in tune with the changing needs of an Army in transition. Such changes were largely undramatic, moderate breezes rather than swift winds of change. But with the ROTC Revitalization Act of 1964 came the beginning of what has become an entire New Look in ROTC.

The Act created a platform for a complete restructuring and modernization of the entire program. It is significant that this began before the present wave of criticism was even a ground swell far out on the horizon. The Act indicates that the Army and other Services were continuously evaluating, looking ahead, constantly seeking to meet changing conditions.

Principal feature of the Vitalization Act was the scholarship program under which 5,500 will annually receive tuition, book and fee costs plus \$50 per month subsistence. Many of these ROTC scholarship students would never be able to attend college otherwise. Recipients are committed to four years of active duty following graduation, and must accept a Regular Army commission if offered.

Another feature is authorization of the two-year program that provides for junior college graduates and transfer students from non-ROTC institutions to join the Advanced Course program in their junior or senior years.

In making changes in the ROTC curriculum, the Army has recognized the changes in educational philosophies and concepts in the colleges themselves. With each passing year, degree standards have been raised so that a student must carefully budget his time to satisfy these requirements; as a result, less time is available for activities outside his principal areas of study. ROTC has endeavored to keep pace with this trend.

FLEXIBLE CURRICULUMS

Today's curriculum studies, and other aspects of the program, are characterized by flexibility. Currently, Army ROTC offers three choices to colleges and universities of the country—Curricula which permits practically any school to tailor its military program according to its institutional needs in conjunction with the Professor of Military Science at the particular school.

At present, about 15 percent of the host institutions are using Option A which deals mainly with military subjects.

About 80 percent of the campuses are utilizing Option B which allows 25 percent of the subjects to be selected from those offered and taught by the college.

A third, Option C, was initiated by 11 schools on a developmental basis in the fall of 1968. This is designed to present the basic course in a manner that will insure its being accorded academic credit on a par with other courses offered at that particular school. The freshman courses acquaint a student with basic concepts of warfare and problems of national defense; the sophomore course examines the concept of military force, relative effectiveness in solving international crises, the role of the military in society and its relationship to other elements of national power. Instruction may be presented by military personnel, or by civilian members of the faculty—or by both. This latter, or "team teaching" method, enables each to present his specialty in a highly interesting and informative manner.

Curriculum studies and retailoring of course content involves a continuing process of cooperation between the Army and educational institutions.

As a result of many months of study of campus and Army requirements, the entire ROTC curriculum is now being revamped to add even more flexibility to meet changing times and to become more academically oriented.

However, it should be remembered that moves toward a more academically oriented curriculum do not necessarily provide a pana-

cea for the problems involved. The exact nature of the curriculum on any particular campus will be tailored by the institutional authorities and the Professor of Military Science concerned—a cooperative approach which should demonstrate that the curriculum is not "dictated from Washington" as some critics contend.

ROLE ON CAMPUS

A key role in ROTC is exercised by Professors of Military Science on campus. Actually the rank of professor is statutory and is prescribed in Public Law 88-647. However, this does not prevent a reevaluation of the role the military appointees play. As a department head the Professor of Military Science—or PMS for short—has full and equal status with other department heads. Normally he limits his activities on the faculty board to areas concerned with the military department unless requested by institutional officials to enter into other university matters.

Questions of PMS status are sometimes raised by certain faculty members who, through normal academic procedure, strive to attain tenure at a given school. Since advancement often depends on tenure, appointment of a non-tenured Army officer to the level of professor may generate displeasure among faculty colleagues thus affected.

It is not so much the PMS's actual rank, but his stature as a department head, with all rights and privileges of the position, that interests the Army. A solution to the entire problem may lie in changing the title which would imply all the rights and privileges of a professor and department head, minus the vexing question of tenure. This matter now is being seriously considered by Department of the Army.

In spite of such problems, it is interesting to note that there is a continual demand by colleges and universities to enter into contracts to provide ROTC. In the last two years alone, Department of the Army has approved 30 new units. These were selected from no fewer than a hundred applications nationwide. In selecting institutions, the Department of the Army considers production quality and potential, institutional support, facilities, and geographic distribution.

This year two-thirds of the institutions offering the program have elective programs. The decision is the institution's to make; the Department of the Army does not favor one program over any other. So far, though, it can be stated that elective programs are proving efficient and economical. Units adopting them exhibit a high esprit, since all cadets are volunteers. They are taking ROTC because they actively seek it.

LOOKING AHEAD

What about the future of the Army ROTC program? To a large extent, the future depends on the ability of the Army to keep pace with evolutionary developments on college campuses. Past history and present studies point to such success based on the Army's adaptability to changing circumstances.

Support for the program comes from many sources, but in the long run it is the responsible educator who recognizes the requirement for colleges to participate in the education of the Nation's young officers as a meaningful contribution to the American institution of a citizen-army, which holds the key to success or failure in a viable democracy. This type of positive support does exist and will continue to exist.

ROTC will continue to be the major source of newly commissioned officers for the Active Army and the Reserve Forces. The Army will continue to meet the challenge raised by professional educators by maintaining its flexible approach in developing progressive programs that mutually benefit the Army, the host institutions, the student and, in

the long run, the Nation. Always our Army's goal is to maintain cordial, cooperative relations based on mutual respect and understanding of the responsibilities and interests of each party involved. The objective is to produce well-educated young men with leadership potential for peaceful pursuits of civilian enterprise as well as for command in emergencies that may arise in the Nation's defense.

THE NEED FOR TAX JUSTICE FOR ALL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. BIAGGI. Mr. Speaker, I am most anxious for this Congress to plug tax loopholes which favor the wealthy while placing a heavy burden on those Americans of small or modest means. I want to congratulate President Nixon for recognizing this in his tax message that was received yesterday.

The tax loopholes that now exist are unconscionable and scandalous.

In 1968, according to former Treasury Secretary Joseph Barr, some \$35 billion in tax revenue was lost to the Treasury Department because of an assortment of tax loopholes.

If this revenue was shared by some 85 million Americans who filed individual tax returns in 1968, it would have meant a payment of \$411.76 to each one.

If this revenue was shared by every man, woman and child in the United States—some 200 million in all—it would have meant a payment of \$175 to each one.

If this revenue was used to fight drug addiction and crime on the streets, America would be a better and safer place in which to live today.

If this revenue was used to rebuild our ghettos, we would not be experiencing an urban crisis today.

If this revenue was used for medical research and for more and better hospital facilities, less Americans would be dying today.

If this revenue was used to bolster the grossly inadequate benefits for senior citizens, America would be a happier place in which to live today.

If this revenue was used for the education and care of needy young people, America would be able to look to the future with renewed hope for the generation of tomorrow.

It staggers the imagination to think of what we could have accomplished with \$35 billion.

I am deeply concerned about tax loopholes such as the depletion allowance for virtually every mineral, especially oil; the gimmicks by which depletion allowances and losses by wealthy, gentlemen farmers can be used to liquidate taxes on other income; certain areas of tax shelter for real estate investment; the capital gains treatment for stock options; and the special tax breaks for conglomerate corporations and the no-tax status of foundations.

There are also other tax loopholes which are unfair and most disturbing.

Some wealthy Americans, for example, readily achieve tax deductions by contributing tangible property such as used furniture to a charity which will raise revenue from the sale of the gift. The wealthy donor will then take a deduction equivalent to what he paid for "the gift" when he bought it—perhaps years earlier. The charity, however, might have sold "the gift" for as little as 10 percent of its original cost.

Why then should the donor be allowed a deduction far greater than the amount derived from the sale of "the gift?" I see no valid reason for not restricting him to a deduction equal to the proceeds derived from the sale of his "gift."

While I agree with the President that the 7-percent investment tax credit has accomplished its purpose of stimulating the business economy, I do not fully support his recommendation for blanket repeal. I believe that both the investment tax credit and extra-fast depreciation writeoffs should be retained on a restricted basis as incentives to encourage investments in ghetto areas.

I am hoping that the President uses the weight of his office to help eliminate the most flagrant examples of wealthy taxpayers slipping through loopholes. These taxpayers are individuals and companies deriving their incomes from gas and oil. They benefit from a panoply of credits and deductions.

Dry holes are written off, deducted as business losses. Depletion allowances equal to 27.5 percent of gross income and ranging up to one-half of net income can be taken. About 90 percent of capital costs, which nonoil companies have to depreciate over 20 years, can be charged off the first year by oil companies through the intangible drilling and development cost deduction. This includes many of the construction costs at the site, drilling costs, mud, roads, and the like.

Finally, the oil companies have the golden gimmick by which American firms can credit the royalties they pay to the Middle Eastern sheiks and potentates, dollar for dollar, against the taxes they would otherwise owe in the United States. Not only is American currency going abroad because of this technique, but our Nation is also soaked for "the privilege" of allowing it to go over there.

As a result, many major oil companies pay little or no Federal corporate income taxes.

In 1967, the last year for which data is presently available, Standard Oil of New Jersey paid taxes of only 8 percent on net income of more than \$2 billion.

Texaco paid taxes of only 2 percent on earnings of \$900 million.

Gulf, Mobile, Union, Marathon, Getty, and Atlantic all paid less than 8 percent on net incomes exceeding \$100 million each.

Atlantic-Richfield paid no taxes at all on a net income of \$145 million.

On the other hand, the struggling middle-income wage earner with a wife and two children and \$12,000 of taxable income, paid almost 20 percent of it directly to the Federal Government this year.

Piled on top of the Federal income tax bill of the middle-income family was

the surtax and Federal excise taxes such as social security payments and real estate, personal property, sales and gasoline taxes.

These are heavy burdens which have been borne out of a deep sense of responsibility and loyalty to our Nation. But this year, if the taxpayer is reasonably well informed, he knows that many far wealthier than he bear a much lighter burden.

On April 13, the New York Times Sunday Magazine reported that 381 Americans—each having incomes in excess of \$100,000—did not pay one penny of Federal income tax last year because of existing loopholes.

On April 14, the day before the deadline for filing tax returns, the Wall Street Journal reported—and I quote directly:

Aghast at the income tax due by midnight tomorrow? Here's a tip on how to get off easier next April 15. Push your 1969 earnings up to \$100,000. That, Treasury studies show, is the point at which the tax burden starts getting lighter . . .

I have been receiving an increasing number of letters from middle-income taxpayers complaining that some of the rich are getting richer at their expense.

If indignation continues to grow, it could lead to a breakdown in the present tax system. It is a largely self-enforcing system and its backbone is the basic honesty of the American taxpayer and his ungrudging acceptance of the fact that he has to pay a relatively large amount of taxes.

If this willingness turns to widespread cynicism as loopholes which benefit the wealthy remain intact, the system cannot survive.

While the direction and the principle of the President's proposal to remove poverty-level Americans from Federal tax rolls is commendable, it must be remembered that some of these hard-pressed individuals would incur no tax liability anyhow because of presently allowable deductions for medical expenses and other items.

I would not only like to see this Congress plug the tax loopholes that benefit the wealthy, but I hope more is done for both low- and middle-income taxpayers. Among steps that can be taken to accomplish more for these taxpayers and to achieve tax equality, I recommend:

Tax credits be allowed for the expense of higher education.

Deductions for each dependent be raised from \$600 to \$1,200.

Teachers be permitted tax credits for expenses incurred while pursuing courses for academic credits.

Homeowners be allowed deductions of \$1,000 annually for certain necessary repairs for the maintenance and improvement of the homes in which they live.

Tenants who must undertake certain necessary repairs for the maintenance and improvement of the homes in which they live be allowed deductions of up to \$1,000 annually that would otherwise go to the landlords.

Retired Federal, State, county, and municipal employees be exempt from Federal taxes on their retirement income.

Mothers who must work to support their families be allowed deductions of \$800 instead of \$600 for the care of one child and \$1,200 instead of \$900 for the care of two or more children.

Extension of head of household benefits to widows, widowers and certain divorced or legally separated individuals who have reached the age of 35.

Special tax credits be given disabled taxpayers.

Special tax credits be given to taxpayers supporting dependents who are mentally retarded or suffering from a neuromuscular disease.

Deductions equivalent to 100 percent of the cost of medical and dental treatment be given to all taxpayers when such expenses are not absorbed by insurance carriers or otherwise.

We can accomplish all of this and more if we plug the loopholes that now benefit the wealthy. It would be fair and just. It would show so many troubled Americans that the conscience of Congress is at work.

HON. ROBERT A. "FATS" EVERETT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. HUNGATE. Mr. Speaker, the House recently lost an effective and respected Member, the Honorable "Fats" Everett. Many people will miss this public servant and among those who sense his loss most deeply are the farmers of America. This is because he was concerned with their problems and fought for them. An article appearing in the Progressive Farmer, March 1969, touches on some of his fine achievements:

ROBERT A. "FATS" EVERETT

Tennessee farmers and Southern agriculture lost a good and loyal friend when Representative Robert A. Everett passed away. Everett was not a member of the House Agriculture Committee, but this did not keep him from studying each bill that could or would affect the welfare of farmers in the Eighth District of Tennessee and other parts of the South.

From the first to the last day he was in the House, he always was mindful of the fact that he was elected to represent the rural and urban citizens of northwest Tennessee. He pleased voters of the Eighth District so well that no one challenged him for his seat in the election last fall.

A vast majority of farmers in the Eighth District have a great appreciation for a dollar. They know money is hard to come by and that a dollar misspent is a dollar lost or wasted. Everett, too, hated to see money spent foolishly, so he gained the "conservative label." However, his fellow Congressmen could count upon his vote when appropriations were for worthwhile causes where he could see economic growth and greater prosperity coming from the expenditure.

In his home district he will be remembered as a public servant who put service above self and who was never too far away from his district or absent too long to forget the needs and desires of the people he served.

Everett was first, last, and always the people's representative. So we say to his successor, "Mr. Representative, the pattern has been 'cut.' You can run for reelection many

times if this goal is second to that of serving your people and being able to distinguish between their needs and their selfish demands."

CONTINUE THE MARINE COUNCIL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, today I support wholeheartedly the passage of H.R. 8794 to extend for 1 year the life of the Marine Resources and Engineering Development Council. Since its inception under the 1966 legislation, the Council has done more than enough to justify its existence by advising and assisting the President in developing a comprehensive program in marine science affairs and coordinating activities of the Federal departments and agencies involved. The Council, under the direction of Executive Secretary Dr. Edward Wenk, is to be highly commended for the way in which it has implemented the intent of the 1966 act by promoting a national marine science program for the benefit of mankind. We are also deeply grateful for the fine work done by the Commission on Marine Science, Engineering, and Resources under the chairmanship of Dr. Julius A. Stratton. The Stratton Commission has provided us with a virtual blueprint for making the 1970's the "Decade of the Oceans" and I would highly recommend this report, "Our Nation and the Sea," to all my colleagues.

It is significant to note that the change in administrations has not meant a change in our marine science commitment. The Nixon administration has made it abundantly clear that it fully intends to press forward on this front. Vice President AGNEW has assumed the chairmanship of the National Council on Marine Resources and Engineering Development with enthusiasm and vigor and has amply demonstrated the commitment of this administration to pursuing a national marine science program. In a major policy address on February 24, 1969, Vice President AGNEW made the following statement:

We intend to use the science of oceanology to serve the pressing needs of our society. The knowledge of the seas must be used to serve the cause of world peace. And we shall pursue these policies—as the Nixon Administration shall pursue all national policies—with an emphasis on realism and a reliance upon the technological genius of our nation. . . . The past years have been a time of preparation, the present year should be one of organization, so that the next decade can be one of cooperation climaxing in realization of the sea's promise.

One of the main reasons for extending the life of the Council for 1 year is to give the new administration sufficient time to review the long list of recommendations made by the Stratton Commission. It is important to keep in mind that the Marine Council is an interim body and that one of its primary responsibilities this year will be to decide what organization is needed to con-

tinue its functions once the Council has been dissolved. The Stratton Commission has recommended the formation of an independent agency, a National Oceanic and Atmospheric Agency—NOAA—which would bring "a freshness of outlook and freedom of action which is difficult to achieve within an existing department." The Stratton Commission found that "the proliferation of marine activities—among 11 Federal departments and agencies—places an unnecessary burden on the President and the Congress" and that the objective of a national ocean program "can be achieved only by creating a strong civil agency within the Federal Government with adequate authority and adequate resources."

I heartily endorse this concept and strongly urge the Council to give this recommendation the priority status it deserves. The Executive Secretary of the Council, Dr. Edward Wenk, has wisely warned against comparing the proposed NOAA with NASA:

This has not been a crash program, nor do I believe it should be. It is not exclusively a Federal program, nor do I believe it should be.

Dr. Wenk has pointed out that private enterprise is primarily responsible for the development and exploitation of marine resources; that the successful management of activities in the coastal marine environment is the primary responsibility of State and local bodies; and that basic research and education needed to advance the entire enterprise is the basic responsibility of universities and nonprofit research institutions. At the same time, it is most important that the Government provides much of the leadership and support for ocean research and exploration and that we recognize that this can best be done through a single independent agency such as NOAA.

I am hopeful that the Marine Resources and Engineering Development Council will reach these same conclusions after carefully studying the findings and recommendations of the Stratton Commission so that we might press forward with a unified national effort as we approach the "Decade of the Oceans."

At this point in the RECORD I would like to insert excerpts from the Stratton Commission Report as they appeared in the January 1969, issue of the National Oceanography Association News:

THE COMMISSION REPORT
RECOMMENDED NEW AGENCY, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

The proliferation of marine activities (among Federal agencies now) places an unnecessary burden on the President and the Congress. . . . It is our conviction that the objective of the national ocean program recommended by this Commission can be achieved only by creating a strong civil agency within the Federal Government with adequate authority and adequate resources. No such agency now exists, and no existing single Federal agency provides an adequate base on which to build such an organization. For the national ocean effort we propose unified management of certain key functions is essential. . . .

(NOAA would have the following functions: rehabilitating U.S. fisheries, research on and exploration for various ocean minerals, pro-

grams of scientific research and fundamental technology, assuring adequate manpower, providing weather and oceanic forecasts through the recommended National Environmental Monitoring and Predictions System [NEMPS], exploring beneficial weather modification, navigation and safety programs, promoting aquaculture, advising on coastal multiple-use problems, assisting and coordinating proposed State Coastal Zone Authorities, international liaison, encouraging private investment, coordinating with other Federal agencies, advising the President and Congress and continuing all present functions that would be transferred to NOAA).

Initial composition

The Commission recommends that the National Oceanic and Atmospheric Agency initially be composed of the U.S. Coast Guard, the Environmental Science Services Administration, the Bureau of Commercial Fisheries (augmented by the marine and anadromous fisheries functions of the Bureau of Sport Fisheries and Wildlife), the National Sea Grant Program, the U.S. Lake Survey, and the National Oceanographic Data Center. . . . An independent agency can bring a freshness of outlook and freedom of action which is difficult to achieve within an existing department. Its greater public visibility would draw stronger public interest and support. . . . (the new agency) need not be regarded as the ultimate answer but rather as a step in an orderly progression of actions to achieve more effective organization of the executive branch. . . . (55,000 employees, 320 seagoing ships and 38 laboratories would be brought together in NOAA).

Reorganization cannot be a substitute for new programs; but neither can programs be launched with maximum effectiveness through our existing machinery of Government. Because of the importance of the seas to this Nation and the world, our Federal organization of marine affairs must be put in order.

INDUSTRY-GOVERNMENT RELATIONS

The Commission recommends that since direct Government subsidies are not required at this time to induce industry to generate capital for marine investments, Government policy should instead be directed to providing the research, exploration, basic technology, and services. . . . to encourage private investment in the exploration and exploitation of marine resources.

Oil and gas

The offshore oil industry generally is expected to continue to grow and to account for at least 33 percent of total world oil production in 10 years. . . . the five-year term allowed by the (Outer Continental Shelf Lands Act) for exploration and development may be too short for profitable development as the industry moves further offshore into deeper waters and more hostile environment. . . . earlier notice of lease sales would help the industry to plan its exploration and development programs in a more orderly and efficient fashion.

With growing demand for natural gas, it is important to encourage a greater rate of exploration and development than presently existing. . . . Two categories of Federal Power Commission regulatory policy should be modified to help encourage additional exploration and development of gas reserves: pipeline construction and wellhead price.

Offshore mining

There is no urgent necessity to develop subsea hard minerals with maximum speed regardless of cost. Nevertheless, an early start in offshore exploration and development of the required technology is warranted to determine reserves and establish a basic for future exploration. . . . The United States is almost totally dependent

on foreign sources for such minerals as chromium, manganese, nickel, cobalt, industrial diamonds and tin. Forty of 72 strategic commodities come from politically unstable areas. . . . The marine mining industry is in its infancy. . . .

Technology development

The Commission recommends that strong Federal support be provided for a program to advance the fundamental technology relevant to marine minerals exploration and recovery. . . . (\$150 million). . . . The Government should have the function of testing new tools and equipment developed mainly by private industry and in cooperation with industry should be responsible for setting standards for the mining industry. . . .

"The Commission recommends that when deemed necessary to stimulate exploration, the Secretary of the Interior be granted the flexibility to award rights to develop hard minerals on the outer continental shelf without requiring competitive bidding. . . .

A Government-supported program is necessary to delineate the gross geological configuration of the continental shelves and slopes adjacent to the United States and to identify in general terms their resource potential and areas of greater commercial promise. . . . (\$150 million).

General industry

A major purpose of Federal participation in a fundamental technology development program is to enlarge the national base for future productive activity by industry. . . .

National projects

Undersea operations, fixed or mobile, depend on power supplies. . . . As the resources industries expand deeper into the ocean and farther from shore, the need for self-sustaining power supplies will become increasingly critical. . . . the Commission proposes as a national project the construction of an Experimental Continental Shelf Submerged Nuclear Plant. . . . (\$230 million).

To provide the facilities and the focus to improve and expand the Nation's capability to utilize the oceans, the Commission has proposed a national project encompassing Continental Shelf Laboratories. . . . These laboratories are conceived as permanent structures emplaced on the shelf bottom in areas of high concentration of mineral and living resources. These laboratories would include living and working quarters for 15 to 150 men. . . . (\$500 million).

Industry's ability to assimilate new scientific findings and technology will be critical to the success of the research and development programs. . . . Hence, there is a strong need to insure that the resource industries participate in planning the proposed marine technology programs and National Projects in order to insure that technology does not become an end in itself. . . . (For development of fundamental technology to investigate power, propulsion, life support and related systems to provide underwater operating capabilities at 2,000 feet, \$400 million).

WEATHER PREDICTION AND MODIFICATION

(The Nation's) industry, commerce and agriculture are critically dependent on the weather controlled in large measure by global ocean conditions. The safety and well-being of its people and their property must be protected against the hazards of air and ocean. . . .

The Commission's recommendation to observe and describe the global environment adequately will require a balanced effort in research, exploration, technology, and by the latter part of the coming decade, the development of a global environmental monitoring and prediction system. . . . (Benefiting from improved forecasts would be: national defense, the national economy, fishing industry, petroleum and mineral industries, the transportation industries, agriculture, pro-

tection of life and property and the scientific community).

Submersibles needed

Presence of man in the ocean depths is necessary, because present knowledge does not indicate what to observe, and the versatility and comprehension that man alone can bring to the task of exploration is indispensable. . . . A 20,000-foot depth capability will permit operations in more than 99 percent of the world's ocean volume with access to 98 percent of the ocean's floor, excepting only the deep trenches. . . . The Commission recommends that the National Oceanic and Atmospheric Agency sponsor an explicit program to advance deep ocean fundamental technology and proceed with a national project to develop and construct exploration submersibles with ocean transit capability for civil missions to 20,000-foot depths. . . . (\$685 million).

The Commission recommends that NOAA take the lead in fostering a wide variety of instrumentation development programs required for ocean exploration. . . . (\$175 million).

Unified system

The Commission recommends that the Nation's civil oceanographic monitoring and prediction activities be integrated with the existing national wealth system (as well as certain aspects of the systems for monitoring the solid earth) to provide a single comprehensive system designated as the National Environmental Monitoring and Prediction System (NEMPS). . . . the scattering of responsibilities among many Federal agencies continues to cause funding and management difficulties.

The Commission recommends that NOAA (Coast Guard) launch a NATIONAL PROJECT to develop a pilot buoy network. . . . the pilot network would be tested and evaluated fully before a commitment is made to a major operational system. . . . (\$85 million). . . . The Commission recommends that NOAA (Environmental Science Services Administration) undertake a comprehensive program of research and development to explore the feasibility of beneficial modification of environmental conditions and the effects of inadvertent interference with natural environmental processes. . . . (\$325 million).

FISHERIES

World food production must increase by 50 percent over the next 20 years to keep pace with growing populations. . . . Our Nation has a strong interest in advancing development of the sea's food resources. . . . The total annual world harvest from the oceans is about 50 million metric tons. . . . It is, therefore, more realistic to expect total annual production of marine food products (exclusive of aquaculture) to grow to 400 to 500 million metric tons before expansion costs become excessive.

The Commission recommends that voluntary steps be taken—and, if necessary, governmental action—to reduce excess fishing effort in order to make it possible for fishermen to improve their net economic return and thereby to rehabilitate the harvesting segment of the U.S. fishing industry.

Conflicting laws

U.S. vessels land about one-third of the total fish consumed in the United States and harvest less than one-tenth of the total production potential available over the U.S. continental shelf. Although there are areas of successful performance—most notably in the tuna and shrimp fisheries—and although the U.S. catch is third or fourth if measured by dollar value, the U.S. fishing fleet, by and large, is technically outmoded. . . . A major impediment is the welter of conflicting, overlapping, and restrictive laws and regulations applying to fishing operations in the United States. . . . The Commission recommends that NOAA (Bureau of Commercial Fisher-

ies) be given statutory authority to assume regulatory jurisdiction of endangered species (under certain conditions) . . . The Commission recommends that legislation be enacted to remove the present legal restrictions on the use of foreign-built vessels by U.S. fishermen in the U.S. domestic fisheries . . . If the recommended action is not taken, the vessel construction subsidy program should be expanded . . . The Commission recommends that NOAA (BCF) establish an expanded program to develop fishing technology by improving the efficiency of conventional gear and developing new concepts of search, detection, harvesting, transporting and processing . . . expanded support for the NOAA (BCF) program to develop fish protein concentrate. . . .

The existing (international legal-political) framework is seriously deficient . . . U.S. objectives regarding the living resources of the high seas can best be obtained by improving and extending the existing international arrangements. . . .

Quota systems

The Commission recommends the United States seek agreement . . . fixing a single annual overall catch limit for the cod and haddock fisheries of the North Atlantic . . . (which), in turn, should be divided into annual national catch quotas . . . The Commission recommends that early consideration be given to instituting national catch quotas for the high seas fisheries of the North Pacific . . . The Commission urges that serious consideration be given to assuring coastal nations a reasonable opportunity to participate in the exploitation of fish stocks nearest their coasts . . . If the suggested means of preferring the coastal nation proves to be acceptable, it will also serve the important purpose of removing the impetus to extension of the territorial sea that derives from concern over access to fisheries. It may then be possible to secure agreement on a narrow territorial sea consistent with the totality of U.S. interests in the oceans. . . .

Aquaculture lags

Activity in the United States today is at a low level compared with aquaculture in other parts of the world, but it is showing signs of rapid growth . . . It should be possible to develop means for high volume production of lower valued species, suitable both for table use and for processing into new food forms in which protein content is the dominant element . . . The Commission recommends that . . . NOAA (BCF and Sea Grant) support more research on all aspects of aquaculture, economic and social as well as technical . . . (\$175 million). . . .

Groups concerned with the health sciences must carefully evaluate the sea as a source of new and useful medicinal raw materials . . . The Commission recommends establishment of a National Institute of Marine Medicine and Pharmacology in the National Institutes of Health . . . (\$45 million). . . .

(For general fisheries development, \$530 million). . . .

COASTAL ZONE MANAGEMENT, POLLUTION AND RECREATION

The coast of the United States is, in many respects, the Nation's most valuable geographic resource. . . .

New management need

The key to more effective use of our coastland is the introduction of a management system permitting conscious and informed choices among development alternatives, providing for proper planning, and encouraging recognition of the long-term importance of maintaining the quality of this productive region in order to insure both its enjoyment and the sound utilization of its resources. The benefits and the problems of achieving rational management are apparent. The present Federal, State, and local machinery is inadequate. Something must be done. . . .

The most intensive uses of the coastal zone occur at the water's edge. . . . But—and this is a point the Commission must stress—problems of multiple uses of the coastal zone are moving seaward. . . .

Coastal authority

Effective management to date has been thwarted by the variety of governmental jurisdictions involved, the low priority afforded marine matters by state governments, the diffusion of responsibilities among state agencies, and the failure of state agencies to develop and implement long-range plans. . . . The Federal role in the coastal zone has grown haphazardly. . . . The Commission finds that the States must be the focus for responsibility and action in the coastal zone. . . . An agency of the State is needed with sufficient planning and regulatory authority to manage coastal areas effectively and to resolve problems of competing uses. . . . The Commission recommends that a Coastal Management Act be enacted which will provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of state Coastal Zone Authorities empowered to manage the coastal waters and adjacent land . . . the Federal Government should meet one-half of the operating costs of the new state authorities during the first two years. . . . The key functions of the state Coastal Zone Authorities would be to coordinate plans and uses of coastal waters and adjacent lands, and to regulate and develop these areas. . . .

Zoning power

The following powers should be available to the typical Coastal Zone Authority: Planning . . . Regulation—to zone, to grant easements, licenses or permits . . . Acquisition and eminent domain . . . Development—to provide . . . such public facilities as beaches, marinas, and other waterfront developments. . . .

The Commission recommends that the Land and Water Conservation Fund be more fully utilized for acquisition of wetlands and potential coastal recreation lands. . . .

The multiplicity of Federal interests calls for Federal review of proposed state plans and their implementation and for Federal intercession if a Coastal Zone Authority fails to safeguard national interests. . . .

Coastal labs

The Nation lacks well established and well equipped research centers to investigate the problems of the estuaries and the coastal zone. . . . The Commission recommends that Coastal Zone Laboratories be established in association with appropriate academic institutions . . . (\$170 million). . . .

Recreation needs

Outdoor recreation is becoming a massive rush to the water; spear-fishing and scuba diving have introduced new forms of recreation into the sea, and the future may see recreation diving from underwater habitats and touring in glass bubbles and small submarines . . . coastal zone policies should recognize the desirability of providing an outlet for the energy and innovative talent of individual entrepreneurs. There are many ways in which these energies might be applied, including aquaculture projects and underwater tourism. . . .

The disposition of wastes into estuaries and offshore waters is both a major economic use of the oceans and, at the same time, a growing national disgrace. . . . The Great Lakes and oceans are the final receptacle for most of the Nation's wastes. Pollutants carried down the rivers or deposited directly from the shores may be trapped permanently within the estuarine system and may work damage that cannot be repaired. . . . Oil spillages and boat toilets are two of the most publicized sources of marine pollution. . . . Existing water pollution control legislation is in-

adequate in dealing with spillage of hazardous materials. Financial responsibility should be assigned to owners and operators of offending vessels and shore installations. . . . The 1968 Federal Water Pollution Control Administration research and development program of \$66 million is inadequate to permit exploration of bold new approaches, which may hold the key to far more efficient waste management than present methods. . . .

The Commission recommends that NOAA launch a National Project to explore the techniques of water quality restoration for the Great Lakes . . . (\$175 million). . . .

MARINE SCIENCE/TECHNOLOGY

The Commission finds that the U.S. position of world leadership in marine science depends mainly on the work of a small number of major oceanographic institutions . . . the Nation does need a small group of geographically distributed laboratories that will be given such facilities and support to develop a high capability for ocean research . . . The direct management of these laboratories, which might be designated as University-National Laboratories, should be assigned to universities with a strong interest and demonstrated competence in marine affairs . . . (\$445 million) . . . The Commission recommends that Federal marine science laboratories be strengthened by adequate funding and staffing . . . (\$215 million) . . . The Government assigns a high priority to the military applications of marine science. This is to be expected . . . The Commission recommends that the Navy maintain and, as required, expand its broad program of oceanographic research in particular its underwater acoustics research program.

The Commission recommends that NOAA establish a National Project to increase the number and capability of private and Federal test facilities for research, development, testing, and evaluation of undersea systems . . . (\$500 million). . . .

Technology key

While science provides the key to understanding, technology is the key to expanded utilization of the oceans . . . specific goals should be established which will challenge the Nation and accelerate its movement into the seas . . . As a primary goal . . . the capability to operate at the 2,000-foot depth is attainable and, because of the known richness of the resources to be found out to that depth, immediately rewarding . . . The Commission recommends that the United States establish as a goal the achievement of the capability to explore the ocean depths to 20,000 feet within a decade and to utilize the ocean depths to 20,000 feet by the year 2000.

Private industry to date has done the most to develop civil marine technology . . . the Federal Government has failed to give serious support to civil marine technology . . . The Commission recommends that NOAA initiate a dynamic and comprehensive fundamental technology program. The objective of the program should be to expand the possibilities and lower the cost of marine technological applications by industry, the scientific community and government . . . (\$750 million).

COMMISSION MEMBERS

Following are the members of the Commission on Marine Science, Engineering and Resources and, where noted, the study panel of which a member was chairman:

Commission Chairman, Dr. Julius A. Stratton, chairman, the Ford Foundation. Chairman, Panel on Manpower, Education and Training.

Commission Vice Chairman, Dr. Richard A. Geyer, head, Department of Oceanography, Texas A&M University. Chairman, panel on Industry and Private Investment.

David A. Adams, Commissioner of Fisheries, North Carolina Department of Conservation and Development.

Carl A. Auerbach, professor of law, University of Minnesota Law School. Chairman, International Panel.

Charles F. Baird, Under Secretary of the Navy.

Jacob Blaustein, director, Standard Oil Company.

James A. Crutchfield, professor of economics, University of Washington. Chairman, Panel on Marine Resources.

Frank C. DiLuzio, Assistant Secretary—Water Pollution Control, Department of the Interior.

Leon Jaworski, attorney.

Dr. John A. Knauss, dean, Graduate School of Oceanography, University of Rhode Island. Chairman, Panel on Environmental Monitoring and on Management and Development of the Coastal Zone.

John H. Perry, Jr., president, Perry Publications, Inc. Chairman, Panel on Marine Engineering and Technology.

Taylor A. Pryor, president, The Oceanic Foundation.

George E. Reedy, president, Struthers Research and Development Corporation.

Dr. George H. Sullivan, consulting scientist, General Electric Reentry Systems.

Robert M. White, administrator, Environmental Science Services Administration, Department of Commerce. Chairman, Panel on Basic Science.

VALLEY OF FLOWERS CELEBRATION—FLORISSANT, MO.

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. HUNGATE. Mr. Speaker, I would like to extend an invitation and bring to the attention of my colleagues in the House the following celebration on May 3 and 4 in my congressional district:

THE VALLEY OF FLOWERS

The Florissant Valley from its earliest days has been known for its rich, black soil and flourishing vegetation which gave the village and valley the name of Florissant.

In 1804 Major Amos Stoddard in a visit to Florissant described the valley as the most fertile and valuable in the country. As late as 1923 Harry Burke wrote of the clipped lawns with old-fashioned flowers, honeysuckle, rose and iris—where you may still glimpse the pointed ears and laughing eyes of Pan.

The first organized effort to promote the preservation of its flowering environment came in the 1930's when the Florissant Valley Road-Side Improvement Society was formed to clean up the countryside and to plant ornamental shrubbery and trees. In the 1950's another effort was made to promote the natural beauty of the area when the local businessmen set aside a day each spring called "Valley of Flowers Day".

The postwar growth that changed Florissant from a village to a city changed the lush farmland to thriving subdivisions, and the present Valley of Flowers celebration began in 1963, sponsored by the Florissant Chamber of Commerce. The success of the annual affair was such that by 1967 the Chamber sought to enlarge the sponsoring organization. The Missouri Community Betterment Committee of Florissant whose membership includes representatives of civic, service and religious organizations as well as interested citizens, rose to the challenge. With community-wide participation, thousands of visitors are expected to join in the 1969 Valley of Flowers Celebration on May 3 and 4. Each visitor is sure to find something of particular interest to him whether it be

old homes, antiques, auctions, special exhibits, folk singing or bands, and every visitor is sure to enjoy delicious barbecued ribs and old fashioned homemade ice cream.

On Sunday, May 4th a parade with marching bands, clowns and antique cars as well as decorated cars and floats will end at the Knights of Columbus Grounds where the new Valley of Flowers Queen will be honored as she begins her reign in the Florissant Valley.

NO EXCUSE FOR VIOLENCE IN UNITED STATES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. DERWINSKI. Mr. Speaker, the Polish-American newspaper has developed a reputation for sound, sober editorial comments.

I was especially impressed by its article Saturday, April 19, dealing with violence in the United States, which follows:

NO EXCUSE FOR VIOLENCE IN UNITED STATES

It is utter nonsense to supinely accept the judgment frequently voiced by both foreign and domestic critics that violence in the United States is the symptom of a critical and perhaps fatal breakdown in the moral fiber of our people who are now senselessly engaged in dismantling the legal, economic and social structure of our society.

It is especially ludicrous when violence and lawlessness in the U.S. is looked upon with shock in countries such as France, very nearly embroiled in a civil war of her own; Germany, with an unparalleled record of brutality; Russia, with one of the most barbaric backgrounds in world history, or other communist countries whose governments are founded on the concept and daily practice of oppression and brutal disregard for the value of human life.

Violence of the type that could one day precipitate World War III exists in China, in Cuba, and in the Middle Eastern countries.

But, the fact that there are few countries in the world with a national record justifying their throwing rocks at the United States does not excuse in any way what is happening here or explain it. Far from being too violent, it may be that the people of the U.S. are not violent enough.

This country has gone further along the way of advancing the cause of individual freedom and opportunity than any other nation in history. This has been our national purpose and the reason why millions of the world's oppressed came to our shores.

Perhaps the American people have leaned too far over backwards to avoid any semblance of violent oppression of the individual's freedom. Perhaps this is why leaders in education and government and the courts have, by their collective action, fashioned the new "policy of permissiveness" that encourages individual, as well as mob, license and undermines the rule of law—the basis of liberty itself.

It seems to many that what we are experiencing in the United States is not a sickness of our society, but rather what will prove to be in the perspective of history, a relatively short period of confusion concerning the proper application of legal and economic principles vital to the life and development of a free society.

Certainly, the vast majority of Americans support our institutions which have more successfully than any others in the world secured human freedom within a framework of order and material abundance. Most peo-

ple voluntarily live according to standards of behavior that do not outrage the rights, property, and lives of those around them. Laws are really only necessary for the small minority who don't have the desire, judgment, or responsibility to make such standards part of their own behavior. Such people must be controlled.

There is no future in a policy of law enforcement which allows a mob or well-organized group of any kind to do what would be patently a crime if it were undertaken by an individual. The alleged goodness of the cause being pursued does not change the imperative need to stop with the force of police power those who go beyond the law. There is much evidence that public sentiment is changing, but the drift toward anarchy is something that cannot be stopped overnight. Public policy follows public opinion.

New laws will not solve the problem. As an example, the most restrictive gun legislation in the world may disarm the law-abiding citizen, but it will never stop the criminal or the deranged person from firing an assassin's bullet. The future of the United States lies in upholding the freedom and security of the law-abiding individual and implementing the will of the people to enforce decent standards of behavior upon those few who have no standards of their own.

BILL WORKMAN TO RECEIVE HONORARY DEGREE

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WATSON. Mr. Speaker, this year The Citadel, the military college of South Carolina, will confer an honorary degree upon one of its most distinguished graduates, William D. Workman, Jr.

It is indeed fitting that Bill Workman receive this honorary degree. As the editor of The State, the largest daily newspaper in South Carolina, Bill Workman has established an enviable reputation as one of the most respected journalists in America.

Mr. Speaker, I can recall any number of reasons why Bill Workman is so richly deserving of this honor, but the following editorial from the Charleston, S.C., News and Courier, in just a few well-chosen words explains why, more eloquently than I could ever do. I include it as a part of my remarks as follows:

FITTING HONOR

Among South Carolina men of achievement receiving honorary degrees from universities this year is W. D. Workman, Jr., editor of The Columbia State.

We are especially pleased that The Citadel has decided to honor Mr. Workman, our longtime colleague. Bill Workman, as he is known to thousands of South Carolinians, is a dedicated alumnus of The Citadel. More than that, he has demonstrated outstanding leadership in South Carolina. Currently, he is helping revise the state's outdated Constitution.

We doubt that any Ph. D. in political science knows as much about the machinery of state government in South Carolina as W. D. Workman.

Thus he truly deserves an honorary doctorate. We won't have any trouble getting accustomed to referring to him as Dr. Workman.

HOW TO DESTROY A UNIVERSITY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. PODELL. Mr. Speaker, I was deeply shocked by the chilling tableau presented of young students emerging with deadly weapons in their hands after recent events at Cornell University. It is well to note that this institution has been willing to go more than half way in meeting demands of these students.

It is obvious these young people have not fully understood the meaning of a university or principles they are trampling upon. Their methods are almost guaranteed to prevent them from realizing their goals.

A university is a state of mind as well as an institution of higher learning where students may master one or more disciplines. Weapons in the hands of a minority who seek to coerce a majority unbalance that state of mind. Because a university stands for the best in any society and is in the forefront of any efforts made to advance it, all its elements have a major obligation to place reform efforts within the framework a university affords. Injecting a threat of armed violence is an act of violence and contempt against the very concept of higher learning. By their actions, these students have struck a body blow at their own cause. Reform is not accomplished at the point of a gun—certainly not reform that is lasting or worthy in and of itself. Violent reform contains the seed of its own destruction.

It is, therefore, imperative that the administration of Cornell University and all other American colleges and universities take a stand against such tactics. By such action they will be defending the university concept as well as their individual institutions.

Dissent and disagreement leading to discussion and compromise are more than welcome. Extortion and desire of the few to impose their will upon the many is a negation of everything a university purports to represent. How long ago was it when a shocked world observed as the Nazis took over bastions of learning—the German universities? Have we forgotten what transpired next?

Tyranny of this sort is not to be suffered. Our Nation, students, faculties, and institutions need not suffer the insufferable any longer. Do these strident students not know how their actions are polarizing American thinking? Are they not aware of whose hands they are playing into?

Are they prepared to use those deadly weapons they obviously brandish so cavalierly? When you play a man's game with a man's tools, you must be prepared to pay a man's penalties. There are forces of reaction in the United States who are even now licking their collective chops in anticipation of cashing in on the opportunity now being offered them so foolishly. All free institutions will suffer as a result. All free people will lose out.

When there is a deliberate attempt

made to destroy the very essence of a democratic society, that society has a right to fend off such efforts. No one possesses a right to use guaranteed liberties as vehicles to destroy the society which grants them.

We dare not enshrine nihilism in the name of dissent. We cannot allow foundations of free inquiry and advancement of knowledge to be attacked and destroyed in the name of a warped idea of justice which is rapidly evolving into racial separatism. We will not permit an immature collective concept of equality to become destructive license.

THE ASSOCIATION AND THE GENERATION GAP

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. REES. Mr. Speaker, we of southern California are keenly aware that most non-Californians believe we are a little odd. I would like to risk proving this thesis by taking this opportunity to honor seven young men who wear their hair long and who sing and play in a pop music group. I refer to The Association, a band that makes its home in the Los Angeles area.

It is not unusual for Congress to pay tribute to an organization such as this, but I would like to take a moment here to explain why I believe The Association is an unusual group, earning unusual attention. Perhaps then you will not think me so odd.

The Association is a band that was formed 3 years ago in a small coffee house in Pasadena. Since then, The Association has become one of the most widely recognized and commercially successful young folk-rock bands in the history of popular music. And while accomplishing this, the individual members of The Association have acquitted themselves in a manner that brings credit to young people everywhere.

The Association has received nearly every award to be won—several "gold" records certifying at least 1 million copies of a record sold and no less than seven Grammy nominations—for best vocal group, best contemporary rock and roll recording performance, best contemporary rock and roll group performance, and best contemporary album. The Association also has won the applause of fans throughout Europe and the Orient.

Perhaps the most important thing The Association has done is span the generation gap, linking young and old. In the pleasing melodic sound of The Association, parents have found something in pop music they can share with their children. The Association's most ardent fans are young people, of course, and hundreds of these teenagers write The Association each week, asking personal advice. Every letter is answered and always the advice is good: Stay in school, give your parents a chance to explain, listen to all opinions—not just

those of friends—and then make up your mind. As a result, many parents have written members of The Association to thank them for giving their time, and The Association has, in turn, written parents, giving them some advice.

Young people are grateful The Association exists, and so, apparently, are their parents. So, Mr. President, I think we should express our gratitude, too. And say "Welcome" whenever The Association comes to town—your town, my town, any town. We need people who can communicate, and in the field of communication, The Association excels.

SECRETARY STANS REFORMS THE CENSUS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. FINDLEY. Mr. Speaker, Secretary of Commerce Maurice Stans has moved decisively to make some major reforms in the 1970 census questionnaire. Many Members of Congress, including myself, have expressed concern over the relevancy of many of the questions intended to be asked. Mr. Stans, in an early action as Secretary of Commerce, directed a review of the census questionnaire with a view toward modification and reform. Last week I received a letter from him in which he outlined the scope of his review and the reforms which had been made. Several Members of Congress received similar letters, but because of the widespread interest in this matter, I include the full text of his letter along with supplemental material in my remarks at this point:

THE SECRETARY OF COMMERCE,
Washington, D.C., April 17, 1969.

HON. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR MR. FINDLEY: I have recently received from various Members of Congress a number of questions about the 1970 Decennial Census. I am sure that you have been receiving similar inquiries from your constituents.

The main purpose of this letter is to advise you of some immediate changes in census procedure which I have ordered. These changes include a substantial reduction in the number of individuals who will be asked to respond to the longer census forms. Approximately three million households previously designated to receive a 66-question form will now receive a questionnaire containing only 23 questions.

Questions relating to the adequacy of kitchen and bathroom facilities have been reworded to remove any implication that the government is interested in knowing with whom these facilities may be shared.

The Secretary of Commerce is exercising greater supervision over the general operations of the Bureau of the Census and independent experts have been retained to advise on census matters.

The questionnaire which will be mailed to households in 1970 will be accompanied by a cover letter explaining the great need for census data and emphasizing the confidentiality of all responses.

In addition to these changes, which are being implemented immediately, these further steps will be implemented after the 1970

census: (1) proposed questions will be submitted to the appropriate Committees of Congress two years in advance of future censuses; (2) an increased number of representatives of the general public will be appointed to various advisory committees which contribute to the formulation of census questions; and (3) a blue-ribbon Commission will be appointed to fully examine a number of important questions regarding the Census Bureau, including whether or not the decennial census can be conducted on a voluntary or a partially voluntary basis. The Commission would also examine and offer proposals for modernizing and improving the operations of the Census Bureau.

Because the 10-year lapse of time between decennial censuses can result in unfamiliarity regarding their nature and purpose, I felt it might be helpful to provide you with some basic data and information concerning the questions to be asked in 1970, the scope of the data sought, and the uses to which the results are put.

Some of the most frequently asked questions, along with my answers, follow:

1. Question. *Is the 1970 census more extensive than previous censuses?*

Answer. No. The number of questions to be asked in 1970 is about the same as in 1960, less than in 1950 and 1940, and far less than in some earlier censuses. Of the average household heads to be queried in 1970, four of five will answer 23 questions, three of twenty will answer 66 questions, and only one of twenty will answer 73 questions. Under certain unusual circumstances, some household heads will be asked to answer 89 questions.

2. Question. *Will the citizen's right of privacy be protected in the 1970 census?*

Answer. Yes. Whatever a respondent reports remains strictly confidential under the law. Every employee of the Census Bureau takes an oath of confidentiality and is subject to severe penalties for violation of the oath. In the long history of the census, there has never been a violation of the confidentiality of the information given.

3. Question. *Would the 1970 census yield adequate results if the response were voluntary rather than mandatory?*

Answer. Voluntary response at its best falls far short of response to a mandatory inquiry. Since the first Decennial Census in 1790, response has been mandatory. It is so in every other country of the world where a census is conducted. Professional statisticians will testify that a voluntary census would be unreliable and practically useless. A voluntary procedure would yield distorted and deficient statistics for whole groups of people and for entire areas. This procedure would very likely to especially prejudicial to low-income groups.

4. Question. *Who uses the census results?*

Answer. Census data are used by every Federal government department, State and local governments, and the private sector. Many laws depend upon accurate census reports. Questions such as those on housing are specifically required by statute. Government programs on poverty housing, education, welfare, agriculture, transportation, veterans, and senior citizens require and rely upon the census tabulations. Many of the decisions of the Congress would be almost impossible in the absence of reliable census data.

These questions are illustrative of those which have been asked in recent weeks. The answers are necessarily brief. Enclosed is a memorandum which explains in more detail the purposes and uses of census information. If you have questions concerning the 1970 census, we would be pleased to discuss them with you at your convenience.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

PURPOSES AND USES OF 1970 CENSUS INFORMATION

1. NAME, SEX, RACE, DATE OF BIRTH, AND MARITAL STATUS

Questions 1 through 12 are designed to identify household occupants by name, relationship to head of household, sex, race, age and marital status. These questions will be asked of 100 per cent of the population.

2. THE HOUSING QUESTIONS

The Census of Housing, required by act of Congress in 1940 (13 U.S.C. 141), contains thirty five (35) questions regarding the adequacy of housing facilities. Fifteen questions will be asked of 100 per cent of the population; five will be asked of 20 per cent; five will be asked of 15 per cent; and ten will be asked of 5 per cent. Some sample questions and comment on their uses follow:

Kitchen and bathroom

Question H-3 (100 per cent): Do you have complete kitchen facilities?

- Yes, for this household only.
- Yes, but also used by another household.
- No complete kitchen facilities for this household.

Question H-7 (100 per cent): Do you have a bathtub or shower?

- Yes, for this household only.
- Yes, but also used by another household.
- No bathtub or shower.

Comment: The absence of a kitchen and/or a bathroom for the exclusive use of the household is a major indicator of urban blight and slum conditions. This information is needed by HEW, HUD and other Federal, State and local agencies.

Value of property

Question H-11 (100 per cent): If you live in a 1-family house which you own or are buying—

What is the value of this property; that is, how much do you think this property (house and lot) would sell for if it were for sale?

Comment: Section 301 of the Housing Act of 1948 (12 U.S.C. 1701e(b)) directs the Secretary of HUD to prepare and submit to the President and Congress estimates of national urban and rural non-farm housing needs. The requirements of various public laws make it necessary to determine the value of property and, as an alternate, the rent paid for rented units.

Housing equipment

Question H-22 (15 per cent): Do you have air-conditioning?

- Question H-27 (5 per cent):
- (a) Do you have a clothes washing machine?
- (b) Do you have a clothes dryer?
- (c) Do you have a dishwasher?
- (d) Do you have a home food freezer which is separate from your refrigerator?

Question H-29 (5 per cent): Do you have a battery-operated radio?

Comment: When the Congress provided for the Census of Housing, it included the words "housing (including utilities and equipment)." The presence of certain household equipment provides a measure of adequacy of housing and of levels of living. The items included above are those which have particular effects on the needs for power, water and waste disposal, and related services. The question concerning radio is related to the need for communication in case of emergencies or power blackouts.

3. PLACE OF ORIGIN AND MIGRATION

Questions 13 through 19 are concerned with identifying the country of origin, languages spoken, and patterns of housing mobility. These questions will be asked of 15 per cent of the population. Some sample questions and explanatory comments follow:

Birthplace of parents

Question 14 (15 per cent): What country was his father born in?

Question 15 (15 per cent): What country was his mother born in?

Comment: These questions, along with that regarding the birthplace of the individual, serve to identify those groups known as Puerto Ricans, Mexican-Americans, and Cubans. The census is the only source of information concerning the numbers, distribution, and characteristics of these groups. This information is of importance to the Immigration and Naturalization Service, the Congress, HEW, and to other Federal and State agencies.

Residence 5 years ago

Question 19 (15 per cent):

(a) Did he live in this house on April 1, 1965?

(b) (If no) Where did he live on April 1, 1965?

Comment: The Departments most needing this information are Agriculture, HEW, Labor, Commerce, and HUD. This information is also of importance to the Council on Urban Affairs, which has established a subcommittee to consider the problems relating to internal migration.

4. EDUCATION

Questions 20, 21 and 22 deal with the number of years of school attended. They are designed to reveal the educational level of individual citizens, and they will be asked of 20 per cent of the population.

5. MARRIAGES AND BABIES BORN

Questions 24 and 25 request information concerning marriages and the number of babies born. They will be asked of 5 and 20 per cent of the population, respectively. The purpose of these questions is to provide information needed in the preparation of estimates of the future growth of the population. All agencies of Government are concerned with such estimates, and with information on the rates of growth of the white and non-white populations. Agencies such as HEW and HUD which are concerned with family welfare and the care of dependent children need this information in implementing their programs.

6. MILITARY SERVICE

Question 26 asks whether male respondents have served in the military and, if so, during what period. This question is asked of 15 per cent of the male population. This information is needed by the Veterans Administration and other Government agencies.

7. EMPLOYMENT AND OCCUPATION

Questions 27 through 39 are concerned with employment history and status, amount of time worked, occupation, and related facts. These questions will be asked of 20 per cent of the population. Examples follow:

Did you work any time last week?

Question 29 (20 per cent):

(a) Did this person work at any time last week?

(b) How many hours did he work last week (at all jobs)?

Comment: The Manpower Development and Training Act of 1962 necessitates that the Department of Labor have census data on employment, unemployment, and occupation. Census data on unemployment are used to establish the eligibility of communities applying for assistance under the Public Works and Economic Development Act of 1965 and for a wide variety of other programs.

Place of work

Question 29-c (20 per cent): Where did he work last week?

Comment: The Department of Transportation and HUD are concerned with major transportation and traffic problems associated

with trips from home to place of work. This question provides data necessitated under the Highway Act of 1965 and also provides estimates of daytime population needed by the Office of Civil Defense.

B. INCOME

Questions 40 and 41 request information concerning income from all sources, including employment, welfare, veterans' benefits, etc. These questions will be asked of 20 per cent of the population. Income data are needed by a number of Government agencies and for a variety of Federal programs. For example, income data are needed to implement the Elementary and Secondary Education Act of 1965, and also for allocation of funds under the Manpower Development and Training Act of 1962. The Appalachian Regional Development Act necessitates information on per capita income. The Department of Agriculture needs this data for its food distribution programs, including the school lunch program.

NIXON FIGHTS INFLATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. DERWINSKI. Mr. Speaker, a very objective commentary of President Nixon's budget was carried in the Chicago Daily News, Wednesday, April 16.

This editorial commentary is, I believe, a very fair evaluation of Mr. Nixon's budget.

The editorial follows:

NIXON FIGHTS INFLATION

President's Nixon's "hard-choice" moves to cut back the budget he inherited leave no doubt that he means business in the battle against inflation. He is probably right in expecting the proposed cuts to be unpopular, since they will touch just about everyone in one way or another. Yet the need to stem inflation is so clear that short of a fast ending to the war in Vietnam nothing else he could do would be more popular.

Mr. Nixon took his time in confronting this paradoxical situation, and predictably is taking his lumps from those who demand speedier action as well as those who would rearrange the spending priorities. But on both counts the President's moves demonstrate a plan carefully thought out and capable of fulfillment. The deliberate pace of his first three months in office is in keeping with his wish to "wind down" some of the supercharged tensions that have afflicted the nation. The budget cuts reflect an intensive re-examination of a governmental structure so vast as to be almost incomprehensible.

To those critics who have begun to compare unfavorably the slow pace of the new administration with the hectic "100 days" of his predecessors, Mr. Nixon had an effective reply in his Monday message to Congress. "This administration," he said, "will gladly trade the false excitement of fanfare for the abiding satisfaction of achievement. Consolidation, co-ordination and efficiency are not ends in themselves; they are necessary means of making America's government responsive to the legitimate demands for new departures."

In trimming the budget, Mr. Nixon proposed no abrupt shifts in direction. Nearly every department of government is affected, including a \$1.1 billion cut in military spending. But there is clearly no intent to terminate or cripple beyond repair any of the major domestic programs established in the last few years.

One may wish that the cutbacks in military spending were even greater, and that the money thus saved could be channeled immediately into meeting the pressing needs of the cities. Even though the Vietnam war makes demands that cannot be ignored, the evidence of waste in the name of defense continues to mount, and further study here could surely point to further savings.

Yet Mr. Nixon by no means ignores the cities' needs. And by promising to begin sharing federal revenues with cities and states he opens a new prospect of alleviating the fiscal crises faced by local governments throughout the country.

The details of the President's domestic programs remain to be spelled out, but the broad outline is encouraging indeed. And if his planned budget surplus of \$5.8 billion—the largest since 1951—does pan out, and inflation is brought under control, the consequent return to stable growth of the economy would make all manner of things possible that are now in the limbo of undelivered promises.

STEEL IMPORTS: FREE TRADE IS A TWO-WAY BUSINESS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MILLER of California. Mr. Speaker, recently, the Oakland, Calif. Tribune, published by former Senator William Knowland, in its feature editorial objectively commented on the serious problem of the high importation of steel products into the United States. As one of a group of western Congressmen who, in 1968, served on an ad hoc committee on steel imports, I worked for an equitable answer to the problem. There has been some voluntary import restraint by foreign nations which is a step in the right direction. However, I feel the problem should be further carefully evaluated either through legislation or voluntary negotiations.

I offer for the RECORD the April 6 editorial of the Tribune:

STEEL IMPORTS: FREE TRADE IS A TWO-WAY BUSINESS

The dispute over steel import quotas may represent President Nixon's first big clash with leaders of his own party on a major policy issue.

Senate Republican Leader Everett M. Dirksen of Illinois and his assistant, Sen. Hugh Scott of Pennsylvania, are among a group of 30 Senators of both parties who are co-sponsoring legislation to limit steel imports to 9.6 per cent of the annual U.S. domestic consumption of steel.

The issue is an especially thorny one because there is merit on both sides of the argument.

President Nixon is cool to the idea of import quotas because it could pose a threat to the continued expansion of free trade in the world. Besides diplomatic difficulties, any protectionist movement overseas could become an economic headache to the Nixon administration because part of America's current prosperity is based on foreign sales.

But the Senators who advocate quotas are just as sincerely convinced that the United States cannot afford to continue to ignore the steel import question. They have a considerable case to make.

Between 1955 and 1968, steel imports climbed from one million to 18 million tons a year, or nearly 18 per cent of the domestic

U.S. market. At the same time, due to a variety of factors which will be reviewed later, American steel exports declined from five million tons a year to less than 1.5 million tons.

Although U.S. steelmakers have introduced tremendous advances in operating efficiency, American-made steel still suffers a competitive disadvantage because its labor costs are three and four times higher than other steel-producing nations. U.S. steel makers must pay higher transportation costs to ship exports, too.

And there is one further disadvantage that outweighs all the other in terms of congressional interest. That is the simple fact that despite all the glowing public testimonials to the value of free trade, many foreign nations protect their domestic industries with a variety of non-tariff barriers. These include border taxes, licensing controls, currency exchange controls, import surcharges, quotas, rebates and in some cases, a flat prohibition of an import that might threaten a basic domestic industry.

Steel is a particular victim of many of these restrictive practices and the cost in exports has been obvious. The advocates of a quota, limiting steel imports to a reasonable percentage share of the U.S. domestic market, contend that the nation simply cannot afford to permit its domestic steel industry to slowly be strangled by subsidized foreign competition.

We share the Nixon administration's hesitance about import quotas. Once applied in one industry, the clamor for similar controls from other products threatened by imports could swiftly escalate. But there is no question that the U.S. industry has a valid case to make against the subtle and open non-tariff barriers it confronts in trying to expand its export sales.

The major steel-producing nations which export to the United States would be wise to consider voluntary ceilings and other steps to counter-balance the unfair trade restrictions that have been raised against U.S. produced steel and other products.

If something isn't done soon on a voluntary basis, Congress will be forced to take action to equalize the competitive situation between foreign producers and the U.S. industry. The United States supports the idea of free trade. But free trade is a two-way street.

A STAMP FOR MACARTHUR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues in the House of Representatives, a newspaper column written by Mrs. Jo Hindman which appeared in the April 10, 1969, issue of the Montrose Ledger, Montrose, Calif. I am pleased to include the following article in the RECORD:

A STAMP FOR MACARTHUR

(By Jo Hindman)

The historic return of the great soldier and statesman, General of the Army Douglas MacArthur, revealed him as an American hero. Yet the great leader has been postally ignored, despite groundswells of appeal for a commemorative MacArthur stamp issue.

The General was pushing back the foe when he was abruptly relieved of command in Korea (World War II). Higher ups intended chastisement. But the American people admired MacArthur. They greeted him with shouting acclaim, cheered him along

streets lined mile upon mile with delighted crowds. Assemblages overflowed with the throngs that gathered to show him respect.

One most memorable celebration occurred on January 26, 1955, MacArthur's 75th birthday. Californians feted the five-star General. He had arrived in Los Angeles by airplane the night before, in a dense fog that made landing difficult. At the three major assemblies during the day-long fiesta, the General delivered speeches of major importance.

At the dedication of his statue in the Los Angeles park that bears his name, an imposing two-winged mural was unveiled, bronze-embossed with his famous Soldier-Statesmen words: "Battles are not won by arms alone. There must exist above all else a spiritual impulse—a Will to Victory. In War there can be no substitute for Victory."

The Statesman added: "Could I have but a line a century hence crediting a contribution to the advance of Peace, I would gladly yield every honor which has been accorded by War." People from all walks of life—day laborers, waitresses, clerks, professionals—contributed donations that paid for the monument.

But strangely, the slighting of General MacArthur by individuals in high government circles has persisted, even after his death in 1964, as though some secret jealousy endures with the implacable resolve to blot out the great man's rightful place in American history.

As this is written, and as the remainder of the postal stamp program for 1969 is being developed, another philatelic drive is underway. Citizens are flooding Postmaster-General Winton M. Blount, U.S. Senators, Congressmen and the Citizens Stamp Advisory Committee, reviving another demand for a commemorative Douglas MacArthur stamp.

Congressman Mario Biaggi (N.Y.) has introduced a bill, H.R. 6723, now referred to the Committee on Post Office and Civil Service. The measure directs the Postmaster-General to issue a special postage stamp in honor of General Douglas MacArthur in tribute to his career and accomplishments as a professional soldier and as a citizen of the United States. Design and denomination are to be selected by the Postmaster-General.

Favored is a design that would include Douglas MacArthur's birthplace at Little Rock (Ark.), now the site of museums, cultural facilities and the historic Arsenal building erected about 1833.

The date being widely requested for the MacArthur stamp release is November 11, 1969, Veterans Day. Do include the date in your correspondence to Postmaster-General Blount or to your elected representatives at Washington, D.C., when asking their support for the MacArthur commemorative postage stamp.

DIRECT POPULAR ELECTION OF THE PRESIDENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. REID of New York. Mr. Speaker, I am introducing today a constitutional amendment providing for direct popular election of the President. There is also a companion bill that would conform the dates of election of representatives to the new dates for presidential election that my amendment proposes.

The electoral college system was conceived of in 1787 as a barrier between the people and their choice of a President. Alexander Hamilton said in Federalist No. 68:

A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.

Times have changed. All Americans, with access to television and newspapers and with presidential candidates touching down in every corner of the land, possess the information to make a judgment on their President. No longer can it be said that any group of citizens is better qualified than any other to select the Chief Executive.

But the issue, in my view, goes considerably beyond the mere elimination of the elector and the electoral college system. I seek to make each American's vote count, pure and simple, in the tally for President. Where he lives or how his neighbors vote should not dilute or increase the effect of his vote.

In addition, my amendment would provide for a runoff election in case no pair of candidates for President and Vice President receive at least 40 percent of the vote. In these respects, it is identical to the resolution submitted by Senator BIRCH BAYH in the other body. However, my bill differs from Senator BAYH's in that it would move up the dates for the election, providing that the initial election shall be held on the second Tuesday in October, and the runoff—if required—on the first Monday in December. This would allow sufficient time for both election and runoff and would, hopefully, shorten the presidential campaign which is too long in terms of money, energy, and achievement.

Mr. Speaker, I do not think that the President of this Nation should be elected by a process which makes it possible for him to win merely by virtue of a majority of the electoral college and not a majority of the popular vote. This has happened three times in the 19th century and a change of 1 percent in the popular vote meant that it could have happened again at least seven times since 1900.

Nor do I believe that we can ever have a people's President unless we fully and finally provide for direct popular election. Patchwork alteration of the system will only produce cries for reform again in a decade. I do not think that we will be doing the Nation and our posterity a service by closing our eyes to the inexorable trend toward a direct and immediate voice for the people. Our recognition of this fact should be made clear in the first instance by our system of electing the President.

Subcommittees in both the House and the Senate are now considering various electoral reform proposals. I would hope that agreement is reached speedily that direct popular election is the amendment that should be submitted to the Congress and to the States for their ratification.

To change the constitutional basis for electing the President is, however, not to perfect the process. We also need realistic changes in the committee, contribution and expenditure provisions of the Federal Corrupt Practices Act, and we need, I believe, new legislation to assure fairness in voting in presidential elections in all States. I have already co-

sponsored with Mr. BRADEMAs and others a measure to insure that change of residence would not deprive an American of his vote for President. In my judgment, we need, as well, measures to insure that votes are not bought, ballot boxes are not stuffed, and tallies are not padded. Considerable study is necessary before a perfect system can be designed in this regard and that is why I merely point out the parameters of the problem today instead of introducing legislation to cure them.

Our political system must be made responsive to the majority of Americans and to their demands for change, for compassion and for an opportunity to be heard. The first step to that end is to make their votes count, fully and equally.

It is my understanding that the distinguished Judiciary Committee, after taking extensive testimony on this subject, is now meeting in executive session on the several bills that have been introduced. I am hopeful that they will report out legislation along the lines I have discussed in the very near future.

ROLE OF THE DOMESTIC FREIGHT FORWARDER

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MURPHY of New York. Mr. Speaker, Mr. G. Russell Moir, chairman of the U.S. Freight Co., recently contributed an article to the Distribution Manager magazine concerning the role of the domestic freight forwarder in the surface transportation industry. Russ Moir, an expert in the transportation field, has been with U.S. Freight Co. since 1929. He rose through the ranks of the company and in 1966 was elected chairman of the board and chief executive officer. In addition Mr. Moir is chairman of the board of governors of the Freight Forwarders Institute which represents the major segment of the forwarding industry, and he also serves as a director and panel chairman of Transportation Association of America.

"Role of the Freight Forwarder" delineates the case of the freight forwarding industry for greater equity in the marketplace. Under leave to extend my remarks, I wish to include this article in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

ROLE OF THE DOMESTIC FREIGHT FORWARDER

(By G. Russell Moir)

We have deliberately permitted transportation to develop in tight compartments in this country. Indeed, we have fashioned our law so that we have not encouraged the development of a system of transportation, although that is still the ultimate goal of our transport policy—on paper.

In the political arena, each system can muster the strength to prevent effective action which it considers adverse to its interest.

We cannot appreciate what we do not understand, and being busy men, preoccupied with our own problems, I am afraid most of us in transportation have failed to try hard enough to understand the other fellow's problems.

The freight forwarder has a long, colorful and, to me, exciting history, large chapters of which have been written only in the tomes where the decisions of courts and agencies are recorded in the dry language of the decisional process, and in the reports and debates of Congress and its Committees. The freight forwarder has an important role in the current transportation scene and a vital place in the coordinated, containerized, inter-model transportation picture.

Finally, the forwarder has problems, the resolution of which would be greatly facilitated by the understanding and cooperation on the part of certain interests who have heretofore either withheld their cooperation. Or who have resisted efforts to remove the roadblocks to forwarder progress because, we think, they do not fully understand what is involved.

By the middle of the 19th Century, the freight forwarder had achieved considerable prominence on the transport scene. One of the important functions of the forwarders of that day was to coordinate service on the sprawling but disconnected railway lines. A report of a special committee of the Ohio State Legislature, filed in 1867, describes the forwarding organizations of the time and states:

"They (forwarders) issued through bills of lading, and provided agencies at the points of delivery for the adjustment of losses, and supplied thereby the great want of the mercantile community, of prompt dispatch of freight and settlement of claims."

Two things of current interest characterize the history of the forwarder of the last century. One, he was invariably held to have the status of a common carrier, though he frequently sought to avoid it. And, two, he made mutually agreeable arrangements to compensate the railroads and boat lines as one common carrier to another.

These two matters are of current interest because today (more than a hundred years after the foregoing legal determinations became firmly established) the contention is still seriously made that forwarders are not, in all respects, common carriers, and the people who make such contentions vigorously oppose any change in the present restrictive law which prevents forwarders from coordinating their services with railroads on a carrier-to-carrier basis. So, let's go back to 1888 and look at the language of a typical decision. The case is *Block against Merchants' Despatch Transportation Co.*, a forwarder. The Supreme Court of Tennessee is speaking. After holding the forwarder to be a common carrier, the Court said:

"The contract of shipment was made by the defendant (Merchants' Despatch) in its own behalf for the whole route, and not on behalf of others or for a part of the route only. For a specified sum, to be paid to it for the whole service, the defendant promised through transportation from New York to Clarksville, receiving the goods in its own name at point of shipment and binding itself to deliver them at point of destination. It did not own or claim to own a single line of railroad, though several were to be used in the performance of its contract. It was compelled to rely upon others for the carriage of its freight, and for its own benefit, and not for the benefit of the shippers or consignees; it reserved to itself the selection of the lines it would use; the reservation necessarily embracing the privilege on the part of the defendant making its own arrangements as to terms, with such lines, and carrying with it the duty of paying them for their services." (6 S. W. 881)

I direct your attention to the fact that the foregoing decision was rendered after the Interstate Commerce Act was enacted and that at that time and for quite some time thereafter the forwarders and railroads dealt with each other not on a rate basis, as

shipper and carrier, but on a mutually agreed upon basis. In that regard, forwarders and the early express companies were indistinguishable.

For reasons which no one seems to have taken the trouble to record, the forwarding industry took on a new complexion beginning just before the end of the last Century. In place of the contractual arrangements with underlying carriers, the new breed of forwarder compensated the rail lines on the basis of their carload rates and lived on the "spread."

This method of operation, which has continued until today, has given rise, now and again, to the most phenomenal absurdity of reasoning. Perhaps I should say it has led some people to accept, as fact, the most precise of non sequiturs. The non sequitur may be stated this way:

"The freight forwarder compensates the railroads the same way a shipper does, therefore the forwarded is a shipper."

Those who accept this ridiculous proposition do not hesitate to take the next step and argue that the forwarder, having become impressed with the role of rail shipper, may not and should not be given any other status by law. I hope I can persuade you that the freight forwarders not only may but should be given the right to work with the railroads as cooperating carriers, as they did throughout the early history of railroading in this country.

To return, briefly to the march of history, the role of the forwarder as a coordinator took on vital new significance with the appearance of the motor truck on the highways of the country. Far-sighted Joseph B. Eastman, of the ICC, dissenting in the *Freight Forwarding Investigation of the 1930's* said:

"So far as trucks are concerned, the forwarding companies . . . have utilized trucks very extensively in their operations . . . taking advantage of every opportunity to use them where greater economy of efficiency would result. They have been among the most successful practical exponents of the principle of coordination between rail and truck services." (229 I.C.C. 201 (1938).)

By the time the burgeoning young motor carrier industry was regulated, in 1935, a strong partnership had been forged between the freight forwarders and literally thousands of the truck lines, many of which had no other means for sharing in long-haul movements than through the forwarders.

The freight forwarders paid the motor carriers largely for the assembly and distribution but sometimes for the line-haul movement of forwarder traffic, an amount arrived at by negotiation and stated in a contract. It is one of the oddities of history that Congress, seemingly, overlooked the very important arrangements between motor carriers and forwarders when it passed the Motor Carrier Act. At least no provision of the Act, by specific reference, authorized continuation of the arrangements.

The forwarders thought, and contended formally, that the definition of a motor carrier was broad enough to embrace the operations of forwarders, and they applied for motor carrier certificates, at the same time filing joint rates with their connecting motor carriers pursuant to the terms of the Act.

The ICC and ultimately the Supreme Court held that forwarders were not regulated by the Motor Carriers Act and therefore that there was no authority for the joint rates then in effect. This made the regulation of freight forwarders inevitable, because it was clear to everyone that the off-line service that forwarders had established could not be continued on an extensive basis if forwarders were treated as shippers and required to pay the local rates of the motor carriers.

After extensive hearings and long deliberation, Congress finally enacted the *Freight*

Forwarder Act, which became Part IV of the Interstate Commerce Act, in 1942.

At one time or another, I am sure that most of you have had occasion to take part in the making of laws by Congress, and you are fully aware that in the highly competitive situation which exists today all transportation law is a compromise. Over a period of more than three years, Congress considered a number of forwarder bills. One was written by the forwarding industry. Joseph Eastman wrote one at the invitation of Congress.

Finally, a bill, which was agreed to in principle by the forwarding and trucking industries, was introduced. Strangely enough, the bill introduced at the joint instigation of the forwarders and the American Trucking Associations, H.R. 3684, provided for joint rates between forwarders and rail, motor, and water carriers. What came out as law differed from all of those bills.

The three critical areas of forwarder regulation which were the subject of a good deal of tugging and pulling by various interests were the definition of a forwarder, the ownership provisions, and the provisions relating to the working arrangements between forwarders and other carriers. After more than a quarter of a century of regulation and several changes in the law we still have problems in all of those areas.

Originally, the definition of a freight forwarder in the Act did not contain the words "common carrier." Our lawyers tell me that the original definition of a forwarder was, indeed, the classic definition of a common carrier, and that to add to it made about as much sense to a lawyer as Gertrude Stein's "A rose is a rose is a rose."

Nevertheless, the definition was misconstrued and to clear up all misconceptions, Congress found it necessary in 1950 to amend the definition and add to it the words "as a common carrier." Unfortunately, there are still some people who refuse to accept the fact that the term "common carrier" means the same thing when applied to a forwarder as when applied to a truck line or some other carrier. The people who think that way oppose any and all updating of transportation law that is designed to help the freight forwarder.

FLAGRANT DISCRIMINATION

The ownership provisions of forwarder regulation are perhaps the most flagrant example of undisguised discrimination in the history of regulatory law. The law provides that a forwarder may not buy a rail, motor or water carrier, with or without ICC approval, but that any one of such carriers is free to buy a freight forwarder without asking for authority or proving that the acquisition would be in the public interest.

It is elementary that if common ownership of a forwarder and a truck line is achieved, it makes no difference who bought whom. The result is the same either way.

In 1962 and again in 1963, the ICC drafted and supported legislation to remove this one-sided ownership law and give forwarders the same right which all other common carriers have with respect to acquisitions. ICC approval would have been required before a forwarder could acquire a carrier of another kind, and the reverse would also have been true.

In support of the Commission's bills, our industry showed that it needs the right to buy short-haul motor carriers because we are finding it more and more difficult to obtain efficient and economical assembly and distribution service from the truck lines.

The long-haul motor carriers, who are the competitors of the forwarders, are rapidly acquiring the short-haul carriers who provide off-line service for our industry. When they become part of a competing system of carriage, these short-haul carriers understandably cease cooperating with the forwarders.

Despite the clear legal and economic justification for such legislation, it did not survive the barrage of opposition which competitors of the forwarding industry threw against it.

The problem has not gone away. It has worsened.

A solution must be found. It would be helpful if the ICC would permit forwarders, as it has the express agency, to extend their terminal areas to embrace the general scope of their assembly and distribution operations. Whatever the answer, the competitors of the forwarders should not be able to write it to suit their own plans.

By the initial Forwarder Act, Congress provided for the temporary continuance of the existing joint rates between forwarders and motor carriers. The hope was expressed, in the Committee reports, that ultimately the motor carriers would establish "assembly and distribution" rates, as authorized by Section 408 of the Act, which would be an effective substitute for joint rates.

That did not turn out to be the case, and in 1950, by the same Act of Congress which added the common carrier amendment to the definition of a forwarder, the temporary joint rate authority was changed so as to provide for contracts between forwarders and motor carriers—on a permanent basis.

The great thrust of the drive to secure forwarder regulation in the first instance was to preserve the status quo, and to remove the threat to the coordinated service which forwarders had established by reason of their flexible joint arrangements with motor carriers. Little emphasis was placed upon the arrangements between forwarders and railroads because, as I have said, from about the turn of the Century forwarders had been utilizing rail carload service and paying the published carload rates of the railroads.

Consequently, while some of the initial bills provided for joint rates between forwarders and all other types of carriers, no one pressed for anything more than the *status quo*, and no authority was included in the Act for forwarders to compensate railroads or water carriers on anything other than a tariff basis.

By the mid 1950's it was becoming apparent to those close to the picture that the forwarder was being hampered in the achievement of his full potential as a coordinator and intermodalist by the fact that he is held to the category of a shipper in dealing with those who should be his partners—the railroads. As time went on that fact became crystal clear.

Efforts were made in 1956, and were renewed in the 90th Congress, to expand the existing law so as to authorize contracts between forwarders and railroads as well as between forwarders and motor carriers.

Those efforts have not been successful but we hope that with better understanding the obvious merits of the proposed legislation will overcome the self-serving arguments of those who, for competitive reasons, do not wish to see any expansion or improvement in forwarder service.

It does not make any sense that the freight forwarder, who was described by Joseph B. Eastman 30 years ago as the most successful practical exponent of coordinated rail and truck service and who, in the intervening years, has underscored the truth of the statement, should be deprived of the most useful tool that a coordinator could have—the right to make contracts with the railroads.

What has changed the picture? Why contracts with railroads now when none were authorized before?

We have moved into a new era of transportation. Railroads have abandoned LCL, leaving nobody to serve the small-lot shipper except forwarders and motor carriers and the forwarders, because of rising rail line-haul costs have been very largely forced out of the short-haul movements. Piggybacking has ap-

peared prominently on the scene and international containerization is on every transportation drawing board.

The piggyback success story is legend now, and it started when Plan III and Plan IV rates, which forwarders could use, were published beginning in 1958. Almost overnight the piggyback development gained revolutionary proportions. The truckers gradually entered the field, but in doing so they employed the forwarder method, not the end-to-end joint-rate method which we once thought was the only basis open to them under the law.

According to the ICC's "monthly Comment" for September, 1968, Class I motor carriers reported, in 1967, a total of 346,000 trailers moved in piggyback service, and only 35,000 of that number moved under true joint rates, or Plan V. Plan I accounted for 240,000 of the trailers. And Plan I, of course, is just freight forwarding performed by a motor carrier instead of an authorized forwarder.

FORWARDERS PAY MORE

It is true that the ICC has ruled that Plan I is a joint rate, but the Commission describes it as substituted service and, by rule, limits the service to points on the motor carrier's line. The same rule, issued in Ex Parte 230, authorizes the motor carrier to limit its participation to pick-up and delivery service, leaving the entire line-haul to the railroad. The critical point—critical indeed from our standpoint—is that the truck lines buy their rail service under Plan I at a flat, contract charge which is a great deal less than we, as forwarders, pay for the identical transportation.

As if it were not enough that the motor carriers have, in effect, been franchised to go into our business whenever, under Plan I, the railroads agree to give them a discount charge, the law has now been so interpreted that the trucks may engage in the forwarding business on the same basis employed by us—the rail tariff rate basis.

This means that the motor carriers now are free to operate both as motor carriers on the highways and as freight forwarders on the railroads, according to their own choice. And we cannot even compete with them on equal terms when they choose to use the method assigned to us by law rather than their own.

We did not rest our case for the forwarder-rail contracts bills of the last Congress, H.R. 10831 and S. 3714, solely on the traditional American concept of fairplay and equal regulation. We called attention to the need to preserve competition for the benefit of the shipping public.

Pointing out that there is a virtual crisis in the transportation of small shipments we suggested that the problem will get worse instead of better unless the forwarder, who specializes in that field, is permitted a more flexible basis of dealing with the railroads.

There is not much chance that so long as forwarders are required to pay the published tariff rates of the railroads they will be able to reinstate their short-haul service, which they have largely been forced to abandon (or to expand their service into areas not now adequately served).

But if forwarders and railroads are permitted to more effectively coordinate their services, with the working arrangements and charges expressed in contracts tailored to the operations, there is no doubt in my mind that forwarders will be enabled to expand and improve their service.

PARTNERS VS. COMPETITORS

This can be done, I am confident, without in any way depleting the revenues of the railroads—indeed it will improve rail revenues by generating new tonnage. The railroads and forwarders are partners, but they are not permitted to work in partnership. The only way in which a shipper can obtain

rail service for his LCL shipments today is through the instrumentality of the forwarder.

Why should the railroads not be permitted to work with their partners, the forwarders, on at least as flexible a basis as they are permitted to work with their competitors, the long distance truck lines?

As you probably know, hearings were held on the legislation I refer to on both the House and Senate side and a House Subcommittee favorably reported a bill to the full Interstate and Foreign Commerce Committee, but the bills died in Committee. The legislation was supported by numerous shippers and truck lines, individually and collectively. It was also strongly opposed.

We can understand why the long-haul truck lines, through their central organization, would oppose such legislation. They wish to suppress competition.

But we think that some of the shippers and the one railroad group which opposed the bills, the Eastern roads, were laboring under some mistaken concepts. And we hope that in time they will come to understand that such legislation should receive their support.

Basic to all of the arguments of those who opposed the contracts bills was the thoroughly discredited contention that freight forwarders have, and *ought to be held to*, a dual status. Admitting that forwarders are full common carriers insofar as the shipping public is concerned, the opponents said forwarders are and must remain shippers in their relations with the carriers with whom they deal.

We are surprised that anyone, at this point in time, would seriously make that argument. It has been refuted by precedent, by decisions of courts, and by the Interstate Commerce Act.

For years prior to the enactment of forwarder regulation in 1942, forwarders dealt with motor carriers not as shippers but as connecting common carriers. Under Part IV, forwarders have always dealt with motor carriers as connecting carriers.

Under recent decisions of the Commission and the Supreme Court, common carriers by motor vehicle, by water and by express may have their freight transported by railroad and pay the rail published rate, the *same as a forwarder*, and yet those carriers continue to enter into contracts or divisional arrangements with railroads.

Moreover, the proposed legislation does not give forwarders a new right to contract—it only extends the right they already have so as to include the railroad portion as well as the motor carrier portion of the through forwarder operation.

The Senate Commerce Committee and the Congress disposed of the "dual status" argument 18 years ago by adding the words "as a common carrier" to the definition of a freight forwarder over the same objections of the same interests who now oppose the Contracts bill.

The 90th Congress has passed into history, and with it the bills to recognize the right of freight forwarders to deal with railroads on a common carrier basis. We know that we are right in asking for this kind of legislation and we will not give up because the opposition is strong.

The Department of Transportation takes the position that freight forwarders have the undisputed status of common carriers. DOT not only supports the legislation, it would like to have it expanded so as to authorize joint rates between forwarders and all other carriers. Moreover, the DOT's "Trade Simplification Act of 1968," which was introduced in both Houses of the Congress, includes freight forwarders within its definition of covered common carriers, and authorizes forwarders to enter into joint rates for international transportation with all other regulated common carriers.

BEAM IN MOSCOW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RARICK. Mr. Speaker, our brand-new Ambassador to Moscow, Jacob Beam, has arrived.

In his maiden speech to Soviet President Podgorny, Mr. Beam is reported as calling for the United States and the U.S.S.R. to "devote our energies to reducing and ultimately eliminating areas of tension in the world, especially where such tensions could result in armed conflict."

One wonders why Mr. Beam did not remind the Soviet President that those are Russian tanks, guns, mortars, and bullets killing our boys in South Vietnam and that one of the first energies to reduce world tension would be for the Russians to halt their arms escalation in Vietnam.

In fact, recent reports over Radio Moscow report Soviet technicians are rebuilding and expanding the port facilities at Haiphong in order to move a greater flow of Soviet supplies by sea.

I insert two news articles, as follows: [From the Asbury Park (N.J.) Evening Press, Apr. 18, 1969]

AMBASSADOR ASKS SOVIET, U.S. ACCORD

MOSCOW.—U.S. Ambassador Jacob D. Beam presented his credentials at the Kremlin today and made a bid for the United States and the Soviet Union to work together for "a more stable and peaceful world order."

Beam specifically mentioned arms control and elimination of areas of tension as points demanding the attention of the two countries.

In his presentation speech to Soviet President Nikolai V. Podgorny, Beam said: "I believe that as we succeed in reducing our own mutual differences we open the way to working together to solve other fundamental problems of mankind which are in themselves a threat to the peace and stability of the world."

Beam said, "The United States and the Soviet Union have a common obligation to use their power and influence to foster a more stable and peaceful world order. We must, in cooperation with nations everywhere, devote our energies to reducing and ultimately eliminating areas of tension in the world, especially where such tension could result in armed conflict."

[From the Washington (D.C.) Post, Mar. 22, 1969]

SOVIETS CLAIM CHINESE IMPEDE ARMS FOR HANOI

(By Robert S. Elegant)

HONG KONG, March 21.—The Soviet Union asserted today that Peking was creating great obstacles to the flow of arms and commodities across Chinese territory to North Vietnam, but indicated that the movement had not been stopped.

Moscow Radio further declared in a Chinese-language broadcast that Soviet technicians, and materials were now rebuilding and greatly expanding the facilities on North Vietnam's chief port, Haiphong, in order to move a greater flow of Soviet supplies by sea.

The Moscow statement came after widespread reports from vaguely identified sources that Peking had totally stopped the movement on Russian and East European arms and other goods to North Vietnam by Chinese railways.

The last paragraph of a news report extolling the bravery and hard work of Soviet sailors and technicians, noted: "at the present time, when the Maoist authorities are creating all kinds of obstacles in order to restrict the passage on aid from the Soviet Union and other socialist countries across Chinese territory, the labors of Soviet seamen are of the greatest significance for the livelihood and struggle of Vietnamese patriots."

The short-wave broadcast, addressed to the Chinese people was an element of the vituperative dialogue between Peking and Moscow which has followed upon armed clashes between frontier guards on the two largest Communist powers since the beginning of March.

The Russian statement that the Chinese were "interposing obstacles and restraining" the flow on goods overland was seen as firm evidence that Peking had not cut off all such supplies.

THE ADMINISTRATION'S TAX REFORM PROPOSAL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, yesterday, April 21, the White House sent a long awaited message on tax reform to the Congress of the United States. This tax reform message reveals the most recent step in the unfolding of the administrations fiscal policy.

In the not too distant past we have seen the administration request and Congress agree to raise the national debt ceiling \$12 billion. As a second step the President on March 26 sent a message to Congress requesting an extension of the 10-percent surtax as a necessary measure, along with budget surpluses, to fight inflation. Then on April 15, the Nixon administration disclosed its budget proposals which made some 50 revisions in President Johnson's nondefense budget. The net reduction for the nondefense budget was \$2.9 billion while defense spending was to be cut only \$1.1 billion.

As each of these fiscal policy measures has been announced I have asked the same question: Could not comprehensive tax reform achieve the same fiscal ends?

Therefore when the administration's tax reform proposals were released yesterday, I was optimistically waiting to see tax reform pursued with the same vigor as raising the debt ceiling, extending the surtax, and cutting moneys from domestic programs had been pursued.

I was, however, a bit disappointed that the President's tax reform proposals were not more comprehensive.

I find that in an effort to make extension of the 10-percent surtax more palatable President Nixon has offered some very good tax reform proposals. I have no quarrel with what he has proposed: a minimum tax, tax exemption for poverty level families, repeal of the 7-percent investment tax credit, allocation of deductions, elimination of mineral production payments, elimination of the multiple corporation gimmick, elimination of losses on "hobby" farms, an examination of

foundations, controls on charitable deductions—these are all worthy reforms.

What concerns me is what he did not propose. Many of the most needed and obvious tax reforms were not among his proposals. I sincerely hope that we are not going to find ourselves saddled with a 10-percent surtax for 6 months and a 5-percent surtax for the next 6 months without getting a truly comprehensive tax reform that will bring relief to the middle-income taxpayers who, I thought, have been making their voices heard on this topic.

President Nixon said that his Treasury Secretary would provide recommendations and analysis of the impact of other possible tax reforms no later than November 30, 1969. Yet we are being asked to approve extension of the surtax as of June.

Much research has already been done. Some areas of our tax structure have been all but studied to death. Certain reforms should be proposed now—further study will only make their already clear merit more obvious.

I have proposed in H.R. 5250 the following reforms which I am deeply disturbed to find are absent from the Nixon administration proposal:

Taxation of capital gains upon death.
Elimination of the unlimited charitable deduction.

Elimination of special tax treatment on stock options.

Elimination of the \$100 stock dividend exclusion.

Removal of the tax exemption on municipal industrial development bonds.

Establishment of a municipal bond guarantee corporation.

Reduction of the oil depletion allowance from 27½ percent to 15 percent.

Establishment of similar tax rates for estate and gift taxes.

Elimination of payment of estate taxes by redemption of government bonds at face value.

Elimination of accelerated depreciation on speculative real estate.

Further study will not show us that much more about these reforms. The President himself said that tax shelters are "preferences built into the law in the past." What is required is a decision as to whether these preferences shall continue.

Who benefits from stock options, oil depletion allowances, special capital loss treatment, municipal bond's exempt interest, accelerated depreciation, unlimited charitable deductions? Only the very rich. By not proposing these reforms I fear that the President leaves himself open to charges that he has decided to favor and keep preferences for the rich and for the corporations at the expense of the American wage earner who is being asked to support a renewal of the surtax without really meaningful tax reform.

The President stated that under his proposal there would be no substantial gain or loss in revenue. This need not be the case. Estimates of what tax loopholes cost the Treasury go as high as \$50 billion a year. If the administration would propose a tax reform bill with some real

substance a surtax, be it 5 percent or 10 percent, would not be necessary.

The administration's attempt to tie repeal of the 7-percent investment tax credit with extension of the surcharge misses the mark. Both are measures to slow up an overheated economy—just as raising revenue through tax reform and cutting the budget. The basic choice is which of these methods to use. My vote will go for tax reform and relief for the taxpaying individuals who work for wages or operate small businesses and pay the majority of our income tax.

TONY CURTIS' NEW PROJECT "I.Q."

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. REES. Mr. Speaker, in these times of internal stress at all levels of American society, it is indeed gratifying to point out that there are citizens among us who will take time from their personal interests to devote energy and efforts on behalf of their fellowmen.

Actor Tony Curtis has assumed the national chairmanship of the I.Q.—I quit smoking—program of the American Cancer Society and in doing so announced the program's goal would be to encourage 42 million Americans to quit cigarettes. According to society officials, about 2 million Americans already have given up the habit.

Tony Curtis gave up cigarettes 10 years ago and has volunteered his services to the society "because I feel responsible not only to my family but to other people."

The busy actor, along with his wife, the former model Leslie Meredith Allen, will undertake a major portion of their free time to devote all the energies to the American Cancer Society and its goals. The actor will begin a series of nationwide television and radio appearances. He will also tape a series of personal messages and visit as many cities as his schedule will permit. The messages will utilize rock bands for an "approach that smacks of today."

Tony Curtis is celebrating his 20th anniversary in the business which includes some 50 of Hollywood's top films.

Tony Curtis was born in New York of Hungarian immigrant parents. At an early age he had to learn to cope with the jungle tactics of neighborhood hoodlums. A turn for the better came when he became a Boy Scout and exchanged steamy asphalt streets for summers at camp. A dropout from high school, he joined the Navy early in World War II and served aboard the submarine U.S.S. *Dragonette*. While loading torpedoes at Guam, he was injured and lay paralyzed for several weeks. After recovery he was discharged and returned to finish school.

His earliest acting experience was at the YMHA on East 92d Street in New York. Out of the Navy he studied at the Dramatic Workshop under the GI bill of rights. He was later signed by Universal Pictures and his film career began.

Today the name of Tony Curtis is respected and known throughout the world by peoples of all nationalities. Over 200 million people have seen his films.

On April 20, Tony Curtis will receive one of the highest honors of his career when he goes to Montreal, Canada, to receive the Eleanor Roosevelt Humanitarian Award as the outstanding citizen of the North American Continent. He will receive the award from the Montreal Israel Bond Organization. Previous winners of this honor have been the late Albert Einstein, the late Bernard Baruch, and Vice President Hubert Humphrey.

Despite the fame and fortune that Tony Curtis has earned these past 20 years, he still has found time to help his fellow Americans and other people throughout the world and it is truly an honor to pay tribute to this outstanding American.

MARYLAND MARINE COLONEL, GI DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. LONG of Maryland. Mr. Speaker, Lt. Col. Harry L. Morris, Jr., and Sgt. Joseph Oreto, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

MARINE COLONEL, GI DIE IN VIETNAM: SHRAPNEL KILLED OFFICER—SERGEANT SLAIN ON PATROL

A Marine Corps lieutenant colonel and an Army sergeant, both from Maryland, have been killed in Vietnam, the Defense Department announced yesterday.

They are:

Lt. Col. Harry L. Morris, Jr., 43, who died April 7 of shrapnel wounds. He was the husband of Mrs. Carolyn A. Morris, of 5355 Pooks Hill road, Bethesda.

Sgt. Joseph A. Oreto, 21, of Westminster, who was killed April 13 while on patrol near the Cambodian border.

Sergeant Oreto had been in Vietnam since November. He was stationed with the 11th Air Cavalry near Bien Hoa.

"He was against killing of any kind, but he felt he should do his duty," a relative said yesterday.

STUDENT PRESIDENT

Although born in Washington, Sergeant Oreto spent most of his life in the tiny Prince Georges community of Accokeek.

He was remembered by relatives as being a bright, athletic young man. While attending Gynn Park Junior and Senior High School in nearby Brandwine, Sergeant Oreto played varsity football and was president of the student council.

After graduation in 1965, he attended St. Mary's College in St. Mary's City which was then a two-year college. He was a police cadet with the Washington police department when he was drafted into the Army in January last year.

Sergeant Oreto is survived by his wife of six months, the former Georgia Croft, his parents, Mr. and Mrs. Joseph G. Oreto, of Pikesville, Tenn.; two brothers, Michael and Angelo Oreto, both at home; three sisters, Julia and Pamela Oreto, both at home, Mrs. Mary Lou D'Altorio, of Pittsburgh; and his maternal grandparents, Mr. and Mrs. Charles McCloud, of Pikesville.

WRITINGS OF FATHER LESTER

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GUBSER. Mr. Speaker, from time to time I have inserted articles in the CONGRESSIONAL RECORD by Rev. William Lester, S.J., and am pleased to include more of his succinct and interesting writings. Father Lester is an ordained Jesuit priest who welcomes questions of a moral nature pertaining to today's life from members of any religious denomination. His answers are based on the timeless viewpoint of traditional Judeo-Christian principles.

More of Father Lester's writings follow:

[From the Los Angeles Herald Examiner, Sept. 7, 1968]

CHAVEZ OR GROWERS?

(By Father Lester)

DEAR FATHER LESTER: Who has the moral side—the Delano grape growers or Caesar Chavez? D.G.

DEAR D.G.: Workers have a right to unionize in order to gain a balance of power with management. The growers morally cannot prevent this unionization. But they can prevent a particular union from taking over if they are reasonably certain that the union would be run unjustly.

Personally, I am inclined to be on the growers' side of this dispute. The very fact that Chavez's teacher and associate is Marxist Saul Alinsky is almost enough to bang the scale down hard in favor of the growers. (Alinsky's only criterion of morality is fear of reprisal. For him there are no intrinsic rules of fairness. He "uses" existing power structures like the Church and becomes a Buddhist among Buddhists and a Catholic among Catholics until he is strong enough to destroy the establishments.)

Daily evidence, too, seems to indicate that Chavez's principles are those of Alinsky. A just man, for instance would not blithely resort to secondary boycotts nor sign contracts which he could not fulfill nor lessen the advantages of the worker under the guise of adding to them. Furthermore, Chavez's religiosity is much too ostentatious not to be contrived. Like Alinsky's good pupil, he seems to be "using" the Church.

[From the Sunnyvale Standard, Oct. 4, 1968]

FATHER LESTER DISCUSSES: LIMITS OF ACADEMIC FREEDOM

(NOTE.—Father Lester welcomes questions of a moral nature pertaining to today's life from members of any religious denomination. His answers are based on the timeless viewpoint of traditional Judeo-Christian principles.)

DEAR FATHER LESTER: As a moralist do you have any answer to the problem today on college campuses of maintaining academic freedom yet denying freedom to overturn violently the academic establishment? In other words, can we morally allow the campus to be used as a staging area for violent social change or revolution?

DICK R.

DEAR DICK: Academic freedom has its limitations. It is difficult, though, to agree upon them in a pluralistic society.

However, we must all admit that schools, as well as any other organization or person, are not free to promote actions contrary to just laws or humanity. They may tolerate some advocacy of injustice as long as it, like the shabby soap-box orator in the park, con-

stitutes no real danger; but they cannot be allowed to use freedom to overturn freedom.

The very purpose of schools, too, is to lead students to the truth, the good and the beautiful. In their guidance, therefore, they must keep students within proper bounds so they can familiarize them with what is true, good and beautiful and not let them waste time wallowing in hog-mire.

DEAR FATHER LESTER: I'm a young business woman, have a good figure and an especially good bust-line.

Since the see-through blouse is now fashionable and being worn by many celebrities, would there be any moral wrong-doing in my showing off this becoming fad?

DEL.

DEAR DEL: I doubt today's average American male can tolerate an attractive woman revealing that much of herself to him without being provoked to sex—licit or not. If that judgment is correct, the blouse is immoral.

DEAR FATHER LESTER: I must compliment you on seeing through many of the shallow, modern-day, false justifications given for actions which are not in the best interest of the individual or his society.

I know of one philosopher, Ayn Rand, who would agree with your interpretations almost to the letter and she claims to be an atheist.

R. T.

DEAR R. T.: Thank you for your kind compliment. I hope, though, I will not lose your admiration when I say that Ayn Rand and I are really poles apart—almost as far as I am from Karl Marx.

Rand has no room for the individual's responsibility towards the community. For her, the individual is god.

Marx, on the other hand, would make the community god.

Marx would deny man the freedom he needs to perfect himself as a person—an intellectual being; Rand would deny man the concern he must rightfully have for others.

Their errors show up, too, in their concepts of property. Marx would have everything owned and used in common; Rand would have everything owned and used in private.

(The traditional viewpoint subscribes to private ownership but holds that everyone has a certain claim to the use of the world's material goods.)

DEAR FATHER LESTER: Dr. Ralph Abernathy, the successor to Dr. Martin Luther King, is pushing for a "guaranteed income" whether or not the person works. One article quoted the amount as being \$20 monthly.

I not only can't see how the government can afford this, but I wonder if a guaranteed income is moral.

Roy C.

DEAR ROY: The guaranteed income seems definitely immoral.

It is immoral to encourage indolence. And any form of a guaranteed income cannot but encourage perpetual vacations and immediate retirements. The difference between what so many people can earn and what they would be given for nothing is simply too small to make work appetible.

True love for the neighbor rules against encouraging him to indolence. Rather, love means helping him stand on his own feet and do for himself as a man should.

St. Paul, a rather good moralist, warns us: "If anyone is unwilling to work, do not let him eat." (2 Thess. 3:10)

DEAR FATHER LESTER: Five big antibiotics manufacturers are being sued for conspiring to fix prices throughout the Western Hemisphere.

I know monopolies are illegal, but are they immoral?

P.N.

DEAR P.N.: They are immoral when they are unlawful or used to extract more money than necessary and just.

They are civilly outlawed because usually they are unnecessary temptations.

[From Twin Circle, Oct. 13, 1968]

THE MORAL ANGLE—IF YOU ASK ME

(By Father William Lester, S.J.)

Eldridge Cleaver has a prison record a page long. His convictions include rape and assault to kill. He's a Black Panther and preaches racism and violent revolution. Even though he does have some following, is it moral for colleges to bring him in as a speaker?

INTERESTED CITIZEN.

DEAR INTERESTED: Schools have a duty to lead students to truth, beauty and good. To achieve that goal they must allow an academic freedom limited only by what is obviously false, ugly and evil. They cannot allow students to be patently misguided. Anyone preaching racism and unlawful violence cannot, therefore, be given a campus podium as though his doctrine were not obviously untrue and evil. Some school administrators will agree with the above principle, yet defend the good of having speakers like Cleaver on campus. They say this gives students firsthand knowledge (so much better than secondhand) of the opponent's thinking. I agree, of course, that this knowledge is good and should be had—if the price is not prohibitive. It is good, for instance, to know the psychology of a murderer, but not at the price of being one. So it is good to hear a racist in person, but not at the price of honoring him and gaining recognition and respect for him. Some administrators agree with that principle, too, but then deny that the college lectern gives the speaker public respect and recognition. They need a vacation.

[From Twin Circle, Nov. 3, 1968]

THE MORAL ANGLE—IF YOU ASK ME

(By Father William Lester, S.J.)

In a recent column you stated you were inclined to be against Cesar Chavez, the grape strike leader in California, because he is a long-time student of Marxist Saul Alinsky. Please, do you have to stoop to Red-baiting? You also opined that Chavez was "using" the Church. Just who in the Church is he using? You owe an apology to Messres. Alinsky and Chavez.

GEORGE B.

DEAR GEORGE: Would you also say that I was Red-baiting if I stated that Mao Tse-tung, Brezhnev, Kossygin and Castro were Marxists? Or would you have me play make-believe and denominate red as white and white as blue? Saul Alinsky speaks for himself very clearly in his manual for agitators, "Reveille For Radicals" (University of Chicago Press, 1946). It is pure doctrinaire socialism. In the book he looks for the salvation of mankind through peoples' organizations—a word he uses often for proletariat and peoples' world. For him, all existing organizations, Church and labor included, have had their opportunity of bringing peace and security and happiness to the world; they have all failed. But in his peoples' organizations, each individual would so love the humanity in the other that there would never be any question of quarrels, wars, greediness, disease, destruction, deterioration; each would find peace, security and happiness (pp. 218-9). (God should have checked with Alinsky before making any plans.) According to him, too, all of the people must control and own the means of

productivity. Capitalism is evil, monopolistic. Even labor unions today have been perverted from socialism, but hopefully they will return. Only the rule of the proletariat can save the world (pp. 33-53). Logically, as a materialist, he holds the only norm of morality is fear of reprisal (pp. 54-5). To achieve his goal, he teaches the necessity of "using" the existing power structures—churches, labor unions, any organization whatever. Yet these power structures are to be condemned once he comes into power (pp. 97-101). Do you still want me to apologize for labeling Alinsky a Marxist? But Chavez, as I said, has been a close student and associate of Alinsky for the past ten years. Would it not be right, therefore, to suspect that he holds with Alinsky and also "uses" the Church?

[From the Los Angeles Herald-Examiner, Dec. 28, 1968]

PIKE WRONG?

(Father Lester)

(NOTE.—Address your questions to Father Lester in care of this newspaper enclosing a stamped, self-addressed envelope.)

DEAR FATHER LESTER: What's the moral angle on Bishop Pike and his "communication" with his deceased son?

NOAH W.

DEAR NOAH: Fortune telling and calling up dead spirits have always been forbidden to Jews and Christians. If God has anything to reveal to humans, He will definitely do it His way and not in a manner opposed to His own evident plan.

In any supernatural communication, God must give evident signs that He is speaking or we rightly infer that it comes from the evil spirit.

DEAR FATHER LESTER: Is it a moral necessity to follow what our military leaders tell us we must do?

B. D.

DEAR B.D.: Soldiers must follow the directions of their leaders—except in matters that are morally evil. They cannot, for example, directly kill innocent people even though their officer commands it.

Soldiers seldom have reason to balk when they fight under a just, legitimate government. Most of their directives come under the norm of common sense—like the reported-as-true words of George Washington to his men as they were getting ready to cross the Delaware: "Get in the boat, men; get in the boat."

DEAR FATHER LESTER: I thought I understood that if one's life really depended on it, a person could break any moral rule.

For instance, to keep a little sister as well as herself from starving, a woman could be a prostitute.

I. G.

DEAR I. G.: Wrong. A person may never do moral evil.

It is the only really important evil in the whole world. It is the deformation not of a person's body but of his character.

On the other hand, physical evil—like malnutrition or a broken leg—does not affect character directly. A person can be minus both legs and arms and starving, yet still be what counts—a good man.

DEAR FATHER LESTER: Can you define pornography?

SAM W.

DEAR SAM W.: In 1957 Supreme Court Justice William J. Brennan Jr. defined a work as obscene if "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." Now, in

my judgment, that fairly well defines patent pornography.

A few rapid corollaries: (1) What is not obscene for one community may be obscene for another. (2) The individual community is best protected from pornography by using its own standards. (The tolerant San Franciscan is no judge for an Amish community.) (3) A higher court should not suppose that it knows the moral attitude of an individual community better than the latter's own citizens.

DEAR FATHER LESTER: Even though it might be legendary, do you think it was all right for William Tell to shoot that apple off his son's head?

BILL T.

DEAR BILL: It was better than missing.

[From the Sunnyvale Standard, Jan. 17, 1969]

FATHER LESTER DISCUSSES: VALUE OF CORPORAL PUNISHMENT

(NOTE.—Father Lester welcomes questions of a moral nature pertaining to today's life from members of any religious denomination. His answers are based on the timeless viewpoint of traditional Judeo-Christian principles.)

DEAR FATHER LESTER: A judge in Oklahoma City recently gave a 17-year-old youth a choice between a lashing and five years in prison for receiving stolen cartons of cigarettes. The boy took 20 lashes on his bare back with a stiff leather strap and was sent home.

The judge thought the whipping did the boy a lot of good and that there would be fewer boys getting into trouble if corporal punishment were handed out more often.

The judge may be correct, but isn't whipping immoral cruelty?

ROY K.

DEAR ROY: Corporal punishment in itself is not cruel. A smacking bottom, for instance, can teach a child to be kind to himself by not playing with kitchen knives; his spanking was an act of love on the part of his parents. Only if the punishment exceeds the crime or is inflicted purely for vengeance is it cruel. (Cruelty and pain, punishment and vengeance are not synonymous as so many people erroneously think.)

In my judgment, a reintroduction of some corporal punishment often would help more than jail sentences to lessen crime. Such suffering is a lesson that is humiliating, quickly over with, yet easily remembered. The young miscreant can take no pride in a whipping, nor can he become hardened in a criminal attitude by association with jail companions.

Furthermore, stiff, quick punishment minimizes the community's own loss through crime.

DEAR FATHER LESTER: I heard that scientists—like neuroscience professor Dr. Robert Livingston at University of California in Los Angeles—claim a Russian's brain differs from an American's, a white man's from a black man's, a hippie's from a square's. They say the molecules and atoms of these different brains actually become set in different patterns from every other, but between cultures there may be vaster differences still.

Doesn't that mean that man isn't responsible for what he thinks and how he acts?

DENNIS Z.

DEAR DENNIS: The human brain is a collection of sense organs for use of the intellect.

One man's brain can have a better sense organ of memory, imagination and so forth than another's. This physical condition is

inherited and determines whether the man's intellect will function well or poorly. Ordinarily, though, brain variation results in little more than a variation in mental quickness and has only slight effect on man's basic outlook on life; it would never account for the difference in attitude between hippies and squares.

Man's external sense of sight, sound, etc. may fail and not report all due sense knowledge. His brain, too, which synthesizes, correlates and stores all the facts sensed externally may function poorly. But usually the great differences in life-outlook between men result from the spiritual variation in acquired intellectual knowledge, reasoning habits and the will to accept reality.

Because man has a spiritual nature, he—not his physical brain molecules—is basically responsible for his actions.

DEAR FATHER LESTER: If an artist paints a copy of a more famous artist's work and then peddles it as an original, what would you call it?

B. G.

DEAR B. G.: "A Fraud As Painted By A Fraud."

[From the Sunnyvale Standard, Mar. 3, 1969]
FATHER LESTER DISCUSSES: OUR COMPLICATED INCOME TAX LAWS

(NOTE.—Father Lester welcomes questions of a moral nature pertaining to today's life from members of any religious denomination. His answers are based on the timeless viewpoint of traditional Judeo-Christian principles.)

DEAR FATHER LESTER: How can anyone be expected to comply with the income tax law if the normal person can't figure it out? Isn't such a law unjust?

A friend of mine told me, too, that Mortimer Caplin, while heading the Internal Revenue Service a few years ago, admitted to him privately that he couldn't understand it either.

STUART F.

DEAR STUART: Law is an ordinance of reason for the common good, made by the person or persons who have care of the community, and promulgated.

But a law which is not clearly expressed is not promulgated. It cannot bind people until it tells them what it expects.

Every person, of course, cannot know and easily understand all laws—for instance, the laws binding corporations; yet, laws governing common everyday matters, like traffic and taxes, should be known and capable of being understood by the average citizen. People who are sophisticated enough to establish a corporation can be reasonably expected to know the laws pertinent to their business.

DEAR FATHER LESTER: Should there be an "ouch" in taxes? Should taxes hurt as California Governor Reagan says?

EDITH M.

DEAR EDITH: People should run their government; hence, they should be completely aware of the taxes they pay and how the money is spent. The power to allocate money independently of taxpayers' supervision naturally makes administrators the masters rather than the servants of the community.

People who "ouch" are aware of the tax bite and will want to oversee the use of their money.

On the other hand, if taxes are hidden and sweetly extracted, people will seldom realize that they are gradually losing the power to govern themselves. Withholding is this type of tax.

(California Assemblyman John G. Vene-man, who is proposing that his state adopt

the withholding system, foolishly claims that it will not increase the tax rate. But anyone with basic arithmetic knows that a citizen can collect at least bank interest, if nothing more, on the money he must save for his taxes; yet if that money is withheld from him, he forfeits to the state the interest he could make. This profit is most certainly an extra tax.)

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GUDE. Mr. Speaker, recently, on April 11, the Metropolitan Washington Council of Governments celebrated its 12th anniversary. The council, of which I am a member, embodies a concept which I have long espoused—that of interjurisdictional cooperation in dealing with metropolitan problems, and also cooperative concern about city problems among contingent suburban areas and the city itself.

In this day of crying needs for communication and cooperation, it is encouraging to observe a voluntary communications system among our local governments which not only discusses the pressing problems of our metropolitan area, but acts to help solve them. I speak of the Metropolitan Washington Council of Governments, founded 12 years ago on April 11.

The third oldest council of governments in the Nation, and by far the most advanced and productive, our area organization has compiled an impressive record of achievement in assisting the 15 major local governments of Metropolitan Washington to cope with area-wide problems which defy solution by any one local government.

Some of these accomplishments by COG include:

The establishment of radio and teletype networks linking area police and fire departments.

Helping to establish an area-wide police computer system to give local police agencies split-second access to needed data from every section of the region.

Pioneering the air pollution battle with a scientific laboratory analyzing our air on a 24-hour-a-day basis and with a guide ordinance which is the basis for air pollution laws adopted in every major jurisdiction of our urban area.

Conducting the area's first major transportation survey since 1955, the most complete ever attempted here, interviewing 100,000 citizens to determine travel needs and habits as part of a regional transportation plan being prepared by COG's transportation planning board.

Preparing "mutual aid agreements" so police and fire departments can aid each other in large-scale emergencies.

Production of 25 major reports in 1968 and this year on crime prevention and law enforcement, police training, transportation needs, community resources issues, airports and air travel demand,

health facilities, employment, housing and a listing of public building projects scheduled through 1973, plus a wide variety of other reports on Metropolitan Washington's urban problems.

Reviewing in the past year, as part of its responsibility as Washington's official metropolitan planning agency, 125 Federal aid applications from local, State, and special agencies for projects totaling more than \$160 million in Federal grants.

Conducting courses in public administration, rapid reading, and municipal public relations for staff members of its local governments, in association with the International City Managers' Association.

Aiding in the establishment of the Metropolitan Washington Urban Coalition, first proposed by COG's president, to attack the region's pressing social problems.

The establishment of a link-up for all public libraries in Metropolitan Washington, through a joint lending arrangement giving citizens in any part of the region access to books in all public libraries in the area. The system is the first to link all libraries in an interstate area, only the second in any region and the first to be developed through a council of governments.

Evidence of the support for such united approaches to regional problems is the presence of similar councils of governments in 150 metropolitan areas across the Nation. This clearly shows that our local elected officials recognize the need to act against areawide problems and are moving to do so through this voluntary but productive device.

Mr. Speaker, as a member of the Metropolitan Washington Council of Governments, I am pleased to join in the tributes being paid to COG and to wish it continued success as it carries on its efforts in behalf of our area's local governments and their officials.

DWIGHT D. EISENHOWER CENTER
FOR HISTORICAL RESEARCH

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. BOW. Mr. Speaker, in the days since the passing of Gen. Dwight David Eisenhower many suggestions have been made to honor him by naming various places in his memory.

My purpose today is to call attention to my bill (H.R. 10001) to establish a National Armed Forces Historical Museum Park and the Dwight D. Eisenhower Center for Historical Research, both to function as a part of the Smithsonian Institution.

I wish to point out that this project to honor the general and our former President was approved by him, the only such project of which I have knowledge. His approval was stated in a letter addressed to Chief Justice Earl Warren on February 7, 1969, after the Chief Jus-

tice had written to General Eisenhower on behalf of the Board of Regents of the Smithsonian Institution to explain the project.

Inasmuch as General Eisenhower gave his personal approval to the Dwight D. Eisenhower Center for Historical Research, it is my hope that all who wish to honor him will join in support of this proposal.

The exchange of letters between the Chief Justice and General Eisenhower follows:

JANUARY 27, 1969.

HON. DWIGHT D. EISENHOWER,
Walter Reed General Hospital,
Washington, D.C.

MY DEAR GENERAL EISENHOWER: You will recall that it was my privilege to serve as chairman of a special committee which you convened during your presidency to consider and make recommendations concerning the establishment of an American Armed Forces Museum. It was your conviction that such a museum, properly conceived, could make a substantial contribution to our citizens' knowledge and understanding of American life. In your instructions to the committee, you stressed that the museum should be a dynamic educational venture reaching beyond the mere collecting and cataloguing of military hardware. You espoused two themes as especially appropriate: an exposition of the contributions which the military forces have made to American society and culture, and an analysis of the meaning of war in today's civilization.

After considerable study, your committee submitted a report to you recommending that a National Armed Forces Museum be established under the auspices of the Smithsonian Institution. In pursuing your suggested themes, the committee advocated the establishment of a study center for historical research and scholarly study into the meaning of war, its effect on civilization, and the role of the armed forces in national development.

These recommendations were incorporated into Public Law 87-186, approved August 30, 1961, which also established a National Armed Forces Museum Advisory Board to advise and assist the Regents of the Smithsonian Institution on matters concerned with portraying the contributions of the armed forces to American society and culture.

I have had the additional privilege of serving as a member of this Advisory Board under the enthusiastic chairmanship of the Honorable John Nicholas Brown, my distinguished fellow Regent of the Smithsonian, who also served as a member of your original committee. Inspired by the ideas sown during your presidency, the work of the Advisory Board has progressed to the point where the Smithsonian Institution has proposed development of a National Armed Forces Historical Museum Park in the Fort Foote area of Prince George's County, Maryland, on the Potomac River, and for a study center to stimulate historical scholarship in military affairs and to provide for increased public awareness of the issues raised by military security in a democratic society.

At its most recent meeting, on January 15, 1969, the Board of Regents of the Smithsonian Institution unanimously approved the Advisory Board's recommendation that the study center be designated as the Dwight D. Eisenhower Center for Historical Research in honor of your distinguished public service and your unparalleled contributions toward the shaping of a free world.

The Board of Regents has asked me to inform you of their action, and I take pleasure in enclosing a draft of the proposed

legislation which will be introduced in the 91st Congress in the near future.

This legislation seeks to attain the goals which you envisioned a decade ago. The museum park and study center will provide an appropriate monument to American courage and resourcefulness; but, perhaps more important, the Eisenhower Center may light man's way toward a more complete knowledge of himself and thus secure for future generations the security with freedom for which you have worked so long and arduously.

On behalf of the Board of Regents, I hope this will meet with your approval.

Sincerely yours,

EARL WARREN,
Chief Justice of the United States,
Chancellor of the Smithsonian Institution.

WALTER REED HOSPITAL,
February 7, 1969.

HON. EARL WARREN,
Chief Justice of the United States,
Supreme Court of the United States,
Washington, D.C.

DEAR CHIEF JUSTICE WARREN: I welcomed your excellent letter respecting the proposed museum and study center and am most grateful for the honor paid me by the Board of Regents of the Smithsonian Institution in proposing that the study center bear my name.

It is, perhaps understandably, my general disposition to view favorably a study center of this type, and also the museum park, so conceptually you can fairly indicate to any interested person that I would generally support these ventures. On the other hand, I feel particularly sensitive about the extremely difficult fiscal circumstances in which our new President has been placed. I am hesitant to be positioned as urging upon him new Federal expenditures over and beyond the immense spending proposed by the previous Administration, unless such expenditures are explicitly required for urgent national purposes.

So if it is feasible for me to do so, I should like to embrace your excellent work in principle while holding in abeyance my personal endorsement of immediate expenditures of additional Federal funds.

I am informed that the President's Budget Bureau has just received from Smithsonian the copy of the proposed legislation and has the entire matter under active review. Perhaps in three or four weeks, one can make a more accurate appraisal of the fiscal contingencies that these proposals entail.

Again my warmest appreciation to you, to John Nicholas Brown and all others concerned with these matters.

With warm regard,

Sincerely,

DWIGHT DAVID EISENHOWER.
GETTYSBURG, Pa.

Mr. Speaker, I share the general's concern about the fiscal situation, and I point out that there is no intention to proceed at once to the construction of the museum and center authorized in the bill. There is an urgency, however, to authorize the project so that initial planning, involving no new appropriation, can proceed.

At this point, I wish to extend in the RECORD the language of the bill itself, as follows:

H.R. 10001

A bill to establish a National Armed Forces Historical Museum Park and Study Center

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "National Armed Forces Historical Museum Act of 1969".

DECLARATION OF POLICY

SEC. 2. Pursuant to the provisions of the Act of August 30, 1961 (75 Stat. 414, 20 U.S.C. secs. 80-80d), and in furtherance of the purposes thereof, the Congress hereby finds and declares—

(1) that a living institution demonstrating the historic commitment of the people of the United States to the cause of freedom and commemorating the magnitude of American military and naval achievement, in peace and war, would be an appropriate memorial to the valor and sacrificial service of the men and women of the Nation's Armed Forces, and an inspiration to the present and to future generations of America;

(2) that the importance of deterring war in the present age, and in preserving a free, peaceful, and independent society clearly points to the need for increased understanding of the issues raised by military security in a democratic society and of the demands placed by national defense upon the full energies of all the people;

(3) that the National Armed Forces Museum Advisory Board, created by the Act of August 30, 1961, and the Board of Regents of the Smithsonian Institution, recommended that a National Armed Forces Historical Museum Park be established at a site in Prince Georges County, Maryland, to consist of so much of those lands which the Secretary of the Interior has been authorized to acquire in fee simple under section 19 of the Federal-Aid Highway Act of 1968, and so much of those lands already under the jurisdiction of the Secretary of the Interior as a part of the park and parkway system of the National Capital, as lie within the boundaries approved by the National Capital Planning Commission on January 12, 1967, and which are shown on a map bearing the National Capital Planning Commission file number 75.20/3208-24744, on file in the records of said Commission;

(4) that the National Armed Forces Museum Advisory Board and the Board of Regents of the Smithsonian Institution further recommended establishment of a study center for historical research into the meaning of war, its effect on civilization, and the role of the Armed Forces in maintaining a just and lasting peace; and

(5) that by relating the Nation's military and naval history to all other aspects of man's unending quest for freedom and enlightenment, the establishment of such a museum park and study center would be consonant with the purposes of the Smithsonian Institution, created by Congress in 1846 "for the increase and diffusion of knowledge among men."

THE MUSEUM PARK AND STUDY CENTER

SEC. 3. (a) There is hereby established in the Smithsonian Institution a National Armed Forces Historical Museum Park (hereinafter referred to as the "Museum Park"), including facilities for the display of naval craft, which shall be administered by the Board of Regents of the Smithsonian Institution with the advice of the National Armed Forces Museum Advisory Board.

(b) There is hereby established a study center, which shall be known as the Dwight D. Eisenhower Center for Historical Research (hereinafter referred to as the "Center"), in honor of the thirty-fourth President of the United States, who contributed so greatly toward the shaping of a free world.

(c) The Secretary of the Smithsonian Institution, with the advice of the National Armed Forces Museum Advisory Board, may appoint scholars and, where appropriate, provide stipends, grants, and fellowships to such scholars, and acquire or accept the voluntary services of consultants and panels to

aid the Smithsonian Institution in carrying out the purposes of this Act.

(d) The Board of Regents of the Smithsonian Institution with the advice of the National Armed Forces Museum Advisory Board, may solicit, accept, and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Museum Park and the Center; any such money, securities, or other property shall, upon receipt, be deposited with the Smithsonian Institution, and unless otherwise restricted by the terms of the gift, expenditures shall be in the discretion of the Board of Regents for the purposes of the Museum Park and the Center.

(e) The Secretary of the Smithsonian, with the advice of the National Armed Forces Museum Advisory Board, is authorized to employ the director the chairman of the Center, and the superintendent of exhibits, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Board of Regents of the Smithsonian Institution, with the advice of the National Armed Forces Museum Advisory Board, may employ such other officers and employees as may be necessary for the efficient administration, operation, and maintenance of the Museum Park and Center.

(f) To carry out the purposes of this Act, the Board of Regents of the Smithsonian Institution and the Secretary of the Interior are hereby authorized to enter into an agreement for the joint use of lands described in section 2(3) above.

(g) The Smithsonian Institution, with the advice of the National Armed Forces Museum Advisory Board, shall prepare plans and specifications for the Museum Park and the Center, including planning for the design and development of all buildings, facilities, open spaces, and other structures, in consultation with the Commission of Fine Arts, the National Capital Planning Commission, and the Department of the Interior.

(h) Development of the Museum Park and the Center shall be planned to permit construction, when authorized, in stages over a period of years as appropriate. In view of the approaching bicentennial of the American Revolution, priority in construction shall be given to such displays and supporting facilities as will have special significance during the period of the bicentennial.

1969 3D CONGRESSIONAL DISTRICT POLL RESULTS OVERALL AND BY CATEGORY

[Note: Answers are expressed in percentages. In some cases, answers do not total 100 percent due to rounding]

Questions and answers	Overall	Sex		Party			Age				
		Male	Female	Republican	Democrat	Independent	18 to 24	25 to 44	45 to 64	65 and over	
1. Viewing the economy as it stands today, would you favor renewing the 10 percent surtax when it expires on June 30?											
Yes.....	28	31	21	31	25	24	35	27	23	43	
No.....	62	60	65	57	65	66	50	63	66	53	
Undecided.....	10	9	14	11	10	10	15	10	11	3	
2. Do you feel that the Paris peace talks will result in a conclusive settlement of the Vietnam war?											
Yes.....	20	21	18	19	26	17	20	24	14	23	
No.....	65	64	67	62	67	69	68	59	75	47	
Undecided.....	15	15	15	18	7	15	13	17	10	30	
3. Regardless of how you answered the previous question, do you consider the Paris peace talks to be the best means of terminating the Vietnam war?											
Yes.....	50	48	54	52	50	48	50	52	48	53	
No.....	33	36	27	31	35	36	33	31	39	20	
Undecided.....	17	16	19	17	15	17	18	17	14	27	
4. Do you favor lowering the minimum voting age to 18?											
Yes.....	47	47	47	41	57	50	58	52	41	30	
No.....	48	49	48	54	39	45	35	44	53	67	
Undecided.....	5	5	5	6	4	4	8	4	6	3	

CONGRESSMAN WHALEN ANNOUNCES RESULTS OF ANNUAL THIRD OHIO DISTRICT POLL OF CONSTITUENTS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WHALEN. Mr. Speaker, I would like to take this opportunity to inform the House of the results of my annual poll of constituents in the Third Ohio District.

The survey sampled attitudes on eight questions. It went out in January and received an overwhelming response from residents in the Greater Dayton area.

More than 21,000 of the 155,000 poll cards sent out where returned. This indicates a very high level of interest in national affairs, a fact which I greatly appreciate.

In summary, the following were reflected in the answers:

The income tax surcharge should not be renewed.

The Paris peace talks will not resolve the Vietnam war conclusively.

The peace talks, however, are the best means of terminating the war.

Lowering the voting age to 18 showed virtually a deadlock in views with 48 percent against, 47 percent for, and 5 percent undecided.

The electoral college ought to be abolished and replaced by direct vote of the people.

A bare majority favored continuing the space program at about the level of fiscal 1969 expenditures.

The power of the President to commit American troops to combat without the specific approval of Congress should be curbed.

The Post Office ought to be converted into a Government-owned corporation to operate on a self-supporting basis.

Mr. Speaker, I insert herewith a tabulation of the poll results:

1969 3D CONGRESSIONAL DISTRICT POLL RESULTS OVERALL AND BY CATEGORY—Continued

[Note: Answers are expressed in percentages. In some cases, answers do not total 100 percent due to rounding]

Questions and answers	Overall	Sex		Party			Age				
		Male	Female	Repub- lican	Democ- rat	Indep- end- ent	18 to 24	25 to 44	45 to 64	65 and over	
5. Should the electoral college be abolished and the President elected solely by the direct vote of the people?											
Yes.....	79	79	78	72	88	82	80	79	79	67	
No.....	16	17	15	20	11	13	13	16	15	23	
Undecided.....	5	5	7	8	1	5	8	4	6	10	
6. Which 1 of the following most closely reflects your attitude toward the Nation's space program?											
(a) Continue with funding at about the present level (\$4,000,000,000 in fiscal year 1969).....	51	53	47	54	44	51	43	59	48	30	
(b) Accelerate, increase funding if necessary.....	16	17	12	15	19	13	35	17	8	13	
(c) Cut back, reallocate funds to social welfare programs.....	21	19	26	17	33	19	13	17	26	37	
(d) None of the above.....	12	11	15	13	4	17	10	7	18	20	
7. Should the power of the President to commit American troops to combat without the specific approval of Congress be curbed?											
Yes.....	65	63	70	66	64	65	50	64	69	77	
No.....	29	31	26	27	30	32	45	29	28	17	
Undecided.....	6	6	5	7	6	2	5	7	3	7	
8. Do you support the proposal to convert the Post Office into a Government-owned corporation to operate on a self-supporting basis?											
Yes.....	67	70	62	72	60	64	60	68	65	80	
No.....	16	15	18	15	20	16	30	15	17	7	
Undecided.....	17	15	20	13	20	21	10	17	19	13	

NEW YORK STATE BAR REPORTS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. ROSENTHAL. Mr. Speaker, the Committee on Federal Legislation for the New York State Bar Association recently prepared three excellent reports on improving our foreign aid programs, establishing neighborhood information centers, and encouraging the growth of cable television. I believe that these constructive and thoughtful comments on three timely national issues provide the subject matter for lively discussion and merit the attention of my colleagues.

The reports follow:

CABLE TELEVISION REGULATION*

Cable television can permit a technological revolution in communication, making it possible for citizens in their homes to select from a very large number of alternate channels and programs. It may ultimately permit each household to be tied in directly to an information system or library so that almost any stored data or new information entering the system which the recipient desires to inspect can be received. The long-range implications of such potentialities are very great. This would also mean that the medium would permit more individual choice.

This report deals with the legal structure for permitting use of these possibilities for the future.

The cable television industry, sometimes called CATV for community antenna television, began as the result of a technological discovery, the coaxial cable through which

* This report was prepared for the Committee by Professor Leonard Chazen of Rutgers University School of Law at its request and thereafter approved by the Committee.

television signals can be distributed to individual homes. Initially, CATV was used to bring clearer signals to small communities suffering from poor reception due to topographical conditions or remoteness from broadcasting stations. Today, cable television systems are being installed even in large cities which already support as many as seven over-the-air channels; and in addition to providing the basic clear signal service, cable systems have begun to originate their own programming.

The importance of cable TV to the television industry as a whole was emphasized by the Communications Task Force appointed under Former President Johnson. Its report has not been officially released but excerpts from the report relating to cable TV were printed in the New York Times on December 10, 1968 (p. 41, cols. 3-8). The task force suggested that, as a major goal for the future, government should foster an industry so structured that a wide variety of needs, interests and tastes can be achieved at low cost, both to the communicator and the viewer. The task force further indicated that it is precisely this diversity that cable TV can bring to the industry which now concentrates chiefly on programming intended to appeal to mass audiences.

Since the growth of CATV has been accompanied by increasing regulation by both the Federal Communications Commission (FCC) and local authorities, the continued proliferation of which may inhibit its future growth. This Committee believes that a review and evaluation of such regulation is essential at this time.

REGULATION BY THE FCC

When a government agency denies entry into cable television service or prevents systems from carrying certain kinds of programming, it is limiting freedom of the press. Since *National Broadcasting Company v. United States*, 319 U.S. 190, 226 (1943), the courts have justified the FCC's intervention in broadcast television on technological grounds. Because the electromagnetic spectrum will only support a small number of over-the-air stations, the courts have held that government may properly see to it that

this scarce resource is used in the public interest. Such reasoning, however, may not be applicable to cable television systems which carry their signals over wire and can increase the number of channels indefinitely.

However, apart from any constitutional limits to regulation, cable television, as the concluding link in a process of interstate radio communication, is clearly within the scope of the Federal Communications Act.¹ Moreover, there is an intimate economic relationship between broadcast and cable television, both as competitors and as producer-distributors; and regulation of cable television may be related to the FCC's congressional mandate to promote "radio communication service."² In any event, the courts have accepted these rationals for the Commission's assertion of at least some jurisdiction over cable television.³

Historically, FCC regulation of cable TV has assumed three forms: (1) the requirement that each CATV upon request carry the signals of all stations operating in its own area of coverage; (2) the prohibition against duplicating the programming of any local station on the same day a given show is aired on the local station without permission; and (3) the prohibition, subject to waiver by the FCC in special cases, against importing signals from distant stations into the top 100 geographical markets which include approximately 89% of the nation's television homes. More recently, in December 1968, the FCC announced plans to require cable TV systems to originate programs. These types of regulation are not discussed in detail here since we believe they present less serious problems than other types of regulation principally entry and program content restrictions discussed below.

The FCC's decision to require CATV systems to originate programs is consistent with the role in diversification of programming envisioned for cable TV by the Communications Task Force. Such a requirement should not place a heavy burden on cable TV operators. Since subscriber revenues are normally sufficient to cover the costs of distributing CATV signals, advertising revenue is not as important to CATV systems as it is to over-the-air broadcasting systems. Consequently, in order to expand his list of subscribers, a cable TV operator has a positive incentive to offer a varied programming mix, including items which would not attract a commercial sponsor, even if that required him to bear a portion of the programming costs. With an abundance of channels, CATV systems can provide such diverse programming as local news, children's programs, shopping information, the stock market ticker, reports of local governmental agencies, foreign and old film festivals, academic courses, and high school and college theatrical or sporting events. Much of this type of programming could be created with amateur or semi-professional talent in modest studios using simple camera equipment. The moderate costs of such programming might as well be offset by an increased subscriber audience. So long as the requirement of program origination does not become a form of regulation of program content, serious constitutional questions can be avoided.

REGULATION BY LOCAL AUTHORITIES

Local governments through the imposition of licensing requirements are regulating CATV systems in a variety of ways, including control of marketing entry, rate regulation and regulation of program content; the

¹ 47 U.S.C. 152(a) (1962).
² 47 U.S.C. Section 151 (1962); see also 47 U.S.C. Sec. 307(b) (1962).
³ See *United States v. Southwestern Cable Co.*, 88 Sup. Ct. 1994 (1968); *Carter Mountain Transmission Corp. v. FCC*, 321 F. 2d 359 (D.C. Cir., 1963); cert. denied, 375 US 951 (1963).

FCC might also use its statutory authority to engage in entry limitations.

A. *Regulation as a Public Utility:* Most cable television systems operate under municipal franchises. These licenses may restrict a system's construction activities, its charges to subscribers or its programming policies. The licensee, in turn, has sometimes been granted an exclusive cable franchise for a specified area.

The basis for this form of regulation is an analogy between cable television and the traditional public utilities, particularly telephone service. Once a cable TV system has cabled a street, it has borne the major expense of providing the households along the street with cable service. This gives the system substantial power to deter prospective competitors and to extract a monopoly price from its customers. Furthermore, there are wide locational differences in the cost of providing cable TV service. The more densely an area is populated with cable subscribers, the cheaper it is for the system to serve them. Just as the regulatory agencies responsible for local telephone service often prevent the franchisee from reflecting locational variations in its prices so as not to discourage use of the telephone in costly, lightly-settled areas, licensing agencies may wish to make sure that cable television is available to all at so-called "reasonable rates."

The policy of assuring service at reasonable rates often leads to restrictions on entry in the form of exclusive franchising as a part of a regulatory scheme. If municipalities merely wished to guard against monopoly pricing, they would not have to award exclusive franchises. A city could be divided into regions according to the cost of installing the cable, and in each one cable TV systems could be limited to a compensatory price. But under this kind of regulation, there is likely to be no cable service in places where cost-related prices are prohibitively high. By protecting the licensee's market position elsewhere, entry restrictions compensate him for operating at a loss in high-cost areas.

This justification for entry restrictions is a familiar part of public utility regulation. But when a telephone company receives an exclusive franchise, the awarding agency is not engaged in a restriction on first amendment freedoms. A telephone company with an exclusive franchise has no right to interfere with the content of the conversations that pass over its lines. An officially sanctioned cable television monopolist, on the other hand, decides for his customers what programs they shall receive and, by selecting the number of channels in the system, how much choice they shall have. So long as the cable provisioner is an exclusive franchisee, the customers have no recourse if he fails to satisfy their needs other than to cancel their subscriptions and receive no cable television service. It is submitted that a serious constitutional question is arisen when the imposition of economic regulation impinges upon first amendment freedoms.⁴

An alternative to banning entry restrictions that would permit local regulation would be to allow local governments to award exclusive franchises, but to require that the franchisee operate as a common carrier. Anyone seeking use of a cable channel could rent one at a price set by the franchisee. Then the cable monopolist would have a relationship to the programming it carried that was much like the telephone company's. The franchised carrier could place no restrictions of his own on programming content and would influence the quantity of cable programming only through the price it set for

channel usage. This would not preclude reasonable classifications such as reduced rates for non-profit public service programs, nor do we deal with the ultimate limits concerning material a carrier might be entitled to reject. The common carrier approach has been rejected for broadcast television, but there technological limits are crucial. Because spectrum limitations restrict the number of over-the-air television channels, broadcast time commands a scarcity price. It has been feared that worthwhile material would not get on the air if access to the small number of channels were allocated exclusively through price. But there are no such spectrum limits on cable television, and the financial burden of operating a channel is less onerous. In any environment of channel abundance, price rationing and programming for wide diversity of tastes may be compatible, and the common carrier approach may be an attractive long-run solution that would permit local governments to pursue economic regulation without submitting decisions about program content to a single franchised monopolist.

We see no reason why Congress or the FCC could not preempt local jurisdiction in this area in order to promote a federal policy of the free entry into communication services which would foster the growth of cable TV. The wisdom of forbidding local authorities to award exclusive franchises depends on the importance of the regulatory objective that would be sacrificed—equal service at an equal price throughout the jurisdictional area. This goal is a prominent part of public utility regulation of services such as telephone and power which are regarded as essentials. Television may fall into this category; and, if the cable were destined to replace broadcasting, there would be a stronger case for allowing local authorities to do whatever is necessary to make cable TV available to all at non-prohibitive rates. But generous projections of cable's growth find it reaching fewer than half the television households in the United States. Through controls on the broadcast signals that cable systems carry, the FCC seems determined to preserve over-the-air television and that goal was not challenged by the Communications Task Force. At the present stage in the development of cable TV systems it is neither necessary nor wise to regard cable TV as an essential public utility which should be regulated in the same manner as a natural monopoly.

B. *Programming Controls:* Local licensing authorities have long been engaged in programming regulation, for example, by indicating a preference for prospective franchisees that produce the programs they originate instead of relying on films.

Such regulation presents a grave constitutional issue, for unlike entry restrictions and signal controls it involves the government in the content of cable television. In effect a government agency's disapproval of the material being offered becomes grounds for denying an official license—a practice ruled unconstitutional in another context by the Supreme Court.⁵ Broadcast regulation has been made an exception to this principle because of the scarcity of over-the-air channels. But as discussed earlier, cable television is free from both the technological and economic constraints that restrict the number of broadcast channels.

One prominent aspect of cable programming regulation is a distinction between approved original productions and second-hand fare such as films which are considered to duplicate what is already available from broadcast television. Categories as broad as these are unreliable guides to programming judgments. A cable system may offer a type of film that is unavailable from the broadcast channels; merely presenting the same

material more frequently than the broadcast stations or at more convenient times may be a significant service. Such judgments are better left to the marketplace than to a government administrator.

Moreover, local regulations regarding programming may conflict with national goals. Some local licensing commissions, for example, may forbid program origination which the FCC has announced will be a requirement of cable TV systems. Again we see no reason why Congress or the FCC should not preempt local jurisdiction with regard to this type of regulation.

RECOMMENDATIONS

Government restrictions on entry into cable television service interfere with freedom of the press. Although these barriers may be an integral part of an economic regulatory scheme designed to guarantee equal cable service at equal rates, the service they assure is not an essential one, since the FCC through the impositions of signal controls continues to provide for the survival of broadcast television. Therefore, to encourage the growth of cable TV systems and the diversity of its services, either Congress or the FCC could abolish exclusive franchising by local governments without fear that it is sacrificing a vital municipal interest. The goal of protecting over-the-air television is best served by making cable systems responsible for preserving a minimum number of broadcast signals while an amendment to the Copyright Act will eliminate the unfairness of allowing cable systems to exploit programming material without compensating the producer.⁶

Of all the forms of cable television regulation, programming controls present the most serious constitutional issues. Broadcast television has long been treated as an exception to the principle that the contents of communications are invalid grounds for withholding a government license. Cable television, however, is not subject to the technological and economic limitations which have justified this exception and, therefore, should not have to submit its programming to the approval of a government agency. Such an approach would permit the greatest use of the long-term potentialities of cable television, with its great possibilities for future expansion of our communications.

Respectively submitted.

COMMITTEE ON FEDERAL LEGISLATION:

Richard A. Given, Chairman; Anthony P. Marshall, Secretary; Leslie H. Arps, New York City; Harold Baer, Jr., New York City; Mark K. Benenson, New York City (abstaining); Edward S. Blackstone, New York City; Vincent L. Broderick, New York City; Mason O. Damon, Buffalo; David M. Dorsen, New York City; John T. Elfvig, Buffalo; Robert B. Fliske, Jr., New York City; Lawrence W. Keepnews, New York City; Norman Kellar, Kingston; Herbert C. Miller, New York City; George W. Myers, Jr., Buffalo; James M. Nabrit, III, New York City; Bernard Nussbaum, New York City; Robert Patterson, Jr., New York City; Charles B. Rangel, New York City; Arthur C. Stever, Jr., Watertown.

CITIZEN INFORMATION SERVICES

There is widespread frustration and disenchantment on the part of citizens today because information about benefits, rights, entitlements, and other matters relating to services offered by federal, state, local and private agencies is difficult to obtain. There likewise is widespread concern among agencies and professional persons about the availability and adequacy of information.

The inadequacy of information, advice and

⁴ See Comment, "Refusal of Radio and Television Licenses on Economic Grounds," 46 Virginia Law Rev. 1391 (1960); Compare *Southwestern Operating Co. v. FCC*, 351 F. 2d 834, 838-39, (D.C. Cir. 1965) (Bazelon, C. J. Dissenting).

⁵ *Hannegan v. Esquire*, 327 U.S. 146 (1964).

⁶ Cf. *Fortnightly Corp. v. United Artists Television, Inc.*, 88 Sup. Ct. 2084 ((1968)).

referral services is perceived in small towns and rural areas as well as in large urban centers; and is felt by persons of varying income, education and ethnic background.

We believe that there is a need for publicly and privately supported independent centers which would provide accurate information and skilled advice to citizens enabling them to benefit from services to which they are entitled.

THE NEED

A recent study, directed by Dr. Albert Kahn of Columbia University, "Neighborhood Information Centers (1966)," looked into the feasibility of adapting Britain's successful Citizens' Advice Bureau (in operation since World War II) to the United States. Kahn found evidence that information, advice and referral services are urgently needed in this country but concluded that the American situation demands its own special approach in organization of such services.

Kahn pointed out that, as the means of making services available become more complex, the individual in search of information gets lost and tends to become alienated from institutions and from government itself. Only a handful of persons specially educated and equipped can find their way through the maze of municipal, county, state and federal departments and programs, as well as the conglomeration of voluntary and private agencies which offer benefits to specified classifications of people under various conditions. The identity, location, extent and limitations of these services confound professionals. The poor and middle classes (left out of so many programs in the last decade) who have the greatest need and the least knowledge, are the primary victims of this confusion.

Many agencies and civic organizations have developed their own information and referral services, but these usually reflect specialized functions or a limited perception of responsibility; and, even if they were coordinated (which they are not), these fragments of information do not make a comprehensive whole. This is not a reflection upon the agencies; indeed, it would be unreasonable to expect that agencies committed to specific services could take on the burden of providing information about all services.

These agencies generally favor an instrument which would borrow whatever can be successfully transplanted from the British system, but create its own mechanisms for responding to the American problems of vastness and diversity and the interlocking municipal, state, federal and private systems.

STRUCTURE AND CHARACTER

We believe that the following features are basic to the development of adequate citizen information centers in the United States:

Neutral image

The service should not be identified with any specific group, rich or poor, or with any ethnic group, interest or lobby, but should provide information, advice and referral to all citizens in a setting Kahn called as "non-stigmatized as the Post Office."

Independence

The citizen information service should not be weighted in favor of or attached to any existing local, state or federal agency or any private service or political or other interest group. Rather, information resources should be developed impartially within an independent structure. In such a structure personnel would be in a position to take an unbiased, integrated view of the person seeking assistance and give advice or make a referral which would not reflect any specialization of interest. An independently organized service would encourage people to drop in, ask a question, and chat without being marked as a "person with a problem." Consequently, they could receive help in the early preven-

tive stages, before troubles became more costly to handle. Independent organization would also favor the development of the information service's potential for feedback in decision-making: The results of referrals would be made known to service agencies as an additional guide to their work.

A resource for the entire community

The citizen information centers should make a special effort, through the media and the staff, to make all segments of society confident that they will find a friendly, hospitable atmosphere and answers to their questions. The citizen information centers should serve all in search of information; all citizen-serving agencies; and, through advisory committees and a national office, policy and government bodies who request the results of its experience.

Effective staff

The citizen information centers should be under the direction of a professional, and, where a partially computer assisted center is contemplated, a systems analyst-consultant. The staff should be a mix of persons skilled in dealing with people and agencies, paraprofessionals, and volunteers. Neighborhood people who fit into any of these categories should be hired where possible. The only hard and fast rule, however, should be effectiveness: ability to perform the assigned task, friendliness, flexibility, concern for human beings and sensitivity to their problems; and, last but not least, acceptability to those served.

Resources file

Each citizen information center should develop the kind of information that is relevant to the needs of the local clientele. In addition, information about resources further afield should be provided through professional advisory committees and a national office. A common approach should govern collection, storage, retrieval, and up-dating of data so that comparative research and exchange of information would be possible.

CONCLUSION

The term citizen is here employed in its broadest sense, for the citizen information service should be available to the newcomer and the immigrant, as well as to the resident of long standing.

With a service set up and run by local citizens for the benefit of the established community and the stranger within the gates, the citizen information service would act not only as a link between the individual in need and the sources of help, but as a force for building a more civilized society.

Such a service would make contact with people at all levels and points of need, and would be in a position to report upon hardships, inequities, bottlenecks, insufficiencies and redundancies. Thus, an outgrowth of the citizen information center's primary function would be that of providing information to decision-makers, administrators and legislators; and should ultimately help to create a more reasonable and dignified quality of life.

We believe that the need for citizen information services would justify federal legislation to establish or assist in the establishment of neighborhood information centers meeting the standards we have outlined. Respectfully submitted.

Committee on Federal Legislation; Richard A. Givens, Chairman; Anthony P. Marshall, Secretary; Leslie H. Arps, New York City; Harold Baer, Jr., New York City; Mark K. Benenson, New York City; Edward S. Blackstone, New York City; Vincent L. Broderick, New York City; Mason O. Damon, Buffalo; David M. Dorsen, New York City; John T. Elfvin, Buffalo; Robert B. Fiske, Jr., New York City; Lawrence W. Keepnews; New York City; Norman Kellar, Kingston; Herbert C. Miller, New York

City; George W. Myers, Jr., Buffalo; James N. Nabrit III, New York City; Bernard Nussbaum, New York City; Robert Patterson, Jr., New York City; Charles B. Rangel, New York City; Arthur C. Stever, Jr., Watertown.

REPORT ON LEGAL STRUCTURE FOR THE U.S. FOREIGN AID PROGRAM

For the last several years, the foreign aid program has suffered from diminished public support and therefore repeated cutbacks in funding. Criticisms of the program have come from many sources.

The program has also been beset by instances of fraud against the foreign aid authorities and diversion of funds to improper ends.¹ At the same time, as emphasized by the House Foreign Affairs Committee,² as well as by repeated statements by successive Presidents, aid remains essential to our highest national objectives.

On January 21, 1967, President Dwight D. Eisenhower said:

"... our world is where our full destiny lies—with men, of all peoples and all nations, who are or would be free..."

"From the deserts of North Africa to the islands of the South Pacific, one-third of all mankind has entered upon an historic struggle for a new freedom: Freedom from grinding poverty."

"To build... peace is a bold and solemn purpose. To proclaim it is easy. To serve it will be hard. And to attain it, we must be aware of its full meaning—and ready to pay its full price."³

The late John F. Kennedy, at Independence Hall, Philadelphia, on July 4, 1962, quoting Lincoln's words spoken in the same Hall on Washington's birthday in 1861, announced a solemn Declaration of Interdependence, declaring "Our vow to do our part to lift the weights from the shoulders of all... And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."⁴

In a message to Congress of February 1, 1966, President Johnson stated:

"... today the citizens of many developing nations walk in the shadow of misery; half the adults have never been to school; over half the people are hungry or malnourished."

"Our response must be bold and daring. It must go to the root causes of misery and unrest. It must build a firm foundation for progress, security, and peace."

"We extend assistance... because it is in the highest traditions of our heritage and our humanity. But even more because we are concerned with the kind of world our children will live in."⁵

President Richard M. Nixon in his acceptance speech in 1960 stated that a dam in India might be as important as one in this country.⁶ In 1968, he emphasized the need for our allies to share with us the cost of promoting development.⁷

The goal of sharing such burdens would be advanced by proposals for exploring unity of free peoples supported by Mr. Nixon together with such leaders as Hubert Humphrey, Eugene McCarthy, Dwight D. Eisenhower, Nelson A. Rockefeller, Robert F. Kennedy, and Barry Goldwater. H. Con. Res. 48, 90th Cong., 1st Sess. (1967), to this end was favorably reported by the House Foreign Affairs Committee in 1968. H. Rep. No. 1656, 90th Cong., 2d Sess. (1968). This proposal for a United States delegation to explore this matter was unanimously approved by the Committee on Federal Legislation of the

Footnotes at end of article.

New York County Lawyers' Association (Vincent L. Broderick, Chairman) shortly after the Czechoslovak tragedy of August 1968. CONGRESSIONAL RECORD, volume 114, part 21, pages 28103-28104. Also in New York State Bar Association *Bulletin of Committee on Federal Legislation* 24-25 (Jan. 1969). The proposal was also unanimously approved by this Committee in its "Report on Resolution Calling for United States Delegation to Confer with other Free Nations Concerning Future Steps Toward Unity," January 2, 1969.

Pending the evolution of such efforts, the United States cannot shirk its responsibilities as the major industrialized power in the world and as the most powerful industrial economy not under totalitarian control. Accordingly, every effort must be made to strengthen the legal structure for our aid programs. Lawyers must be especially concerned with this, both because it is a prerequisite to the ultimate goal of world law¹ and because there is no specific political constituency to represent the needs involved in this program which is necessary for the future of all.²

The Committee on Federal Legislation of the New York County Lawyers' Association has recommended the adoption of long-range authorizations and funding to strengthen the legal foundation for this important program. The County Lawyers' Committee has also recommended that the amounts to be voted be fixed in the appropriations without advance limitation in authorizing legislation. The Committee cited other laws containing open-end authorizations without limitation in advance of the amount to be voted, such as the statute creating the Foreign Service Act of August 13, 1946, Sec. 1071, 60 Stat. 999, 22 U.S.C. Sec. 801, note ("Appropriations to carry out the purposes of this Act are hereby authorized"). The Committee also referred to programs under which advance commitments of funds are made for long-range projects such as the Demonstration Cities Act,³ and the highway program.⁴ Another example is the space program.⁵ The Committee concluded:

"1. The basic authorization should be open-ended with no specified expiration date, subject, of course, to further amendment by Congress at any time.

"2. The authorizing legislation should permit appropriations of such sums as may be necessary. The amount to be voted should be fixed when appropriations are enacted and no ceilings on monies to be voted should be contained in the authorization statute.

"3. Appropriations, at least for long-range projects, should be for the entire amount necessary for such projects and should remain available until expended. There is no constitutional difficulty in this procedure, since the only limitation in the Constitution on the duration of appropriations is for armies, where funds are limited to a term of two years. Article I, § 8, clause 12.

"In our view, these basic reforms will ultimately become indispensable for aid to be the fully effective tool of our foreign policy which it should be. The longer such reforms are delayed the more waste and ineffectiveness the aid program will encounter." Quoted in New York State Bar Assn. *Bulletin of the Committee on Federal Legislation*, 25-26 (Jan. 1969).

We endorse these Recommendations.

At the same time, other measures are necessary to assure that there is more effective use of funds expended in connection with the foreign assistance program.

In the past, a substantial amount of foreign aid has been made available in the form of grants or loans to provide dollar exchange to finance imports of commodities to be sold in the regular commercial channels of the recipient country's economy. The importer pays in his local currency into a "counter-

part fund" used for generating funds for local investment.

The reasoning behind this type of assistance is that a commodity import program will bolster the local economy and deter inflation. However, the program was beset by a number of abuses. A serious challenge to the integrity of the program involved several cases of exporters, who were asked by unscrupulous importers to pay "kickbacks" to them on transactions financed with A.I.D. funds. The importers requested such payments in order to obtain dollars they otherwise could not get, which in turn frequently ended up in numbered secret Swiss bank accounts⁶ and like depositories for secret funds. All this was reflected in the price of the items for which the A.I.D. furnished the dollars. Post-audit of A.I.D.—financed transactions and follow-up investigation of suspected irregularities has resulted in prosecutive action and administrative recoveries by A.I.D. authorities. Continued vigilance is important and we would recommend the establishment within the A.I.D. Agency of a surveillance organization to monitor the program.

Another abuse, which has been inherent in the more-or-less "shotgun" approach of subsidizing the entire economy of the country through a commodity import program, involved the use of A.I.D. funds for purchases of items which were not essential to the developmental needs of the recipient country. However, controls have been tightened so that each grant or loan agreement specified the type of commodities to be procured with the funds. In addition, under a new procedure recently put into effect, suppliers are required to apply for commodity eligibility for each shipment to be financed with aid funds.

More aid funds might well be channeled into specific programs or projects involving education, specific investments, or designed to aid developing economies at the "rice roots" and through technical assistance and efforts in the nature of the Peace Corps.⁷

In aid to education, training in fields which will give practical benefit to the recipient country is of great importance. Basic education is equally vital. Particularly important is education tied to job opportunities and job needs in the developing country.⁸ Funds for sending qualified teachers to developing nations should be expanded.

Encouragement of action by the private sector to aid in the growth of the economies of developing nations is important, but cannot in our view be a substitute for an aid program based on an adequate long-term legal foundation designed to meet needs which it is not normally profitable for private capital to undertake. Expanded trade is likewise highly desirable, but cannot be a substitute for pinpointed assistance directed at specific needs.

The program we envisage would operate in a more specific manner with less of a "shotgun" approach of subsidizing entire economies through injections of imports. It might involve greater rather than less investment. It should save countless dollars and lives in the end.

In being more specific, the program would concentrate more on particular planned projects and aims. This does not mean that the number of participating countries should be more limited. The impact on the future of this nation does not depend on the number of national boundaries involved. We therefore regard limitations on the number of countries covered by aid as a weakening of the necessary legal structure for an effective program.

Our aid is not given to obtain gratitude or for short-term political dividends alone, however important these may be. It is based on the reality of what the French Jesuit biolo-

gist Pierre Teilhard de Chardin has called "the planetisation of mankind." What affects mankind affects us all. We ignore this challenge and opportunity at our peril.

Respectfully submitted.

Committee on Federal Legislation:
Richard A. Givens, Chairman; Anthony P. Marshall, Secretary; Leslie H. Arps, New York City; Harold Baer, Jr., New York City; Mark K. Benenson, New York City; Edward S. Blackstone, New York City; Vincent L. Broderick, New York City; Mason O. Damon, Buffalo; David M. Dorsen, New York City; John T. Elfvin, Buffalo; Robert B. Fiske, Jr., New York City; Lawrence W. Keepnews, New York City; Norman Kellar, Kingston; Herbert C. Miller, New York City; George W. Myers, Jr., Buffalo; James M. Nabrit III, New York City; Bernard Nussbaum, New York City; Robert Patterson, Jr., New York City; Arthur C. Stever, Jr., Watertown; Charles B. Rangel, New York City.

FOOTNOTES

¹ E.g., *United States v. Olin Mathieson Chemical Corp.* 368 F. 2d 525 (2d Cir. 1966), 63 Cr. 217 (S.D.N.Y.); "Improper Practices, Commodity Import Program, United States Foreign Aid, Vietnam," Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Senate, 90th Cong. 1st and 2nd Sess., Part 1 (Apr. 25-27, 1967), Part 2 (Aug. 1-3, 1967, Jan. 31, 1968).

² H. Rep. No. 1587, 90th Cong., 2d Sess. (1968). These views were recently reemphasized by the Report of the President's General Advisory Committee on Foreign Assistance Programs (Oct. 25, 1968) (James A. Perkins, Chairman).

³ Hofstadter, *Great Issues in American History* 444-45 (Vintage ed. 1958).

⁴ Kennedy, *The Burden and the Glory* 108-112 (Nevins ed. 1964) See id. 141-43.

⁵ United States Code, Cong. & Admin. News, 89th Cong., 2d Sess. 96-104 (1966).

⁶ *New York Times*, July 29, 1960, p. 9.

⁷ Compare Ripon Society, "Multilateral Foreign Aid" (Jan. 1968).

⁸ See Luce, "The Rule of Law: Its World Implementation is Man's Hope," 49 A.B.A.J. 727 (1963); Jones, "Law and the Idea of Mankind," 62 Colum. L. Rev. 753 (1962); Givens, "The World Rule of Law, Foreign Aid and Declaration of Interdependence," 52 A.B.A.J. 1046 (Nov. 1966).

⁹ The Bar has accepted special responsibility for pointing out needs not otherwise represented in our political processes, such as those of migratory farm workers, e.g., Committee on Federal Legislation, The Assn. of the Bar of the City of New York, "Migratory Labor," 20 Record of the Assn. of the Bar of the City of New York, 518 (1965), 4 Reports of Committees of the Assn. of the Bar of the City of New York Concerned With Federal Legislation 108 (1965), 111 Cong. Rec. 12, 853 (daily ed. 6/11/65).

¹⁰ 80 Stat. 1259-64 (1966).

¹¹ 23 U.S.C. Sec. 118b.

¹² 42 U.S.C. Sec. 2459.

¹³ See the situation described in Brief for the United States, *United States v. Olin Mathieson Chemical Corp.*, 368 F. 2d 525 (2d Cir. 1966); as to the abuses of foreign bank accounts in certain cases, see "Legal and Economic Impact of Foreign Banking Procedures on the United States," Hearings Before the House Committee on Banking and Currency, 90th Cong. 2d Sess. (Dec. 9, 1968).

¹⁴ See generally Mead, "The Underdeveloped and the Overdeveloped," 41 Foreign Affairs, 78 (October 1962); Jackson, "Foreign Aid: Strategy or Stopgap," 41 Foreign Affairs 90 (October 1962); Galbraith, "A Positive Approach to Economic Aid," 39 Foreign Affairs 444 (April 1961); Goodfriend, "The Only War We Seek" (1951).

¹⁵ Support of academic education leading to higher academic degrees for large numbers not tied to fields in which jobs are likely to be available may fit graduates for jobs which do not exist and thus be counter-productive.

NATIONAL SECRETARIES WEEK

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MURPHY of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following remarks by Mrs. Hope Piper, District of Columbia Chapter, National Secretaries Association, in tribute to the secretaries of the Nation who are, this week, celebrating National Secretaries Week:

NATIONAL SECRETARIES WEEK

"Better Secretaries Mean Better Business" will be the theme of the 18th consecutive annual Secretaries Week to be observed April 20-26, sponsored by the National Secretaries Association (International), the world's leading secretarial association. The intervening Wednesday, April 23, is set aside as Secretaries Day.

Mrs. Lenore S. Forti, CPS, NSA's International President, emphasizes that Secretaries Week is for all secretaries whether or not members of NSA.

For the 27 years of existence, NSA has been concerned with elevating the standards of secretarial performance by means of continuing "learning labs" of education. While certainly some criticism about secretaries must be a matter of genuine concern, about 90% of it is unjustified due to an awareness gap of what today's secretary is really all about. Management and personnel agencies are not always fully cognizant of NSA's official definition of a secretary:

"A secretary shall be defined as an executive assistant who possesses a mastery of office skills, who demonstrates the ability to assume responsibility without supervision, who exercises initiative and judgment, and who makes decisions within the scope of assigned authority."

The ultimate in secretaryship is the attainment of the Certified Professional Secretary rating, sponsored by NSA. This two-day exam is open to all qualified secretaries.

FEDERAL CONTROL OF EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RARICK. Mr. Speaker, today the Members will vote on continuing Federal control of education under a promotional scheme that the Federal Government is aiding education.

We have all taken an oath to support and defend the Constitution which is silent on the Central Government's having any power either to control or to aid education.

In fact, the Constitution does not even mention education—unless we accept

that Earl Warren has legal power to breathe the new wordage into the Constitution thereby altering our oaths of office to conform to his objectives and goals.

Such are the sentiments of Hon. E. F. W. Wildermuth, attorney and counselor at law, a member of New York State bar for 40 years. A learned gentleman in the grace of living who loves his country and the constitutional system of limited powers, Mr. Wildermuth urges loyalty to the system instead of defiance against representative government.

I include Mr. Wildermuth's recent letter and an article written by him which appeared in Freedom magazine, January-February 1967:

JAMAICA ESTATES, N.Y.,
April 21, 1969.

HON. JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RARICK: Your item on federal control of education arrived today and I would appreciate your making this letter a part of the record of the proceedings had in connection therewith.

It has long been my opinion that Congress is without power or authority under the Constitution to enact laws pertaining to education . . . the word "Education" does not appear in the Constitution.

In their wisdom, the Founding Fathers provided in the Constitution for a division of federal powers among the legislative, the executive and the judicial branches established by the Constitution. The purpose was to prevent the creation of an all-powerful centralized government. They also provided that all the powers not granted by the Constitution were reserved to the States and to the people.

The anti-Americans in this nation have converted the federal powers of taxation into a weapon designed to destroy constitutional government by creating an all-powerful federal government in defiance of the constitutional mandate to the contrary, via tax gouging and other unlawful and lawless means, under deceptive and misleading guides too numerous to mention.

Even if the Constitution authorized federal interference in education, practical experience dictates that the area of local school curriculum cannot properly or effectively be directed from a swivel chair in Washington, assuming that a Commissar of Education was truly motivated by a burning desire to pledge his life, his fortune and his sacred honor for his distant posterity to be worthy of his forefathers who did as much for him. What Commissar was ever truly so motivated? To those anti-Americans who consider "Commissar" to be a dirty word, what other person sworn to uphold and defend the Constitution and who openly defies the Constitution, has effectively demonstrated that he was truly so motivated?

Congress will better extend its energy and employ its time by concentrating the repeal of ALL its enactments which can or do contribute to the creation and expansion of federal powers. As a matter of fact, I urge that we end our hypocrisy, by proposing the repeal of the Constitution. In this manner the proponents of repeal will be enabled to undertake to convince the electorate of the futility of self-government under the Constitution and the opponents will be provided with an opportunity to extol its virtues. There seems no other effective way in this time of chaos and crisis to determine if law and order can be restored. If we cannot restore law and order, of what value is making believe that we live under a Constitution?

With kind regards and best wishes, I am,
Sincerely yours,

E. F. W. WILDERMUTH.

WHAT HAS HAPPENED TO THE SUPREME COURT'S SENSE OF SELF-RESTRAINT

(By E. F. W. Wildermuth)

Judicial tyranny has been rampant in this nation since about 1937 and continues at an accelerated pace because the U.S. Supreme Court relentlessly and persistently pursues a practice of discriminating reversal, on a wholesale basis, of precedents earlier established in the public interest. Its unceasing usurpation of legislative and executive power has been conducted with reckless abandon in a manner to threaten the very stability and substance of constitutional government.

A distinguished member of the Court, Justice Owen J. Roberts, pointed out the court-made evils being visited upon Americans when in 1944 he said:

"The evil resulting from overruling earlier considered decisions must be evident . . . (the result is that) . . . the law becomes not a chart to govern conduct but a game of chance; instead of settling rights and liabilities, it unsettles them . . . But the more deplorable consequence will inevitably be that the administration of justice will fall into disrepute. Respect for tribunals must fall when the bar and the public come to understand that nothing that has been said in prior adjudications has force in a current controversy . . . The tendency to disregard precedent in the decision of cases like the present has become so strong in this court of late as, in my view, to shake confidence in the consistency of decision and leave the courts below on an uncharted sea of doubt and difficulty without any confidence that what was said yesterday will hold good tomorrow . . ."

In another case in the same year, Justice Roberts protested the majority of that Court's continued defiance of judicial restraint, as follows:

"The reason for my concern is that the instant decision, overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket good for this day and train only. I have no assurance, in view of the current decisions, that the opinion announced today may not shortly be repudiated and overruled by justices who deem they have new light on the subject. In the present term the Court has overruled three cases . . . It is regrettable that in an era marked by doubt and confusion, an era whose greatest need is steadfastness of thought and purpose, this Court, which has been looked to as exhibiting consistency in adjudication, and a steadfastness which would hold the balance even in the face of temporary ebbs and flows of opinion, should now itself become the breeder of fresh doubt and confusion in the public mind as to the stability of our institutions."

In so destroying the stability of the Constitution, the U.S. Supreme Court opened the door to unlimited change by arbitrary decree of any temporary majority of that Court, in addition to unlimited usurpation of power and thus ever onward to unlimited judicial despotism in government.

Changing times and conditions cannot justify or excuse the usurpation of power by our highest judicial tribunal. The destruction of the stability of our Constitution by the Supreme Court is judicial tyranny and it matters not what euphemism is used to cloak such utter disregard for judicial restraint with some degree of respectability.

With respect to judicial self-restraint, Justice Stone, an illustrious member of our highest judicial tribunal, expressed his alarm at the unjudicial trend being pursued by a majority of that Court when in 1936 he said:

"While the unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our

exercise of power is our own sense of self-restraint."

HARLAN FOR RESTRAINT

An outstanding and able member of the present Court, Justice John Harlan, courageously admonished in 1961, as follows:

"The Court, in my opinion, has forgotten the sense of self-restraint . . ."

In 1964, in the so-called "reapportionment" case, Justice Harlan made further reference to the continued failure of a majority of the Supreme Court to exercise judicial self-restraint when he said:

"No thinking person can fail to recognize what the aftermath of these cases . . . will have achieved at the cost of a radical alteration in the relationship between the States and the federal government, more particularly the federal judiciary . . ."

"Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional functions of this Court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional 'principle', and that this Court should 'take the lead' in promoting reform when other branches of the Government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements."

WARREN OPPOSED MEDDLING

The present Chief Justice of the United States, a vigorous proponent of reapportionment of the legislatures of the respective States, once vigorously opposed meddling with the legislature of California. In 1948, while Governor of that State, he declared:

"Many of our counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of such redistricting the representation in the Senate to a strictly population basis. It is for the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union . . . equal representation in one house and proportionate representation based on population in the other."

"Moves have been made to upset the balance of representation in our State even though it has served us well and is strictly in accord with the American tradition in the pattern of our national government. There was a time when our State was dominated by boss rule. The liberal election laws and the legislative reapportionment of the system have liberated us from such domination. Any weakening of the laws would invite a return to boss rule which we are now happily rid of. Our State has made almost unbelievable progress under our present system. I believe we should keep it."

WHY THE CHANGE?

What catapulted the 1948 zealous protector of American tradition in the pattern of our national government to leadership in his judicial capacity in a revolutionary adjudication, the natural consequence of which is to destroy the constitutional guarantee of a republican form of government to each State? Is not the judicial destruction of constitutional guarantees judicial tyranny? Also, does judicial self-restraint encompass judicial destruction of constitutional guarantees?

Further, in regard to the Supreme Court's utter failure to exercise judicial self-restraint, the writer published an article in the Congressional Record for April 20, 1961. An excerpt follows:

"It will be recalled that in 1952, Chief Justice Vinson and Associate Justices Minton and Reed, in a dissenting opinion, held that the U.N. Charter superseded the U.S. Constitution when they voted to uphold President Truman's seizure of the nation's steel

industry, on the ground that the U.N. Charter obligated the United States to resist aggression in Korea and therefore authorized him to take any steps he deemed necessary in the prosecution of the war.

"In view of this strange behavior by the dissenters, what guarantee do Americans have that a majority of the Supreme Court may not one day succeed in subordinating our Constitution to the U.N. Charter or to any other treaty?"

Does judicial self-restraint encompass the Court's eventual subordination of our Constitution to the UN Charter?

Are Americans powerless in this reign of tyranny by the U.S. Supreme Court? The following bit of cynicism appears to indicate that we are:

"The decline and fall of the 50 State governments will be completed in our lifetime. The movement of political power from State capitols to Washington, D.C., is inevitable and unstoppable whether we like it or not."

This quotation is from the Cincinnati Enquirer and was reported from an address to the assembled students at Ohio University in July, 1964, by television commentator, David Brinkley.

The decline and fall of our 50 State governments may very well be completed in our lifetime unless a genuine, effective two-party system is revived, for free government based on constitutional principles cannot survive without such system.

The U.S. Senate has the power and the duty to protect Americans from tyranny by the federal judiciary. The President is empowered by the Constitution to nominate federal judges for appointment by and with the advice and consent of the Senate. The tenure of all federal judges is fixed by the Constitution as being during "good behavior." No other Presidential appointments are conditioned upon "good behavior."

Since appointments to the federal judiciary are subject to the "advice and consent" of the Senate, it is both the prerogative and duty of the Senate to determine when a federal judge violates the condition of his appointment in either his official or social conduct. The failure to exercise judicial restraint, the usurpation of legislative or executive powers and the failure to uphold and defend the Constitution (or any one of these) do not constitute "good behavior" within the purview of the Constitution.

A notion prevails that federal judges are appointed for life and may be removed only by impeachment. There is no basis in law or fact for such notion, and it may well be that the prevalence of this myth among Senators accounts for their failure to have acted to "clean up" the Supreme Court before this late date.

The basic law of this nation was embodied in the Constitution. The Founding Fathers were keenly aware of the weaknesses inherent in people, from their own bitter experiences. Accordingly, they sought to protect self-governing citizens from what they had suffered by providing safeguards against power-hungry public officials and those who destroy constitutional government. For instance, this Government was divided into three separate and independent branches so as to prevent the concentration of power and the abuses which flow therefrom. In their wisdom, they sought to protect citizens from abuses by judicial officers who did not have to give an account of their stewardship to the voters. Accordingly, the tenure of office of all federal judges was conditioned on their "good behavior," and so continues to be. All federal judges are bound to good behavior under penalty of having their tenure of office terminated upon a factual finding by the Senate that the standard of good behavior it has established, or may establish, has been violated.

The U.S. Constitution is the People's basic law and the framers of the Constitution intended that no federal official be authorized or permitted to make or change it. Alexander Hamilton made the following observation in "The Federalist" (# 53) in 1788:

"The important distinction so well noted in America between a constitution established by the people, and unalterable by the government; and a law established by the government, and alterable by the government, seems to have been little understood and less observed in any other country."

COURT DECISIONS NOT SUPREME LAW

In the past 25 or more years, the People's basic law has not been accorded the respect to which it is entitled by the three branches of our federal government. For instance, the U.S. Supreme Court has suffered many self-inflicted wounds by its frequent excursions into nonjusticiable matters. Under the Constitution, the judicial power of the United States extends only to cases and controversies. It does not extend to public administration or to law making. The decisions of the Supreme Court are not the supreme law of the land. Article VI, Par. 2 declares:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made . . . under the authority of the United States shall be the supreme law of the land . . ."

In 1964, Justice Hugo Black made the following observation:

"There is no constitutional provision which gives this Court such law making power . . . I think the New York law here held invalid is in full accord with all guarantees of the Federal Constitution, and that it should not be held invalid by this Court because of a belief that the Court can improve upon the Constitution."

The limitation of judicial power proscribed by the Constitution precludes the possibility of the Supreme Court's lawful intervention in all non-justiciable matters. Yet, the Court's despotic will-to-govern has been made clear and unmistakable by its meddling in the fields of religion, race relations, education, morals, politics, subversion, State's right, law enforcement, passports, the postal power, communications, labor relations, local law and order such as the manner in which candidates are elected to represent the people in Congress etc. Yet, as of now, the U.S. Senate has done nothing to protect American citizens from such wrongful exercise of judicial power.

The intervention by the Supreme Court into nonjusticiable matters has created more issues than have been clarified and has unnecessarily created much dissension and division among Americans. The Court's meddling in matters which are not authorized by the Constitution has caused this nation to undergo a complete erosion of the heritage which at one time made the United States of America the envy of the world.

In 1930, Justice Holmes wrote a dissenting opinion expressing his alarm at the *carte blanche* indulged by a majority of the Court, in which he said:

"Although this decision hardly can be called a surprise after *Farmers' Loan & Trust Co. v. Minnesota*, 280 U.S. 204, and *Safe Deposit & Trust Co. v. Virginia*, 280 U.S. 83, and although I stated my views in those cases, still, as the term is not over, I think it legitimate to add one or two reflections to what I have said before. I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the fourteenth Amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any

reason undesirable. I cannot believe that the amendment was intended to give us *carte blanche* to embody our economic or moral beliefs in its prohibitions. Yet, I can think of no narrower reason that seems to justify the present and the earlier decisions to which I have referred."

SENATE LETHARGY

More than 36 years have passed since the "no limit but the sky" pronouncement and the U.S. Senate continues to sit idly by while the Supreme Court continues to usurp legislative powers and to otherwise function in excess of the jurisdiction expressed in the Constitution. It would seem that when outstanding members of the Supreme Court complain about the excesses indulged by a majority of the Court, that the least the Senate should do in the public interest would be to hold public hearings and examine the matter. Such Senatorial inaction leads to the inescapable conclusion that by such inaction, it has aided and abetted judicial tyranny in this nation and has wholly failed to protect Americans against acts of officials who are in no way directly accountable to the voters for their official behavior.

It is appropriate for the Senate to take special note of the following judicial wisdom expressed by Justice Frankfurter in 1958:

"It is not the business of this Court to pronounce policy . . . Self-restraint is the essence of the judicial oath, for the Constitution has not authorized the judges to sit in judgment on the wisdom of what Congress and the executive branch do."

It is clear that the Court no longer regards the Constitution as the measure of constitutionality and that it is utterly lacking in judicial self-restraint, the essence of the judicial oath.

Witness for instance, the behavior of some members of the U.S. Supreme Court, as described by Hon. Howard W. Smith, distinguished Congressman from Virginia, CONGRESSIONAL RECORD, volume 112, part 13, page 16834:

"And I was deeply distressed to see members of the Supreme Court sitting on those front seats, hearing discussed and advocated a piece of legislation the constitutionality of which they would soon be called upon to pass upon, applauding . . . applauding the revolutionary call that 'we shall overcome'."

Is the U.S. Senate, in the light of the foregoing, yet willing to sit idly by and tacitly classify such behavior by justices of our highest tribunal as "good behavior" within the purview of the U.S. Constitution?

The attention of the Senate is respectfully directed to some words of wisdom by Edmund Burke, noted political philosopher, author and orator (1729-1794), when he said:

"For evil to triumph, good men need only do nothing."

DECEPTIVE MAGAZINE SUBSCRIPTIONS SALES

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, a number of Pennsylvania newspapers last week carried an informative series of articles which focused upon deceptive magazine subscriptions sales practices being used to dupe consumers in my own State.

This series, written by the Associated Press reporter, Tony May, examines some of the typical deceptive sales

practices and includes comments from Deputy Attorney General Benjamin Kirk, who is assigned to the Pennsylvania Bureau of Consumer Protection, and from representatives of the subscription sales industry.

Fraud and deception in magazine subscription sales are commonplace. Mr. Speaker, in Pennsylvania and virtually every State in the Nation. Thus far, neither the magazine publishers nor the subscription sales companies have taken effective steps to clean up these sales practices.

Since I first began investigating magazine subscription sales practices in February, I have had a number of meetings with individuals representing the subscription sales industry. Repeatedly, I have been told, "We think we are doing a good job—the best possible job we can." But in almost every instance this glowing self-appraisal is qualified by a remark to the effect—

We insist that fair sales practices are adhered to by our personnel but of course we can't be held responsible for the individual franchise sales dealer, or telephone solicitor or salesman.

Mr. Speaker, I maintain that magazine subscription sales companies—the parent companies—must be made to assume responsibility for the conduct of sales within their organizations, from the top of the organization down to the individual salesman. If the company will not tolerate deception and fraud, it will not be practiced by the company's employees, or at least not on a scale which creates a nationwide pattern of unscrupulous sales practices as now characterizes the industry.

I request that Mr. May's fine series be reprinted in the RECORD as further evidence of the need for congressional investigation of this industry:

[From the Easton (Pa.) Express, Apr. 16, 1969]

MAGAZINE RACKET: SOMETHING FOR NOTHING IS PLOY USED OVER PHONE

(By Tony May)

HARRISBURG.—The phone rings. "Congratulations, you've been selected as a contestant in our nationwide contest," the voice at the other end says. "If you answer a simple question correctly, you'll be eligible for a free subscription."

Scores of times daily in Pennsylvania, and an untold number of times across the nation, this bait is dropped into the still waters of the American home. It lures many into long-term, expensive contracts for magazines they didn't really want in the first place.

To some, use of such gimmickry is unfair or immoral. But, according to Pennsylvania's attorney general and several Pennsylvania congressmen, it is more than just sneaky—it's illegal.

It's illegal, says Benjamin Kirk, a deputy attorney general assigned to consumer protection because the consumers are led to believe they are getting something for nothing but end up paying the full, regular price "or even more" for the magazines.

Often, said Kirk, other tactics are used which are also illegal or unfair such as pressuring customers when they attempt to rescind contracts—something they are allowed to do within 48 hours of signing under Pennsylvania law.

Also, Kirk said, contracts often don't conform with stipulations of Pennsylvania's Goods and Services Sales Installment Act.

Kirk, who has investigated scores of complaints for the Pennsylvania Bureau of Consumer Protection in recent weeks, said many magazine solicitors "use the 'something for nothing' approach again and again and again."

The contest gimmick, which shows up often in complaints in Kirk's files, usually involves a simple question to which any answer is accepted, like, "Where do you get most of your news?"

One person thus solicited advised The Associated Press, "I told her, 'The backs of cereal boxes,' and without a giggle, she tells me, 'You win!'"

The spiel becomes a little more involved and, Kirk says, often downright misleading after the householder has "won the contest."

Kirk said, "Then they say, service fee—for postage and handling—of 49 cents for the five magazines you supposedly have won."

While 49 cents sounds cheap, complainants say they weren't told it was that much each week for five years—meaning a grand total of more than \$100 for magazines they were led to believe were free.

U.S. Rep. Fred B. Rooney, the prime mover in increasing scrutiny of the magazine sales industry, says some subscription contracts obtained under what he considered fraudulent conditions ran more than \$250.

Kirk's files, letters from consumers read into the Congressional Record by Rooney and letters submitted to a daily public service column in the Easton Express, indicate that the "free prize" ploy is only one of many gimmicks used in magazine sales.

Rooney calls the situation "a most serious problem of consumer deception by unscrupulous magazine subscription sales companies."

The problem, said Kirk, is bigger than the files would indicate.

"We have received scores of complaints, but most people don't complain," he said. "They just shut up and pay. There must be literally thousands of people who are victims of this kind of selling practice."

Rooney, in calling for congressional and Federal Trade Commission probes of the problem, pointed out that many of the sales firms are subsidiaries of some of the largest and most respected publishing firms in the nation. He named Cowles Communications, publishers of Look magazine; Curtis Publishing Co. which had produced the now-defunct Saturday Evening Post, and Time-Life Inc.

The Bethlehem Democrat also took note of the magazine publishers' own attempt at self-policing through the Central Registry for magazine solicitors—an arm of the Magazine Publishers Association.

Rooney said, "The obvious failure of the industry's voluntary self-regulation code" made federal action necessary.

[From the Easton (Pa.) Express, Apr. 17, 1969]

MAGAZINE RACKET: MISLEADING SALES SPIEL CALLED EXCEPTION TO RULE

(By Tony May)

HARRISBURG.—More than 50 firms in the nation are engaged in selling magazine subscriptions door-to-door, and many are among the first to admit that charges of "unscrupulous practices" by some individual solicitors are true.

Just how widespread these practices are, who is to blame and how to stop the unfair and illegal sales techniques is another matter.

"The actual number of complaints compared to the number of people solicited is actually very, very small," says Robert Goshorn, secretary of the Central Registry for magazine solicitors, the industry's self-policing arm.

"It's very difficult to control just what solicitors tell people because they actually are independent agents," says David Mazer, an

executive in the Pittsburgh branch of Keystone Readers Service, Inc., a subsidiary of Curtis Publishing Co.

Mazer, a spokesman for Curtis, and Goshorn, said the companies and the Central Registry frown on illegal or misleading sales spiels and try hard to ban them.

"Most agencies will submit sales talks to us for review, or to local Better Business Bureaus," said Goshorn.

This would tend to put the blame on the individual solicitors.

Not so, says U.S. Rep. Fred B. Rooney, who is leading a campaign for a federal clampdown on magazine sales practices.

"Although the methods used by the magazine subscription sales companies vary slightly from company to company and from locale to locale," says Rooney, "I have noticed a basic pattern in most of the cases I have reviewed."

Benjamin Kirk, a special deputy attorney general for consumer protection in Pennsylvania, says subpoenas for suspected violations of the Consumer Protection Law are served on the subscription service operators, not the solicitors. They are considered the responsible parties under state law.

Notwithstanding who is ultimately to blame for illegal sales tactics, Goshorn said the registry provides assurance to magazine buyers that they are being treated fairly.

The registry, he said, investigates all complaints they receive involving their 50-member agencies.

"We have levied a number of assessments" against member agencies for violations of the registry's fair practice code, "and corrections have been made and certain sales talks are withdrawn," said Goshorn.

"Without public confidence and good will, the firms cannot prosper," he said.

Rooney disagrees and says the companies are prospering, many at the expense of unsuspecting consumers.

"I regret . . . an effort at self-regulation by the magazine industry is a virtual failure, if in fact it is a sincere effort to wipe out unscrupulous tactics," he said.

Mazer said Keystone offers multiple protections for its customers; in addition to the registry code and bonding of solicitors, the firm has its own code of ethics and cooperates with the local Better Business Bureau.

"We have had only one call from the Pennsylvania Consumer Protection Bureau and that complaint was settled amicably," he said.

Not all agencies were so talkative, however, Edwin Johnson, operator of Home Readers Service of Harrisburg, declined to talk about soliciting problems with The Associated Press.

Johnson was subpoenaed last month to answer a handful of charges of unfair and illegal sales tactics made by Atty. Gen. William C. Sennett.

The Harrisburg firm is the franchisee of a subsidiary of Cowles Communications Inc., publishers of Look Magazine. Earlier this year, the parent firm and four other Cowles subsidiaries pledged to the Minnesota attorney general that they would refrain from unfair practices in that state including:

Falsely representing that the buyer would receive something for nothing; misrepresenting terms of the contract or misrepresenting that forms signed by a customer do not constitute a contract.

Some complaints, Mazer suggested, come from people "who want to get out of what is a legal and binding contract by raising a stink about how they were tricked."

Deputy Atty. Gen. Kirk agreed that was a possibility, but added he had one case where "this was not true."

The case, he said, involved the sale of more than \$100 in magazines "to a woman who couldn't even read."

[From the Easton (Pa.) Express, Apr. 18, 1969]

MAGAZINE RACKET: CONSUMER BUREAU SETTLES COMPLAINTS ONE BY ONE

(By Tony May)

HARRISBURG.—While support rises for a federal investigation of unscrupulous practices in the magazine subscription business, Pennsylvania's Consumer Protection Bureau is hard at work trying to police the business.

Benjamin Kirk, special deputy attorney general in the Consumer Protection Bureau, said he has already settled scores of complaints to the satisfaction of customers.

"Usually, the company involved is more than willing to refund money to complainants," said Kirk. "It's easier for them that way."

But, Kirk said, the bureau is trying to move away from mere settlement of individual grievances and into securing real changes in business tactics.

Kirk said he and aides are investigating complaints—primarily in Easton, Philadelphia, and parts of Western Pennsylvania—and are seeking written "assurances of voluntary compliance" to the Consumer Protection Law.

The written affidavits will indicate that the firms promise not to engage in acts prohibited by the law. These include pretending to offer magazines free, when in reality the "service charge for postage and handling" more than covers the total cost of the magazines.

"It's not our goal to drive men out of business," said Kirk. "Our goal is to see that business is done legitimately."

If the firms then break their word, the attorney said, "We'll take them to court."

While Kirk is active on the state scene, U.S. Rep. Fred B. Rooney, along with several other Pennsylvania congressmen, are working on the problem in Washington.

Rooney is the prime sponsor of a resolution calling for a Congressional investigation of the subscription sales business.

"While it is true that the states of Pennsylvania and New Jersey are moving forcefully ahead with efforts to halt this magazine sales racket within their own borders, operations of these subscription sales companies extend to every state in the nation," Rooney told Congress recently.

Rooney says "patterns I have observed" in the subscription sales business include wrongly leading consumers to believe they have won free magazines.

They then have the "lucky winners" sign "innocent-appearing forms which in reality were contracts for \$150 worth of magazines," says the Bethlehem Democrat.

Rooney says that since his resolution was introduced, Paul Rand Dixon, chairman of the Federal Trade Commission, informed him an FTC "field study" of Rooney's charges is under way.

In Pennsylvania, the Consumer Protection Law, passed last year by the legislature, has some sharp teeth against unfair practices of all kinds.

Specifically, the law forbids "deceptive practices," including "making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions," and "engaging in any . . . fraudulent conduct which creates the likelihood of confusion or of misunderstanding."

Upon court conviction, penalties up to \$5,000 may be imposed along with a court injunction against the practice in question. The firm also faces possible forfeiture of its state corporate franchise—in effect banning it from doing business in the state.

The process of cracking down is a slow one, however, Kirk explained.

"I am sure the public is being robbed out of millions of dollars" in the meantime, he said.

"The problem is how to make people aware," he said, "that you have to beware when someone offers you something for nothing, or next to nothing."

COMMON SITUS PICKETING HEARINGS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, this morning the Special Subcommittee on Labor opened hearings on H.R. 100, the so-called common situs picketing bill. The Secretary of Labor, the Honorable George P. Shultz, was the first witness.

I believe my colleagues might wish to examine Secretary Shultz' complete statement. The statement follows:

STATEMENT OF SECRETARY OF LABOR GEORGE P. SHULTZ, BEFORE THE HOUSE SPECIAL SUBCOMMITTEE ON LABOR ON H.R. 100, COMMON SITUS PICKETING, APRIL 22, 1969

Mr. Chairman and gentlemen, I am here today to indicate my support for legislation to legalize common situs picketing, if that legislation is carefully designed to incorporate appropriate and essential safeguards.

I recognize that the primary purpose of this legislation is to equalize the right to picket in construction and industrial settings including the right to picket for organizational purposes. I am sympathetic to such equalization. Further, in this legislation as in all other labor legislation, the public interest and the rights of employees and neutral third parties must be protected.

The history of legislation to deal with the common situs issue is long and complex, running back more than 22 years to 1947.

In that year Congress amended the National Labor Relations Act to make certain acts unfair labor practices. One of the amendments, the secondary boycott provisions of section 8(b)(4), made it an unfair practice for a union to engage in various specified activities with the intent of causing neutral employers to cease doing business with an employer with whom the union has a dispute.

In 1951 the Supreme Court decided the *Denver Building Trades* case and by so doing focused attention on the common situs issue. In that case a general contractor sublet electrical work to a nonunion subcontractor on a construction project on which all other subcontractors used union employees. The Supreme Court sustained a National Labor Relations Board decision that the union's conduct in picketing the construction project because of the use by one subcontractor of nonunion workers was an unfair labor practice.

The crucial finding was that the general contractor and the nonunion subcontractor were independent legal entities and therefore indiscriminate picketing of the entire site was directed against neutral employers (the general and other subcontractors) and was, thus, unlawful. Critics of the decision have challenged its analysis of the relationship between contractors at a common situs.

The history of legislation introduced since 1951 to resolve this issue and the subsequent development of pertinent Board and court decisions make clear that it is difficult both to generalize in this area and to frame specific legislative language to deal equitably with the common situs question and also to

protect the public interest, the rights of employees and the rights of third parties.

I would like to review this history briefly with you and discuss some of the problems it raises. I believe this history shows, not only how difficult it has become to deal with this problem, but also that over the years a number of new issues have been raised with which no one bill yet deals adequately. Many of these issues were not originally foreseen, but have surfaced as different situations have been presented to the Board and the courts.

I believe, therefore, that legislation developed to legalize common situs picketing must take account of these problems and contain certain safeguards, many of which are widely agreed to in principle but which seem difficult to frame in legislative language. These safeguards are not adequately secured in H.R. 100. I therefore do not support H.R. 100 as presently drafted.

Since there is a great deal of room for discussion as to how our goal can be accomplished, I believe that the Department of Labor, at this time, can help most by providing general guidance on the problem and by expressing a willingness to work together with you and interested parties. I should like to identify here certain principles which should guide us in framing an effective, practical and realistic bill, and then to discuss them in more detail later during the course of my statement.

II. GUIDING PRINCIPLES

A. No bill should transform presently illegal activity, apart from "common situs picketing," into legal activity. In particular, common situs picketing should not be used to victimize an employer when the real dispute is between two unions as to which should perform certain work, nor should it be used for a discriminatory purpose.

B. No bill should apply to general contractors or subcontractors operating under State laws requiring direct and separate contracts on State or municipal jobs. That is to say, any legislation must recognize these State laws as establishing conditions of neutrality between contractors.

C. The interests of industrial and independent unions must be protected.

D. The bill should include language amending section 301 of the National Labor Relations Act to permit enforceability of contracts by injunction.

E. Any bill should encourage the private settlement of disputes which could lead to the total shutting down of a construction project. To that end, notice of intent to picket should be required and there should be a limit to the time during which picketing an entire situs should be permitted to occur.

III. LEGISLATIVE HISTORY

As early as 1954, and again in 1956 and 1958, President Eisenhower recognized that the NLRA created inequities as between construction workers and industrial workers. In his first Labor Message to Congress in 1954 he advocated an amendment to permit situs picketing:

"I recommend that the Act be clarified by making it explicit that concerted action against an employer on a construction project who, together with other employers, is engaged in work on the site of the project, will not be treated as a secondary boycott."

In his Labor Message to Congress in 1956, President Eisenhower said:

"The administration recommends that the ambiguities and inequities that exist in these provisions be removed . . . to make it clear that they do not prevent . . . activity against secondary employers engaged in work on a construction project with the primary employer."

Between 1954 and today many so-called "common situs" bills have been introduced and supported by both sides of the aisle with provisions substantially similar to H.R. 100,

the bill before you today. An example is S. 2650 of 1954, introduced by Senator Smith of N.J., Republican, and favorably reported. In 1958 Senator Smith again introduced common situs legislation (S. 3099) which first contained language closely similar to H.R. 100. In 1959 other similar bills were introduced by members of both parties: S. 2643 by Senators Kennedy, Kuchel and Prouty; H.R. 9070 by Congressman Thompson, Democrat, N.J.; and H.R. 9089 by Congressman Kearns, Republican, Pa.

Even in this earlier period efforts were already being made, however, to write various safeguards into these proposed bills.

As early as 1960, Congressman Kearns (Republican) in the House Committee Report on H.R. 9070 (H. Rept. 1550), stated that, although he had long desired to help resolve the common situs issue, after listening to the testimony of both those who favored the bill and those who opposed it, he was convinced enactment of the bill in its present form would be a disservice to all concerned. He stated:

"The testimony disclosed sincere differences of opinion as to the meaning of the law now applicable to secondary boycotts at common construction sites and the bill, as reported out by the committee, does nothing to clarify present law. Even the bill's strongest supporters have not been able to agree as to its meaning. For example, one proponent felt the bill might give industrial unions the right to picket a manufacturer and take away jobs of members of building trades unions who are performing alterations or repairs on the manufacturer's plant. Others believe the proposed language will permit building trades unions to use secondary boycotts as a means of preventing installation of products made by members of industrial unions. Also, the problem of racial discrimination in some building trades unions will be intensified by the bill should it pass in its present form in that it will allow the secondary boycott weapon to be used by unions who wish to force such discrimination."

"The foregoing are examples of the problems which H.R. 9070 raises rather than resolves. There are many others. Therefore, I strongly believe clarifying amendments are essential." (Emphasis supplied.)

Congressmen Goodell and Frelinghuysen, Republicans, while voting to report H.R. 9070 and not requesting clarifying amendments, tried to achieve the same result as such amendatory language by statements in their supplemental views that the bill's provisions were not designed to legalize activities such as those described by Congressman Kearns. As I will indicate, by 1967, Congressman Goodell had become convinced that mere statements to this effect were not enough and legislative language is necessary.

So, from 1960 on, various issues were raised which became reflected in subsequent bills.

Serious labor disputes at missile sites gave rise to language in the 1961 bill requiring strike notices in missile site disputes. (See H.R. 2955, Thompson, 1961, 87th Cong., 1st Sess.)

In 1961, a dispute between the industrial unions and the building trades unions over the so-called "separate gate" issue obviated any chance of passage of a "common situs" bill.

The Industrial Union Department of the AFL-CIO refused to support the bill unless it protected picketing by industrial unions at plants where employees of construction contractors or other neutrals were at work. As I discuss later, the National Labor Relations Board, ultimately upheld by the Supreme Court, found that industrial unions could not picket entrances reserved for the exclusive use of employees of independent contractors working at the plant on work unrelated to the normal operations. Some industrial union department affiliates feared

that with the "protection" of the common situs bill, building and construction trades unions might picket industrial plants if the regular workforce represented by industrial unions performed in-plant construction work which, ordinarily, might be considered as building and construction trades department work.

This issue resulted in the addition of language to Congressman Thompson's bill (H.R. 6363) in the 89th Congress (1965-66) which prohibited common situs picketing where the dispute involved a labor organization representing employees of an employer not primarily engaged in the construction industry. This 1965 bill was reported as H.R. 10027, H. Rept. 1041, Sept. 21, 1965.

The bill now contained several additional features to take care of the issues which had arisen since 1954: (1) a notice requirement for strikes on missile sites, (2) an amendment to make it clear that ownership or control of the site by a single person is not the only factor in deciding whether several employers are joint venturers, (3) a provision excluding disputes involving employers not primarily in the construction industry whose employees are unionized and where the issues involve such unions (the industrial union language), and (4) a provision excluding a dispute in violation of an existing collective bargaining agreement, to which Congressman Goodell subsequently added "or other applicable agreement, arrangement, or procedure."

Other issues also appeared. District 50 of the UMW, an independent union which sometimes represents employees of construction contractors, felt the exemption to deal with the industrial union issue did not take care of a situation where construction unions would picket contractors employing District 50 members. For this reason District 50 urged that the bill be amended to prevent strikes if the dispute involved a labor organization which represented employees of an employer at the site regardless of whether he was primarily in the construction industry.

Other problems which have been injected into consideration of this legislation are (1) the product boycott; (2) State laws requiring the independent letting of contracts; and (3) concern that common situs picketing might be used to frustrate Federal policy to alleviate the effects of racial discrimination.

In 1967, when H.R. 100 appeared on the scene, a bill (H.R. 7750) prepared by then Congressman Goodell attempted to meet some of these problems but failed of acceptance.

Thus, we see that there are still many issues which the legislative drafters have not been able to settle.

Before I turn to a more detailed discussion of the principles I outlined earlier and which I hope can help us to find a legislative solution, I would now like, as an interested layman, to review briefly with you, the Board and court case history that bears on this whole subject.

IV. CASE HISTORY

The Board, in the administration of the Act, has recognized the legitimate rights of construction unions to picket the primary employer at a "common situs" under standards which seek to insure that other employers do not become enmeshed in the dispute of another.

Subsequent to the decision of the Court of Appeals for the District of Columbia in the *Denver Building Trades* case (in which that Court disagreed with the Board's neutrality of general and subcontractor position) and prior to the Supreme Court's reinstatement of the Board's position, the Board in *Sailors Union of the Pacific*, 92 NLRB 547, announced what is now known as the *Moore Dry Dock* standards. These standards sought to strike a balance between the proper scope of primary picketing and the right of

neutral employers on a common site to be protected from the effect of the primary employer's dispute. Briefly, these standards require a union which pickets at a common situs to abide by restrictions on area, time, and identification in order to confine its activity as much as possible to the primary employer.

As is not unusual when standards are first enunciated, in the earlier years the *Moore Dry Dock* rules were applied in a more or less literal fashion. As you know, these rules arose in an ambulatory picketing context. When they were applied to the construction industry, to hold that picketing at a common situs was unlawful if the primary employer had a legal place of business in the general locality where the picketing could take place, such an application of the doctrine effectively prevented meaningful picketing of the primary employer on construction sites.

As experience has developed in the application of these concepts to the construction situation, the per se, mechanical application of the *Moore Dry Dock* standards has given way to a more realistic application of the rules. Thus, for example, in *Local 3, I.B.E.W., 144 NLRB 1089*, the Board ruled that temporary absences from the situs, such as the primary employer not scheduling work for that day, the success of the union in convincing employees of the primary employer to strike, or the employer removing the employees from the situs, do not thereby render the picket line at the common situs unlawful.

To a certain extent, then, some of the inequities faced by construction unions in the '50's have been remedied by further elaboration of the National Labor Relations Act by the Board and the courts. This is not to say, however, that the basic issue presented by the *Denver Building Trades* case does not remain with us.

The main difference is the nonapplication to construction sites of the "normal business" doctrine which determines the legality of picketing at a separate gate at an industrial plant. The leading case in the separate gate area is *Local 761, I.U.E. v. N.L.R.B.*, 366 U.S. 667, involving the separate gate set up by the struck industrial employer for the exclusive use of employees of its independent contractors. The Supreme Court held that picketing at the separate gate would be protected primary activity if the work done by the employees using this gate was related to the normal operations of the struck employer or was of a kind which would necessitate the curtailing of those operations.

In the construction industry a majority of the Board and the two appellate courts, which have considered the matter, ruled that the "related to the normal operations" test did not apply to a construction common situs.

Before leaving this legal history discussion I should mention the "product boycott." In 1967 the Supreme Court held that a union does not violate the secondary boycott provisions of the Act if it strikes its employer in order to protest his attempt to use products manufactured elsewhere which would partially eliminate that work.

V. APPLICATION OF PRINCIPLES

Mr. Chairman, I would now like to turn to a discussion of the general principles which I outlined briefly at the opening of my statement as applied to the issues which arise from a consideration of the legislative and case history.

A. So far as I know, everyone has always agreed on Item "A" of these principles, which is that no bill should transform presently illegal activity, apart from "true common situs picketing," into legal activity. If the conduct is violative of other sections of the Act, it should clearly still be unlawful.

The existing Act recognizes that an employer should not suffer because of a dispute

between two unions as to which should perform work. Thus, a special procedure for the resolution of the dispute is set forth in section 10(k) and picketing in furtherance of such a dispute violates 8(b)(4)(D). A charge brought under that section triggers the 10(k) procedure. Under present law, also, if a union pickets an entire site without conforming to the *Moore Dry Dock* standards, whether or not the activity is part of a jurisdictional dispute, it violates 8(b)(4)(B), and under that section—in contrast to 8(b)(4)(D)—the Board must seek an immediate injunction.

We do not believe that any bill should deprive contractors on a construction site of this protection when the dispute is jurisdictional in nature.

Under this principle of not transforming already illegal activity into legal activity, I also stated that common situs picketing should not be used in furtherance of a discriminatory objective. The Government is actively engaged under Title VII of the Civil Rights Act and, under the Executive Order program (11246), in securing equal employment opportunities for minorities which have been too long victimized by discrimination in all fields, including employment. Thus, common situs legislation should make clear that common situs picketing should not be permitted if it is directed at coercing an employer who is attempting to meet such legal as well as moral obligations by his employment of minorities and by affirmative action programs to end the effects of such discrimination.

B. Principle B also seems relatively clear and indisputable. Where a State law requires separate and independent contracts for a State or municipal construction project it is obvious that the contractors on the project cannot be held responsible for each other's labor policy. As it is impossible for any one of the contractors to control the others in such a situation, common situs legislation must recognize that these State laws create a condition of neutrality between the contractors which must be respected.

C. Principle C recognizes that the interests of industrial and independent unions must be protected. If a union has been lawfully recognized, picketing by a competing union directed at its presence on a construction project should not be made lawful. In such cases the issue may become one of a jurisdictional nature, which could be dealt with as discussed under Principle A. In other cases, the issue might be of a boycott against the products manufactured by the employer of employees represented by a union but where the operation is conducted off the construction site. This latter issue presents problems to manufacturers in context of technological changes as well as to industrial unions whose members work in plants which prefabricate items to be used in the construction site.

D. Although H.R. 100 recognizes that strikes in violation of an existing collective bargaining contract should not be accorded a privileged position with regard to common situs activity, it provides no relief for the problem of specific enforcement of contractual obligations. There should be little dispute over the principle that contracts should be enforceable by injunctions. The Supreme Court held in *Sinclair v. Atkinson*, (370 U.S. 195 (1962)) that a union which violates a no-strike clause may not be enjoined from such conduct. If a union violates a no-strike clause, a damage action is not a feasible remedy to compensate an employer for the period during which he has been shut down by a strike. This is especially the case in the construction industry, where time is of the essence. When contracts and no-strike clauses are voluntarily signed and the parties have a grievance-arbitration procedure to resolve disputes over the interpretation of the contract, there is no valid reason why such agreements should not be enforced. Section

301 of the Taft-Hartley Act should clearly authorize specific enforcement of such agreements.

E. Any bill should encourage the private settlement of disputes which could lead to the total shutting down of a construction project. Not only should we be sensitive to the public interest in protecting the rights of individual employees as we devise an equitable solution to this problem, but to the maximum extent feasible the public interest in retaining the essentially private nature of our collective bargaining process should also receive due consideration.

I would recommend that before picketing of an entire situs is permitted pursuant to new legislation, a union which intends to engage in picketing an entire situs give a timely 7-day notice of intent to all employees and unions on the situs, and furthermore, that such picketing be limited to a 15-day period. Any picketing which is now permitted under *Moore Dry Dock* standards would be unaffected by this legislation.

The purpose of this suggestion is twofold. First, this 7-day "waiting" period is intended to encourage the private settlement of disputes prior to permitting the dispute to encompass the entire situs. A waiting period can provide the time and the encouragement to the parties to settle many disputes before they are escalated into an actual strike. Furthermore, I visualize a number of situations where this requirement would serve to induce parties who would be affected by the proposed picketing to mediate between the disputing parties.

Secondly, the 15-day limitation is a recognition that, although subcontractors are closely interrelated with a general, their separate legal identity should be considered.

VI. CONCLUSION

Mr. Chairman, it seems to me that this issue, as it has been debated over the years, has not only grown in complexity but has also served to inflame situations among the parties. The construction industry has been, and is today, preoccupied with this issue, and this unfortunately has diverted attention from other pressing and important problems. I believe, if all parties will apply themselves to finding a legislative solution in accordance with the above principles, that we should finally be able to resolve this difficult issue.

The Department has been meeting with employer and union groups on other matters to assist in the arrival of solutions to vexing substantive problems that beset the industry and trample the public. We wish to get on with this work and, in doing so, it would be helpful to put this inflammatory issue behind us. To that end, we stand ready to add our efforts and resources to bring about a considered solution of this matter.

Mr. Speaker, I also think it would be valuable at this point to insert the response of the subcommittee chairman, the gentleman from New Jersey (Mr. THOMPSON), to the Secretary's testimony. I therefore insert at this point Chairman THOMPSON's response:

REMARKS BY MR. THOMPSON OF NEW JERSEY, CHAIRMAN OF THE COMMITTEE

Mr. Secretary, I wish to thank you for a very constructive statement. As the author of H.R. 100, I appreciate your support for Common Situs Picketing legislation. I wish to note for the record that your support for Common Situs Picketing legislation puts you in a distinguished position: you represent the fifth Administration which has supported this legislation.

I think it would be useful to turn for a moment to several of your Guiding Principles on pages 3 and 4 of your prepared statement. I do not intend to cover them thoroughly because I do not want to in-

trude into the questioning time of my colleagues.

Turning to your Guiding Principle "A" on page 3, I agree completely with the thrust of that principle—that this bill should "not transform presently illegal activity, apart from situs picketing into legal activity." That is why my bill contains the language at page 2, lines 5 and 6, which sets forth that situs picketing may only be used if there is a labor dispute "not unlawful under this Act." This language is not new in my bill. This exact language is contained in S. 748 in the First Session of the 86th Congress, a bill introduced in the Senate in 1959 by Senators Goldwater, Dirksen, Mundt, Hruska, Hickenlooper, and other distinguished Republican Senators. This bill, S. 748, incorporated the recommendations of President Eisenhower and his Secretary of Labor, James Mitchell. As I said, this earlier bill contains precisely the language on this point which is contained in my bill, H.R. 100.

Turning to your Guiding Principle "C" that "the interests of any industrial and independent unions must be protected". I am sure you know that the Industrial Union Department, AFL-CIO, supports H.R. 100.

With respect to the independent unions, these are protected under H.R. 100 because of the language I referred to earlier, which states that situs picketing cannot be used for an unlawful purpose.

On page 12 of your statement, when you discuss more fully your Guiding Principle "C", you refer to so-called product boycotts. You refer in this context to the technological changes in industry and to the use of prefabricated items in the construction site. This problem is certainly a large one, and unions inside and outside the construction industry are searching for ways to cushion the impact of technological displacement. As you are well aware, the various unions in the various industries have negotiated a number of such cushions: early retirement, sabbatical leave, shared work, anti-subcontracting agreements, and so on.

The Government is a partner in solving these problems. I need only refer to the occasion of your testimony yesterday in regard to the Job Corps and other manpower and re-training efforts of the O.E.O., the Department of H.E.W., and your Department of Labor.

I would be hesitant to try to solve these very large problems in the context of the Common Situs Picketing bill.

In relation to your Guiding Principle "D" on page 3, to "permit enforceability of contracts by injunction"; the memory of Senator Norris and Congressman LaGuardia, and the bill that bears their names, makes me hesitant to go back to the pre-1932 era of "Government by injunction". I really would have to give a lot of thought and hear a lot of testimony before I could make up my mind on this, and I hope it is not necessary to do this thinking and to hear this testimony before we can enact what is in essence a very simple amendment to Section 8(b)(4) (B) of the Taft-Hartley Act.

In relation to your Guiding Principle "E" that there be a 7-day notice of intent to picket and a 15-day limitation period on any picketing, I just don't know. Are there any operations in the normal construction project which would or could be completed within the 7-day notice period? Is the 15-day limitation period on picketing too much or too little, or is it necessary at all? Could you have 2, or even 3, 15-day periods of picketing if workers resumed for brief periods between the picketing? If these provisions are a good idea, why should they be limited to the construction industry?

Mr. Secretary, my colleagues have a number of questions and I would like to close my comments by expressing my appreciation, again, of your support for a common situs picketing bill and your thoughtful presentation.

ADDRESS BY DONALD M. KENDALL,
CHAIRMAN, NATIONAL ALLIANCE
OF BUSINESSMEN

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MILLER of California. Mr. Speaker, Mr. Donald M. Kendall, chairman of the National Alliance of Businessmen, speaking on April 11, in Oakland, Calif., to a number of distinguished businessmen from the Oakland area, delivered what I believe to be one of the best addresses of its kind that has come to my attention.

I commend it to my colleagues and to businessmen in general, as Mr. Kendall succinctly lays down the reasons why people in industry should affiliate with the National Alliance of Businessmen in helping to solve the vexatious problems that confront this country today.

The address follows:

ADDRESS BY DONALD M. KENDALL, CHAIRMAN,
NATIONAL ALLIANCE OF BUSINESSMEN; NAB,
LOS ANGELES, APRIL 10, 1969; NAB, SAN
FRANCISCO AND OAKLAND, APRIL 11, 1969

I think it is quite appropriate that my first NAB "get acquainted" meetings are being held with the business leaders of California. Californians have long been in the forefront of the Alliance, Plans for Progress, Merit Employment and many other successful jobs programs.

Your programs for business involvement are being used as a model throughout the country. Your Management Councils, which have been organized in every major California community, are doing a tremendous job. NAB will continue to rely heavily on your advice, counsel and cooperation.

When President Nixon asked me to become Chairman of the Alliance I was flattered but also hesitant. I realized the immense responsibilities involved in heading an organization which has such a massive task to perform—but there was another matter which made me hesitate.

I am primarily a salesman and I know that no salesman can be successful unless he believes in his product. I asked myself if I could actually sell this product of NAB—jobs and equal opportunity—to the most select group of customers in the world—the American businessman. Before I reached my decision, I had to review the circumstances that had shaped my life and my attitudes from the beginning.

I was born and spent my early years in the northwest in the state of Washington. During that time I was unaware of any instances of prejudice or discrimination against Negroes, Indians or Mexican-Americans. It was not until Pearl Harbor that prejudice became formidable against the Japanese-Americans. I went to Western Kentucky State College on an athletic scholarship. Here again I don't recall any discrimination against members of minority groups—possibly because they were not represented in our student body.

My real awareness did not crystallize until 20 years later by which time I was President of our international company and a member of our Board. I remember a meeting in which the Board was conducting the routine business of electing vice-presidents. Only this time the business was not routine because one of the candidates was a Negro. I won't go into the details—but he was elected—and, as we later learned, became the first Negro corporate officer of a major American company. I said "as we later learned" because I'm not at all sure how the vote would have gone had we known that this was a "first."

Then I began to wonder why this was a "first"? Was it because there were no other Negroes with his ability—or was it because others had never had an opportunity to prove their ability? Could it be that only seven years ago just one Negro was qualified for the approximately 50,000 vice-presidential slots in major business? Is it true today, when there are perhaps two dozen Negro vice-presidents that these are the only Negroes who can do the job?

The man we elected and I—by coincidence—both attended college in Kentucky—but his school was Kentucky State College for Negroes. We were in the same state at the same time but our paths never crossed then or afterwards in our early business careers. You might say that it was a 50,000-to-1 chance that we would end up as fellow corporate officers. Actually, the odds were even greater than that.

My eyes were opened further when I found that another man whom I have learned to respect was also a college athlete in Kentucky when I was—but our paths never crossed either. His name is Whitney Young.

It was this concern for this wasted potential which led to my interest in NAB, the organization President Johnson called "The most promising way ever devised of eliminating the tragic waste of our human resources."

My company, like all our companies, is faced with the problem of America's tight labor market. Our increasing output of goods and services has swallowed up almost all available labor. Our unemployment level is the lowest in peacetime history, yet industry needs more workers with higher levels of skill than ever before. We must find or create these skills and expand our labor force to take advantage of talents and aptitudes wherever they exist. Our future expansion lies in the full participation of all our citizens in the labor market. We must explore every potential source. As a businessman I see the greatest hope for the solution of our pressing needs in the work of the Alliance.

Some cynics have called NAB "industry's conscience." I'm sure you'll join me in rejecting that description. Were not do-gooders urging industry to offer platitudes and hand-outs to the poor. NAB's function is to show American businessmen that the problem of the unemployed and underemployed in our society is their responsibility.

Companies spend vast amounts of money developing new sources of raw materials. NAB is out to prove that money spent on recruitment and training can develop new sources of skilled labor. And it's good business because new jobs produce new taxpayers. We all feel the burden of taxes needed to support our massive program of governmental services. New jobs will help provide the means to reduce the level of those services—not only on the welfare rolls but in unemployment benefits, law enforcement and other hidden costs which are byproducts of poverty.

There is dramatic proof of this right here in California. The Sacramento Planning Commission recently studied that city's substandard housing areas—where most of the unemployed live—and found that those areas accounted for 20% of the population but only paid 12% of the taxes. They accounted for 42% of the adult crime, 36% of the juvenile delinquency and 26% of the fires. They also represented 76% of reported cases of tuberculosis. They used 50% of the city's health services, 41% of the police protection and 25% of the fire protection. I have no doubt that the statistics are similar here. This is the real cost of unemployment!

It's good business because American industry cannot prosper in an atmosphere of civic unrest. No business can pursue a policy of long-term expansion if its home community, its employees or its ultimate customers are tempted by the frustrations of poverty to flirt with the idea of short-term destruction. It's the responsibility of business to

create a social and economic climate in which business can continue to function profitably in years to come. In sum—it is good business for business to provide meaningful, profitable employment for all. NAB is showing business and industry how to do this.

This organization—still less than 18 months old—is harnessing the tremendous problem-solving ability of American industry and directing it to the task of creating new employment opportunities.

NAB companies have given generously of their resources. No gift has been more important than the donation of the many thousands of hours of managerial manpower which you represent. Many of the firms that have been involved most actively in manpower programs have even refused federal funds.

The most important result of NAB's first year was to establish a nationwide climate of opinion in which all businesses were encouraged to reassess the standards by which they judged job applicants, stressing the need to re-examine traditional screening procedures to screen in potential rather than screen out inexperience. Most important, perhaps, NAB has sold business on the idea—"hire first, train afterwards."

We must continue to strengthen our new partnership of government, industry and labor in the field of job creation. We're giving technical assistance in planning on-the-job training programs and guiding industry to sources of federal funds. By developing simpler procedures for the MA-3, 4, and 5 contract series, we will not crack the red-tape barrier, but we hope to bend it a little.

In each of its 50 cities, NAB efforts have resulted in a substantial number of new job placements. I won't quote the pledge figures—we've already been criticized for playing "the numbers game." I will tell our critics, however, that each success represents many man hours of effort spent in seeking out local companies, selling them on the jobs program and getting the initial pledge. We must work even harder. We must assess these pledges more carefully. We must weed out those which are no more than the employer's regular casual labor vacancy. We must track down the "golf course pledge" which may have been made lightly and without planning but which can be worked into meaningful jobs.

What is our goal for the future? NAB will continue to involve wider sections of industry in the job-creation effort—but it must be clearly understood by the businessmen we approach that our concern now is with meaningful jobs. A meaningful job is one which provides possibilities for advancement to the full limit of the man's potential—and that means training. It has been estimated that only 10% of NAB pledge employers now run training programs. My guess is that it is much higher if you include the small employer who may not have the financial and personnel structure for a formal training program. He may not need one if his operation is such that fellow employees and supervisors give the trainee the training he needs.

The people we are working with have been systematically excluded from the business world for many generations. They include youngsters who have never seen a parent regularly going to work, and adults who believe that the business community has no place for them. We must convince them—and ourselves—that they are wanted. Skills training is also essential. Our aim is to give each of the unemployed his own marketable skill. From now on, we must be concerned not only with jobs—but with the people who fill them.

You may have noticed that I've avoided using the term "hard-core unemployed." At best, it is meaningless. I could just as easily call myself, and all of you, the soft-core employed. But much worse, this phrase has picked up a number of secondary meanings. Too many people associate it with hard-core

criminals who deliberately refuse to follow our normal pattern of work. And yet we know from the first responses to the jobs program—if we did not already know by sheer common sense—how little joblessness stems from a desire to avoid work. To most people "hard-core" means black, although whites constitute 78% of the unemployed. In other parts of the country "hard-core" means Indian or Mexican-American or Puerto Rican instead of men and women desperately in need of work.

NAB and the Department of Labor have named their target population. They are the poor—those whose family incomes do not come up to the very minimal standards of the government's poverty-line budget. Within the broad category of the poor—we are directed especially to those who have dropped out of our educational system, to the very young worker and the older worker, to the long-term unemployed and to those who suffer special obstacles to employment. I'm opposed to labels but if I had to pick one I would use the Department of Labor's definition of "sub-employed." These are the registered unemployed and those who miss all the official lists because they've given up any hope of finding a job. They're also the part-time workers who can't find full-time jobs and the workers who are confined to tasks and wages below the level of their abilities and aspirations.

Within this group are most of the 5 million heads of families who support 20 million people on poverty line wages, young workers among whom unemployment is more prevalent than any other group and teenagers with inadequate education who can't make that first entry into the job market.

The business community can—and must—under your leadership, plan for all of these people. In this sense the labor unions are as much a part of the business community as the corporations. No effective solution to unemployment problems can be found unless management and labor work together.

We will also work more closely with the organizations and groups of industrialists who have tackled these problems at local and national levels. There can never be too many concerned people—and the need for useful cooperation has never been greater. Together we must establish employment and training procedures not only for the minorities excluded from the benefits of our society today but those who will be excluded in the future. Pressures of automation and skills requirements will be more of a barrier to employment than ethnic group membership is today.

Our ultimate aim must be not to urge industry to hire Negroes, Puerto Ricans or Mexican-Americans as such—but to hire people—and to train each person to the limit of his capacity.

Of course these limits will be different—there will continue to be degrees of skill and differential wages—but if we are successful there will be Negroes, Puerto Ricans and whites at every job level all the way up the line in proportion to their abilities.

We have a long way to go to achieve that end. The job is enormous. It's industry's job—both management and labor—and it's government's job. Many of us have complained at some time or other of big government. But this is one area which the government is not big enough to tackle alone.

During the prosperous sixties industry created 6 out of every 7 new jobs and still it has a ravenous appetite for fresh sources of labor. Even if the immediate future brings deflationary trends, we'll still be struggling to find the skills we need. I don't have to remind you that industry faced and solved this problem before. In less than one year America's businessmen, through singleminded devotion to a goal, created skilled riveters, welders and mechanics from an untapped labor force of housewives, farmers and others who today would be labeled "hard-core."

I do not consider myself an idealist but neither am I cynical enough to believe that only a World War can spark that kind of effort from industry. Surely the nation's continuing growth is goal enough. American industry has been largely responsible for that growth up to now. American Industry will be responsible for preserving and increasing it.

Together we have the opportunity, the know-how and the experience to create the most skilled, the most prosperous and the most diverse labor force the world has ever known. We, the businessmen, have a great need to do so. For—unless the nation eradicates poverty, poverty may well eradicate the nation.

MYTH OF VOLUNTARY QUOTAS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. FINDLEY. Mr. Speaker, the trade mission led by Secretary of Commerce Stans will be returning from Europe during the next few days. I await with anticipation, as I know many of my colleagues do, any word regarding the discussions of our representatives with the major European countries involved, particularly as those discussions may have related to the proposed voluntary quotas on textiles.

Last February 20 I told my colleagues in the House that there is nothing to gain and everything to lose by rushing into a textile agreement and requested the administration to carefully weigh the matter. I would presume that if the subject of voluntary quotas on textiles was discussed during our trade mission's visit to the EEC countries, that it was met with some resistance, and such resistance would be logical. The very purpose of the mission is to expand trade, not to restrict it via voluntary or any other type of quotas. This would be a glaring inconsistency.

In line with this, a very timely booklet entitled "Voluntary Quotas on Textiles: A Contradiction in U.S. Trade Policy," has been published by the United States-Japan Trade Council. This booklet very effectively explodes "The Myth of Voluntary Quotas," in a chapter by the same title and presents a very logical case against making an exception for textiles.

I invite the attention of my colleagues to the following excerpts from this booklet:

If quotas are imposed by legislation, the exporting country is entitled under GATT to compensation or retaliation in like amount for the trade affected. One of the arguments used in support of "voluntary" quotas is that they are legal under GATT, and so avoid the problem of retaliation or compensation. But it is an illusion to believe that the United States can force "voluntary" quotas on foreign countries without paying the price. Those on whom the burden will fall are American exporters and investors who need a liberal trade climate for their own business operations.

To illustrate the economic forces involved, Japan is now under pressure from the United States to liberalize its rules regarding foreign capital investment and its residual restrictions on imports. Steady progress is being made on both these fronts, although at a slower pace than the U.S. would like. But

with what enthusiasm can the Japanese government and Japanese industry view requests to speed up the pace of their own liberalization when faced with the demand for quotas on Japan's textile trade to the U.S. worth nearly one-half billion dollars? And how can the U.S. insist upon the reduction of the trade barriers of other countries when it is itself promoting a proliferation of restrictions through the imposition of "voluntary" quotas?

THE HARM THAT QUOTAS WOULD DO

To the average American, the possibility that the United States may impose further import quotas on textile products sounds, at first, like a technical issue of only remote interest. In fact, however, such quotas would have very significant effects on him directly and indirectly, and on the national interest. They would:

Raise his family's costs for clothing and home furnishings, and accelerate the nation's inflationary spiral;

Curtail U.S. exports of such products as automobiles, aircraft, machinery, electrical equipment and chemicals, as well as overseas sales of U.S. wheat, soybeans, feedgrains, rice, cotton, and tobacco;

Impair other U.S. trade negotiations and U.S. security interests;

Lead to a progressive cartelization of the U.S. market, inducing stultifying controls which would destroy the nation's economy and debilitate the free enterprise system.

QUOTAS WOULD SPUR INFLATION AND HURT THE CONSUMER

The issue of whether or not to impose further quotas on textile imports is directly related to the critical problem of combating U.S. inflation.

Quotas inevitably result in higher prices to consumers and a contraction of consumer choice, thus penalizing both those seeking bargains and those seeking variety and quality.

The choice facing President Nixon, according to columnist Roscoe Drummond in *The Washington Post*, is "whether to stand firmly behind his commitment to halt inflation or to compromise and yield to pressures to impose extensive import quotas which would raise prices and abet inflation."

The potential inflationary impact of textile quotas was viewed with particular concern by the National Retail Merchants Association, representing the country's leading department stores, before the Senate Finance Committee. The NRMA stated that "restrictions on textile and apparel imports would vastly accentuate an already evident inflationary trend in the price of apparel" and would "lead to inflated prices in a basic ingredient of every family budget." The effect on the American consumer, says the NRMA, would be "devastating."

It has been estimated that textile quota bills pending in the Congress would raise the budget cost of clothing for a family of four by \$25 to \$30 a year. It should be remembered that such goods are already subject to tariff duties, which, in the case of some clothing articles, now adds as much as forty per cent of their retail price.

U.S. INDUSTRIAL AND FARM PRODUCERS WOULD LOSE EXPORT SALES

U.S. consumers would not be the only ones to pay heavily for such textile quotas. They would also affect, in some cases severely, U.S. exports of industrial and farm products. By curtailing the amount of textiles which could be imported from Western Europe, the Far East and Latin America, additional quotas would in effect substantially reduce the ability of many nations to earn dollars with which to buy U.S. products.

Overseas sales of U.S. autos, aircraft, machinery, electrical apparatus and communications equipment, chemicals and scientific instruments—and many other products—are dependent on the ability of our foreign

customers to sell their products in the American market. Total U.S. exports are big business today, amounting to \$34 billion in 1968.

In terms of percentage of total production, exports of U.S. farm products are highest (and most vulnerable) of all. Over 50 per cent of the total U.S. wheat crop is sold abroad, as is nearly 50 per cent of our soybeans and rice, 33 per cent of corn and feedgrains, and 30 per cent of tobacco. U.S. farmers in every state stand to be particularly heavy losers if the U.S. cuts back textile imports, in part because numerous alternative sources exist for agricultural products.

Japan is not only the United States' biggest overseas customer in general, but also the biggest cash market in the world for U.S. farm products. In 1968, its purchases included \$218 million of U.S. soybeans, \$124 million of wheat, \$240 million of feedgrains, \$45 million of hides, \$110 million of cotton, \$46 million of tobacco, and over \$150 million of other farm products.

THE ROLE OF THE DEFENSE COMMUNITY IN THE NIXON ADMINISTRATION

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GUBSER. Mr. Speaker, those of us who have served in the House of Representatives with the present Secretary of Defense, the Honorable Melvin R. Laird, have always known him to be forthright, frank, and to be dedicated to a strong national defense.

Since assuming the important and strategic position of Secretary of Defense, Melvin Laird has continued to conduct himself as he did while a Member of this body. On April 17 Secretary Laird addressed the American Society of Newspaper Editors in a completely candid and straightforward fashion. Because his thoughts are important as an indication of the role the defense community will play in the Nixon administration, I believe they should be published in the *CONGRESSIONAL RECORD*. Accordingly, I submit Secretary Laird's speech made to the newspaper editors:

THE ROLE OF THE DEFENSE COMMUNITY IN THE NIXON ADMINISTRATION

I can think of no better forum for one of my first public appearances as Secretary of Defense than this one. What I would like to do is share with you some of the larger concerns that have occupied my attention in the 83 days since I became Secretary of Defense.

I have tried not to delude myself, and I'll try not to delude you, with preconceived notions about what is wrong with the Defense community and what we intend to do about it. There is perhaps enough criticism these days of the military and its role in our Nation's affairs. And my own criticism of the operations of the Defense Department was made clear during my 14 years as a Member of the Defense Appropriations Committee in the House of Representatives.

One object of the current criticism is the Department's credibility. I am fully aware of the special responsibility of those in this audience and others in the communications media to inform the people about what we in Defense are doing and to call us to account when we make mistakes. And I pledge to you the full co-operation of the Department in performing these duties. As long as I am Secretary of Defense there will be full and

free access to all information that can be made available without danger to the Nation's security. There will be no cover-up, no concealment, no distortion. We intend to put a lot of landfill in the Credibility Gap.

Another type of criticism that gives me concern is that directed at the military profession and at the character of the career military man. Some of the critics seem to be in search of a scapegoat. The frequently expressed concerns about the military-industrial complex raise some valid issues, but it is utter nonsense to question the motivation of our military leaders. Our military leaders are dedicated men of the highest competence whose purpose is peace.

In fact, the primary role of the Defense community, as I see it, is to contribute toward the restoration and preservation of peace by safeguarding the national security interests of the United States. This must be done in the most economical manner possible. I would like to tell you a little bit about how we are approaching our task.

Your own program today casts that task into perspective. At your sessions this morning you focused on the problems of violence in our society. This afternoon, you will address the issue of campus revolt. You have placed my luncheon address smack in the middle. I think the order of your agenda is significant because it illustrates what is becoming a fact of life. More and more, the question of national defense is caught in the middle of nationwide concern over domestic problems and crises.

In a word, our Nation's Defense community is bearing the brunt of public frustration over the war in Vietnam. In the wake of tragic casualty rates and military expenditures of almost \$30 billion a year on a war that has in the past shown no signs of ending, public debate has moved inevitably toward broader and more fundamental questions about our defense community.

We hear many questions raised, such as these:

Is the Defense community, in whole or in part, unnecessary and wasteful?

Has it become, in combination with the industry that it supports, a self-perpetuating or self-expanding colossus?

Has the Defense community become the master, rather than the servant, of national policy?

Does it rob the Nation of badly needed resources that could better be used to solve problems of health, education, housing, and welfare?

These are valid questions to which our Defense community should be continuously subjected under our democratic system. We recognize the need for providing convincing answers in what is said and what is done in the coming months. But in the search for these answers, we must do everything in our power to keep the debate on a responsible level and to prevent it from degenerating into emotional polemics that never yield sound solutions.

As Secretary of Defense, I welcome open and frank dialogue on all matters of great concern to the American people. I welcome particularly the great debate that is shaping up on the question of going forward with an Anti-Ballistic Missile System. But this specific issue can be properly evaluated only as part of a much more complex whole. Permit me, therefore, to place into perspective some of the factors that led to the Safeguard decision.

To do so, let me pose this very broad question: Is the Defense community, as presently constituted, fulfilling its proper role in support of the basic objectives of national policy?

To answer that question we must first define the objectives of national policy in an atmosphere of reality—of how things actually are in today's world. The objectives of national policy are both complementary and

competitive. That is why it is so vital that we set realistic priorities for allocating our scarce resources. It is relatively easy to define what we want to do. It is much more difficult to determine the relative emphasis to be placed on each particular goal. We cannot have our cake and eat it, too.

To restore and preserve peace is an overriding goal toward which we all strive. But the attainment of absolute peace, a world in harmony and totally free of friction has eluded mankind throughout recorded history. To use a homely analogy, we are striving to climb the ladder of peace.

Our goal is the top of the ladder, a world in harmony and free of friction. The bottom rung, or the first step, is an absence of nuclear war. In between, are the various steps of relative peace that can and have existed in our turbulent world: no armed conflicts between major powers; no armed conflicts involving any major powers; and close to the top of the ladder, no armed conflicts of any kind.

Obviously, we are only part way up that ladder. Equally obviously, the climb that lies ahead is a very difficult one.

While we continue to struggle toward perfect peace, we cannot neglect our urgent domestic goals. It should be clear, however, that we need more peace than we now have if we are to accomplish our domestic goals, and at least some peace if we are to make any progress toward those goals.

In establishing realistic priorities, therefore, we must allocate our resources in accord with our position on the ladder of peace. Domestic progress would be rendered meaningless if we fell off into a nuclear war. And the harsh fact is that it is possible to fall off the ladder from any height. We must not become less cautious as we approach the top simply because we have grown tired. That is only common sense whether you are building a house or building peace.

Under the conditions facing us here and now, we can pursue peace in two ways: through credible deterrence and through effective international agreements.

Beginning with his acceptance speech in Miami last July, President Nixon has made very clear his intention and determination to pursue peace through negotiation. This Administration wishes to put the era of confrontation firmly behind us. Since January 20th, President Nixon and other spokesmen of this Administration have underscored this objective with their every action and word. The President has made it equally clear that until his efforts bear fruit, we must maintain a credible deterrent.

The specific role of the Department of Defense is to ensure the safety and security of the American people beyond any reasonable doubt. In the absence of comprehensive and enforceable international agreements, maintenance of a credible deterrent is the only effective way to do so. By striving to maintain that credible deterrent, the Defense community is advancing, not retarding, the cause of peace. Our deterrent forces, built at great expense, continue to prevent nuclear war and direct armed conflict with another major power, as they have for more than two decades.

Clearly, it would be highly desirable to scale the ladder of peace in close cooperation with those who now threaten us.

Nothing would please me more as Secretary of Defense than to preside over a diminution of arms as a result of successful arms limitation talks. But until that success is realized, it is my responsibility as Secretary of Defense to ensure that we maintain a credible deterrent and an adequate defense posture.

Against that backdrop, let me come back to the decision made to move ahead with the Safeguard ABM system and show how that decision relates to the pursuit of peace.

I think it is important to recognize that

the previous Administration also believed it was necessary to deploy an ABM system. Based on a thorough review of the latest intelligence data and a rethinking of the strategic problem, this administration believes it is necessary to reorient the ABM system of the previous Administration and to put it on a carefully time-phased basis. It has been modified to emphasize its clearly defensive purpose. The careful phasing of the construction program means that the Nixon Administration can reduce the FY 1970 ABM request of the Johnson Administration by \$1 billion.

The Safeguard system is designed so that it will in no way impede a strategic arms agreement. In fact, it will provide an added incentive for arms limitation talks with the Soviet Union. It will do so by showing the Soviets that we mean business in protecting our deterrent forces—in demonstrating to adversaries that they cannot achieve the capability for an effective, low-risk, first-strike against the United States.

There is no doubt about the credibility of our deterrent today. And there should be no mistake about this. We have sufficient strength today in the combination of our strategic forces—our missiles, our bombers, and our polaris capability—to respond to any attack that might be launched against the United States.

However, the potential threat from the Soviet Union lies in the fact that it is building at a rapid rate the kinds of weapons that could be used to erode our deterrent. From the Red Chinese, a potential threat lies in their growing capability to build a small ICBM capacity against our cities.

Hence, a major feature of the Safeguard system is that it provides options for preserving the credibility of our deterrent forces and defending our population against small or accidental attacks. We hope that these options will not have to be exercised. But as Secretary of Defense, it is my responsibility to see that the President has them available.

Our decision to recommend a phased measured deployment demonstrates by action our strong desire to avoid further arms escalation. If the Soviet Union continues the rapid buildup of weapons that threatens to erode our deterrent capability, the Safeguard program puts us in a position to counter the threat step by step. If, on the other hand, the Soviet buildup slows down or is modified because of successful arms talks or for other reasons, the Safeguard deployment can be modified accordingly. In other words, except for work on the two initial sites in North Dakota and Montana, our proposed plan for Safeguard permits us to respond to the Soviet threat, not as we project it now, but as it develops in the months and years ahead.

If the Red Chinese ICBM threat materializes, we will have similar options to protect our people without deploying ABM's around our major cities during the decade of the 1970's.

I believe, therefore, that prompt Congressional approval of the flexible Safeguard missile defense would help the President greatly in two of his most crucial and immediate international responsibilities:

"Meaningful arms-limitation talks and the continuing protection of the invulnerability of the strategic deterrent forces by which we prevent nuclear war."

In closing, I should like to say a word about the general approach of the Nixon Administration in these early months. Some impatience has been evidenced by those who feel that the Administration is not moving fast enough in tackling domestic problems, in ending the war in Vietnam, or in eliminating the waste that exists within and outside the Defense community.

The evidence of this impatience reminds me of a story that gained some currency during the course of the 89th Congress when so

much legislation was hastily enacted. It concerned a commercial airliner on a trans-continental flight. The plane ran into heavy, foggy weather—so bad, in fact, that the passengers couldn't see the wing-tips from the cabin windows. Interrupting the passengers' silent concern came the pilot's voice over the loudspeaker: "Ladies and Gentlemen," he said, "I know you're concerned about the weather conditions, and I would like to report two things to you. One represents good news and the other represents bad news. I will give you the bad news first. We're lost. The good news is that we're making record time."

That story illustrates what we are trying to avoid in the Nixon Administration. Activity is easy to generate but it is not an end in itself. What we are attempting to do, in Defense and throughout the government, is to find better ways for Americans to do things. This entails not only clarifying and in some cases redefining our goals. It also involves restructuring, consolidating, and reordering the vast governmental entities that exist in order to do a better job in a more orderly and less expensive way.

I can best illustrate the problem and the need for prudent activity by coming back to my responsibilities as Secretary of Defense. As I said earlier, what we wish to accomplish is relatively easy to state. But organizing the resources to do it is enormously more difficult.

Time is needed because such questions as the following have to be answered before basic changes, if required, are made:

Is the Defense community, as presently constituted, adequately performing its primary mission?

Could its mission be performed more efficiently and at less cost?

Are the military force structures as they now exist and as we currently project them excessive or inadequate when measured against national security requirements?

Does our recent experience support the organizational decisions of the past?

Are the defense agencies performing their intended function and does experience justify their current position in the organization?

Is our research and development organized in the best manner possible for achieving its objectives?

I could go on, of course, and point out that we also need fresh perspectives on whether the Department has an excess of personnel performing in some cases unnecessary jobs; or whether there is duplication of effort within the Department; or whether the Department is maintaining proper communications and coordination with other government departments.

These are all questions that have concerned me greatly in these first 88 days. They are complex, difficult and not susceptible to easy or quick answers. Some work has already been done to obtain answers and other work is currently in progress. In my Defense report to the House and Senate Armed Services Committees, I identified some of the more glaring problems we uncovered in our initial review and some of the actions we have already taken to correct those problems.

We reduced the FY 1970 Johnson-Clifford budget by more than \$3 billion in obligational authority and more than \$1 billion in outlays.

We found almost \$2 billion in cost overruns which had not been funded and some programs which were not proving out.

In some cases, such as the FB-111, we have already taken action to stop any further procurement. In others, like the Army Tank Program and a helicopter contract, we are taking a hard look to determine what action is appropriate.

I am confident that additional savings in the FY 1970 Defense budget can and will be found as we continue our internal review.

But a much more comprehensive review than has been attempted in the past 88 days is clearly needed. During the past decade no independent, over-all review of the Defense Department has been undertaken. In that period of time, our needs and our requirements have undergone some changes, and we have gained additional experience with the organization as it now exists.

Prior to my becoming Secretary of Defense, I urged creation of a Blue Ribbon Panel to conduct a thorough, independent and objective study of the Defense community. After twelve weeks of exposure to this vast enterprise from the inside, I am even more convinced that such a Panel would serve a very useful purpose in helping not only to improve the structure and the operations of the Defense community but also to restore the Department's credibility.

Accordingly, I intend to announce within a very short period of time the formation of such a Panel to undertake a complete and objective analysis of the Defense Department, from its mission to its performance.

The task that lies ahead is enormous, not only for the Defense community and the Nixon Administration but also for the American people. Our goal is peace and our responsibility is to ensure that our efforts are all designed to advance the cause of peace.

Thank you very much.

BIAS IS CHARGED IN CIVIL SERVICE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. CLAY. Mr. Speaker, I have stressed the urgency of equal employment opportunities in this Nation—and I shall continue to do so. Several of my colleagues in the House and in the Senate have emphasized their concern that this Nation pursue equal opportunity in employment without delay—whether within or outside the Government.

Our apprehension toward the administration's view of equal employment policy is well-documented. The causes for our apprehension are also documented.

The St. Louis Sentinel carries a story which further points up the need for diligence on the part of all those who share this commitment to equal employment opportunity. I commend to the attention of my colleagues this account of discriminatory practices within the U.S. Civil Service Commission:

[From the St. Louis Sentinel, Apr. 19, 1969]

BIAS IS CHARGED IN CIVIL SERVICE

(By Ethel L. Payne)

WASHINGTON.—Clifford L. Alexander Jr., outgoing chairman of the Equal Employment Opportunity Commission, charged the U.S. Civil Service Commission with gross discriminatory practices within its own agency and called for taking away its equal employment responsibility and placing it in EEOC. At present, the Commission is empowered to deal only with discrimination in the private sector of employment.

Alexander made his remarks at the Eighth Annual Business Week Luncheon of Alpha Gamma chapter of the Iota Phi Lambda sorority last Saturday in the Hotel America honoring Mrs. Ruby C. Martin, former director of the Office of Civil Rights in the Department of Health, Education and Welfare, and Mrs. Etta Horn, chairman of the City-Wide Welfare Alliance.

Under Sec. 103 of Executive Order 1142, issued in 1965, the Civil Service Commission has the duty to supervise equal employment opportunity within the federal government. Recently, President Nixon issued a new directive to heads of all agencies re-emphasizing his desire for carrying out the policy of equal opportunity.

Significantly, he did not make any reference to private industry or the work of EEOC. There are 2,800,000 employees under Federal Civil Service.

THE FIGURES

In the Civil Service Agency headquarters, Alexander cited these figures:

GS-18-6 (no blacks).

GS-17-8 (no blacks).

GS-16-29 (no blacks).

This means that of the 43 super grades in the agency there are no blacks or other minorities. In GS 15 of 115 employees, four are blacks. The responsibility for carrying out the provisions of the executive order for the entire Federal Government lies with one GS-15 who has a staff of one. Alexander said the Commission is giving only the barest token attention to the problem. This can be changed by executive order.

"I am in favor of administrative neatness in equal employment," said Alexander.

In contrast to the poor record of the Civil Service Commission, Alexander said his agency, EEOC, has one GS-17 black of two in this category; GS-16-7 blacks and GS-15 of 26, eight are blacks.

"Of course, we are a much smaller agency than the Civil Service Commission," said Alexander, "but this is all the more reason why the Commission which has the responsibility for supervising fair employment ought to set the best example."

POLITICAL CLEARINGHOUSE

Alexander charged that the Civil Service Commission has become a political clearing house for the Nixon Administration to reward friends, and said that either it should set absolute standards to apply fairly to blacks, Spanish sur-named people, Orientals and women or else get out of the business. He said that he had personally sent over the resumes of four blacks in career status who are qualified for promotion to GS-17 four months ago, and these have been languishing on the desk ever since.

Alexander criticized testing methods as devised by the bureaucrats in the Civil Service Commission as grossly unfair to minorities. They are geared entirely to paper qualifications with emphasis on college education.

KENT COUNTY, MD., GI KILLED IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Carl J. Crew, an outstanding young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

KENT COUNTY GI KILLED IN ACTION: CARL J. CREW HAD EARNED PURPLE HEART IN VIETNAM

A Kent county soldier who previously had been wounded was killed in Vietnam March 21, the Defense Department announced yesterday.

He was identified as Spec. 4 Carl J. Crew, 2b, of Betterton, Md. He was killed in action near Chu Lai, where he was serving with the American Division as an infantryman.

Specialist Crew had been making plans for his return to Betterton next August when he was killed, his mother said yesterday.

PLANNED WEDDING

Mrs. Lawrence J. Crew said her son had promised to marry Caroline V. Graber, of Catonsville, "just as soon as he got home."

"He was very happy and looking forward to his return," she said.

Although born in Brooklyn, N.Y., Mr. Crew spent nearly all his life in Betterton where he roamed the neighboring hills and shore line hunting deer, ducks and geese.

A 1967 graduate of the nearby Galena High School, he had previously attended Chestertown High School.

WAS MEAT CUTTER

After graduation, Mr. Crew was employed as a meat cutter in an A. & P. supermarket in Charlestown and belonged to the local Meat Cutters Union there.

Drafted in December, 1967, he had been in Vietnam for the past 10 months. He had been awarded the Purple Heart after being slightly wounded in the face and legs.

Besides his mother and father, Mr. Crew is survived by two brothers, Lawrence D. Crew, Jr., and Stephen J. Crew; a sister, Mildred Crew; and his paternal grandmother, Mrs. Frances Crew, all of Betterton; and his maternal grandfather, Carl Wesch, of Smyrna, Del.

THE 1970 CENSUS

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RUMSFELD. Mr. Speaker, many questions about the 1970 census have been raised recently by Members of Congress, the press, and the public. The legislative proposals relating to the subject which are currently being considered in the Congress have added to the distinction. On Thursday, April 17, I received from Secretary of Commerce Maurice Stans a letter outlining some immediate changes in the census procedure which he has ordered, as well as additional revisions which will be implemented after the 1970 census. The letter includes a discussion of some of the most frequently asked questions about the 1970 census and an attached statement described the purposes and uses of the 1970 census information. Because the communication from Secretary Stans is particularly helpful in clarifying the intentions of the administration with regard to the census and the needs for the basic statistical information it provides, I include it in the RECORD at this time:

THE SECRETARY OF COMMERCE,

Washington, D.C., April 17, 1969.

HON. DONALD RUMSFELD,
House of Representatives,
Washington, D.C.

DEAR DON: I have recently received from various Members of Congress a number of questions about the 1970 Decennial Census. I am sure that you have been receiving similar inquiries from your constituents.

The main purpose of this letter is to advise you of some immediate changes in census procedure which I have ordered. These changes include a substantial reduction in the number of individuals who will be asked to respond to the longer census forms. Approximately three million households previously designated to receive a 66-question form will now receive a questionnaire containing only 23 questions.

Questions relating to the adequacy of kitchen and bathroom facilities have been reworded to remove any implication that the

government is interested in knowing with whom these facilities may be shared.

The Secretary of Commerce is exercising greater supervision over the general operations of the Bureau of the Census and independent experts have been retained to advise on census matters.

The questionnaire which will be mailed to households in 1970 will be accompanied by a cover letter explaining the great need for census data and emphasizing the confidentiality of all responses.

In addition to these changes, which are being implemented immediately, these further steps will be implemented after the 1970 census: (1) proposed questions will be submitted to the appropriate Committees of Congress two years in advance of future censuses; (2) an increased number of representatives of the general public will be appointed to various advisory committees which contribute to the formulation of census questions; and (3) a blue-ribbon Commission will be appointed to fully examine a number of important questions regarding the Census Bureau, including whether or not the decennial census can be conducted on a voluntary or a partially voluntary basis. The Commission would also examine and offer proposals for modernizing and improving the operations of the Census Bureau.

Because the 10-year lapse of time between decennial censuses can result in unfamiliarity regarding their nature and purpose, I felt it might be helpful to provide you with some basic data and information concerning the questions to be asked in 1970, the scope of the data sought, and the uses to which the results are put.

Some of the most frequently asked questions, along with my answers, follow:

1. Question. *Is the 1970 census more extensive than previous censuses?*

Answer. No. The number of questions to be asked in 1970 is about the same as in 1960, less than in 1950 and 1940, and far less than in some earlier censuses. Of the average household heads to be queried in 1970, four of five will answer 23 questions, three of twenty will answer 66 questions, and only one of twenty will answer 73 questions. Under certain unusual circumstances, some household heads will be asked to answer 89 questions.

2. Question. *Will the citizen's right of privacy be protected in the 1970 census?*

Answer. Yes. Whatever a respondent reports remains strictly confidential under the law. Every employee of the Census Bureau takes an oath of confidentiality and is subject to severe penalties for violation of the oath. In the long history of the census, there has never been a violation of the confidentiality of the information given.

3. Question. *Would the 1970 census yield adequate results if the response were voluntary rather than mandatory?*

Answer. Voluntary response at its best falls far short of response to a mandatory inquiry. Since the first Decennial Census in 1790, response has been mandatory. It is so in every other country of the world where a census is conducted. Professional statisticians will testify that a voluntary census would be unreliable and practically useless. A voluntary procedure would yield distorted and deficient statistics for whole groups of people and for entire areas. This procedure would very likely be especially prejudicial to low-income groups.

4. Question. *Who uses the census results?*

Answer. Census data are used by every Federal government department, State and local governments, and the private sector. Many laws depend upon accurate census reports. Questions such as those on housing are specifically required by statute. Government programs on poverty, housing, education, welfare, agriculture, transportation, veterans, and senior citizens require and rely upon the census tabulations. Many of

the decisions of the Congress would be almost impossible in the absence of reliable census data.

These questions are illustrative of those which have been asked in recent weeks. The answers are necessarily brief. Enclosed is a memorandum which explains in more detail the purposes and uses of census information. If you have questions concerning the 1970 census, we would be pleased to discuss them with you at your convenience.

Sincerely,

MAURICE STANS,
Secretary of Commerce.

PURPOSES AND USES OF 1970 CENSUS INFORMATION

1. NAME, SEX, RACE, DATE OF BIRTH, AND MARITAL STATUS

Questions 1 through 12 are designed to identify household occupants by name, relationship to head of household, sex, race, age and marital status. These questions will be asked of 100 per cent of the population.

2. THE HOUSING QUESTIONS

The Census of Housing, required by act of Congress in 1940 (13 U.S.C. 141), contains thirty five (35) questions regarding the adequacy of housing facilities. Fifteen questions will be asked of 100 per cent of the population; five will be asked of 20 per cent; five will be asked of 15 per cent; and ten will be asked of 5 per cent. Some sample questions and comment on their uses follow:

Kitchen and bathroom

Question H-3 (100 per cent): Do you have complete kitchen facilities?

- Yes, for this household only.
- Yes, but also used by another household.
- No complete kitchen facilities for this household.

Question H-7 (100 per cent): Do you have bathtub or shower?

- Yes, for this household only.
- Yes, but also used by another household.
- No bathtub or shower.

Comment: The absence of a kitchen and/or a bathroom for the exclusive use of the household is a major indicator of urban blight and slum conditions. This information is needed by HEW, HUD and other Federal, State and local agencies.

Value of property

Question H-11 (100 per cent): If you live in a 1-family house which you own or are buying—

What is the value of this property that is, how much do you think this property (house and lot) would sell for if it were for sale?

Comment: Section 301 of the Housing Act of 1948 (12 U.S.C. 1701e(b)) directs the Secretary of HUD to prepare and submit to the President and Congress estimates of national urban and rural non-farm housing needs. The requirements of various public laws make it necessary to determine the value of property and, as an alternate, the rent paid for rented units.

Housing equipment

Question H-22 (15 per cent): Do you have air-conditioning?

- Question H-27 (5 per cent):
- a. Do you have a clothes washing machine?
- b. Do you have a clothes dryer?
- c. Do you have a dishwasher?
- d. Do you have a home food freezer which is separate from your refrigerator?

Question H-29 (5 per cent): Do you have a battery-operated radio?

Comment: When the Congress provided for the Census of Housing, it included the words "housing (including utilities and equipment)." The presence of certain household equipment provides a measure of adequacy of housing and of levels of living. The items included above are those which have particular effects on the needs for power, water and

waste disposal, and related services. The question concerning radio is related to the need for communication in case of emergencies or power blackouts.

3. PLACE OF ORIGIN AND MIGRATION

Questions 13 through 19 are concerned with identifying the country of origin, languages spoken, and patterns of housing mobility. These questions will be asked of 15 per cent of the population. Some sample questions and explanatory comments follow:

Birthplace of parents

Question 14 (15 per cent): What country was his father born in?

Question 15 (15 per cent): What country was his mother born in?

Comment: These questions, along with that regarding the birthplace of the individual, serve to identify those groups known as Puerto Ricans, Mexican-Americans, and Cubans. The census is the *only* source of information concerning the numbers, distribution, and characteristics of these groups. This information is of importance to the Immigration and Naturalization Service, the Congress, HEW, and to other Federal and State agencies.

Residence 5 years ago

Question 19 (15 per cent):

- a. Did he live in this house on April 1, 1965?
- b. (If no) Where did he live on April 1, 1965?

Comment: The Departments most needing this information are Agriculture, HEW, Labor, Commerce, and HUD. This information is also of importance to the Council on Urban Affairs, which has established a subcommittee to consider the problems relating to internal migration.

4. EDUCATION

Questions 20, 21 and 22 deal with the number of years of school attended. They are designed to reveal the educational level of individual citizens, and they will be asked of 20 per cent of the population.

5. MARRIAGES AND BABIES BORN

Questions 24 and 25 request information concerning marriages and the number of babies born. They will be asked of 5 and 20 per cent of the population, respectively. The purpose of these questions is to provide information needed in the preparation of estimates of the future growth of the population. All agencies of Government are concerned with such estimates, and with information on the rates of growth of the white and non-white populations. Agencies such as HEW and HUD which are concerned with family welfare and the care of dependent children need this information in implementing their programs.

6. MILITARY SERVICE

Question 26 asks whether male respondents have served in the military and, if so, during what period. This question is asked of 15 per cent of the male population. This information is needed by the Veterans Administration and other Government agencies.

7. EMPLOYMENT AND OCCUPATION

Questions 27 through 39 are concerned with employment history and status, amount of time worked, occupation, and related facts. These questions will be asked of 20 per cent of the population. Examples follow:

Did you work any time last week?

Question 29 (20 per cent):

- a. Did this person work at any time last week?
- b. How many hours did he work last week (at all jobs)?

Comment: The Manpower Development and Training Act of 1962 necessitates that the Department of Labor have census data on employment, unemployment, and occu-

pation. Census data on unemployment are used to establish the eligibility of communities applying for assistance under the Public Works and Economic Development Act of 1965 and for a wide variety of other programs.

Place of work

Question 29-c (20 per cent): Where did he work last week?

Comment: The Department of Transportation and HUD are concerned with major transportation and traffic problems associated with trips from home to place of work. This question provides data necessitated under the Highway Act of 1965 and also provides estimates of daytime population needed by the Office of Civil Defense.

S. INCOME

Questions 40 and 41 request information concerning income from all sources, including employment, welfare, veterans' benefits, etc. These questions will be asked of 20 per cent of the population. Income data are needed by a number of Government agencies and for a variety of Federal programs. For example, income data are needed to implement the Elementary and Secondary Education Act of 1965, and also for allocation of funds under the Manpower Development and Training Act of 1962. The Appalachian Regional Development Act necessitates information on per capita income. The Department of Agriculture needs this data for its food distribution programs, including the school lunch program.

THE ALEXANDER AFFAIR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MOORHEAD. Mr. Speaker, civil rights leaders and leading newspaper editorials are expressing deep concern over the Republican attack upon Clifford L. Alexander, Jr., Chairman of the Equal Employment Opportunity Commission, and the abrupt announcement from the White House that he would be removed as Chairman immediately following the attack.

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, had this to say:

A case of anti-Negro racial policy with a minimum amount of fuzziness has arisen in the Nixon Administration with the resignation of Clifford L. Alexander, Jr., as chairman of the Equal Employment Opportunity Commission.

No matter how much gloss is applied, Negro citizens and their allies will remember that Republican Senate Leader Everett M. Dirksen of Illinois publicly rebuked Alexander for allegedly "harrasing" businessmen to secure conformity with the 1964 Act outlawing discrimination in employment and threatened to get him fired.

The very next day the Republican White House announced that Alexander would be replaced as chairman.

This adds up to a Republican attack on Alexander only incidentally, but principally upon government action to curb racial discrimination in employment.

Whitney Young, executive director of the National Urban League stated:

I deplore the controversial events leading up to the resignation of Clifford Alexander as Chairman of the EEOC, and the implication of intimidation it carries.

In a reference to Minority Leader DIRKSEN's threat to get Mr. Alexander fired for what DIRKSEN termed "harassment" of business, Mr. Young expressed special concern about charges "that requiring employers to comply with the law constitutes harassment. I am far more concerned," he continued, "with the harassment so many black workers face, in the form of illegal discrimination in hiring, payment and promotion."

Following is a sample of the editorial comment around the country, which I respectfully call to the attention of my colleagues at this point in the RECORD:

[From the Washington Post, Apr. 6, 1969]

SENATOR DIRKSEN AND THE FACTS

(By Edward P. Morgan)

As happens too often, the thunder of self-righteous outrage on Capitol Hill has again rolled into the headlines, leaving the rain of relevant facts on a controversial situation—the disgraceful imbalance of job opportunities, in this case—to fall unnoticed behind the noise.

Ten days ago, that political thespian from Pekin, Ill., Senate Minority Leader Everett McKinley Dirksen, made the front pages and the network newscasts from coast to coast when in his best Wurlitzer bass he bellowed his defense of business against the noisiness of Federal bureaucrats prying into their hiring practices. "... This punitive harassment ... is going to stop ...," Dirksen intoned, "or I'm going to the highest authority in this Government to get somebody fired."

The very next day, the White House obliged Dirksen by announcing that the target of his wrath, Clifford L. Alexander Jr., would be replaced as chairman of the Equal Employment Opportunities Commission (EEOC). Speculation persists that President Nixon had been planning to name William H. Brown III, a Philadelphia lawyer, to succeed Alexander anyway. Brown is a Republican. Alexander is a Democrat, a holdover from the Johnson Administration who, in any case, plans to remain on the Commission until this term expires in 1972. Both are Negroes. But the timing of the White House announcement, inevitably giving stature to Dirksen's dubious influence, only feeds growing doubts and fears about the Nixon Administration's "commitment" to seek equal justice and opportunity for black Americans and other ethnic minorities.

Sen. Dirksen's charge of harassment would be hilarious if it did not hide downright hypocrisy followed not only by business (and labor unions) but by government itself in employment policies. Picture the spectacle of Chairman Alexander, a mild-mannered, soft-spoken, young, handsome attorney out of Harlem by way of Harvard, ruthlessly badgering the moguls of banks, insurance companies, broadcasting networks and the movie and aerospace industries in public hearings in Los Angeles in mid-March on ethnic hiring practices. Thanks to the emasculatory decisions of Congress, the EEOC has no "teeth," not even the authority to issue cease-and-desist orders against companies violating the equal opportunity provisions of civil rights laws.

The EEOC can only recommend. So outrageous did the hearings reveal the movie industry's barriers against blacks to be (abetted by the rigidly segregationist policies of craft unions involved), that the Commission urged the Justice Department, not once but three times, to file a charge of "pattern or practice of discrimination" against the entire motion picture industry, companies and unions alike. At last reports Attorney General Mitchell's shop had not even acknowledged the Commission's requests and Mitchell himself had not found the time to sit down and discuss common

responsibilities and problems of the Department and the Commission in civil rights, as Alexander had suggested in a letter to him nearly three months ago.

Ironically, Dirksen's volcanic temper at Sen. Edward Kennedy's hearings on Federal racial policies obscured such disturbing facts as these in Alexander's testimony:

On the average, a black college graduate earns \$1040 less than a white who never attended college.

In California alone, college enrollment includes 38,000 Mexican-Americans and 30,000 Negroes who will soon be in the "educated" job market.

Yet in the movie industry, "Mexican-Americans and blacks were almost completely excluded from craft jobs by a collusive system involving the producers and many craft unions."

In aerospace, minorities were almost invariably lumped at the bottom of the job ladder though many had education or training superior to whites in higher positions.

In three big Southern textile firms recently awarded contracts by the Pentagon, one of every 16 whites is an official or manager compared to one out of 1000 blacks.

One plant refused to hire a black woman because she had children out of wedlock though the company admitted hiring white unwed mothers.

"Discrimination," Alexander testified, "costs billions of dollars annually in unrealized productivity." He called the facts and figures "appalling." They are hardly more appalling than the sanctimonious fury by which Senator Dirksen is allowed to cloud the realities in this disgraceful picture. The picture won't be improved unless and until the Nixon Administration puts action where its promises are.

[From the Washington Post, Apr. 4, 1969]

HANDLING OF ALEXANDER AFFAIR NO WAY TO WIN BLACK GOODWILL

(By William Raspberry)

President Nixon, painfully aware of how little they trust him, has been working since he assumed office to build a fund of goodwill among Negro Americans.

That fund may be approaching bankruptcy now, thanks to the Administration's incredible bungling of the Clifford Alexander affair.

Alexander is the bright, aggressive young New Yorker named by President Johnson to head the Federal Equal Employment Opportunity Commission. He took seriously his task of seeing to it that private employers doing business with the Government provided equal opportunity to Negroes and other minorities.

So strong was Alexander's insistence on more than empty statements of good intentions that Sen. Everett M. Dirksen (R-Ill.) saw it as "harassment."

The Senate minority leader became so incensed, in fact, that he dropped completely the carefully cultivated mask of the benign old codger and turned tiger.

Either the "harassment" would come to a screeching halt, said Dirksen, or "I'm going to the highest authority in this Government to get somebody fired."

The echoes of the Dirksen blast hadn't died when the White House—"the highest authority in this Government"—let it be known that Alexander would be replaced as EEOC chairman.

There were explanations, of course. It is customary, said the White House spokesman, for new Presidents to name their own chairmen of administrative agencies. Alexander, who pointedly defied tradition by declining to submit his resignation when the new Administration took over, would have been replaced in any case, the explanation went.

Certainly, we were not to believe that there was any "direct connection" between Dirksen promise and White House delivery. Besides,

Alexander would be staying on as a member of the Commission; he would simply no longer be its chairman.

The explanation may have been totally true. But timing rendered it irrelevant. President Nixon had had more than two months to name his own chairman if he had wanted to. To reveal his intention to do so a day after Dirksen's threat suggests that more than tradition was involved.

Alexander had been too diligent as director of the Government's campaign against racial bias, and he had drawn blood. Big businessmen who were happy enough to issue the appropriate policy statements apparently wanted no part of real fair employment. They turned to Dirksen for help, and they got it.

There may be some consolation in the official hint that Alexander will be replaced by another Negro, but not much.

Considering the circumstances of Alexander's demotion, any new chairman would have to assume that he would take over with the understanding that he would not annoy Dirksen's friend. In other words, make the Administration look good to black folks, but don't rock any boats.

It is possible, of course, to assume that since Mr. Nixon would have replaced Alexander in any case, the Dirksen blast was nothing more than an unfortunate coincidence.

This would have been easier to believe except for the letter from Mr. Nixon read at the time of the Alexander announcement:

"I want to emphasize my own official and personal endorsement of a strong policy of equal employment opportunity within the Federal Government. I am determined that the executive branch of the Government lead the way as an equal opportunity employer."

Beautiful. But Alexander didn't incur Dirksen's wrath through his efforts at fair employment "within the Federal Government." Dirksen was angry over Alexander's treatment of private employers. And these weren't mentioned in the letter.

The omission, added to the recent actions of the Pentagon and the Department of Transportation to soften the impact on Federal contractors of fair-hiring standards, suggests that the Administration's commitment to equal opportunity in private industry may be less than total.

There may be comfort for Alexander in the knowledge that he lost his job by dint of doing it too well.

[From the Washington Evening Star, Apr. 9, 1969]

RIGHTS RX: A LITTLE LESS OF DIRKSEN (By Carl T. Rowan)

It was a young Negro official whom Sen. Everett Dirksen, R. Ill., recently threatened to have fired if the official did not stop "harassing" employers believed guilty of job discrimination.

But it is Dirksen's fellow Republicans in the Justice Department who seem to be quaking under their beds.

Clifford L. Alexander Jr., chairman of the Equal Employment Opportunity Commission (EEOC), was the direct target of Dirksen's threat to "go to the highest authority in this government and get somebody fired."

But Alexander goes dutifully about his job of building his own fire under those firms and unions whose age-old policies of job discrimination are largely responsible for the racial conflict and sickness that bedevil this society.

Even though the White House rather foolishly followed up Dirksen's absurd threat by announcing that President Nixon probably will name someone else to replace Alexander as chairman, the young lawyer is pressing ahead more vigorously than ever.

But not so Jerris Leonard, head of the Justice Department's Civil Rights Division and the new chief enforcer of the nation's civil rights laws.

Alexander's commission has been trying for two weeks to get the Justice Department to consider court action against the motion picture industry. Leonard's office hasn't even bothered to return the telephone calls, let alone weigh the evidence of blatant discrimination that EEOC compiled during recent hearings on the West Coast.

In hearings on March 13, EEOC came up with findings like this:

Walt Disney productions has 238 officials and managers, but not a black American among them. Among this company's 900-odd white-collar employees, there are nine Negroes.

Warner Brothers-Seven Arts has 184 technicians, one of whom is black, and 250 office and clerical workers, only seven of whom are Negroes.

Universal City Studios has three blacks among its 361 officials and managers.

Twentieth Century-Fox reports that of 174 technicians, it has no blacks; of 433 office and clerical employees, only seven Negroes; and of 695 professional employees, nine blacks.

The International Association of Theatrical and Stage Employees reported some 4,000 union members, eight of whom are black. It has 50 illustrators and artists, not one of whom is a Negro.

The commissioners found a comparable situation with regard to Americans with Spanish surnames.

Considering this and much more information, Alexander and the other commissioners concluded immediately that there was "clear evidence of a pattern or practice of discrimination" and they voted to begin talks with Justice Department officials about taking legal action to halt the discrimination.

EEOC wants Justice to move in federal court against the Association of Motion Picture and TV Producers, against certain motion picture production companies, and several of the craft unions, including the Motion Picture Machine Operators of the U.S. and Canada.

Legal action is possible in part because Dirksen, the man who thinks Alexander and the other commissioners are working too zealously, helped to enact the Civil Rights Act of 1964. Title VII of that law empowers the attorney general to file suit in a federal district court, and seek an injunction, restraining order, or whatever is proper relief whenever he has "reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment" of the rights to employment secured by the civil rights law.

This provision of the law was used in 43 instances under the Johnson administration. It has yet to be used by the Nixon administration.

To not have passed the Civil Rights Act of 1964 would have been a small tragedy, for lack of economic security among America's minority groups lies at the heart of the woes of most every major city in the nation.

But to pass the law and refuse to enforce it, because Dirksen or someone else is loathe to "harass" men who coughed up big for the GOP's campaign coffers, is to invite calamity. For the violence that has plagued us these last few years is a direct result of the despair and hopelessness of people who are losing faith in the law.

What this country needs is a little less of Dirksen and a lot more of the Cliff Alexanders who have the guts to tell the unpalatable truth about what is wrong and what must be done to right things.

[From the Louisville (Ky.) Times, Apr. 2, 1969]

A CLOWN WHOSE MAKEUP SLIPPED

Everett McKinley Dirksen frequently is a funny fellow—we assume intentionally, although we are not sure. His flamboyant buffoonery, whether or not it is meant to

be that, has provoked many smiles over the years. But behind the clown makeup is a powerful politician who isn't at all funny. The Republican senator from Illinois showed himself at his unfunniest the other day during a Senate committee hearing on fair employment practices.

Racial discrimination in employment is barred by federal law. The Equal Employment Opportunity Commission has been set up to help enforce it. During the committee meeting, Dirksen, charging the commission had harassed businessmen, threatened to "get somebody fired." The implication was that the man to be fired was EEOC's chairman, Clifford L. Alexander Jr., who at the moment was testifying before the committee.

Is EEOC harassing business? Or is it only trying to do the job assigned to it by Congress? If there is evidence of genuine harassment, let Dirksen bring it forth. If Alexander or anyone else has acted improperly, according to the judgment of unbiased judges, then disciplinary action can be taken. But Dirksen has offered no evidence. He has only issued a threat to use his personal influence to fire a man who has not been found guilty of anything. And he has had the arrogance to make his threat publicly.

This kind of intimidation seems to us intolerable. But President Nixon tolerates it. In fact, by his actions the president appears to encourage it—or bow to it. The White House has announced that Alexander will be replaced as head of EEOC although he may remain on the commission.

It is true, as the White House spokesman said, that it is customary for new presidents to name new heads of administrative agencies. It may be true, as the same spokesman said, that there was "no direct connection" between Dirksen's threat and Nixon's decision to replace Alexander. But the timing is provocative and tends to reinforce the opinions of those who feel Dirksen successfully has intimidated someone—and that maybe the someone was Nixon.

[From the Louisville (Ky.) Courier-Journal, Mar. 31, 1969]

SENATOR DIRKSEN'S ODD DEFINITION OF HARASSMENT

They make a fine team, Senators Dirksen and Thurmond. They teamed up at a hearing in Washington the other day to browbeat the man charged with enforcing the law against racial discrimination in employment. Senator Dirksen went so far as to threaten to get the official fired if he didn't let up on the discriminators.

Clifford L. Alexander, Jr., a Negro and chairman of the Equal Employment Opportunity Commission, was the object of Mr. Dirksen's wrath. Senator Dirksen's threat against Mr. Alexander drew a rebuke from Senator Edward Kennedy, who told Alexander: "Those who threaten you . . . will find they'll have just as much trouble getting rid of you as they would anybody else who's doing his job."

TEXTILE CONTRACTS AT ISSUE

Mr. Kennedy discounted the close ties between the President and his Republican colleagues. One day after the bullying session, Mr. Nixon's press secretary announced the President's plan to replace Mr. Alexander as chairman of the EEOC. The two events, said the secretary, had no "direct connection."

Mr. Nixon is entitled, of course, to put persons of his own choice at the head of government agencies. His timing of this announcement, however, showed an implied approval of the Senators' hectoring and somewhat weakened his accompanying protestation of devotion to the equal employment opportunity concept.

The subcommittee, headed by Senator Kennedy, is investigating charges that the Nixon administration has eased anti-bias

enforcement in employment. Specifically under fire was the Pentagon's decision last month to award \$9.2 million in contracts to three textile firms accused of racial discrimination in employment policies by officials of the previous administration. These three firms—Dan River Mills, Burlington Industries, and J. P. Stevens—along with the textile industry in general have a long history of racial discrimination, and virulent anti-union policies.

PAST RECORD ISN'T GOOD

In January, 1968, federal representatives visited five facilities of Dan River Mills. They found low employment of black female production workers even in counties with a one-third black population; virtual exclusion of Negro women from clerical jobs; assignment of black males to low paying, low status jobs and segregation of facilities. In 1968 Dan River was given more than six extensions of time to develop a plan for changing these conditions. It temporized.

In the last 20 years, the three textile firms have been found guilty of violating federal labor laws. Since 1966, the National Labor Relations Board has found J. P. Stevens guilty of illegal labor acts six times, and four of these findings have been upheld by federal courts.

The textile industry is a major employer in the South. In view of the record, the charge of Sentaors Dirksen and Thurmond that the federal government is "harassing" such firms is strange indeed.

[From the Dayton (Ohio) News, Mar. 29, 1969]

LAWMAKER ERUPTS IN WRONG FIELD

Is the presidency of the New Nixon reviving the Old Dirksen?

The senator has been relatively quiet lately, like a dormant volcano, but when aging Everett Dirksen rumbles the tremors still are felt nation-wide. What a disservice, then, that he chose to make noises against enforcement of the equal employment provisions of the Civil Rights act.

Dirksen has run in all directions on civil rights legislation—usually away from it—but he claims with some justification to be the savior of the act whose enforcement he decried during a Senate hearing.

The senator didn't substantiate his charge that federal compliance officers are harassing business that fail to meet fair hiring standards—except to say that some important business men have griped to him. He nonetheless said bureaucratic heads will roll unless businesses are treated more tenderly.

It is possible that the equal employment office has been inspired to an excess of zeal, although the feds usually have been patient to a fault on such matters. This nation has been brutally "cautious" for the 100 years since Reconstruction.

Of course enforcement should be fair, but it will be the nation's loss if the Equal Employment Opportunity commission allows itself to be unjustly bamboozled into timidity.

[From the Wilmington (Del.) Journal, Mar. 28, 1969]

MR. DIRKSEN'S THREATS

Sen. Everett M. Dirksen virtually took over hearings yesterday by a Senate subcommittee looking into the Nixon Administration's enforcement of civil rights laws, and by the time he had stopped talking the Illinois Republican had stated pointedly that heads would roll in the federal government unless officials stopped "harassing" businessmen.

Mr. Dirksen's particular target was Clifford L. Alexander Jr. who is chairman of the Equal Employment Opportunity Commission.

"Businessmen are streaming into Washington every day to complain they've been harassed by your operation," said the senator. "Either this punitive harassment is going to

stop or somebody is going to lose his job or I'm going to the highest authority in this government to get somebody fired."

Mr. Alexander replied calmly that minority groups were more harassed than businessmen and "it's important that the law be enforced."

Since the commission Mr. Alexander heads has little or no enforcement power (and unlike various Cabinet agencies, it has no contracts to withhold), it would seem that persuasion is its single best weapon. And if trying to persuade businessmen to obey civil rights laws is harassment, then businessmen can expect to be (and should be) harassed.

[From the New York Amsterdam News, Apr. 12, 1969]

ALEXANDER'S TROUBLES

The Nixon Administration has uncommodably acquiesced in Senator Everett Dirksen's blatant hatchet job on Clifford L. Alexander, Jr.

Fortunately Alex is only down a notch and not out. We are confident he has the courage, intelligence and resourcefulness to remain an effective instrument for justice—even against obviously increased odds in his "demotion."

We take this opportunity, however to say to Dirksen just some of the things that young Alexander's personal restraint and the dignity of his office would not permit him to say when Dirksen first lifted his axe in a badgering session recently.

We know that the brilliant young Alexander, who performed excellently in fighting job bias as chairman of the Equal Employment Opportunities Commission, irritated many people in high places with reports on racism in industry.

He ruffled their feathers even further when he did not bow down to the tradition of resigning when a new President of another party came into office. He took the position—one in which he is legally sound—that Mr. Nixon could move to fire him if he wished, but that he himself would not quit.

The other day—as Alexander testified before a Congressional Committee—Senator Everett Dirksen, lashed out angrily, saying he was tired of big business being persecuted and that if this continued, he might have to "get" someone's job. Of course, the threat was directed at Mr. Alexander. Both Senator Edward Kennedy, who was conducting the hearing, and Mr. Alexander replied with restraint and dignity.

We have this to say: Senator Dirksen is a bully and an unintelligent one at that. Let him attend to his own lucrative affairs. The law firm with which he is connected makes so many millions because he is allowed to sit in the Senate and still practice the most obvious influence-peddling.

Fortunately, the intemperate Dirksen outburst was seen on television. Black people in Chicago, who have tremendous vote power, ought to remember his bullying attack on Mr. Alexander.

Clifford Alexander is fired now and we know the name of President Nixon's hatchet man.

The irksome Mr. Dirksen is a very powerful man. But an alert and angry black populace can help tumble even this powerful man from his throne.

Remember also that this Dirksen is the man who makes corny records about our fighting men, but who, when open housing legislation is at stake votes with those who believe the Land of The Free should not have decent homes for the brave—the black brave."

[From the Baltimore (Md.) Sun, Apr. 11, 1969]

JOB DISCRIMINATION

With an unintentional assist from Senator Dirksen, Clifford L. Alexander, Jr., has

been able to draw attention to federal laws against racial discrimination in employment and to challenge the Nixon Administration to pursue their enforcement. Mr. Alexander is the chairman of the Equal Employment Opportunities Commission, a post to which he was appointed during the Johnson Administration. He is a Democrat and in the normal course of politics would have been replaced as chairman by an appointee, in all likelihood a Republican, chosen by President Nixon.

But when Mr. Alexander went up to the Capitol ten days or so ago to appear before a Senate subcommittee which was looking into the award of Defense Department contracts to three southern textile mills, Senator Dirksen charged the commission with harassing business firms and threatened to have someone fired. The White House promptly disclosed that a new chairman would be appointed, although it was said later that there was no connection between this move and Mr. Dirksen's threat.

Mr. Alexander now has resigned as chairman—although he says he will remain a member of the commission—and declared that "vigorous efforts to enforce the laws on employment discrimination are not among the goals of this administration." To this the White House press secretary took exception, saying that "the President and the Administration have made it very clear we intend to enforce the laws in this area."

What the Administration does in this area, of course, will speak louder than its words. Thus far there has been some ambiguity about its actions. The Deputy Secretary of Defense, Mr. Packard, was willing to award the three textile contracts in question on the strength of an oral understanding as to discrimination rather than the written agreement customarily sought. Yet this week the Justice Department filed suit against another southern textile company, charging discrimination in employment and company housing.

This is a sensitive issue for the Nixon Administration. The President received little support from Negroes in last year's election. He needs much more support from Negroes, for the successful functioning of government programs as well as for his own future as the Republican leader. He has been seeking such support, as he should. But the Alexander episode is a setback. Mr. Alexander is a Negro and, as it happened, Mr. Dirksen's Democratic opposite number during the subcommittee hearing was Senator Edward Kennedy, who may well be Mr. Nixon's opponent in 1972. This is clearly a challenge to Mr. Nixon in more ways than one.

ADMIRAL HARLLEE'S PRESENTATION OF U.S. MARITIME POLICIES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GARMATZ. Mr. Speaker, earlier this month the Sixth Annual European Conference of the National Defense Transportation Association was held at Brussels, and provided an opportunity for the exchange of ideas on the many problems confronting the members of the Association.

Rear Adm. John Harlee, U.S. Navy, retired, Chairman of the Federal Maritime Commission, very ably presented to the meeting the U.S. maritime policies and their relationships to free world commercial and security interests.

These very informative and interest-

ing facts are of great concern to all of us and, therefore, I am pleased to place them in the RECORD so all may have the opportunity to give them the careful consideration they deserve:

REMARKS OF REAR ADM. JOHN HARLLEE
(RETIRED)

I am happy to join this distinguished group and to once again express the interest of the Federal Maritime Commission in the National Defense Transportation Association.

The N.D.T.A. offers a unique opportunity for both government and transportation industry leaders. The patterns of transportation have been undergoing rapid, and revolutionary changes in recent times, and the forum provided by the N.D.T.A. for the frank interchange of ideas leading to resolutions of common problems has been invaluable. Your organization has provided the necessary liaison between the various modes of the transportation industry and the government, both civilian and military.

The N.D.T.A., while in strong support of privately owned common carriers, has at the same time realized the necessity for regulation of various aspects of transportation industries. We at the Federal Maritime Commission have much in common with your objectives. We too have made every effort to resolve disputes and direct transportation policy in a manner which would best benefit not only our regulated carriers but also the commerce and economy of the U.S. The communication of differing view points and the resolution of problems presented to the various segments of the shipper and carrier industries is essential.

I am particularly happy to be here in Brussels, Belgium. No more convenient nor fitting example of the value of progressive port installations can be pointed to than that at nearby Antwerp. Antwerp is the number one European port in terms of tonnage of general cargo. From 1966 to 1967 import container trade with the U.S. through Antwerp more than doubled and exports more than quadrupled.

But even with the increase in container cargo space made available by additional vessels serving the North Atlantic the demand has not been fully satisfied.

In 1967 Antwerp handled over 20 million tons of general cargo and yet predictions are being made that the future will witness continued increase in trade with the U.S. along with an increase in other traffic through the Port of Antwerp.

While the investment has been costly Antwerp has chosen to move forward with an eye on the future.

Antwerp is by no means alone in its participation in the increase of container traffic throughout Europe. For example, Rotterdam, which had handled 1,600 containers per week in 1967, was handling 2,500 per week by July of 1968, and the Port of London increased its annual carriage of containers by over 32,000 from 1966 to 1967.

You gentlemen and the ports you represent are to be congratulated on your progress. You are naturally interested in developments in United States maritime policy.

Before discussing this matter I should point out the distinction between the Federal Maritime Commission of which I am Chairman and the Maritime Administration within the United States Department of Commerce. The Maritime Administration is concerned with direct promotional activity in relation to the American Merchant Marine, including the operating differential subsidy and construction subsidy programs. The Federal Maritime Commission on the other hand is concerned with economic regulation of all common carriers' rates, practices and activities in our oceanborne commerce. All Federal Government officials concerned with the

United States maritime affairs mutually have a great interest in a maritime policy.

Our policy has always been one calling for a strong merchant marine, both for defense and commercial purposes. Following the Merchant Marine Act in 1936 it was generally believed that American flag ships should carry at least fifty percent of our commerce. As you know it carries only a small fraction of that now.

In a policy speech presented in Seattle, Washington during the campaign last fall President Nixon said: "We must set as our goal a sharp increase of the transport of U.S. trade aboard American flag ships. The present rate is 5.6 percent; by the mid-seventies, we must see that rate over 30 percent and the growth accelerating.

I support a building program to accomplish that objective."

President Nixon has appointed as Maritime Administrator a man who has not only had years of experience as a merchant marine shipmaster but more years as an operating vice president of a major steamship line with special expertise in modernized terminal operations and as a member of a management consultant firm which handled much maritime work. The new Maritime Administrator, Mr. Andrew E. Gibson, is especially well qualified for this task.

I recently heard Congressman Mendel Rivers, the powerful Chairman of the Armed Services Committee of the House of Representatives, pledge support for money for a revitalized American merchant marine and a 3.8 billion dollar naval shipbuilding program for fiscal 1970.

All of these factors portend a United States maritime policy supporting a strong American flag merchant marine and a real intention to implement such a policy.

Our maritime policy is also affected by our balance of payments position.

A stronger U.S. merchant marine and carriage of a large share of our cargo by American flag ships has a favorable impact upon our balance of payments position.

At this point I would like to say that although our own merchant marine should carry a much larger share of our trade, we nevertheless welcome foreign merchant marines to our shores. They serve a vital need. Neither the shipping statutes which the Federal Maritime Commission implements nor the FMC itself in implementing them discriminates against foreign ships. Our laws stand for fair competition for all and we believe in that policy. Despite all you may have heard to the contrary, our United States trades are so lucrative that NATO member nations continue to build hundreds of millions of dollars worth of ships for use in those trades.

Another factor in our balance of payments position is export trade expansion. Our country spends billions of dollars on foreign aid, on military exports overseas, and on foreign travel by American citizens. In order to maintain a favorable balance of payments the United States needs a favorable balance of trade. Of course, imports are also important because they, in many instances supply the raw materials for exporters and in other cases supply needed products to American consumers. The Federal Maritime Commission must ensure that our exports are not unjustly discriminated against in the matter of freight rates, schedules or other practices related to ocean transportation. A recent case in point was the longshoremen's strike on the Atlantic and Gulf Coasts. Many conferences, after the strike, imposed surcharges on exports from the United States but not on imports. The Commission is informally investigating this and has been able to get certain adjustments made.

The Federal Maritime Commission does not have statutory authority to regulate directly the level of ocean freight rates in our foreign commerce, nor does the Commission have

the responsibility for the fixing of rates in the foreign trades. However, within our regulatory limitations we at the Commission have taken steps to eliminate discriminations and rate practices which would obstruct the free flow of trade. I believe that the basic philosophy of our shipping statutes as they relate to steamship conferences is that the conferences are beneficial if subjected to moderate government regulation. I believe our Commission has successfully carried out this necessary and moderate regulation.

It is quite clear from all of the foregoing that the impact of our maritime policy upon the economy of the NATO nations is favorable. Since NATO nations own the great majority of Free World shipping they benefit, as they should, from operating in our trades, including trades with third countries in the developing continents.

Now let us turn to transportation in NATO. As the transportation problems of individual trading partners become increasingly commingled the need for international discussions and cooperation is increasingly critical. Individual nation's transportation needs, like their defense requirements, are in some respects similar and in some respects quite different and often in conflict.

The North Atlantic Treaty provides a framework for wide areas of cooperation among its signatories. While the military aspect of its Articles are often stressed, the Treaty also provides for cooperation in political, economic, social, and cultural fields. To be effective, an alliance of this nature must be based to some extent on strong cultural and economic ties. Indeed it has been said that while its earlier periods were centered around the strictly military requirements of its members, NATO today is devoting over one-half of its planning time to economic and political matters. This increased non-military emphasis prevalent in the North Atlantic Treaty Organization has opened ever broader avenues of cooperation and progress.

The famous report of the "Committee of Three on Non-military Cooperation in NATO" dates back to December 1956. However, its suggestions are not without validity today. The Committee was established to advise the North Atlantic Council on ways and means to improve and extend NATO cooperation in non-military fields and to develop greater unity within the Atlantic Community. Paragraph 15 of the committee report is of particular interest. "From the very beginning of NATO, then, it was recognized that while defense cooperation was the first and most urgent requirement, this was not enough. It has also become increasingly realized, since the treaty was signed, that security is today far more than a military matter. The strengthening of political consultation and economic cooperation, the development of resources, progress in education and public understanding, all these can be as important, or even more important, for the protection of the security of a nation, or an alliance, as the building of a battleship or the equipping of an army."

There are too many, and some of them may even be within our own organizations, who believe that the role of transportation in the defense plans of our Nation, is concerned only with military movements.

This is a concept which we must dispel. The wheels, the wings, and the ships which are the handmaidens of our transportation complex are actually the sustaining factors of American, European, and Asian economies and it is their transportation contribution which makes possible our national and international economic strength and the military capability upon which the productive capacity and the peace of this world rest.

The National Defense Transportation Association, as does the Federal Maritime Commission, subscribes to the ideal that we must continue to contribute to the highest sustainable growth in our industrial

world. We certainly subscribe to the proposition that transportation has contributed and will continue to contribute, to greater employment, to rising standards of living, to sound financial stability, to basic economic expansion in developing countries, and to the expansion of world trade on multi-lateral and non-discriminatory foundations.

There can be no doubt that we of the United States intend to pursue these objectives and there is no doubt in my mind, after the contracts and meetings that I have had here in Europe, that we can expect the close cooperation of our friends, and allies, for the one point of which my contacts in Europe have made me acutely aware is the fact that all of us know that the international life of trade and commerce links us together and that transportation strengthens, not only our independence, but our interdependence.

The fact that trade, travel, and investment among us have reached unprecedented levels, makes it all the more urgent that we should develop and strengthen the procedures and mechanisms we have for coordinated transportation action.

The communication of ideas is particularly critical during periods of economic and physical change in the means of transportation. We are in such a period now.

The container revolution has spread from its beginnings in the trade from the Atlantic Coast of the United States to Puerto Rico trade to the great North Atlantic U.S. to Europe trades and has penetrated into the NATO nations of Europe. It has been and will continue to be a strong factor tending to further the integration of all modes into a European transportation system.

The increased utilization of the container as a vehicle for carrying goods has caused changes not only aboard ships but at each terminus of the voyage. The fluidity of containerized cargo in our foreign trades has caused increased similarity of interest by each individual trading partner, since the exporting and importing nation must work in unison.

Most of the major carriers serving the North Atlantic/European trade have inaugurated or plan to inaugurate a sophisticated container service, utilizing high speed, and fully integrated container vessels capable of cargo delivery within from five to eight days. This relatively new intermodal container concept offers to international trades significant economic benefits which we believe will accrue to both the shippers and the ocean carriers. The shipper is already benefitting from the availability of a through intermodal, faster service from the door of his plant or warehouse to the door of his customer abroad. The cost of packaging goods for export purposes should be reduced. The protection which the container affords to the cargo should reduce considerably the possibility of loss, damage, and pilferage. The cost of cargo insurance could be lessened when the risk is reduced. The smooth transfer of a container between different transportation modes could mean savings in the total cost of distributing goods and offer significant savings to the ocean carrier. Faster vessels allow shorter turnaround and fewer ships may therefore offer more service. The expense of cargo handling into and out of the vessel could be greatly reduced.

Commerce can now flow from interior points in one nation to interior points in another with relatively little impedance if the nexus of the ocean to land modes is equipped to handle efficiently the exchange of cargo. A modern highly efficient containership cannot be utilized to full advantage and cannot be economically operated if the port at which it calls is not equipped to respond to the needs of the traffic. Efficient loading and unloading and quick

turnaround are essential to optimum performance.

One reason that the North Atlantic trade is well advanced in the handling of containers is that western European and U.S. ocean port development has progressed and is continuing to progress in a manner which parallels the requirements of the modern ocean carriers.

The Federal Maritime Commission has kept pace and will continue a policy of enlightened regulation to accomplish full utilization of modern achievements in international commerce. The Commission will not permit outmoded regulatory practices to impede the growth of new transportation concepts.

For example, since March of 1968 the Commission has had a container committee, made up of top staff officials, working with the problems of containerization, point to point traffic, single factor through rates, through intermodal bills of lading, and conflicting inland and admiralty rules affecting carrier liability.

We not only drafted legislation to provide coordination with the Interstate Commerce Commission, Civil Aeronautics Board, and Department of Transportation, but we also testified before Congress in full support of the Trade Simplification Act which was proposed in May 1968 by the Department of Transportation to facilitate through movement of cargo.

While the Federal Maritime Commission does not have authority to require carriers to develop and inaugurate container service, it can create a regulatory atmosphere favorable to the development of these new transportation concepts. The Commission has approved agreements to assist carriers in developing container services. It has facilitated the approval of changes in conference tariffs to permit operation of new containerized vessels. It will continue to try to help not only containerization, but unitization, use of automatic data processing and other forward steps in any way it properly can.

However, containerization also brings with it many problems and I have been asked to comment on some of these problems relating to transportation between the United States and Europe. During my last trip to Europe I was confronted with concern over the problem of over-tonnaging in the North Atlantic due to the construction of additional highly efficient containerships. We have been aware of this possibility and will most likely consider approval of such forms of rationalization as those approved already for the Atlantic Container Line, the Matson/NYK Agreement and various pools, but the FMC may well consider that there should be in return some advantage to the shippers such as increased stability of rates or some dampening factor on the rapid increase of rates.

Containerization and intermodal transportation resulting therefrom presented a difficult problem which became the subject of a formal proceeding in the past year or so. That proceeding which is generally referred to as the "CML (Container Marine Line) case" was decided by the Commission in April 1968. This decision did not meet with complete acceptance, but in my opinion it is progressive and will ultimately be beneficial in the matter of through rates by all carriers participating in our foreign commerce.

The impact on the Trans/Atlantic Trade in the event of the cessation of hostilities in Viet Nam has also been a matter of concern on the part of certain government and industry officials in Europe. It was their belief that American merchant ships released from the Viet Nam trade would aggravate the over-tonnaging problem. I do not think that this will present a critical situation since a good portion of the American ships would be returned to the reserve fleet and it would probably take most of the remaining ships pres-

ently engaged in Viet Nam traffic six months to a year to return the men and equipment and another year or two to supply Viet Nam with building materials, grain and the many other items of aid which will be necessary if South Viet Nam is to survive.

There are, of course, many other problems, relating to management-labor issues, apprehensions concerning bypassing ports, issues as to how to replace the ships of American merchant marine and a number of relatively minor problems. Nevertheless our trade continues to grow and I am optimistic about the ultimate strength of our trade and our maritime policy. It is our desire at the Federal Maritime Commission to be of as much assistance as possible in proving this optimism well founded.

WHITE OAK SOLDIER KILLED IN VIETNAM—CAMBODIA BORDER ACTION TOLD

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GAYDOS. Mr. Speaker, Army Sp4c. James R. Long, a brave young man from McKeesport, was recently killed serving his country in Vietnam.

I wish to honor his memory and commend his courage and valor by placing the following article in the RECORD:

AREA SOLDIER KILLED IN VIETNAM—CAMBODIA BORDER ACTION TOLD

A 20-year-old White Oak soldier has been killed in combat in Vietnam.

He was identified as Spec. 4 James R. Long, son of Mr. and Mrs. Donald Long of 2615 Mohawk Drive. Mr. Long, an employee of Westinghouse Electric Corp. in Trafford, said his son was reported missing in action April 1. The Defense Department yesterday listed him as dead.

The soldier was a member of a rifle company and was in action near the Cambodia border in Vietnam when he was reported missing.

A 1966 graduate of McKeesport Area Senior High School, he was employed at Westinghouse Electric Corp. in East Pittsburgh before entering the service last June. He was sent overseas last Nov. 2.

According to the serviceman's father, the last letter received from his son was on March 8th.

"He did not discuss what was going on or anything about being in combat in his letters, but he did write to several of our neighbors and told them it was terrible."

Spec. 4 Long was also a member of the United Church of Christ in McKeesport.

He is survived by his parents and two brothers, Kenneth D., 28 and Donald W., 25.

FEDERAL FUNDS HELP STUDENTS THROUGH TV

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. PUCINSKI. Mr. Speaker, the uses of television and communications equipment are still being widely explored. We have only just begun to appreciate TV's enormous effectiveness in reaching children in classrooms around the Nation.

My own city of Chicago has a particularly innovative system that has been funded largely with the assistance provided under title I of the Elementary and Secondary Education Act of 1966.

I would like to call the attention of my colleagues to a story about the uses of television in 40 of our Chicago area schools. More than 24,000 children participate in this educational program. The details of the overwhelming success of the program are contained in an article which appeared in the *New World* on April 18. It demonstrates the excellent uses to which this title I money has been put.

Mr. Speaker, the article follows:

IN CATHOLIC, PUBLIC SCHOOLS: FEDERAL FUNDS HELP STUDENTS THROUGH TV
(By David Sutor)

The fate of our tax monies is often a source of curiosity, irritation, and puzzlement for most American taxpayers. They don't always know how the money is used and are convinced that the money being spent is sometimes wasted.

Here in Chicago, there's an opportunity to see how tax money is fruitfully being used in certain public and Catholic elementary schools for closed-circuit television instruction in classrooms.

Since the early 1960s, the Chicago public school system has developed the use of classroom TV instruction, but only since 1966 has the program been federally funded through Title One of the Elementary and Secondary Education Act (ESEA) of 1965.

The Chicago system of classroom TV instruction is unique and, as such, was commended in Senate hearings during 1967 on the ESEA program, for being innovative in designing the "cluster" system of instructional TV.

Currently, there are 40 schools and some 24,000 Chicago area students, all from federally defined urban poverty areas, participating in the program to educate scholastically and economically poor students, from kindergarten through the upper grades, by using TV instruction.

Of those, 25 are public schools, 15 are Catholic; 20,000 are public school students and 4,000 are from Catholic schools.

Catholic schools are able to take part in the program because of Title One's provision that federal funds involved be used to meet the needs of the most disadvantaged children, regardless of what school they attend.

Children who qualify must measure at least one year or more below the level of the grade they are in and must also be classified as coming from economically deprived backgrounds.

Catholic schools with students who qualify under Title One, receive all necessary instructional TV materials and equipment.

However, parishioners in participating Catholic schools are expected to pick up the cost of installing the necessary wiring that allows TV signals to be received.

The reason for this is that federal regulations stipulate that funds may be used to benefit children, but may not be used to benefit a non-public school. This also explains why participating public school teachers are paid for their services and why Catholic school teachers are not.

According to Carole R. Nolan, director of the public school's division of instructional TV, "wiring is considered to be a permanent improvement in the school, and is not considered directly beneficial to the child."

Because the TV materials and equipment in Catholic schools are considered as directly responsible for child benefit, their cost is paid for by federal funds, she explained.

Through Title One funds, amounting to

\$635,000 a year (administered locally by the State Superintendent of Public Instruction), the public and Catholic school costs of materials and equipment are paid for, along with the wiring costs for public schools.

An Archdiocesan school board spokesman explained that each participating Catholic school decides on how many rooms will be wired for TV reception; therefore cost varies from school to school. Total estimated cost is \$18,000.

Public schools, Miss Nolan explained, are equipped with a 23-inch portable TV set and rolling stand in every other classroom. In public schools, she said, wiring per room costs around \$200; the set and stand \$190.

Under the professional guidance of Miss Nolan, a "cluster system" has been developed whereby several schools, all within a one-mile radius of the TV sending studios, receive a full day's schedule of classroom instruction, five days a week.

Currently there are five "clusters" made up of six to eight receiving schools. Participating Catholic schools in the Dumas school cluster are St. Clara, St. Cyril, and Holy Cross.

In the Woodson cluster—St. Ambrose, Corpus Christi, and Holy Angels. In the Dvorak cluster—Blessed Sacrament, St. Finbar, Our Lady of Lourdes, and Perpetual Help. In the Hinton cluster—St. Brendan, St. Cathage Sacred Heart, and St. Leo. In the Byrd cluster—St. Michael.

Instruction takes in all areas of the usual school curriculum (science, math, English), as well as classes that involve black studies, music, art, story telling, current events, etc.

In class, all students watch the programs and are later tested with materials geared specifically to their individual learning levels.

TV curriculum, Miss Nolan said, is developed during special eight-week summer training and planning sessions. Each cluster, she explained, has a steering committee made up of representatives from the participating public and Catholic schools.

There are about 100 teachers involved in the TV production, said Miss Nolan, including 20 lay and religious teachers from Catholic schools.

TV courses are taught on videotape by specially selected teachers and are shown throughout the school year on two separate channels used for reception in schools. Additional courses are taped during the school year.

The main conflict in the closed-circuit programming for Catholic schools, she said, is the time scheduling of certain courses, since Catholic school classes don't always coincide with the same time and length of public school classes.

To produce the programs, the public school has hired 11 TV engineers, uses five teachers as producer-directors, five teacher co-ordinators, and five teachers as graphic artists for visuals.

In addition, there are 10 teacher aides for operating cameras and five school clerks to handle necessary clerical work. All personnel are distributed evenly throughout the control centers of the five clusters.

While Miss Nolan pointed out that a comprehensive follow-up on the strength and weaknesses of the TV curriculum is now being conducted, normal evaluation is conducted through a variety of means:

The TV co-ordinator, who helps conduct in-service training of classroom teachers;
Elementary school teachers' meeting;
Written evaluations from teachers;
Results of pre- and post-TV course tests of students;
Evaluation from cluster steering committees.

"In evaluating," said Miss Nolan, "we check to see if students have improved in the subject areas studied, if there has been any perceptible improvement in the children's listening skills, their attentiveness, their at-

titude towards learning, and in their daily attendance records. We also talk to teachers to get their opinions on whether the correct skills or concepts were selected for the TV courses."

In discussing why television is so important for the education of disadvantaged students, Miss Nolan pointed out certain common characteristics that most share:

"They usually do not listen well, they have a disinterest in school topics, they feel school subjects are irrelevant to their lives, they have poor habits, are poor readers, are tardy and absent often.

"These children," she pointed out, "are usually more visually than audio oriented. They seem to be able to think better pictorially."

In an effort to improve their listening skills, she said, the teachers will occasionally blot out the TV picture so that only the voice is present. Then there are audio reviews used in pre-telecast preparations. Story telling sessions are also used to help students to listen and use their imaginations.

"One of the most beneficial aspects of TV for students," Miss Nolan said, "is that it eliminates the distraction of the classroom teacher. It pinpoints attention, helps to minimize unruliness and puts teaching on a personal one-to-one basis."

By using television, she said, students are exposed to a diversity of teachers, a precision of teaching concepts and are stimulated to be interested in learning.

Teachers benefit, too, she added. "The TV curriculum provides good education and professional growth for teachers. The classroom teacher finds the TV teacher an added help and it gives the classroom teacher more freedom to develop new ideas. The TV teachers find they must become research experts when assigned to tape a TV course.

"They know," she said, "they must make every second count and be well prepared in all areas of the subject. They learn to pinpoint ideas and concepts."

TV teachers, Miss Nolan said, are selected on the basis of how well they know their subject, how articulate and organized they are, and on the basis of their personality.

Miss Nolan says she sees a greatly expanding use of classroom instructional TV. As a member of the TV subcommittee of the Great Cities Research Council (16 cities), she said the organization is engaged in planning cooperative production of TV programs for large urban areas and eventually plans to exchange videotapes.

Miss Nolan looks hopefully to the Educational Technology Act of 1969 as an additional source of greater federal aid for further development of educational technology.

"We have," she said, "planned, developed, operated and shown good, tangible results in our closed-circuit TV program so far, and we hope to do much better in the future."

One good reason why, as Miss Nolan pointed out, is because there are still 200 other public schools and 97 other Catholic schools in the Chicago area that are eligible under the Title One clause for reception of TV course programs, but do not participate simply because the project hasn't enough money or personnel to expand.

MENTALLY UNFIT TEACHERS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. PUCINSKI. Mr. Speaker, the Chicago's American magazine of April 20 published an article dealing with a subject that is too often spoken of only in

private—the pernicious damage inflicted on children by teachers who are emotionally and psychologically unfit to teach.

As the American article points out, this problem is not a dominant characteristic of our school system. But the pressures on our teachers are so great, their financial needs so widely unmet, their time so burdened with endless administrative tasks, that it is surprising a larger number are not seriously ill. We are all familiar with the statistics showing the increasing amount of talented young men and women who leave the teaching profession each year, because they are not permitted to exercise their ability to teach, unencumbered by the endless minutiae of administrative chores that could and should be handled by others.

For most of their developing years, our children spend the bulk of their waking hours in classrooms with teachers who possess varying degrees of emotional stability. The enormous influence that a teacher has on his or her pupils is well-known to any parent willing to take the time to listen to his children.

We like to think our American system of education is among the best in the world. A major component to its effectiveness, however, is the mental health and emotional stability of our teachers.

Mr. Speaker, I recommend that my colleagues read the following article in order that they may remain attuned to the necessity for providing answers to this problem, answers that will eliminate unfit teachers from America's classrooms.

Mr. Speaker, the Chicago's American article follows:

MENTALLY UNFIT TEACHERS

(By Bernard Bard)

The varieties of physical violence and mental havoc inflicted on children by disturbed teachers are limitless.

A Milwaukee trade-school teacher highlighted a sex-hygiene lesson by going from desk to desk in the classroom and, after estimating the apparent age of each student, indicated whether or not he thought a particular student would be admitted to a house of prostitution.

A teacher in Oklahoma resented very bright children, and when Janie came into her 3d grade class with perfect marks from the year before, "the teacher isolated her completely from the other children, would never allow her to participate or recite, ignored her hand when she tried to volunteer," according to an educator's report. The child suffered a nervous breakdown. The school administration recommended that extra-bright children be kept out of this teacher's classes "for their own welfare."

Mr. Y., a teacher in a large Ohio city, became enraged at a boy who left his seat and peered over a windowsill to observe something in the street. Without a word, Mr. Y. walked over and slammed the open window down on the boy's neck. The boy sustained a broken collarbone. His parents were dissuaded from filing a lawsuit by a Board of Education promise to place the teacher on leave and arrange for him to go to a psychotherapist.

All studies of "maladjusted" or "unstable" teachers suffer from scientific inexactness. As one education professor said:

"Are we talking about teachers who are under therapy, under suspicion, just plain incompetent, tired, or crawling on all fours like a dog?"

The problem is not new. The N.E.A.'s American Association of School Administrators said in 1942 that "the emotionally unstable teacher exerts such a detrimental

influence on children that she should not be allowed to remain in the classroom." It said the teacher who has a wild temper, is severely depressed, bitingly sarcastic, or habitually scolding is as much a menace as a teacher with a communicable disease such as tuberculosis. "Such teachers need help," said the N.E.A.

But overwhelmingly, such teachers are not getting help. "The schools do with teachers to a large extent what they do with problem children," says Charles Cogen, past president of the American Federation of Teachers. "They transfer them to another school. . . ."

A. F. T. President David Selden said the pattern of cover-up is so ingrained that a teacher who has gone for psychiatric help and been restored to mental health "would be barred from employment in most school systems" by the mere fact of having such an entry on his medical records. Selden added: "On the other hand, a 'nut' who has not faced his own problems and doesn't want anybody else to know about it could very easily pass the entrance requirements in most states."

Prof. R. Baird Shuman of Duke university tells of a teacher undergoing psychotherapy who parks her car several blocks from the therapist's office for fear of being recognized and possibly losing her job.

Dr. Elliott S. Shapiro, a field superintendent in the New York school system and a practicing clinical psychologist, says that "the basic problem is that no one in the school system will admit a deficiency." The school's basic posture, he said, is that all is well in the classroom, everything is being done right, and if the child is not learning, that's the child's fault.

The schools pay lip service to mental health; teachers take courses in it, and a "week" is named after it. But the actual mental health of teachers is generally ignored. Anyone who raises the question runs the risk of becoming a pariah to teachers and teacher organizations.

In 1961 a book called "The Mentally Disturbed Teacher" was written by a veteran New York City teacher, Dr. Joseph T. Shipley. Several state teacher associations rejected the publisher's advertisements in their professional journals, simply on basis of the title, without having seen the book. And N.E.A. national headquarters in Washington sent an investigator to Stuyvesant High school, where Shipley had been a teacher for 40 years, "to check up on me."

The book was an inquiry into the handling—or mishandling—of teacher mental-illness cases in 44 school districts. Its main conclusion: "Nowhere . . . is there a frank facing of the problem of the unfit teacher." Shipley said nothing would be improved until "the evasive pattern of teacher indignation, official hedging, and public passivity" was broken.

My study shows that some reforms are taking place—but very slowly. Much of the blame for the delay, according to Professor Shuman of Duke, rests with school administrators who hold "outmoded notions" about psychiatry and mental health. They equate any record of past psychiatric treatment with trouble—despite considerable evidence to the contrary.

Shuman believes every prospective teacher should receive a "psychiatric clearance" while in college. Any student who failed to win clearance would be required to complete a course of treatment [paid for by the school]. And any student who disagreed with the findings could appeal to a psychiatrist of his own choosing. The record of his treatment would be confidential.

Wholesale psychiatric interviews—either for student-teachers or those in the classroom—may be too avant-garde or expensive for most teachers colleges and school districts. As an alternative some teachers colleges are trying what they consider the next

best thing—batteries of "personality and attitude inventory" tests.

But several experts told me the tests have not done the job. "They are just not that good," says Dr. Sheldon R. Roen of Columbia's Teachers college. Too many candidates marked neurotic by the tests turned out to be splendid teachers. Another difficulty is that it takes an expert to evaluate test results, and few teachers colleges are willing or able to invest the money in skilled specialists.

West Texas State university tried in 1963 to set up a program based on counseling with student-teachers as equal face-to-face partners. The point was to allow them to make up their own minds, with the help of the personality tests, not weed out people by fiat, according to Prof. Berl J. Grim.

The program went well for several years, but has faltered lately. Some students blame conservative faculty members who felt the procedure was too time-consuming, took time away from academics, or regarded personality tests as "an invasion of privacy."

An innovation that may have a wider effect on mental health in the classroom is the annual health checkup for teachers. Dr. William G. Hollister, a psychiatrist on the faculty of the School of Medicine at the University of North Carolina, supports the idea. Dr. Hollister, chairman of the mental health standing committee of the National Congress of Parents and Teachers, told me, "Just as any good industrial firm provides a good medical and psychological health service for its employees, so should a school system."

The idea is beginning to take hold. Los Angeles gives a mental-health checkup to all new teachers, and maintains a mental-health section to which any teacher can go for help at any time.

Money is one of the teacher's continuing mental-health hazards. Economist Leon Keyserling found in a survey last year of the 10 largest United States cities that if teacher salaries had kept pace with other major occupational groups, the average pay last year for teachers would have been \$13,969, or 78.1 percent higher than it is.

Dr. Albert Schliff, director of personnel for the Detroit schools, reports that "more and more budgetary problems" are among the reasons teachers come to the attention of the mental-health committee.

The money gap also means that high school graduates with the poorest grades often wind up as teachers. A 1961 Columbia Teachers college survey of 658 alumni showed that of 200 teachers who left for better-paying fields virtually all were "mentally superior" to those who remained teachers.

To Dr. Mortimer Kreuter, a former New York school principal and now assistant director of the Center for Urban Education, a Manhattan-based federal education laboratory, the schools "infantilize" teachers and depress their mental health.

"Teachers are graded and inspected very much like children," says Dr. Kreuter. "Their private formulations for teaching their classes—their plan books—are made the subjects of weekly inspections. They are also graded on loyalty, dress, deportment, punctuality and attendance, and evidences of growth . . . as are the children. What's worse, the children recognize that their teachers are being checked and graded." In addition, says Dr. Kreuter, teachers work under "sweatshop conditions." They literally have no time to go to the toilet. They punch time clocks, and must bring a doctor's note when ill.

Dr. Ruth G. Newman, co-director of the Institute of Education Services, Washington, D.C., school of psychiatry, recently completed a national tour of United States schools. She talked to teachers and watched their treatment at the hands of supervisors. She likened the atmosphere to that of concentration camps in which teachers were too often treated like children by their superiors.

If teachers are "infantilized," if their in-

tellectual growth is atrophied, and their mental health eroded, as Dr. Newman claims, then the entire structure of American schools must be overhauled. This is being done in bits and pieces, thru team teaching, ungraded classes, independent study, computerized instruction, and other fresh approaches designed to free teachers from regimentation.

But recasting American education will take generations. What can be done today about emotionally unfit teachers?

Often, the reflex answer is: "Do away with tenure laws"—the laws in force in almost all states outside the south that protect a teacher from being dismissed after he or she passes a probationary period. But teachers have struggled too hard to win tenure laws to surrender them without a fight. And no parent group can match teachers in political muscle or treasuries. Any campaign to weaken or roll back tenure laws would probably fall and shatter parent-teacher partnerships on other educational issues for years to come. Without tenure, too, teachers could be dismissed for unorthodox political views or for not being sufficiently "loyal to the administration"—which often means they must be disloyal to the interests of the children. So, without tenure, tens of thousands of the best teachers would probably quit the professions. "Tenure is not the problem," says Dr. Roy A. Edefelt of the N. E. A. "These mental health cases do not have to get to the firing stage. And they wouldn't if school boards would set up adequate remedial and preventive measures."

This year the 10,700,000-member PTA Congress will expand to all 50 states a pilot program begun last year in Connecticut, Kansas, and North Carolina. Local PTA's, collaborating with schools and mental-health agencies in their communities, will survey unmet mental-health needs of children.

If the PTA is successful, the result should be increased appropriations for child-guidance clinics, school psychologists, and community mental-health services. "And this is where a major lifting for the teachers is going to come from," says Dr. Hollister, the University of North Carolina psychiatrist.

Jean Piaget, the renowned Swiss child psychologist, has defined the chief goal of education as the development of adults who "are capable of doing new things, not simply repeating what other generations have done—men who are creative, inventive, and discoverers. The second goal of education is to form minds which can be critical, can verify, and not accept everything they are offered."

It will take a gifted teacher to bring off that kind of education. Presumably, it is not the teacher who last spring told a 7-year-old in a school near St. Louis: "We have little beans and we have big beans. You're one of the little beans, and we don't expect anything out of you."

TWO MORE FROM MARYLAND KILLED IN VIETNAM WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. LONG of Maryland. Mr. Speaker, L. Cpl. Norman C. Byrd and S. Sgt. Harold L. Greever, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

TWO MORE KILLED IN VIETNAM WAR: BOTH HAD PREVIOUSLY BEEN WOUNDED IN COMBAT

A Baltimore Marine lance corporal and an Army staff sergeant from West Virginia

whose mother lives in the city, have been killed in Vietnam, the Defense Department announced yesterday.

The dead are:

Lance Cpl. Norman C. Byrd, 21, of 2605 Alsquith street, who was killed April 14 in a truck accident.

Staff Sgt. Harold L. Greever, 29, of Hilton, W. Va., who was killed in combat on April 13.

A career soldier, Sergeant Greever spent nearly half his life in the Army, having enlisted at the age of 17. He was serving his third tour in Vietnam when he was killed.

The sergeant was twice wounded by machine gun and shrapnel, but recovered such time to volunteer for Vietnam duty, his mother, Mrs. George Greever Kimmel, of Baltimore, said yesterday.

"He felt it was his duty to the country. He saw the people over there and how terrible it was for them, and he wanted to do something to help," Mrs. Kimmel said.

Most of his career was spent with infantry units in West Germany, where he had met his wife, Mrs. Ann Greever, of Bamberg, West Germany.

At the time of his death, Sergeant Greever was stationed with the 11th Air Cavalry Regiment near Saigon.

WAS BORN IN HINTON

A native of Hinton, Mr. Greever attended the local schools before beginning his Army service. In his spare moments, he enjoyed watching auto races.

Besides his wife and mother, Mr. Greever is survived by a son, John, and a daughter, Diane, both with their mother in Bamberg; and a half-brother by his mother's former marriage, Richard Pitzer, of Charleston, West Virginia.

Funeral arrangements are incomplete.

Corporal Byrd was serving with the 3d Marine Division at the time of his death. He had been released from a hospital, only two days before the fatal truck accident, according to his father, Isaac C. Byrd, of Baltimore.

HAD BEEN HOSPITALIZED

Mr. Byrd said his son had been hospitalized for shrapnel wounds of the legs.

A native of Baltimore, Mr. Byrd was graduated from City College and attended Morgan State Teachers College before he enlisted in the Marine Corps in 1967.

In high school, Mr. Byrd was a member of the varsity track and football teams.

Besides his father, he is survived by his wife, Mrs. Jacqueline Byrd; a daughter Mern; his mother, Mrs. Lelia Marie Byrd; three brothers, William, Isaac, Jr., and Edward Byrd, all of Baltimore; and four sisters, June, Mary Astor, Deborah, and Golden Byrd, all of Baltimore.

ONE MAN CAN MAKE A DIFFERENCE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MOORHEAD. Mr. Speaker, one man can indeed make a difference—make his voice heard and his influence felt—even in these impersonal, chaotic times.

I am very proud to include at this point in the RECORD, a story by press writer, Roger Stuart, "The Life and Thoughts of James McCoy, Jr."

James McCoy, Jr., whom I am pleased to call a friend, has made a difference in our city of Pittsburgh in his thoughts and actions as a distinguished civil rights leader, district representative for the United Steelworkers, community leader, and innovator in black capitalism.

I include the story here for the attention of my colleagues:

THE LIFE AND THOUGHTS OF JAMES MCCOY, JR. (By Roger Stuart)

James McCoy Jr. says nothing for a moment. He just stands inside the big plate glass window of an old store front, which conjures up an image of the Last Chance Saloon but actually serves as the Freedom House Enterprises office, and stares across the way.

The wind whips up Centre Avenue—harsh and cold—catching the light powdery snow and packaging it in little swirls like sand or upended tumbleweed blowing through a western ghost town.

Jim McCoy's eyes rest first on the barren foundation of the Mainway Market burned out during what he calls "the visitation of the destroying angel," that devil-possessed villain of last April's Hill District riot.

He looks out upon the rutted, cobbled streets where fire hoses writhed like hissing snakes, spitting little jets of water into smoke blossoming black and ominous from burning tar roofs above the Hill District, and looters had a field day.

When he finally speaks, Jim McCoy goes through a sentence like a prospector pans for gold, picking words as if they were the best bright nuggets, light to the touch yet heavy in worth.

"Violence that comes from the hand of a black racist is just as destructive as violence that comes from the hand of a white racist," he says. "Neither serves any good for his country . . . I do not propose to anyone that we seek a solution in violence. The greatest achievements in the history of this nation in civil rights and human dignity were achieved without violence. However . . ."

His voice stops and he goes into another of his pregnant silences. His gaze moves over to the lot equipped for youngsters to play on since those disorderly days last April. Hill District people had wanted that for a long time, to be sure. But not as the first visible sign offered by municipal officials that they did, indeed, have a recovery plan for Pittsburgh's oldest slum.

"However," Mr. McCoy continues, "violence may be created by people who would be attempting to resist the positive and affirmative solutions we have to offer . . . The voice of black people must be heard in the council chambers and the policymaking rooms of this city and this nation. It can no longer be heard as the voice in the wilderness, because it is that voice not heard in the wilderness that created the civil disorders that we have been experiencing.

"The black voice must be heard and become a part of the power structure. The times demand such. When that is done, then the lasting peace, which was spoken of so many centuries ago, will certainly become evident among us who are citizens of this country.

"You know Jesus said, 'Peace I leave with you. My peace I give unto you—not as the world giveth—give I unto you.' The day must come when we recognize, regardless of who it is, that a man is a man and respect him for his ability to contribute to the community in which he lives and the country of which he is a citizen."

Jim McCoy's silences say almost as much as his words, contributing to that carefully honed delivery which makes you think that surely the phrase "with all deliberate speed" must have been coined with him in mind. It's also a characteristic that creates for some an image of a man ponderous in speech and easy-going in manner, in short, a push-over.

Ask him about this impression he conveys to others, though, and what he thinks of this assessment, whether it annoys him or not, and he'll say: "Does it bother me? No, I cultivate it. I lead them into a trap sprung

by themselves through improper analysis of their subject."

The answer demonstrates, as many adversaries have discovered, that beneath his deceptive manner is a determined man with forceful logic and an articulate gift for negotiation or persuasion. Every word he speaks, every act he engages in, is an intensely deliberate effort bent always on moving his people forward.

But there's a sharply honed wit lurking there somewhere, too, ready to seize up the right opportunity when it's presented, as one was recently when he was meeting with his old friend and adversary, Mayor Joseph M. Barr.

"When it comes to interrogating you, Jim McCoy can do a better job of tying you down than many lawyers," said the Mayor. "But, of course, I haven't always answered."

"That's right, Mayor," Jim agreed, "you have taken the Fifth Amendment a few times, haven't you?"

To some, like attorney John Conley, associate director of Hill House Assn. and an old ally, "Jim might seem to stray away from the point sometimes. But he always comes back to it. And, sooner or later, he'll get to the point with no nonsense. He knows what he'll give and won't give."

This ability has helped Jim McCoy build an enviable record of accomplishments, first as a local union president, later as a district representative for the United Steelworkers, and now as one of Pittsburgh's foremost civil rights leaders.

A black man, he was elected president of a 60 per cent white, 40 per cent Negro USW local in the late 1940s. He was a principal founder of the civil rights protest movement here, organizing demonstrations, staging boycotts, arguing eloquently for his people's cause in the early 1960s. And when others were still hung up on protest as the only way in which to enhance the forward motion of Pittsburgh's black community, Jim McCoy was one of the first local Negro leaders to push black capitalism.

"He is one of the most persuasive and most important of the protest and civil rights leaders we have locally," says House Majority Leader K. Leroy Irvis, Hill District Democrat. "And I think, unlike some, Jim McCoy's horizons are not particularly limited to certain areas. He is not limited in his viewpoint as to which methods and techniques will work in the civil rights struggle."

FOUGHT FOR JOBS

As a protest leader, Jim McCoy has fought for jobs for Negroes, battering down the walls of blatant discrimination and unfair quota systems. He has spoken eloquently of the need for better education and better homes for Pittsburgh's Negroes. And when other men turned to the torch, Jim McCoy preached tolerance.

"I cannot agree when a person says, 'The civil rights movement is dead,'" he declares. "That is, by far, far from the truth. It's like saying Christ is dead. Christ is very much alive. He may not project Himself now, in the year 1969, as He projected Himself 2000 years ago. But He's still here. As long as there is a wrong existing, there is a need for Christianity. As long as one group of people denies other people of their just rights—there just due—because of race, there will be a need for the civil rights movement."

But honesty, as much as tolerance, is one of Jim McCoy's virtues. Indeed, says Rep. Irvis: "Jim McCoy's main characteristic is his unflinching honesty. He's that way in his public dealings with men and he's that way in private dealings with men. His public posture and his private posture are the same, which is more than one can say for a great many public figures."

However, in this time of transitory leaders in the civil rights movement or its heir, the Negro Revolution, there are blacks who will say without wanting to be quoted by

name: "There's a day for every man in this movement, and Jim McCoy had his day five years ago."

Others, like attorney Conley disagree. He says: "Jim McCoy is a genuine leader as opposed to a black buffoon who just mouths off with nothing to say really, just to get his name in the paper. Jim works extremely hard and effectively and gets nothing for it. He brings the skills of an arbitrator to get things moving. And being a real leader he can work with a group and get the best out of it. He doesn't go charging off. People listen."

"And if they listen at all, they'll find that the word dignity is all-important to him—the dignity of the black man. But dignity to Jim isn't something somebody gives you. It means participation and responsibility."

Similarly, Herbert Bean, a Negro who operates three service stations employing 18 persons, says: "I've known Jim real close for six years and never have I seen him back up. He stands up to what he says."

Politically, Jim McCoy is "a Democrat by registration and an independent by thought." And there's a chance that some public office might be his in the future.

Indeed, he received quite a bit of consideration this last time around from the Democratic slatemakers in their quest for candidates to run for five City Council seats.

He was also considered a leading possibility last year to succeed former City Council President Patrick T. Fagan, when he retired. Mayor Barr says now that he considered Jim McCoy as top candidate, believing "there should be a minimum of two Negroes on Council." But the Mayor finally appointed the retiring council president's son, Thomas L. Fagan, to the job.

"If I hadn't," says the Mayor, "none of the wards south of the river would have been represented on Council." But, the Mayor adds, "I took hell that night when I addressed a town meeting in the Hill District."

Regardless of whether Jim McCoy ever becomes a political candidate, community activities have been his major concern for the greater portion of his life. And it's doubtful that he would elect to become a dropout.

"I've shown interest in helping and working with people even from my earliest days," he says, adding, "I presume that is part of my father in me."

His father was a traveling evangelist—"a man of the Gospel," says Jim—and he traveled extensively throughout the country. But when Jim was born in 1919, one of three children, the family had planted its roots in Houston, Tex. Later, though, Jim recalls fondly that he often accompanied his father on his missions and that, as a preacher, his father was "an old coal burner."

Little wonder then that Jim McCoy has a deeply religious streak or that his dad was his first public-speaking model.

From Houston, the family moved to Idabel, Okla., where the Depression caught up with them in the 1930s and Jim says he "encountered early in life tremendous hardships and difficulties." But he skips quickly over that period, saying cryptically, "We were able to stay alive."

Denver was the next stop, lasting two or three years, and the place where Jim remembers boxing in YMCA tournaments. Finally his family moved east to Cleveland, from which Jim struck out on his own in 1936 for Pittsburgh to hunt for a job—and find a wife.

"It was really quite funny how we met," says Mrs. McCoy. She was Rose Moore then and celebrating her 17th birthday by going to the movies. "Jimmy and I didn't know each other," she says. "But a friend of his and I were in school together and were supposed to go dutch to the movies, then meet each other there. Nobody had much money then. I waited for my date, but he didn't show up. So at intermission I went looking for him in the lobby. He wasn't there either, but Jimmy was. So I asked him where his friend was and he said, 'You know, it's a

funny thing, but he lost his ticket.' And it was really funny, too, because I believed it."

In any event, Jim decided right then on his intentions. And, says Mrs. McCoy, "Somehow or another, it was understood after I saw Jimmy at the show, I became his girl and not his friend's. Those two have teased each other ever since, but I still don't know for real whether Jimmy's friend was upset. He never did say anything."

Jim McCoy and Rose Moore were married almost 28 years ago. But shortly after their marriage, Jim learned that either he or his trombone had to go. The way Mrs. McCoy tells it, "Jimmy played with a group of fellows and they practiced religiously. But after we were married, I don't know. Jimmy was going to night school, stopped going to practice and they sort of drifted apart. Anyway, the thing used to make so much noise." The way Jim remembers it, it was the noise. In any event, he pawned not just one but both of his trombones.

MET AT NIGHT CLASS

Jim was attending night classes at Fifth Ave. High School when they met, says Mrs. McCoy, because with all the traveling his parents had done while he was growing up, he had never finished. In later years, Jim enrolled in a correspondence law course. And, although he never finished, he says, "What I learned then has been of tremendous help to me in the years since in performing union jobs."

"Oh, those were some bad days when we were first married," says Mrs. McCoy, "because, you know—really and truly—you would never know how we had to pray it wouldn't rain. Jimmy was working down at a brickyard in Lawrenceville. They would tear down houses and all. If it rained he didn't work. Oh, those were some days."

Their first home was one room in the Hill District, where they stayed, sharing kitchen privileges, until after Patricia, the first child, was born. "After that we graduated," says Mrs. McCoy. "We moved into two rooms. There was this place in back of the library off of Wylie Ave. I don't know if it's still there. But it was a four-room house with a bath, which the landlord subdivided."

The next year, James Douglas McCoy arrived. So the McCoy's looked once more for something larger, finding a six-room house on the North Side. "It was real fun having all those rooms," says Mrs. McCoy.

Meanwhile, Jim had left the brickyard job and gone to work on the railroad. But he used to pass the Continental Rolling Steel Foundries in Coraopolis every day and he began to get an idea. "He had gotten enough of outside work when he was working construction," says Mrs. McCoy. "So one day, after talking about it for quite a while, he just got off the train and went in there to get a job. And that's how he finally got into union work."

A chipper in the foundry, he was elected shop steward and later president of Local 1904. But neither union job was full-time, says Jim, because the local wasn't rich enough. In 1948, though, he was appointed to the staff of the USW as a district representative—a job he's held ever since. Today he is also the only Negro to head one of the USW's negotiating teams with the 96 basic-steel companies.

In addition, Jim McCoy is a member and supporter of the National Ad Hoc Committee of Rank-and-File Steelworkers, which is pushing for the inclusion of a black man on the USW board and more black staff representatives. "I. W. Abel is aware and is clear as to the position I hold, have held and will always hold on that particular subject," he says.

As a staff representative, Jim McCoy must minister to the needs and affairs of various locals in District 20. Among his chores are negotiating contracts, processing grievances and presenting them at arbitration hearings. He also must implement the international

union's safety, civil rights and education programs and, in the course of each day, be ready to help the rank-and-file resolve personal problems over pensions, retirement and such.

But back about 22 years ago, before Jim had his present job, the family budget was tight. And once when the Steelworkers were on strike, Mrs. McCoy could see no alternative but to go to work herself. She landed a job as a cook at the Rockwell Manufacturing plant in Homewood and, somehow, has never left it.

Finally, they decided to buy the house at 7261 Lemington Ave., East End, where they now live. Jim was in the USW job by then and things were looking up. But Mrs. McCoy was still working. And, she says, "I told Jimmy, 'If I'm going to help you, we're going to have to move closer to my job because you have the car every day.' Jimmy is still working all the time and I'm working. But, really and truly, the Government seems to get most of what we earn."

In the meantime, the youngsters were growing up. Patricia, 25, is now Mrs. Patricia Goodnight and the mother of a four-year-old son, Mark. A graduate of Westinghouse High School, she attended Duquesne and Temple universities and took time out to get married before resuming her education at Howard University. While she's finishing, her parents are looking after young Mark. Jim drops him off at nursery school every day on his way to work.

AN ART TEACHER

James Douglas McCoy, 24, is also married and the father of one child. He graduated from Westinghouse, where he was an All-City end on the football team, and from Rutgers University. Today he's an art teacher in New York City.

"All the while, Jim was working so hard in labor and civil rights," says his wife, "that he really doesn't know how old he is." But he still had time, she recalls, to cultivate public speaking as a "hobby". I guess that's what you would call it," she says. "He's always trying to be a great speaker. Sometimes he'll practice by himself, then he'll ask me how it sounds. We have a tape recorder, too, that he uses."

The two men, besides his father, who have left indelible impressions on Jim's own brand of oratory were Phillip Murray and Dr. Martin Luther King Jr. He admired the rolling thunder and whispering pines quality of Dr. King's delivery. And in Phil Murray he found a need to ponder every word to make sure it was the right one. "Sometimes his silence was like a trip hammer," Jim recalls.

Over the years, Mrs. McCoy has also helped her husband with his civil rights labors. "But," she readily admits, "I guess I can't do the work like the men. I would like to get right to it like Jimmy. But I'm a little afraid. The men aren't afraid to go to jail if they have to. I really don't want to go to jail when they're having their demonstrations."

Jim McCoy has been arrested twice—once in Homewood in 1963 for playing a loud-speaker on Sunday and later during a picketing demonstration.

He first got into "the struggle for human dignity," as he is apt to call the civil rights movement, back in the late 1940s. "We in the black community and liberal people throughout Pittsburgh became concerned over the need for Fair Employment Practices statutes both in the City and State," he says. "I worked and helped as much as I could without any fuss or fanfare."

But it wasn't long before he was named chairman of the Greater Pittsburgh Improvement League's employment committee. Later he was elected to the board of the Pittsburgh branch of the NAACP. On the State level, he organized the Pennsylvania NAACP Labor and Industry Committee. "One of our most important efforts," he recalls, "was the suc-

cessful fight to integrate the Hershey Chocolate Co. in Hershey."

He was aggressive, even militant, in his search to develop techniques for expanding Negro opportunity. And out of his pursuit came selective buying campaigns and negotiations that advanced job opportunities for Negroes.

Yet Jim McCoy sensed a need to expand the protest movement in order "to shock the consciences of many black people and many white people to their responsibilities toward all citizens." So, on July 12, 1963, he called together a group of his oldest allies, including Pittsburgh NAACP President Byrd E. Brown. Out of the meeting came the United Negro Protest Committee (UNPC) with James McCoy Jr. as its chairman.

In the years since, it has set a record for consistency of meeting among district civil rights groups, convening every week. And it has pushed steadily for more and better housing, more and better jobs and more and better education for Negroes.

But, once again, Jim McCoy was dissatisfied with the progress being made. He began to realize that something more than protest was required to eliminate "the pronounced inequities in the black community." As a result, Freedom House Enterprises Inc. (FHE) was chartered two years ago as a private, non-profit, tax-exempt concern. Its mission was to develop a program to expand or strengthen the economic base of the black community by creating Negro-owned businesses and industries. In addition, it was to provide commercial skills as well as job training.

Since then FHE has received funds from the Ford, Mellon, Falk, Kaufmann and Pittsburgh foundations as well as Community Action Pittsburgh Inc. The bulk of the money has gone to the Freedom House Ambulance Service, which is manned now by 19 black paramedics and serves all of the Hill District under contract to the Dept. of Public Safety. And now, both Jim McCoy and the physicians at Presbyterian-University Hospital, who took the men off the streets and trained them, dream of the day when the service may become Countywide.

A HUMBLE MAN

Despite the weight of his considerable accomplishments, however, Jim McCoy remains a basically humble man.

"I don't consider my efforts in terms of a battle won or lost today and a new battle tomorrow, but rather as a contribution toward a long-existing struggle for human dignity that may not end during my lifetime," he says.

"Considering the magnitude of this problem, considering the effort that must be expended, I feel that what I am doing can be summed up in a little rhyme I learned while I was in kindergarten. It goes like this:

"Little drops of water
Little grains of sand
Make a mighty ocean
And a pleasant land.

"What I am doing is just a little grain of sand and it takes many of those little grains of sand to make this beautiful seashore. It takes many of those little drops of water to make this beautiful ocean.

"It is highly possible that I will not see this seashore or this ocean in all of its beauty. But I and countless thousands of others will have the satisfaction of knowing that in that deep blue ocean there is a little drop of water that I am responsible for and on that seashore, where there are millions of grains of sand, there is a little grain of sand somewhere in that midst that we are responsible for putting there.

"That's the way I look at this struggle, and looking at it in that manner eliminates frustration and discouragement from my heart and conscience. If I were to look at it

in any other way, I would have been retired from this struggle. I would have been a casualty in this battle a long time ago.

"You see, I feel that a person does not get into the movement; the movement is in the person. And if we look at a movement such as I mention, we have in us a mechanism that is self-generating. We'll never become disillusioned in our journey up the road toward total equality."

A BLACK MAN'S VIEWS

As an orator, James McCoy Jr. has few equals in Pittsburgh. As a philosopher in a troubled time, his words offer much for the young and old, both black and white, to ponder and to heed. The following are excerpts of his views. They were recorded by Press reporter Roger Stuart while compiling information for this week's Roto Magazine profile of Mr. McCoy.

Narrowing the breach

"I think the job will be much easier, the journey much lighter, the progress much greater if we move forward as a nation united. I'm afraid we will never be a nation united totally. But I do believe that the chasm, which is wide now, will narrow as time goes on."

Separate-but-equal remains unequal

"Despite the efforts of the black and white separatists in this nation, I feel there will be a resurgence of effort—joint effort—on the part of white people and black people together in this country.

"Although it appears that this has not been the case in recent months, I do believe—in fact, I know—the white and black communities have begun to realize there is no such thing as a separate-but-equal philosophy being applied in this nation.

"Those people who are saying today that the black man should be in a certain area of the city or a certain area of the country are only asking for a life of inferiority in America. Those white people who are supporting such a philosophy are supporting a life of inferiority for certain citizens of this country. As long as this is a democracy, such a theory will never work. Never."

The victims of violence

"Certainly if violence becomes imminent, where I am concerned or I am involved, I will raise high my hands and my arms and my voice to protect those who have or would become its victim, whether it would be a member of my own race or a member of some other race."

The need for protest

"The law that we have, the civil rights law that we have on the statute books today, is the result of the protest movement. The historic Supreme Court decision in 1954 was the product of the protest movement.

"Out of the protest movement have come hopes for thousands of black youth and black people throughout the country simply because it has shown these people that there is a better job, there is a better home, there is a better education for them and their families.

"I say that the protest movement must continue and must be intensified. We must keep pressing forward. The only reason why we should look back is because we are looking for energy and inspiration to keep moving forward."

As long as there is injustice

"The struggle for human dignity, which the civil rights movement is identified with, is something that is immortal or near immortal. As long as there are injustices, human inequities and the deprivation of one citizen's rights and privileges in favor of another citizen, there is going to be a struggle and a movement. The movement may take a different turn from time to time, as we have experienced in the past. But it will

never come to a dead standstill. Nor will it turn backward. There is but one way, to go and that is forward."

Who's fit for public office and who's not

"My concept has been that if you want a candidate to perform in a manner that would be satisfactory to you, then you must not only vote for him, you must also work for him and let it be known you are contributing toward his candidacy.

"This is necessary so that he will realize that he has a responsibility to you as a citizen who voted for him. I believe that if more citizens would embellish that concept we would no longer see politicians walking around who feel they are the masters of the people instead of the servants of the people.

"It is my belief that any person who aspires to political office must first believe deep in his heart that he is a servant if elected. If he does not hold that concept, then, in my opinion, he is not fit to hold the office he is running for."

AFRICAN CULTURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RARICK. Mr. Speaker, many small items of information reach the West from Africa which remind us that the great bulk of Africa remains a primitive society.

Since some of the reported African incidents are an enlightening commentary on the culture of Africa, I ask that several news releases from Africa follow:

SPICE PRICE IS DEATH

ZANZIBAR, TANZANIA, April 19.—The spice island of Zanzibar introduced the death penalty today for persons convicted of stealing cloves from the State Trade Corp.

Zanzibar, part of the United Republic of Tanzania, gets its main revenue from cloves.

IF WIFE DESERVES BEATING, WALLOP HER, NIGERIAN SAYS

LAGOS, NIGERIA.—A Nigerian columnist posed a question Friday to which he said there never has been a satisfactory answer—"Should a man beat his wife?"

His conclusion, if they deserve it, wallop 'em.

To wives who talk too much and are insolent to husbands the columnist would show only a modicum of mercy.

"Such wives should be beaten up but should not be maimed," he advised. Writing in the Lagos Daily Telegraph, the columnist "Antar" reported:

"In England husbands box their wives on the head and sometimes give them an uppercut. In America husbands use rubber canes. In Java husbands use the tail of a crocodile. In Kenya husbands use hippopotamus hide.

"All these are good for naughty wives."

Of course, he added, it is sweet indeed to have an understanding wife. But get yourself a shrew and, man, it's hell on earth.

Antar is a man who speaks from experience and plainly has no domestic troubles of his own.

"All my wives obey and fear me because they know what I would do if they became rude," he wrote. "It would not be a question of boxing them. I would get my houseboys to lay them on the table while I did havoc on their backs with the tail of a horse until I felt a pain in my right hand.

"That is the way to maintain domestic protocol and discipline, because a woman is

like a child. She must be beaten up to inject some sanity into her coconut head."

[From the Newark (N.J.) Sunday Star Ledger, Apr. 2, 1969]

AFRICA WALKS IDEOLOGICAL TIGHTROPE

(By George Weller)

Central and southern Africa went on the ideological block last week, with white and black auctioneers making competitive pitches for support.

The leaders of 14 newborn African states and Portugal's Prime Minister Marcello Caetano offered contrasting patterns for controlling racial strife in the Dark Continent and exploiting and sharing its riches.

The black leaders, meeting in Zambia, pledged themselves to sharpen the struggle against white-run southern Africa, but to renew efforts for peace in Nigeria. They are divided between supporters of Biafra and of the federal government, tribal independence versus central authority.

Caetano, successor in leadership to former President Antonio Salazar, was on a nine-day trip to Portuguese Africa. He began at Guinea, takeoff point for Biafra's relief, with Angola and Mozambique his next calls. Portugal's pattern of mixed racial standards was strengthened by setbacks to rebels in Mozambique.

The Lusaka meeting was shadowed by the revolt in the central African republic, originally pro-Chinese, now a pro-French state headed by President Jean Bedel Bokassa. The president sent to the firing squad his ex-paratrooper minister of health, Lt. Col. Alexander Banca, leftist leader of the abortive uprising.

Kenya, the most determinedly neutral of the African powers, heralded the Zambia conference by expelling two Soviet diplomats, the first secretary of the U.S.S.R. embassy and an assistant. "The methods adopted by hostile intelligence services to subvert and undermine governments, and to carry their ideological battles into countries which have repeatedly declared their intentions to remain non-aligned, are too well known to require repetition," said a Kenyan spokesman.

Tanzania's President Julius Nyerere and Guinea's President Sekou Toure sent greetings to China's Ninth Party Congress. China is building a railroad from Tanzania to Zambia to cut out Portuguese Mozambique and Rhodesia.

Zambia's President Kenneth Kaunda took an unexpected step against Herbert Chitepo, head of the ZANU guerrilla underground operating from Zambia, by having him arrested. Police found that he had kidnaped and chained a black partisan, whom he had alleged to be a Rhodesian spy, and tortured him. But the hearing has been postponed until the delegates of the 14 nations leave.

By elastic method Caetano is doing far better than Salazar in bolstering Portugal's possessions. In northern Angola the former leading guerrilla, Alexander Tati, a tribal chief, has come over to the Portuguese side. He has his own militia.

The Spanish government has arrested a Guinea Front leader, Pons de Cruceiro. Two months ago Frelimo's American-educated leader, Prof. Eduardo Mondlane, who ran the Moscow-oriented movement from Tanzania, was killed by a package bomb sent him from Germany in a Marxist book. He was succeeded by the pro-Chinese Presbyterian missionary Uriah Simango.

Simango arrested the 65-year-old chief of the Makonde tribe, Lazaro Kavandame, a supporter of Mondlane, threw him in jail and put his subordinates in charge of the guerrillas. The chief escaped from the jail in the guerrilla camp at Mtwara in Tanzania and walked nearly a month to the Portuguese border.

After a conference with Portuguese author-

ities, Kavandame broadcast demands that his tribesmen desert Simango and make peace. The guerrilla army numbers 8,000, mostly Makonde.

A crack force of Makonde guerrillas is also operating against Frelimo under leadership of the bearded big game hunter Daniel Roxo, 34, the "White Devil." He specialized in capturing guerrillas alive and persuading them to become informers. Roxo speaks three native dialects, and gets his weapons from the Portuguese regulars, who find his techniques of ambush-laying inimitable.

FINISH HOING THE GARDEN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MOORHEAD. Mr. Speaker, it is said that when someone asked St. Francis, while working in his garden, what he would do were he to suddenly learn that he would die at sunset that day, he replied, "I would finish hoeing my garden."

Perhaps this is an apt answer to all of the troubled young people these days who feel that they are just beginning to live in a world where nothing appears to be certain, where they feel there is no security for them, or anyone, young or old.

We do have a choice. It is this same obligation to go about the business of living each day to the fullest, the challenge to concentrate on the things of life, not death, that Prof. George Wald had in mind in his recent remarks at MIT, "A Generation in Search of a Future."

I include at this point in the RECORD the extemporaneous remarks of Professor Wald as they appeared in the New Yorker of March 22, for the attention of my colleagues:

THE TALK OF THE TOWN: NOTES AND COMMENTS

On Tuesday, March 4th, in the Kresge Auditorium at the Massachusetts Institute of Technology, a group of scientists assembled, with students and others, to discuss the uses of scientific knowledge. There is nothing we might print in these columns that could be more urgent than the extemporaneous speech, made before that gathering by George Wald, professor of biology at Harvard and Nobel Prize winner, under the title "A Generation in Search of a Future." We therefore quote from it here at length:

"All of you know that in the last couple of years there has been student unrest, breaking at times into violence, in many parts of the world: in England, Germany, Italy, Spain, Mexico, Japan, and, needless to say, many parts of this country. There has been a great deal of discussion as to what it all means. Perfectly clearly, it means something different in Mexico from what it does in France, and something different in France from what it does in Tokyo, and something different in Tokyo from what it does in this country. Yet, unless we are to assume that students have gone crazy all over the world, or that they have just decided that it's the thing to do, it must have some common meaning.

"I don't need to go so far afield to look for that meaning. I am a teacher, and at Harvard I have a class of about three hundred and fifty students—men and women—most of them freshmen and sophomores. Over

these past few years, I have felt increasingly that something is terribly wrong—and this year ever so much more than last. Something has gone sour, in teaching and in learning. It's almost as though there were a widespread feeling that education has become irrelevant.

"A lecture is much more of a dialogue than many of you probably realize. As you lecture, you keep watching the faces, and information keeps coming back to you all the time. I began to feel, particularly this year, that I was missing much of what was coming back. I tried asking the students, but they didn't or couldn't help me very much.

"But I think I know what's the matter. I think that this whole generation of students is beset with a profound uneasiness, and I don't think that they have yet quite defined its source. I think I understand the reasons for their uneasiness even better than they do. What is more, I share their uneasiness.

"What's bothering those students? Some of them tell you it's the Vietnam war. I think the Vietnam war is the most shameful episode in the whole of American history. The concept of war crimes is an American invention. We've committed many war crimes in Vietnam—but I'll tell you something interesting about that. We were committing war crimes in World War II, before the Nuremberg trials were held and the principle of war crimes was stated. The saturation bombing of German cities was a war crime. Dropping those atomic bombs on Hiroshima and Nagasaki was a war crime. If we had lost the war, it might have been our leaders who had to answer for such actions. I've gone through all that history lately, and I find that there's a gimmick in it. It isn't written out, but I think we established it by precedent. That gimmick is that if one can allege that one is repelling or retaliating for an aggression, after that everything goes.

"And, you see, we are living in a world in which all wars are wars of defense. All War Departments are now Defense Departments. This is all part of the doubletalk of our time. The aggressor is always on the other side. I suppose this is why our ex-Secretary of State Dean Rusk went to such pains to insist, as he still insists, that in Vietnam we are repelling an aggression. And if that's what we are doing—so runs the doctrine—everything goes. If the concept of war crimes is ever to mean anything, they will have to be defined as categories of acts, regardless of alleged provocation. But that isn't so now.

"I think we've lost that war, as a lot of other people think, too. The Vietnamese have a secret weapon. It's their willingness to die beyond our willingness to kill. In effect, they've been saying, You can kill us, but you'll have to kill a lot of us; you may have to kill all of us. And, thank heaven, we are not yet ready to do that.

"Yet we have come a long way toward it—far enough to sicken many Americans, far enough to sicken even our fighting men. Far enough so that our national symbols have gone sour. How many of you can sing about 'the rockets' red glare, the bombs bursting in air' without thinking, Those are our bombs and our rockets, bursting over South Vietnamese villages? When those words were written, we were a people struggling for freedom against oppression. Now we are supporting open or thinly disguised military dictatorships all over the world, helping them to control and repress peoples struggling for their freedom.

"But that Vietnam war, shameful and terrible as it is, seems to me only an immediate incident in a much larger and more stubborn situation.

"Part of my trouble with students is that almost all the students I teach were born after World War II. Just after World War II, a series of new and abnormal procedures came into American life. We regarded them at the

time as temporary aberrations. We thought we would get back to normal American life someday.

"But those procedures have stayed with us now for more than twenty years, and those students of mine have never known anything else. They think those things are normal. They think that we've always had a Pentagon, that we have always had a big Army, and that we have always had a draft. But those are all new things in American life, and I think that they are incompatible with what America meant before.

"How many of you realize that just before World War II the entire American Army, including the Air Corps, numbered a hundred and thirty-nine thousand men? Then World War II started, but we weren't yet in it, and, seeing that there was great trouble in the world, we doubled this Army to two hundred and sixty-eight thousand men. Then, in World War II, it got to be eight million. And then World War II came to an end and we prepared to go back to a peacetime Army, somewhat as the American Army had always been before. And, indeed, in 1950—you think about 1950, our international commitments, the Cold War, the Truman Doctrine, and all the rest of it—in 1950, we got down to six hundred thousand men.

"Now we have three and a half million men under arms: about six hundred thousand in Vietnam, about three hundred thousand more in 'support areas' elsewhere in the Pacific, about two hundred and fifty thousand in Germany. And there are a lot at home. Some months ago, we were told that three hundred thousand National Guardsmen and two hundred thousand reservists—so half a million men—had been specially trained for riot duty in the cities.

"I say the Vietnam war is just an immediate incident because as long as we keep that big an Army, it will always find things to do. If the Vietnam war stopped tomorrow, the chances are that with that big a military establishment we would be in another such adventure, abroad or at home, before you knew it.

"The thing to do about the draft is not to reform it but to get rid of it.

"A peacetime draft is the most un-American thing I know. All the time I was growing up, I was told about oppressive Central European countries and Russia, where young men were forced into the Army, and I was told what they did about it. They chopped off a finger, or shot off a couple of toes, or, better still, if they could manage it, they came to this country. And we understood that, and sympathized, and were glad to welcome them.

"Now, by present estimates, from four to six thousand Americans of draft age have left this Country for Canada, two or three thousand more have gone to Europe, and it looks as though many more were preparing to emigrate.

"A bill to stop the draft was recently introduced in the Senate (S. 503), sponsored by a group of Senators that runs the gamut from McGovern and Hatfield to Barry Goldwater. I hope it goes through. But I think that when we get rid of the draft we must also drastically cut back the size of the armed forces.

"Yet there is something ever so much bigger and more important than the draft. That bigger thing, of course, is the militarization of our country. Ex-President Eisenhower, in his farewell address, warned us of what he called the military-industrial complex. I am sad to say that we must begin to think of it now as the military-industrial-labor-union complex. What happened under the plea of the Cold War was not alone that we built up the first big peacetime Army in our history but that we institutionalized it. We built, I suppose, the biggest government building in our history to run it, and we institutionalized it.

"I don't think we can live with the present

military establishment, and its eighty-billion-dollar-a-year budget, and keep America anything like the America we have known in the past. It is corrupting the life of the whole country. It is buying up everything in sight: industries, banks, investors, scientists—and lately it seems also to have bought up the labor unions.

"The Defense Department is always broke, but some of the things it does with that eighty billion dollars a year would make Buck Rogers envious. For example, the Rocky Mountain Arsenal, on the outskirts of Denver, was manufacturing a deadly nerve poison on such a scale that there was a problem of waste disposal. Nothing daunted, the people there dug a tunnel two miles deep under Denver, into which they have injected so much poisoned water that, beginning a couple of years ago, Denver has experienced a series of earth tremors of increasing severity. Now there is grave fear of a major earthquake. An interesting debate is in progress as to whether Denver will be safer if that lake of poisoned water is removed or is left in place.

"Perhaps you have read also of those six thousand sheep that suddenly died in Skull Valley, Utah, killed by another nerve poison—a strange and, I believe, still unexplained accident, since the nearest testing seems to have been thirty miles away.

"As for Vietnam, the expenditure of firepower there has been frightening. Some of you may still remember Khe Sanh, a hamlet just south of the Demilitarized Zone, where a force of United States Marines was beleaguered for a time. During that period, we dropped on the perimeter of Khe Sanh more explosives than fell on Japan throughout World War II, and more than fell on the whole of Europe during the years 1942 and 1943.

"One of the officers there was quoted as having said afterward, 'It looks like the world caught smallpox and died.'

"The only point of government is to safeguard and foster life. Our government has become preoccupied with death, with the business of killing and being killed. So-called defense now absorbs sixty per cent of the national budget, and about twelve per cent of the Gross National Product.

"A lively debate is beginning again on whether or not we should deploy antiballistic missiles, the ABM. I don't have to talk about them—everyone else here is doing that. But I should like to mention a curious circumstance. In September, 1967, or about a year and a half ago, we had a meeting of M.I.T. and Harvard people, including experts on these matters, to talk about whether anything could be done to block the Sentinel system—the deployment of ABMs. Everyone present thought them undesirable, but a few of the most knowledgeable persons took what seemed to be the practical view: 'Why fight about a dead issue? It has been decided, the funds have been appropriated. Let's go on from there.'

"Well, fortunately, it's not a dead issue.

"An ABM is a nuclear weapon. It takes a nuclear weapon to stop a nuclear weapon. And our concern must be with the whole issue of nuclear weapons.

"There is an entire semantics ready to deal with the sort of thing I am about to say. It involves such phrases as 'Those are the facts of life.' No—these are the facts of death. I don't accept them, and I advise you not to accept them. We are under repeated pressure to accept things that are presented to us as settled—decisions that have been made. Always there is the thought: Let's go on from there. But this time we don't see how to go on. We will have to stick with these issues.

"We are told that the United States and Russia, between them, by now have stockpiled nuclear weapons of approximately the explosive power of fifteen tons of TNT for every man, woman, and child on earth. And now it is suggested that we must make more.

All very regrettable, of course, but 'those are the facts of life.' We really would like to disarm, but our new Secretary of Defense has made the ingenious proposal that now is the time to greatly increase our nuclear armaments, so that we can disarm from a position of strength.

"I think all of you know there is no adequate defense against massive nuclear attack. It is both easier and cheaper to circumvent any known nuclear-defense system than to provide it. It's all pretty crazy. At the very moment we talk of deploying ABMs, we are also building the MIRV, the weapon to circumvent ABMs.

"As far as I know, the most conservative estimates of the number of Americans who would be killed in a major nuclear attack, with everything working as well as can be hoped and all foreseeable precautions taken, run to about fifty million. We have become callous to gruesome statistics, and this seems at first to be only another gruesome statistic. You think, Bang!—and next morning, if you're still there, you read in the newspapers that fifty million people were killed.

"But that isn't the way it happens. When we killed close to two hundred thousand people with those first, little, old-fashioned uranium bombs that we dropped on Hiroshima and Nagasaki, about the same number of persons were maimed, blinded, burned, poisoned, and otherwise doomed. A lot of them took a long time to die.

"That's the way it would be. Not a bang and a certain number of corpses to bury but a nation filled with millions of helpless, maimed, tortured, and doomed persons, and the survivors huddled with their families in shelters, with guns ready to fight off their neighbors trying to get some uncontaminated food and water.

"A few months ago, Senator Richard Russell, of Georgia, ended a speech in the Senate with the words 'If we have to start over again with another Adam and Eve, I want them to be Americans; and I want them on this continent and not in Europe.' That was a United States senator making a patriotic speech. Well, here is a Nobel laureate who thinks that those words are criminally insane.

"How real is the threat of full-scale nuclear war? I have my own very inexperienced idea, but, realizing how little I know, and fearful that I may be a little paranoid on this subject, I take every opportunity to ask reputed experts. I asked that question of a distinguished professor of government at Harvard about a month ago. I asked him what sort of odds he would lay on the possibility of full-scale nuclear war within the foreseeable future. 'Oh,' he said comfortably, 'I think I can give you a pretty good answer to that question. I estimate the probability of full-scale nuclear war, provided that the situation remains about as it is now, at two per cent per year.' Anybody can do the simple calculation that shows that two per cent per year means that the chance of having that full-scale nuclear war by 1990 is about one in three, and by 2000 it is about fifty-fifty.

"I think I know what is bothering the students. I think that what we are up against is a generation that is by no means sure that it has a future.

"I am growing old, and my future, so to speak, is already behind me. But there are those students of mine, who are in my mind always; and there are my children, the youngest of them now seven and nine, whose future is infinitely more precious to me than my own. So it isn't just their generation; it's mine, too. We're all in it together.

"Are we to have a chance to live? We don't ask for prosperity, or security. Only for a reasonable chance to live, to work out our destiny in peace and decency. Not to go down in history as the apocalyptic generation.

"And it isn't only nuclear war. Another overwhelming threat is in the population explosion. That has not yet even begun to come

under control. There is every indication that the world population will double before the year 2000, and there is a widespread expectation of famine on an unprecedented scale in many parts of the world. The experts tend to differ only in their estimates of when those famines will begin. Some think by 1980; others think they can be staved off until 1990; very few expect that they will not occur by the year 2000.

"That is the problem. Unless we can be surer than we now are that this generation has a future, nothing else matters. It's not good enough to give it tender, loving care, to supply it with breakfast foods, to buy it expensive educations. Those things don't mean anything unless this generation has a future. And we're not sure that it does.

"I don't think that there are problems of youth, or student problems. All the real problems I know about are grown-up problems.

"Perhaps you will think me altogether absurd, or 'academic,' or hopelessly innocent—that is, until you think of the alternatives—if I say, as I do to you now: We have to get rid of those nuclear weapons. There is nothing worth having that can be obtained by nuclear war—nothing material or ideological—no tradition that it can defend. It is utterly self-defeating. Those atomic bombs represent an unusable weapon. The only use for an atomic bomb is to keep somebody else from using one. It can give us no protection—only the doubtful satisfaction of retaliation. Nuclear weapons offer us nothing but a balance of terror, and a balance of terror is still terror.

"We have to get rid of those atomic weapons, here and everywhere. We cannot live with them.

"I think we've reached a point of great decision, not just for our nation, not only for all humanity, but for life upon the earth. I tell my students, with a feeling of pride that I hope they will share, that the carbon, nitrogen, and oxygen that make up ninety-nine per cent of our living substance were cooked in the deep interiors of earlier generations of dying stars. Gathered up from the ends of the universe, over billions of years, eventually they came to form, in part, the substance of our sun, its planets, and ourselves. Three billion years ago, life arose upon the earth. It is the only life in the solar system.

"About two million years ago, man appeared. He has become the dominant species on the earth. All other living things, animal and plant, live by his sufferance. He is the custodian of life on earth, and in the solar system. It's a big responsibility.

"The thought that we're in competition with Russians or with Chinese is all a mistake, and trivial. We are one species, with a world to win. There's life all over this universe, but the only life in the solar system is on earth, and in the whole universe we are the only men.

"Our business is with life, not death. Our challenge is to give what account we can of what becomes of life in the solar system, this corner of the universe that is our home; and, most of all, what becomes of men—all men, of all nations, colors, and creeds. This has become one world, a world for all men. It is only such a world that can now offer us life, and the chance to go on."

ABM—THE LAST BULWARK AGAINST INTERNATIONAL TYRANNY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RARICK. Mr. Speaker, many times our foreign friends offer the soundest

critique of the problems the American people are experiencing and what they can expect.

One such analysis is a recent article by a former international diplomat of a country now behind the Communist curtain who, for fear of his life, lives in exile and writes under the pen name of Z. A. Rust.

Mr. Rust compares the naivete and lack of statesmanship of the American leaders today with the disbelief and lack of concern in his country until it was too late. There was no second chance for his country or people—nor will there be for us.

I present his work, "The Ghost in the White House and the Coming American Tragedy" at this point:

THE GHOST IN THE WHITE HOUSE AND THE COMING AMERICAN TRAGEDY

"Through a systematic terror, during which every breach of contract, every treason, every lie will be lawful, we will find the way to abase humanity down to the lowest level of existence. It is only that way that we will succeed in transforming it into that passive and obedient instrument that is indispensable to the establishment of our dominion."—LENIN. (Collected Works.—Russian edition, 1923.)

If the tragedy will be called suicide or murder depends on the operating groups we choose to consider: the persistent victims of the Roosevelt folly and the 73 Senators who out of party discipline ratified the disastrous Nonproliferation Treaty, or the false advisors and the communist parachutists Joe McCarthy tried to ferret out of America's State and social apparatus.

Suicide or murder, the thing that is directly at stake is the downfall of the last existing non-Communist big power, supreme purpose of the Communist conspiracy.

In order better to understand the significance, for the United States and the world, of the ratification by the United States Senate of the Nonproliferation Treaty we must go back to two past events; 1) The surrender by Franklin Roosevelt of almost half of non-Communist Europe to the Communist Empire, 2) President Kennedy's speech which was the base of the policy of demolition of the United States First Strike Nuclear Force. Those events separated by fifteen years of co-Existence were prompted by the same chimera, that of the Communist arch-fiend transformed into a friendly collaborator of the Christian world.

The speech of the President was very much admired for the military and technical knowledge showed by a non-professional personality. The truth is that very professional military and political individuals, from the Soviet General Staff and Foreign Office, have been responsible for the substance of Kennedy's address. It represented and implemented exactly the desire expressed by Comrade Kutnetzof to Mr. Rostov, the President's emissary to Moscow. "Your policy, observed the Soviet undersecretary of state, excludes a surprise attack against the Soviet Union; all your First Strike apparatus is therefore a useless luxury. Give it up and a big step would have been made towards a political understanding between our two countries." Kennedy bought the idea, MacNamara took charge of its execution. Neither the Kennedy nor the Johnson administration seem to have realized the difference between "not having the intention to strike first" and conforming oneself to the request of an enemy who asks you to disarm yourself.

Useless to remark that Soviet Russia did not follow the policy recommended by Mr. Kutnetzof.

Defense Secretary Laird had communicated recently to the Senate Foreign Affairs Sub-

Committee—where, besides Senator Fulbright and Symington he had to face an hostile peacenickoid public—information which until then had been kept secret by the preceding Administration, disclosing for the first time publicly and officially "that there was no question that with their large tonnage of nuclear warheads the Soviets were going to a first strike capability", and that the Soviet deployment of intercontinental missiles with warheads larger than those of the U.S. "leads to the conclusion that this can be only aimed at destroying our retaliatory force."

Secretary Laird's declarations ask for some elaboration. It was the impudent violation, 97 times repeated, of the first Test Ban Agreement that permitted Soviet Russia to develop nuclear warheads ten times more powerful than those with which the United States, respectful of the first and of the second Test Ban Agreements are forced, even today, to content themselves. As the United States and the Soviet Union have for the moment about the same number of land based intercontinental missiles, this means that the Soviets dispose for a sneak nuclear attack of ten times more megatons than the United States . . . before that attack. Taking into account that the superiority in tonnage of the nuclear missiles does not indicate exactly their superiority in destructive power, but also the fact that the population and the industries of the United States are much more concentrated than in the Soviet Republic, the estimation presented by Secretary Laird, computed under the Democratic administration, shows that the Soviets could kill 35% of the United States population with 200 of their missiles; for the same effect the United States would need six times as many well placed nuclear bombs.

It is the defense of the U.S. cities that the leftists and new-leftist circles, under the leadership of some very distinguished personalities, are decided to prevent, in order not to offend Soviet Russia and Red China's susceptibility, two friendly countries who might see in those purely defensive measures the preparation of a surprise nuclear aggression. Indeed, while Soviet Russia has started a broad development of anti-missile defense for the protection of her population, the leftist and neo-leftist circles in the United States oppose even the stingy project of anti-missile protection for two of the U.S. intercontinental missile bases, presented by the Nixon Administration.

The sum-total of the present comparative nuclear situation may be thus described therefore: (1) continuous disaggregation of the U.S. First Strike Force, started under the Kennedy administration and critical vulnerability of the U.S. Second Strike bases; (2) continuous increase of Soviet Russia's First Strike Force and of its defense against retaliation operations. In such circumstances there is no wonder that the Nixon administration and its opponents in the Congress are in agreement over one important point: both declare that the only real defense against nuclear annihilation would be an understanding with the Soviet Government concerning the control of nuclear armament or of armament in general.

Both the present administration and the opposing Congressmen know, nevertheless, very well that the Soviet Union has violated all the agreements to which it has ever subscribed; both know that the Soviets will never consent to give up the crushing superiority they have in Europe in matter of traditional warfare and, between the two continents, in matter of nuclear armament. Both know that the maximum concession which could be expected from Moscow is a stabilization at the present level of military possibilities. Both know, also, that Soviet Russia has declared beforehand that she re-

jects categorically any control on her territory of the implementation of any disarmament agreement. The opposed party will have therefore to rely only upon her word and her good faith.

Until the recent visit of President Nixon to the Western European capitals and the ratification of the Nonproliferation Treaty, the U.S. could not have been coerced to accept such a precarious and perilous situation as the unique way of assuring a pretense of peace and of delaying the unavoidable outcome. The existence of even a fitful NATO and, more especially, the confidence which, despite of all, the NATO countries still had in the U.S.' support in case of a Soviet attack or a Soviet menace, created a fragile first line of political and military defense for the United States, and left open the possibility of reinforcing this line to the point in which it would have represented an almost insuperable obstacle for the Kremlin's world-dominating aspirations. The ratification of the Nonproliferation Treaty and President Nixon's trip, diplomatic prelude to this ratification, have quelled that possibility and has given the NATO as much as the *coup de grace*.

The scandalous "no-win" campaign of the American Press and media of communication, and the timorous and pro-Soviet manifestations in the American Senate by some of the most influential personalities of both political parties concerning the NPT and the Vietnam affair, scattered in the capitals and the public opinion of the NATO countries the last illusions about the United States taking the terrible risk of a nuclear war on behalf of the European continent.

The only way of breaking in Europe, in the Mediterranean and in the Atlantic, the balance of nuclear terror, or better said the permanent state of nuclear blackmail of which the Communist World has been the unique beneficiary, would have been the sudden transformation of the group of NATO countries in a second nuclear power, a thing which could have been done almost instantaneously, without giving the Soviets the time necessary to prevent it. This would have transformed what was only a symbol of anti-Communist collaboration in a homogeneous nuclear block, extending from the East-German frontiers to the Pacific coast, having also among its arsenal the explosive power of 150 millions of enslaved Europeans, a block obviously more dangerous for Soviet Russia than the Soviet nuclear power is for the United States. That was what the Soviets were afraid of, and that is the enormous political and military victory they have won when the United States Solons sold their country's birthright for a plate of lens.

The result of the situation which has been thus perfected by the new United States Administration, can be only a tragic acceleration of the process of continuous capitulation which monitors East-West relations since Teheran and Yalta. It is in Asia, very likely, that this acceleration will bring the United States to a new crisis of eminence and power, herald of the approaching struggle on the inner and foreign battlefield for their existence as a free nation.

To understand the origin and the nature of the mess in which the United States have entangled themselves in Vietnam we must, as for the nuclear European imbroglio, go back to two past and fairly wide apart happenings: (1) the moment in which President Truman, for no explainable reasons in terms of avowable national or international considerations, snatched China from the hands of Chiang Kai-shek and gave it to the Communist Empire, a more important milestone, perhaps, in human history than the surrendering to Stalin of half of Europe by Franklin Roosevelt; (2) the repeated and still valid declarations by President Johnson and every responsible factor in Wash-

ington, that the United States had no intention to win the war in which they were engaging more than 500,000 men and have lost already about 40,000 officers and soldiers and more than 3,000 planes and helicopters, and spent more money than for the whole war against Japan. It is of course only the firm and proclaimed decision not to win the war in the Far East that has prevented it to be won months and years ago. It is the humiliating negotiations in Paris, where slap after slap have answered the United States' overtures and forbearance that have convinced Ho Chi Minh he could demand anything, as it was not the tens of millions of Americans, who were as sensitive to national honor and patriotic summons as the soldiers who were fighting his troops, who dictated in Washington, but a clique of insiders of mixed origin and doubtful affiliation.

In fact the United States' proposal of reciprocal withdrawal of troops meant already victory for Hanoi, for which no neutralized zone has ever existed and whose troops will remain always in readiness for a new invasion. But what Ho Chi Minh and his bosses in Moscow and Peking are working for is more than that: they want a manifest unilateral withdrawal of the United States forces which will not permit Washington to save its face even in the measure allowed by the pretended reciprocity, a withdrawal which will make of all the Americans' efforts and sacrifices a huge and cruel Bay of Pigs.

What is aimed at is the outlawry of United States' influence and even presence from the whole Far-Eastern area, which will make them lose all their friends and allies, Thailand, Laos, Burma, Indonesia and even South Korea, the Philippines and Japan.

This will deprive them of the only chance to avoid being caught, in three or four years from now, in probably irresistible Sino-Soviet nuclear pliers. A situation which with the predictable political changes in a Europe abandoned to Communist menace and power, could force the United States to accept a crucial showdown at a moment chosen by the enemy, or to accept the government of administrators chosen also by him, indirectly or directly.

Only a total change in the leadership of the United States, or a radical change in the mentality of the present leadership, could prevent the fall of American power, influence and prestige in both the western and the eastern hemisphere and, consequently, the repulsive emergence of the animal farm of men and nations announced by Lenin and his successors.

Is such a radical change likely to occur? Some ominous news came recently from Washington. The well informed and controlled Press reports that President Nixon "was anxious to get a first hand assessment of the popularity of the Saigon regime and of the concessions this regime was prepared to make towards reaching a political settlement with the Communist enemy." The New York Times and the Time Magazine, the band leaders of the dozens of newspapers and magazines which have espoused the enemy line, have stricken for months the same chord.

It seems that the same fate, or worse, is intended for President Nguyen-Van-Thieu and Vice President Kao-Ky, than that which has been meted to Chiang-Kai-Shek by the Lattimore gang of conspirators. The ghost of the White House is still there, under all its incarnations, from Colonel Mandel House to Professor Henry Kissinger. It still haunts its lofty halls and obsesses the presidential will power. And as long as this wraith of another world would not have been thoroughly exorcised from American life and policy, not only the United States but all the countries of Christian Civilization will be hanging over the brink of the Communist Gehenna.

Z. A. RUST.