

By Mr. WHITEHURST:
H.J. Res. 697. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

By Mr. CELLER:
H. Con. Res. 237. Concurrent resolution encouraging and supporting programs of scientific research and training at gerontology centers; to the Committee on Education and Labor.

By Mr. HELSTOSKI:
H. Con. Res. 238. Concurrent resolution in support of gerontology centers; to the Committee on Education and Labor.

By Mr. BURKE of Massachusetts:
H. Res. 387. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. CORBETT:
H. Res. 388. Resolution amending the Rules of the House of Representatives with respect to the organization of standing committees; to the Committee on Rules.

By Mr. McCLODY:
H. Res. 389. Resolution authorizing Members of the House of Representatives to em-

ploy during each summer two student congressional interns; to the Committee on House Administration.

By Mr. RYAN (for himself, Mr. CLAY, Mr. DANIELS of New Jersey, Mr. FARBERSTEIN, Mr. FRASER, Mr. OLSEN, Mr. POWELL, Mr. ROYBAL, Mr. STOKES, and Mr. WALDIE):

H. Res. 390. Resolution to express the sense of the House regarding the shutdown of Job Corps installations before congressional authorization and appropriation actions; to the Committee on Education and Labor.

MEMORIALS

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

142. Memorial of the Legislature of the Commonwealth of Massachusetts, relative to revising the Selective Service System; to the Committee on Armed Services.

143. Also, memorial of the Legislature of the State of Oklahoma, relative to the Arbuckle Job Corps Center at Sulphur, Okla., to the Committee on Education and Labor.

144. Also, memorial of the Legislature of the Commonwealth of Massachusetts; relative to including a cost-of-living index formula in social security benefits payments; 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. FISHER:
H.R. 10865. 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. HAYS:
H.R. 10866. A bill for the relief of Michele Trovato; to the Committee on the Judiciary.

By Mr. WYATT:
H. Res. 391. Resolution to refer the bill, H.R. 10449, entitled "A bill for the relief of the estate of William E. Jones," to the Chief Commissioner of the Court of Claims, in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

INLAND WATERWAYS OF THE UNITED STATES CONTINUE TO PROVIDE FOR LOW-COST MOVEMENT OF QUANTITIES OF BULK COMMODITIES SO IMPORTANT TO ECONOMIC DEVELOPMENT—EXCESS OF \$131 BILLION INVESTED IN INDUSTRIAL PRODUCTION FACILITIES AT WATER-ORIENTED SITES SINCE 1952

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES
Thursday, May 1, 1969

Mr. RANDOLPH. Mr. President, the U.S. Army Corps of Engineers is charged with compilation and publication of statistics on waterborne commerce in addition to their responsibilities for development and maintenance of the Nation's navigable waterways and harbor channels.

Preliminary estimates by the Army Engineers show an increase of 3.5 percent over 1967 in waterborne commerce in the United States. This represents the sixth consecutive year that the Nation has set new all-time high record for tonnage carried on our waterways. The corps also estimates that the ton-miles of freight moving on our waterways during 1968 will be 287 billion ton-miles, also an all-time high. This increase is reflected in larger tonnage on the Ohio and Monongahela Rivers in West Virginia.

Since 1952, statistics compiled by the American waterway operators reveal that over \$131 billion has been invested in industrial production facilities at water-oriented sites, to aid in the handling and moving of cargo in waterborne commerce. Our waterways continue to provide for low-cost transportation of quantities of bulk commodities necessary for the economic development of our country.

An example of how a waterway project

stimulates economic growth can be seen in the Arkansas River development, which will extend the inland waterway system approximately 450 miles up the Arkansas River to a point near Tulsa, Okla. This project, now open for navigation to Little Rock, Ark., is scheduled for completion by the end of 1970. It has aided in a new round of economic activity in this region. Thirty-five permits have already been issued for docks and related facilities to service waterway traffic. Thus far, announced industrial expansion exceeds \$394 million.

Mr. President, H. Sutton Sharp, the very capable editor of the Parkersburg (W. Va.) Sentinel, has written an editorial, "Traffic on Waterways," in the April 23 issue. I request unanimous consent that the comment be printed in the RECORD at this point.

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

TRAFFIC ON WATERWAYS

Data on commodities transported over the inland waterways of the United States in 1967 has been compiled and published in pamphlet form as a public information service by the American Waterways Operators, Inc. The data was compiled from reports issued by the Waterborne Commerce Statistics Center of the Army Corps of Engineers, New Orleans, Louisiana.

The AWO report, titled 1967 Inland Waterborne Commerce Statistics, shows that 500,912,733 tons of freight were transported on the inland waterways in 1967 as compared to 489,066,120 in 1966, an increase of 2.42 percent. Ton-miles of service in 1967 totaled 173,300,000,000 as compared to 164,528,798,000 in 1966, an increase of 5.33 percent.

Thirty-five principal commodities made up 94.14 percent of the total commerce in 1967. Ten of the 35 principal commodities accounted for 81.77 percent of the total. They were bituminous coal and lignite, 23.09 percent; other petroleum and coal products, 14.33 percent; sand and gravel, 11.70 percent; crude petroleum, 10.12 percent; gasoline, 7.94 percent; unmanufactured marine shells, 4.66 percent; rafted logs, 3.65 per-

cent; grain and grain products, 3.47 percent; basic chemicals and products, 1.48 percent; and jet fuel, 1.33 percent.

Included in the AWO pamphlet are tables showing total net tons and ton-miles of service on the inland waterways (exclusive of the Great Lakes) for the calendar years 1931, 1940, 1947, 1950 and for the entire period 1954 through 1967. Another table gives the total net tons and ton-miles of coastal and coastwise traffic for the years 1957 through 1966, the latest year for which these figures are available.

Tables in the pamphlet also show the comparative data on net tons and ton-miles of freight traffic in the United States by inland waterways, Great Lakes, railways, motor trucks and pipelines for the years 1961 through 1966.

As of January 1, 1968, a total of 4,395 towboats and tugs with total horsepower of 3,545,821 and 18,611 dry cargo and tank barges having total cargo capacity of 21,186,331 net tons were engaged in the performance of transportation services in the United States.

Included in the 1967 pamphlet is a table showing a comparison of the vessels on the inland waterways of the United States for the years 1962 through 1967.

Reports on 27 major waterways show the navigable length, controlling depths, a comparison of total annual traffic for the period 1962 through 1967, and the net tons of major commodities transported in 1967.

A two-color map of the inland waterways of the United States is incorporated.

Single copies of 1967 Inland Waterborne Commerce Statistics are available to others upon request to the American Waterways Operators, Inc., Washington, D.C.

LEGISLATION TO PROVIDE FOR THE RECOMPUTATION OF MILITARY RETIRED PAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 1969

Mr. BOB WILSON. Mr. Speaker, yesterday I introduced legislation to pro-

vide for the recomputation of military retired pay.

In 1958 and 1963 Congress broke faith with our retired military when the time-honored retirement formula was changed. Until 1958, retired pay was tied directly to active duty pay, and when active duty members received a pay increase, retired members did likewise. Public Law 85-422 in 1958, however, increased active duty pay by 10 percent, but retired pay by only 6 percent. Then in 1963 Congress, in Public Law 88-132, tied future retired pay increases to a raise in the cost-of-living index as maintained by the Labor Department. As presently stated, the law provides that the retired military basic pay rate will be adjusted when the CPI—Consumer Price Index—shows an increase of at least 3 percent for 3 months. Let us consider, for a moment, just how this system works. Each retired member's pay is based at present upon the pay scale at the time of his retirement. Thus, we now have many situations with retirees at the same grade and years of service—and the same hardships endured—drawing seven different rates of pay, dependent upon the date of retirement. The ironic twist to this situation is that these men enlisted and reenlisted in the military service over the years on the assurance of the pre-1958 retirement system. They were promised that, although active duty pay was low, a meaningful retired pay system would help offset the cleavage between civilian and military pay. These men surely fulfilled their part of the bargain—they gave long years of faithful, devoted service in war and peace. How shameful that we in Congress have reneged on our obligation.

The most perplexing problem, however, in restoring recomputation is the great cost involved. The figures listed by the Department of Defense are truly staggering. One suggestion that has been put forth as a means of cutting the cost considerably is to limit recomputation only to those who retired before the law was changed in 1958 and thus had no opportunity to alter their career decision in light of the change in their retirement benefits. According to this reasoning, those not already retired were forewarned of the change in benefits. While this would greatly benefit pre-1958 retirees, it would also create another group of second-class retirees in the process—those with considerable service who retired shortly after 1958. It is most unrealistic to say that a man with 17 or 18 years service in 1958 could change his career decision at that point in his military career. In fact, I feel that anyone with more than 10 years service in 1958 was a career man and entitled to the retirement benefits promised him at the time of his enlistment and reenlistments.

I am, therefore, introducing legislation to recompute retired pay based on active duty rates for all those who had at least 10 years' service when the law was so abruptly changed in 1958. I feel this bill is more equitable than legislation to limit these benefits to pre-1958 retirees, but it would still reduce considerably the cost of the Defense Department's retirement commitment in the years ahead.

The time for action to correct this inequity for retirees is now and I sincerely hope that Congress will consider my bill and the numerous other recomputation bills at the earliest possible time. We must close the Government's credibility gap with the military retiree.

JOB TRAINING FOR A BARGAIN

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, May 1, 1969

Mr. BOGGS. Mr. President, the Opportunities Industrialization Center Program, founded by Rev. Dr. Leon H. Sullivan, of Philadelphia, is proving to be one of our effective job training programs.

The program was begun in Philadelphia and since has spread to 74 other cities, including Wilmington in my own State of Delaware.

It has been singularly effective in training those thought unemployable and placing them in meaningful jobs. The program is taking on new meaning in Philadelphia where it provides an entrepreneurship training project and manufactures components for our aerospace industry and other products.

However, in the OIC as in other programs, favorable results can be achieved only when expertise and adequate financing are available. Dr. Sullivan's fine staff is providing the expertise, but in Wilmington and other cities sufficient funding is not available. S. 1362, introduced by myself and several other Senators, would help to resolve this problem by authorizing direct appropriations to the OIC program which now receives funds sporadically from a number of already established Government programs.

In the meantime, the leaders of the OIC are running their program the best they can with money available.

Mr. President, I ask consent that an editorial published in the Wilmington Evening Journal of April 24 be printed in the RECORD. It tells of the faith that Hon. Russell W. Peterson, Governor of the State of Delaware, has in the program. It also tells of the efficiency with which OIC operates and asks that the Legislature of Delaware help maintain this fine program.

It is my hope that in the near future the Federal Government will see fit to lend its great support to the OIC so that financial crises, such as the one facing Wilmington, will not be the rule of the future.

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

SPEND MONEY FOR A BARGAIN

"The Opportunities Industrialization Center, which has a branch in Wilmington, is one of the most effective programs in the nation for motivating and training the unemployed and the underemployed."—Gov. Russell W. Peterson, in his first speech to the General Assembly on March 5.)

Gov. Peterson's assessment of the OIC has been echoed by politicians and political

commentators of nearly all ideological points of view. The OIC, quite simply, is a job-training program that works and is comparatively inexpensive, a pair of assets shared by very few other similar enterprises.

Unfortunately, however, the OIC's local branch will run out of money by the end of the month; another \$200,000 is needed to continue the program through the end of the fiscal year. For fiscal 1970, \$300,000 will be sought from the state, with a projected \$200,000 again to be raised from private sources.

Earlier this month, the Senate defeated a bill that would have provided the supplemental state funds for this year. The roll call was tabled, however, so the bill is still alive. A new similar measure is pending in the House. Either bill is acceptable, but one or the other must be enacted quickly.

Anyone who takes a moment to consider what the OIC means in purely economic terms should conclude that it would be criminal if the program were permitted to expire. Assume that 100 of the hard-core unemployed complete an OIC course and find jobs paying only \$4,000 a year. This would mean an additional \$400,000 pumped into the state's economy, increased tax revenues, and, if any of the graduates previously were welfare recipients, decreased state expenditures. The meaning of the program in human terms should be self-evident.

In this fiscal year, the OIC is spending approximately \$2,600 to train each individual in the program, including capital expenditures. Next year, the cost per capita is expected to drop below \$1,000.

When one considers that the federal Job Corps spends about \$7,000 per graduate, it becomes clear the OIC is a bargain. Paying rock-bottom prices for first-rate merchandise is a goal to which virtually everyone aspires—particularly cost-conscious state legislators. Delaware simply cannot afford to lose the OIC.

STUDENTS THREATEN VITALITY OF NATION

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BERRY. Mr. Speaker, the editorial appearing in the Sioux Falls, S. Dak., Argus-Leader comments the study of Members of Congress.

The editorial follows:

STUDENTS THREATEN VITALITY OF NATION

A strange contradiction was reflected last week in the voices of some American students.

An articulate group, armed with guns, sought to overthrow by force the authority of a university.

Another group, equally articulate, appeared in Washington. Among their spokesman was one who said that he could not serve in the military because "I could not kill another human being." Others in his group sought to reserve for themselves the right to determine whether the nation was justly or unjustly engaged in a conflict.

The first group obviously was willing to fight just to change the rules of a university. Included in the second group were young men who were unwilling to fight even to save their country—and themselves—from serfdom or subjugation.

One group presented in general a spirit of pacifism and the other a strong belligerency. Both groups were extremists and both were wrong.

DANGEROUS POLICIES

The groups differed widely in appearance and in attire. The belligerents constituted a

motley mob, sloppily attired. The pacifists and those leaning toward pacifism were neatly dressed and well behaved.

The first group bellowed its arguments while the second was restrained and polite.

It seems that the second group—the pacifists and semi-pacifists—deserved the greater respect.

Both, nevertheless, were advocating policies that, if tolerated, would destroy our organized society. A society such as ours—the American society—can continue to exist only if law and order are maintained and there is a readiness to fight, if need be, to preserve our security and our national integrity.

ANTI-AMERICAN POLICY

The students involved in last week's deplorable incidents may be said to be immature. Unhappily, though, they have enjoyed the support of many of their elders, including faculty members, pastors and politicians.

The spirit of anarchy and pacifism must be set aside either by the quiet impact of reason or the assertion of the blunt power of the majority.

Consider first the mobsters. They apparently espouse the cause of individual liberty and freedom—the right of each man to do his thing—but they are doing precisely the opposite of that. They infringe upon the rights of others. They deny free speech. They invade privacy. They utilize force to impose their views upon others. Their behavior is patterned on the methods employed by the Nazis and other dictatorial factions. In essence what they are doing is anti-American and anti-democratic.

NECESSITY OF DEFENSE

The same may be said in regard to the pacifists. Few human beings want to kill or maim another. To almost all persons, the prospect is revolting.

There are times, though, when force must be utilized to oppose force. And one wonders just what the attitude of the pacifist might be if his own life were specifically threatened or that of his sister or his mother. Would he stand supinely by and allow a gangster to strangle his mother, his sister, his wife, his child? Or would he resist? The personal example illustrates the principle—a principle that is exactly the same in respect to an individual as it is to a nation.

These are sorry days in our nation, made sorer because so many persons of supposed maturity seem unwilling to come to grips with the real problem. We better do so before the rapacious forces become so rampant that they can't be controlled.

THE ROLE OF STATE UTILITY COMMISSIONS

HON. JOSEPH D. TYDINGS

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, May 1, 1969

Mr. TYDINGS. Mr. President, the chairman of the Maryland Public Service Commission, William O. Doub, recently addressed the Maryland-District of Columbia Utilities Association here in Washington at the Sheraton-Park Hotel.

Mr. Doub's speech entitled "The Growing Complexity and Complications of Regulation by State Utility Commissions" offers some significant insights into the operations and concerns of the State utility commissions.

Of particular interest is his remark that the "good old days" of simple regulation are over. Each year new and com-

plex regulations and standards are adopted. Commissions must now be cognizant of aesthetics, pollution, and an ever-increasing demand for service. The Federal regulatory commissions, the FCC, ICC, and FPC, are playing an enlarged role, at times in conflict with the State commissions.

The jobs facing these commissions are thus most demanding. State utility commissions must consider carefully the demand for increased service, the desire for fair and reasonable rates and the finite nature of resources available. From this must come a judicious blend which best serves the public interest. It is no easy task and Maryland is fortunate in having the very capable Bill Doub as chairman of the Public Service Commission.

Mr. President, at this time I ask that the remarks of Mr. Doub be printed in the RECORD.

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

THE GROWING COMPLEXITY AND COMPLICATIONS OF REGULATION BY STATE UTILITY COMMISSIONS, BEFORE THE MARYLAND-DISTRICT OF COLUMBIA UTILITIES ASSOCIATION, SHERATON-PARK HOTEL, WASHINGTON, D.C., APRIL 11, 1969

(By William O. Doub, Chairman, Maryland Public Service Commission)

I am delighted to have the opportunity to be here today and to participate in your program. As representatives of the utilities you bear a heavy responsibility to provide services that are vital to the overall growth and prosperity of this region. Who today will maintain that the services provided by utilities such as the ones you represent are anything less than "necessities"? Certainly, our ever-increasing reliance on the services of the regulated utilities and their ability to meet the rapidly increasing demands of their subscribers is a representative phenomenon of this century.

While serving as People's Counsel and since becoming Chairman of the Public Service Commission last summer, I have on a number of occasions addressed groups on topics related to utilities and the regulatory work of the Maryland Commission. I realize today that in those earlier instances I was most fortunate in that the audience was generally not too well informed concerning the finer points of regulation and, therefore, unable to recognize any deficiency in my knowledge of this subject—or at least too unsure of their position to take issue with me. I am certain that this is not the case with the members of the Maryland-District of Columbia Utilities Association, and it would probably have been wiser for me to talk on some subject unrelated to regulation in order to have more freedom of expression.

In all candor, however, our Commission, and I am sure the District of Columbia Public Utility Commission, as well as all other dedicated commissions, is not striving for unanimous approbation or consensus regulation. We would be negating our general responsibilities both to the consumer and the utilities we regulate if we were. Believe me, it did not take long to develop the tough skin required for this job. Behind this flabby stomach beats a heart of stone.

"The good old days of regulation" are over. The simplicity that was achieved by calmly administering a law that remained virtually unchanged from year to year will not return in the foreseeable future. New provisions are being added to our Public Service Commission Law each year by the Maryland Legislature. Also, each year our Commission, by the adoption of new regulations and standards, increases the complexity of the total

subject. Many of these added regulatory standards are the result of pressure of concerned citizens, but the Maryland Commission itself is responsible for many of these needed provisions. All of them hopefully are being administered successfully in Maryland through the cooperative efforts of the utilities, the Commission staff and the Commission.

For example, consider the changes in recent years that have affected the regulation of the electric utilities.

As a result of the Northeast blackout in 1965 and the subsequent PJM power failure the Maryland Commission has met with other state regulatory commissions having jurisdiction in the PJM territory in an effort to do its part to assure the reliability of electric service. A consulting firm has been retained and the situation is receiving the aggressive attention of the Commission.

Recent State legislation requires the electric companies to apply to the Commission for a certificate of public convenience and necessity before beginning the construction of a generating station or a transmission line carrying in excess of 69,000 volts. Hearings are held in the area affected by the proposed construction of the facility and opportunity is present for local government to participate. When passing on these applications the Commission must consider a number of factors including aesthetics and for generating stations the effect on air and water pollution. A number of agencies must be advised of the applications, and their testimony and opinions are given careful consideration.

Under another law we must pass on arrangements to place existing lines underground when 80% of the land owners in a district initiate an appropriate request. However, as yet, there have been no proceedings under this act.

Another development in the electric field is the Commission requirement for undergrounding residential distribution lines. The formulation of rules requiring underground construction of electric and telephone service to new residences in subdivisions of five or more lots presented many problems which were unique in Maryland and the nation. No state had previously made a serious effort to adopt statewide rules requiring undergrounding of electric and telephone service to new residential construction in which the standards, the requirements and the charges would be uniform throughout the state.

Our investigation revealed that there was virtually no uniformity in the method by which electric utilities in Maryland were providing underground residential service prior to the enactment of the Commission's rules. Therefore, our adoption of standardized rules had some considerable effect on every electric utility, although the degree of the impact on individual utilities varied widely across the State. I think it is a tribute to the electric utilities in Maryland that they accepted the Commission's decision with a minimum of complaint and with an expressed willingness to do the best they could to carry out the intent of the Commission's order. True, we have had a few laggards, caused primarily, I believe, by the lack of experience and expertise and an unwillingness to convert construction thinking from overhead to underground. But on the other side of the coin we have had some utilities pressing ahead with enthusiasm to get the lines underground.

Sometimes, taking the initiative before a problem has really blown up will appear to run the risk of borrowing trouble. If we do nothing, maybe the problem will go away. "Let sleeping dogs lie" is one way to express it. Well some of us may have been painfully bitten by dogs that appeared to be sound asleep. But I can say with a certain degree of authority that the results achieved to date under the Commission's undergrounding rules, fully justifies the initiative

that it took. Even now the Commission is reviewing utility suggestions concerning our proposed rules for the undergrounding of lines to new commercial and industrial developments.

For the Commission the adoption of the rules was just the beginning of its work. Since July 1, 1968, we have received considerably more than 100 requests for exemption from the undergrounding rules. Each request has been carefully considered by the Commission and a decision has been rendered in which it has endeavored to be fair while keeping in mind the main objective of getting underground the maximum amount of new residential distribution service. It goes without saying that we have made every effort to be consistent in our rulings, although this has at times been extremely difficult, because rarely do we find two situations with exactly the same conditions. Many of the persons requesting exemptions have expressed a desire to personally confer with the Commission, and to my knowledge we have acceded to every such request. Other persons who present their requests in writing receive equally thorough treatment through investigations by our staff, usually including inspections of the sites. These requests for exemptions are then discussed with the staff and a decision rendered on the basis of all available information.

The regulation of small water companies has also increased in complexity. Until several years ago these small companies would come to the Commission to obtain permission to exercise their franchise and to establish rates for systems that had been fully constructed. Frequently, the facilities installed by these companies were not adequate for providing proper pressure and were not planned for the future growth of customers. Moreover, financing arrangements frequently left much to be desired. As a result, the alternatives faced by the Commission were to refuse permission to operate, in which case customers waiting to move into new homes would be unhappy to say the least, or to authorize the company to start furnishing water service and attempt to improve the system over a period of time. In an effort to prevent this unsatisfactory situation the Commission was instrumental in having legislation enacted that requires these small companies to obtain the prior permission of the Commission before beginning the construction of a water system. Once again voluminous rules were prepared and the Commission must hold additional hearings and perform substantial staff work in connection with the formation of these companies.

Just last month the 1969 Session of the General Assembly passed legislation which creates a new Metropolitan Transit Authority with broad powers. Under the provisions of this bill our Commission will exercise regulatory jurisdiction over The Baltimore Transit Company and other mass transit companies in the Baltimore metropolitan area effective June 1, 1969. As Vice Chairman of the Washington Metropolitan Area Transit Commission and prior thereto as People's Counsel, I have been intimately involved with the regulation of D.C. Transit System, Inc. and the other carriers subject to the jurisdiction of the W.M.A.T.C. I am most concerned with arriving at a satisfactory solution of the serious problems of regulating mass transportation in both metropolitan areas. I can assure you that these new duties will not be assumed lightly on June 1, this year.

How are we meeting this growth in duties and complexities in our work? First of all, as rapidly as possible we are increasing our professional administrative staff. Engineers specializing in safety, communications, depreciation and cost of service have been employed. By this July 1st the Auditing staff will have an allocation of ten positions, 4

more than were authorized last year. In addition, effective July 1st, we are adding 6 positions in our Common Carrier program to meet the increased workload occasioned by the regulation of mass transit in the Baltimore area.

The second step taken by the Commission was to assign some of its quasi-judicial duties to an Examiner. This move was first made in 1964 and by gradually increasing the number of cases heard by the Examiner the Commission has more time to devote to policy matters and to consider and act on the complex problems that seem to be increasing with each passing day. It will be our continuing purpose to make every effort to foresee regulatory problems and not just to meet them as they arise.

In addition to our own work at home, as a Commission we find ourselves more and more concerned with federal legislation and the work of the federal regulatory commissions—Federal Power Commission, Federal Communications Commission and Interstate Commerce Commission. For example, early this year I was invited to testify before the Senate Committee on Government Operations on the Intergovernmental Consumers' Counsel Act of 1969.

This bill affects the major electric, gas, telephone and telegraph utilities and has four principal objectives:

First, to require the utilities to report to the regulatory bodies certain additional information regarding their operation;

Second, to require the Federal Power Commission and the Federal Communications Commission to report this and other information to Congress and the public, using automatic data processing to the fullest possible extent;

Third, to establish at the federal, state and local levels offices of the utilities consumer counsel to represent the interests of utility consumers before regulatory commissions; and

Fourth, to establish a grant program to finance study of the regulatory matters.

In my appearance before the Committee I confined my statement generally to an explanation of how the office of People's Counsel functions in the regulatory scheme in Maryland. It is a credit to our State that this office, which is receiving much close attention at the federal level, was created in Maryland as long ago as 1913 and has operated effectively since that date. I supported this bill but pointed out to the Committee what I thought were some objectionable features.

One objectionable provision in the bill with regard to this office was the provision that grants be made to local governments serving a population of 100,000 or more persons. If appropriations are made to local governments, it would make unduly complicated the operation of Counsel offices within a particular state's jurisdiction. Many of the regulated companies serve large cities and counties on the one hand and small rural counties on the other hand. If the larger local governments receive federal funds to operate an office similar to that of People's Counsel, it would be unfair to the smaller areas of the state and lead to parochialism among the larger jurisdictions. In my opinion appropriations should only be made to a statewide office of People's Counsel; and if local governments want to participate in a particular matter, they should do so on an equal footing.

As Chairman of the Committee on Electric and Nuclear Energy of the National Association of Regulatory Utility Commissioners I appeared last month before the House of Representatives' Subcommittee on Communications and Power on behalf of all 50 state regulatory commissions and the Public Service Commission of the District of Columbia, to comment on pending bills relating to power reliability and to support a measure that was introduced on March 27, 1969, by Congress-

man Friedel, at my request on behalf of the N.A.R.U.C. Insofar as I know, this is the first time the National Association has initiated federal legislation.

None of the pending bills provide a meaningful role for the state commissions irrespective of their long-standing and intimate regulatory involvement with electric utilities. Accordingly, the N.A.R.U.C. obtained the introduction of a bill so as to provide a moderate approach to the matter of electric reliability. It would have basically two purposes.

First, the F.P.C. would be empowered to identify the power pools within the Nation and to establish a regional council for each pool. A council would be composed of representatives of utilities operating within the power pool area, whether publicly or privately owned. The F.P.C. would have no authority to define voting rights for the council members.

A State Joint Board would be established for each council which would be composed of a state commissioner from each state wholly or partially within the power pool area.

The members of the regional council would meet from time to time to discuss mutual problems and to cooperatively plan for improved pool and inter-regional reliability.

The council would report from time to time to the F.P.C. and the State Joint Board. The F.P.C. and the State Joint Board would have the right to comment upon the plans and to suggest modifications. However, neither the F.P.C. nor the Board, as such, would have the authority to compel the adoption of any plan. The individual state commissions would, of course, continue to have the authority they now have with regard to regulating the reliability of service.

The continuous planning and free interchange of ideas among the council members, and among the council, the F.P.C. and the Board, and between regions, would undoubtedly benefit the individual state commissions and improve their ability to cooperate with each other in seeking to strengthen pool reliability.

The second feature of the proposed bill would empower the State Joint Board to determine the routing of transmission lines, based upon consideration being given to the reliability of service and the protection of historical, recreational and scenic values, within the power pool area and where a state commission does not have jurisdiction over such routing. Whenever a state commission acquired such authority from its legislature, the State Joint Board would lose the jurisdiction to make routing determinations in that state.

The adoption of this proposal would afford immediate protection to the public in the preservation of historic, recreational and scenic values with the decisions being made by officials close to the problems.

The joint board concept proposed here is similar to the joint boards now provided for in Part II of the Interstate Commerce Act concerning the regulation of motor carriers.

Another bill before Congress is the Federal-State Communications Joint Board Act of 1969. At the present time about 25% of the plant investment and revenues of the Bell system represent interstate and foreign service.

Prior to the institution of the A.T. & T. rate proceeding in 1965, the F.C.C. had traditionally cooperated with the State commissions in determining procedures for separating and allocating the property and expenses of telephone companies between intrastate and interstate operations. The F.C.C., by orders released in the A.T. & T. rate proceeding and in a related rule making case, has prescribed changes in separations procedures.

It is clearly unfair for an agency, which has jurisdiction over approximately 25% of

the property, to in effect claim sole authority to determine how 100% of the property shall be separated between the federal and state authorities for rate making purposes. In my opinion, the state commissions should have at least a minority voice in the making of such a determination.

Adoption of the Federal-State Communications Joint Board Act of 1969 would create a seven member Board composed of four F.C.C. Commissioners designated by the F.C.C. and three state commissioners nominated by the N.A.R.U.C. and appointed by the F.C.C. The Board would have sole administrative authority under the Communications Act of 1934 to adopt and amend separations procedures. An order of the Board prescribing separations procedures would be deemed an order of the F.C.C. for purposes of judicial review.

Because of the attempts to gradually extend federal regulation, I believe it appropriate to express some comment on this subject.

I imagine that very few persons, who have not had some special reason for making a study of the subject, have formed any proper conception of the extent to which federal authority has expanded in recent years. To go back into history, for a moment, the effort of the federal government, prior to the Civil War, was not to encroach upon the domain of state authority under the Federal Constitution, as it was to keep the states from denying to the federal government the full measure of jurisdiction to which it was entitled under that Constitution. But, since the Civil War the opposite is true and the extension of the regulatory jurisdiction of the federal government, at the expense of the state governments, has been a most significant feature of our political history. The increased power of the central government has created new branches of federal activity and intensified greatly activity in existing agencies.

I do not find fault with most of the areas of federal aggressiveness but as to the proper role of federal and state regulatory agencies, I am firmly convinced that regulation where possible should be kept close to the ultimate consumer.

Especially objectionable to the well-organized and dedicated state commissions, who accept and appreciate the dual form of government under which our country has become so prosperous and great, are those federal bills which appear from time to time and seem to be premised on an assumption that all state commissions cannot do their job with any degree of efficiency.

Perhaps this trend to more federal regulatory jurisdiction can be laid at the door steps of a few state commissions. Those that are complacent, disinterested or who operate under a weak statute invite—and understandably so—federal intervention. I am pleased that the Maryland Law—Article 78—provides that our powers are to be liberally construed.

On the other side of the coin we in Maryland have taken a strong exception to some matters within the purview of the Interstate Commerce Commission, especially the provision in the Interstate Commerce Law relating to passenger train discontinuance under Sec. 13(a)(1). Generally, under this section the Interstate Commerce Commission is given the power to authorize the discontinuance of interstate trains with or without a hearing provided notice and a copy of the railroad petition is served on the Governor of each state through which the train operates. If the train is wholly intrastate and the state commission denies an application for discontinuance or takes no action thereon within a period of 120 days, then the railroad may petition the I.C.C. to effect such discontinuance. The act provides that in the latter instance a hearing shall be held by the I.C.C.

The Intrastate Commerce Commission has been very permissive in allowing passenger train discontinuances—often without hearings of any type.

I utilized my appearance before the House Subcommittee on Communications and Power the other day to urge strict requirements and revised procedures in dealing with passenger train discontinuances. The passage of time since 1958 has confirmed the inadequacy of some of the provisions of Sec. 13(a)(1).

The I.C.C. itself has recognized the need to improve the effectiveness of its administration over discontinuances and in 1967 proposed some amendments to Sec. 13(a)(1). One amendment would authorize the Interstate Commerce Commission to attach conditions to an order requiring the continuance or restoration of operation of railroad passenger train service (rather than the unrealistic approach now dictated by law of approving or denying a proposed discontinuance under terms specified by the railroads).

Other amendments would extend from four to seven months the period in which the Interstate Commerce Commission may investigate or act on proposed discontinuances of passenger train services; affirmatively place the burden of proof in such cases on the carrier; and provide for judicial review in the federal district courts of Commission orders under Sec. 13(a)(1).

In my opinion, and in the opinion of the N.A.R.U.C., there is a demonstrated need to go far beyond these recommendations by changing the concept of Sec. 13(a)(1). The law should be amended so as to return to the states at least a modicum of state jurisdiction over the passenger operations of the railroads. This would permit the utilization in the public interest of the intimate familiarity of the state commissions with all phases of railroad passenger services in their respective states.

This purpose can be accomplished by providing that passenger train discontinuance applications should be first heard and determined by a Board of State Commissioners of the states involved—that Board to be constituted and to function in a manner similar to the I.C.C. motor carrier joint boards.

Present methods of treating the discontinuances are most unsatisfactory and for the most part state commissions are powerless to reverse the trend of authorizations. It is appalling to me that the views of our Commission are given such little weight when the riding public that we represent are so vitally affected. During the past year our Commission has been involved in three court cases, made a comprehensive study of passenger service and equipment used by the railroads in Maryland, filed numerous complaints with the Interstate Commerce Commission on behalf of Maryland riders and are carefully following the new Metroliner service between Washington and New York to insure fair treatment for patrons from our State. Tomorrow a hearing will be held by the Maryland Commission in Cumberland, Maryland on a proposal of The Baltimore and Ohio to discontinue a round trip train between Cumberland and Oakland, Maryland, and Parkersburg, West Virginia.

The Maryland Commission is greatly concerned with the continuing reduction in passenger service which is occurring in Maryland and across the nation. When the nation's highways and airways become so overburdened that the discomfort, inconvenience and delay are intolerable to the riding public, then a return to emphasis on rail travel must certainly follow. Perhaps the inauguration and public acceptance of the new Metroliner service signals a reaffirmation of the need for efficient rail passenger service. In the meantime, we shall do all that is possible to retain this vital mode of transportation in Mary-

land at a level consistent with the public use of the existing service.

The challenges of the future can be met not simply by providing service adequate for today but anticipating the needs of tomorrow. Most utilities are implementing this philosophy through present efficiency and long range planning. A few unfortunately are not so motivated.

Thank you for the privilege of appearing here today.

DR. ROMAN SMAL-STOCKI: UKRAINIAN PATRIOT-SCHOLAR, LOVER OF FREEDOM, 1893-1969

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. ZABLOCKI. Mr. Speaker, with the passing on Sunday, April 27, of Dr. Roman Smal-Stocki, those who love freedom and fight to preserve it have lost a true champion. Those who knew him will miss him deeply but forever be enriched by the memory of all that he represented.

As a scholar and professor of Slavistics he was renowned and respected throughout the world. As a fighter for the right of self-determination by the repressed minorities of Eastern Europe he was hated and feared by those who denied that freedom. Because of his outspoken condemnation of tyranny he was twice forced to flee and leave behind family, home and all personal possessions. Ultimately he found his way to the United States.

In his adopted country he embraced the rights and responsibilities of citizenship with a zealous fervor. Never did he take for granted the freedom we enjoy here or fail to fulfill an opportunity to enrich it.

Dr. Smal-Stocki was more the American for his deep appreciation of the Ukrainian slavic culture and heritage from which he came. Actively devoted to Ukrainian causes, he was admired and loved by the Ukrainian community throughout the country.

Dr. Roman Smal-Stocki possessed a dignity, wit and old-world charm that distinguished him among men. His native Ukraine, the United States, and all those with whom he came in contact everywhere are better for the enduring warmth of this man's life.

From the Washington Evening Star of April 29 and the New York Times of April 30 I am placing in the RECORD at this time articles reporting the sad fact of his death:

[From the Washington (D.C.) Evening Star, Apr. 29, 1969]

ROMAN S. SMAL-STOCKI, UKRAINIAN SCHOLAR, DIES

Roman S. Smal-Stocki, 76, director of the Ukrainian Studies Center at Catholic University, died Sunday of cancer at Georgetown University Hospital. He lived at 201 Taylor St. NE.

Born in 1893 in Czernowitz, Bukovina, now a part of the Soviet Ukraine, Mr. Smal-Stocki studied at the universities of Vienna, Leipzig, and Munich. In 1917 he lectured at the

Oriental Academy, a foreign service school in Berlin.

In the early 1920s he was associate professor of Slavistics at the Ukrainian Masaryk University in Prague and later was a guest professor in English Universities.

He taught Slavistics at the University of Warsaw in Poland from 1925 to 1939, and then was a prisoner of the Nazis during World War II.

Coming to the United States after the war, he was professor of Slavic history at Marquette University from 1947 and director of its Slavic Institute from 1949 until becoming professor emeritus. He had been a visiting professor at Catholic University since 1965.

Mr. Smal-Stocki was a leader in the fundraising campaign to erect a statue of the Ukrainian poet-hero Taras Shevchenko in Washington. The statue, dedicated several years ago, is at 22nd and P Streets NW.

He was also curator and a director of the Byzantine Slavic Arts Foundation here. From 1915 through 1960 Mr. Smal-Stocki published 11 books—in Ukrainian, German and Russian. He also had written more than 70 scholarly articles.

Outside his literary career, Mr. Smal-Stocki served as an envoy and minister of the Ukrainian Democratic Republic in Germany and Great Britain in the early 1920s, and was deputy premier and foreign minister of the Ukrainian National government in exile from 1937 to 1940.

He was active in several societies devoted to the works of Shevchenko, as well as historical and other arts and sciences associations.

Prayers will be offered at 7 o'clock tonight at the Ukrainian Catholic Seminary, 201 Taylor St. NE.

A mass will be offered tomorrow in Philadelphia at the Cathedral of the Immaculate Conception, the mother church of the Ukrainian Catholic Metropolitan Province in the United States.

It is requested that expressions of sympathy be in the form of contributions to the Smal-Stocki Memorial Fund at the Ukrainian Catholic Seminary.

[From the New York Times, Apr. 30, 1969]

DR. ROMAN SMAL-STOCKI DIES; UKRAINIAN EDUCATOR WAS 76

Dr. Roman Smal-Stocki, philologist, educator and author, died Sunday at Georgetown University Hospital in Washington. He was 76 years old and was a former leader of the Ukrainian National Republic, an independent state from 1917 to 1920.

Dr. Smal-Stocki, who was born under Austro-Hungarian rule, received a Ph. D. degree, *summa cum laude*, from the University of Munich in 1914. He was active in the establishment of the independent Ukrainian state and was the councillor of its legation in Berlin. Later he was Minister of its Government-in-Exile in Berlin and London. He was also formerly deputy premier of the exiled government.

Between the two world wars Dr. Smal-Stocki was associate professor of the history, language and culture of the Slavic peoples at the Ukrainian Masaryk University in Prague and at the University of Warsaw.

After the conquest of Poland he was arrested by the Germans and interned in Prague until the end of the war.

He came to the United States in 1947 and was associate professor of Slavic history at Marquette University and later directed Marquette's Slavic Institute.

At his death Dr. Smal-Stocki was a visiting professor of the history, language and culture of the Slavic peoples and the history of the Soviet Union at the Catholic University of America and the head of the Ukrainian Studies Center at the Ukrainian Catholic Seminary of St. Josaphat, both in Washington.

He was president of the American Shevchenko Scientific Society, with headquarters in New York. The society is named for Taras Shevchenko, Ukrainian poet.

Surviving are a brother, Dr. Nestor Smal-Stocki, and a sister Mrs. Irene Luckyj.

FIFTIETH ANNIVERSARY OF THE UNIVERSITY OF EVANSVILLE

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, May 1, 1969

Mr. BAYH. Mr. President, I am pleased to invite the attention of the Senate to the fact that next fall the University of Evansville will celebrate its 50th year of existence in the city of Evansville, Ind. Although founded more than a century ago in another community, the school was moved to Evansville and began to operate there as Evansville College in 1919. Its title was formally changed to that of Evansville University 2 years ago in order to reflect more accurately growth through the years; it is now a major urban institution comprising three separate colleges, four schools, and a graduate division, which serves the needs of more than 5,000 students.

An informative article describing the current status of Evansville University and its many educational and cultural innovations and contributions was published in the March 1969, issue of Indiana Business and Industry magazine. Under the inspired leadership since 1967 of President Wallace B. Graves, the university has continued to stride forward and to give promise of an even greater role in the future. I congratulate the university on the successful completion of a half century of dedicated service to community, State, and Nation and, in tribute to its record of achievement, ask unanimous consent that the text of the article be printed in the RECORD.

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

UNIVERSITY OF EVANSVILLE—WITH THREE COLLEGES, FOUR SCHOOLS AND GRADUATE DIVISION—WILL CELEBRATE 50TH ANNIVERSARY IN CITY

In the fall of 1969, the University of Evansville will celebrate its 50th anniversary as a part of the Evansville community.

Founded in the Dearborn County hamlet of Moores Hill in 1854, the University earlier was known as Moores Hill College. Following a fire which destroyed the college's main building in 1915, the school was moved to Evansville in 1917, and for the next 48 years was known as Evanville College. The first classes in Evansville began in 1919 in a downtown building until the school was moved to its permanent home on a 74 acre tract in the eastern residential portion of the city in 1922.

In 1967, Evansville College by legislative act became the University of Evansville, and the metamorphosis from liberal arts college to urban university was completed within the organization of colleges and schools within the University.

Today, the University of Evansville has a total student population of 5,500, of whom over 3,100 attend full time. Resident students, who come from 40 states and 10 foreign countries, make up half the full-time student

population. The University is a fully accredited, private non-tax supported institution related to The United Methodist Church. It has three colleges, four schools, a graduate division and offers 25 different degrees.

The College of Arts and Sciences, at the heart of the University, offers a wide range of courses leading to the Bachelor of Arts and the Bachelor of Science degrees. Students in other divisions of the University are required to take certain courses in the College of Arts and Science before establishing their major fields of study.

One of the finest drama departments in the country is found in the University of Evansville College of Fine Arts. Under the direction of Dr. Sam M. Smiley, the University Theatre is recognized as one of the most accomplished collegiate theatre groups. The U of E Theatre annually provides a major cultural contribution to the Evansville community with performances in Shanklin Theatre on the University campus.

The College of Fine Arts offers seven degrees including a Bachelor of Fine Arts degree in art and in drama, a Bachelor of Music degree with an instrumental or voice major, a Bachelor of Arts degree in education with a major in arts or drama and speech, and a Bachelor of Music Education degree.

Future teachers and educators constitute the student body of the School of Education, which has a comprehensive program offering both undergraduate and graduate degrees. The School of Education cooperates with the Evansville-Vanderburgh School Corporation and many other systems to provide elementary and secondary teachers each year from among many qualified graduates. Most of the students in the School of Education do their practice teaching in the Evansville schools.

The first four-year baccalaureate program in nursing to be accredited in Indiana by the National League for Nursing, the University of Evansville School of Nursing educates and trains future registered nurses. The School of Nursing cooperates with two of Evansville's general hospitals, Welborn Memorial Baptist and St. Mary's, in providing clinical as well as theoretical training to student nurses. Recently under way is a new program of continuing nurses education in which registered nurses who are graduates of three-year nursing programs may complete work for a baccalaureate degree.

The School of Engineering offers the Bachelor of Science degree in electrical, industrial, and mechanical engineering, and its aim is to equip students for technical, managerial, and executive careers in industry. Through a program of cooperative study, students in the School of Engineering may elect to rotate in and out of industry while completing their degree requirements. This program gives students valuable experience in their field of study as well as additional income while they are employed.

Evansville business and industry long has recognized the School of Business Administration as a source for well-educated and well-trained young men and women who qualify for managerial and executive level positions. Recent statistics show that in 1968 half of the 278 male graduates went into business and industry, and of those half stayed in the Evansville area.

In the fall of 1968, the School of Business Administration began a new Master of Business Administration degree program which met with instant success. Over 150 students were initially enrolled during the fall quarter. According to Dr. Ray W. Arensman, dean of the School of Business Administration, the M.B.A. program is designed to develop an understanding of the inter-relationship of various fields of business, to familiarize students with the use of modern quantitative tools of business analysis, and to deepen the understanding of the role that business decisions play in American society.

"The M.B.A. program," Dean Arensman continues, "concentrates on the theoretical aspects of business," adding that the emphasis is on broad philosophical relationships between business decisions and the society in which they are made rather than only on the technical skills required of special areas of business.

Another significant development in the School of Business Administration came last year when the Mead Johnson and Company Foundation established a professorship in management. Undergraduate degree programs in the School of Business Administration include accounting, economics, finance, insurance, management, marketing, office administration, and general business.

A direct link between the University and area business and industry exists through the Center for Industrial Relations, an affiliate of the University of Chicago's Industrial Relations Center. The University of Evansville has the distinction of being the first cooperative college for management education in the University of Chicago program, and now is one of 20 strategically located colleges and universities throughout the nation with such facilities.

The program of the Center consists of a diagnostic analysis of organization problems and needs as well as the development of programs for management and organization improvement. Programs are conducted in the University Evening College and on an in-plant arrangement. According to Joseph T. Holt, the Center Director, the number of participants in the management development program showed a 65% increase between 1967 and 1968, and at present over 60 firms have participated in management development and organizational survey programs conducted by the Center. Using the vast research resources of the University of Chicago's Industrial Relations Center, the University facility gears its program to the needs of the Evansville area.

Although the primary mission of the University of Evansville is to provide quality education for a growing number of qualified students, its role as an economic force in the Evansville area economy also is significant.

Recently, the University undertook a study designed to measure its economic impact on the community.

Following a similar study made in 1966 which showed a yearly impact of \$6 million, the recent study shows that the University annually feeds into the local economy an amount in excess of \$10 million. This figure is based on the \$5.9 million University operating budget—of which \$5.1 million stays in the community, the amount University of Evansville students contribute to the area economy in addition to tuition, fees, books, room and board, average construction services purchased over the past ten years, student and faculty automobile expenses, and tourism generated by visitors who come for University sponsored events, including athletics.

The economic impact of the University of Evansville on the local economy is further enlarged if a multiplier effect is set at 2.5. That is, every dollar the University puts into the local economy generates another \$2.50 in economic activity. Therefore, the total impact on the Evansville area is \$25.5 million a year.

As a moderately populated institution in an urban setting, the University of Evansville acknowledges the realities of urban life and the myriad of social, economic, and political problems that beset modern urban society.

In 1968, the John L. Igleheart Center for the Study of Urban Affairs was established by a \$425,000 gift by Austin S. Igleheart, former chairman of the board of General Foods Corporation. It functions as a link between the city of Evansville and the University,

merging both direct service to the community and academic coursework in a mutually supporting relationship.

An unusual feature of the Center for the Study of Urban Affairs is that courses are offered to undergraduate as well as graduate students. In many institutions study in urban affairs is limited to graduate students.

President Wallace B. Graves states that the purpose of the Center is to develop academic programs which will "acquaint undergraduate students of many professional objectives with the real ties of urban life as well as those who subsequently make urban affairs their profession."

Richard C. Hall, the Center director, says, "The University, particularly the urban university with its pooling of highly developed academic skills, has been looked to for assistance by the cities in this period of increasing complexity, rapid change and uncertainty." This is borne out by the fact that Hall, aside from his teaching duties, serves as an active member of many civic organizations and groups.

Speaking before the State Policy Commission on Post High School Education in August, 1968, President Graves said, "For most of its life in Evansville, the University has been the sole institution of higher education . . . and has striven mightily to serve the education requirements of this dynamic and enterprising community. It has, for example, deliberately preserved a low tuition level in order to accommodate local students of limited financial resources . . . and in 1968-69, the University of Evansville still will have one of the lowest tuition charges . . . among all the private colleges and universities in the State."

The University of Evansville today is committed to excellence on all academic fronts. Soon the University faculty will complete a thoroughgoing study of all educational programs to provide an "academic blueprint" for its future growth and development. In 1969-70, its fiftieth year in Evansville, the university will announce a development plan for the next decade.

THE TAX BITE IS "PAINLESS"?

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. SAYLOR. Mr. Speaker, an editorial in the *Barnesboro Star* of April 17 goes to the heart of the problem of the taxpayer's revolt in the country. I thought our colleagues would appreciate hearing another view of the tax problem as faced by the middle-income taxpayer. The editorial points out that the Government wants the tax bite to be "as painless as possible" and that is why employers are forced to take little bits of taxes out of each paycheck. But is it the painless way? In the words of the writer, concerning the reaction of the taxpayer:

Try to tell him that when despite his wife and three children as dependents he still has to fork over \$1,500 of his \$9,000 salary to Uncle Sam.

The tax bite, however collected, is not painless and the taxpayer of the United States understands this better perhaps than we do here in Congress.

The taxpayer is beginning to feel that we in Congress have developed a caloused view of the cost of program piled on program and that we have forgotten that the American middle-class tax-

payer is carrying the heaviest burden for such programs. We have a responsibility to that taxpayer to change this view of our endeavors and one way, in addition to the passage of a substantive tax reform measure, was stated in the editorial:

Instead of new taxes for ever-increasing spending programs, we need to trim out the fat from our expenditures and spend only for what is essential.

The editorial follows:

TAX TIME BRINGS RENEWED COMPLAINT

We get a chuckle—but it hurts—when people say: "We're going to get \$100,000 from the state, another \$50,000 from the state which won't cost us anything so we can go ahead with the project."

Try to tell the average wage earner that it isn't costing him anything.

Try to tell him that just now when he is paying his income tax.

Try to tell him that when despite his wife and three children as dependents he still has to fork over \$1,500 of his \$9,000 salary to Uncle Sam.

If the federal government did not force the employers to take this tax from the wage earner in little bits in the form of withholding tax, you can bet the wage earner would put the screws to his congressman to cut out all unnecessary spending.

But, of course, that is the way the government wants it. They want the tax bite to be as painless as possible.

Then, too, it boils down to the simple fact that business and industry actually are paying the tax because the wage earner bases his salary on what he takes home, not on what his employer actually pays him.

This added load on the small business man who employs eight or 10 persons is getting to be almost unbearable.

The self-employed person who has only himself and another employee or two to be concerned about doesn't really know what the tax problem is all about. He can look to Uncle Sam for the handout as a free gift from the rest of us.

But, in this small office, which is typical of thousands of small business firms across the nation, the withholding and social security taxes for the year 1968 totaled \$6,284.12 or about \$1,505 per employee.

Of course, our employees are not too much concerned because they never had the money anyway. We took it from them and paid it to Uncle Sam.

These advocates of subsidies from the government in whatever form it takes say: "Get as much as you can from the government; everyone else is doing it and we might as well get our share."

These advocates of government free-spending are the reason why this nation is \$360 billion dollars in debt with the interest on this debt (\$15 billion annually) being the second largest expenditure by our government. Second only to our defense spending budget.

Our federal government is not only giving our money away at home—giving money which it does not yet have—but spending it almost as freely in foreign countries.

A chart elsewhere on this page shows that we have given away to foreign governments more than \$118 billion dollars since 1946 and we have paid \$52 billion on interest on the money we borrowed to give away for a grand total of prizes to foreign countries of \$170 billion.

Is it any wonder we have been clamoring for a tighter rein in government spending?

We are being buried beneath the subsidies we are paying here at home and abroad.

Instead of new taxes for ever-increasing spending programs, we need to trim out the fat from our expenditures and spend only for what is essential.

We are spending billions to end poverty and we have more poverty during our boom time than any time since the depression.

We are spending billions for farm subsidies and yet food prices are the highest of any time in history, so we are paying twice.

We are spending billions on the military and yet we cannot defeat a nation not even half the size of Pennsylvania. And our dead in Vietnam now exceeds the total in Korea.

We are spending billions in education yet educators say our modern education system is sadly wanting.

We are spending billions on medicare, medical, yet many claim these programs are failures as far as improving the nation's health standards.

We are spending billions on highways and yet our highways are masses of crawling congestion.

We are spending billions on airline subsidies, yet air travel is now becoming almost as congested as that on the highways.

We are spending billions to defend our nation against air attacks but now we find it has been inadequate and we are practically helpless against an A-bomb attack.

We are spending billions on job training programs yet we open our doors to a flood of imported goods which are causing unemployment in steel, watch, camera, textile and a host of other industries.

We are spending billions and billions for this and for that, yet we are polluting the very air we breathe and the water we drink to such an extent that we are very nearly living in a cesspool or garbage can.

Wages are at the highest they have been in our history, yet at the same time individual debt is also at record proportions.

It seems that we need to reassess our values as to what is important in this world and what is not and govern ourselves accordingly.

PTA'S HELP SUPPORT SPECIAL EDUCATION

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Thursday, May 1, 1969

Mr. MUSKIE. Mr. President, in these years of restricted budgets for school operations, it is gratifying to see an example of what can be accomplished by small local groups uniting for a common cause—helping their schools provide the finest education possible for certain children whose needs are only now becoming generally known, the needs of retarded children.

The ninth annual benefit for the special education of moderately retarded children at the Concord, Longview, and Stephen Knolls schools of Montgomery County, Md., was held Saturday, March 15, at the Indian Spring Country Club. This benefit, sponsored by the PTA's of the three schools, has been increasingly successful through the years.

Through their united effort, the three PTA's are achieving more than financially bolstering the schools where educational costs per pupil are already high. They have also kept the community aware of the needs of special education and of what their schools are doing. The entire community becomes aware of the needs of the schools' programs and insures that the PTA's will provide for them.

Most of the moderately retarded children served by these schools need some kind of supervision for the rest of their lives, and only in exceptional cases do they become self-supporting. A few short years ago these children would have found their futures restricted to institutions. Today, however, through proper training in health, self-care, reading, home arts, industrial arts, and other practical ideas, the schools prepare these pupils to contribute as useful members of society.

RED CARNATION—NATIONAL FLOWER

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. DEVINE. Mr. Speaker, over the years the question of a national flower has been one of great concern to many, and I would like to add the voice of Dan Clancy, respected writer for the Columbus, Ohio, Dispatch, on behalf of the official flower of the State of Ohio, the scarlet carnation.

An article by Mr. Clancy follows:

CONTROVERSY MAY BLOOM OVER ADOPTION OF OFFICIAL FEDERAL FLOWER

United States Sen. Albert Gore is urging that the iris be designated as the national flower. The iris is the state flower of Tennessee—and Senator Gore is from Tennessee. Get it?

Well, now we see no blooming reason why the Buckeye State Flower should not become the carnation of the nation.

The scarlet carnation was adopted as Ohio's official flower in 1904 by a resolution of the Ohio General Assembly, because a carnation was the daily companion of William McKinley, the nation's 25th President born at Niles in Trumbull County, and because of "its beauty, its fragrance and its fitness."

Historically, it may be noted, use of the carnation as a campaign symbol originated during the McKinley-Lamborn debates in Alliance, and resulted in Alliance becoming proclaimed "The Carnation City."

We would not, of course, want to see this blossom into a national controversy over which state's flower should be the national flower—but Buckeyeland may as well boost its own bud before all of the other states begin battling for the honor.

State flowers offer a variety of choices—including Alaska's forget-me-not, Oklahoma's mistletoe (for a real kissin' country?), and Arizona's giant cactus. Arizona may have a point there.

State flowers once ranged literally from A to Z—from the apple blossom for Arkansas and Michigan to the zinnia for Indiana, until the Hoosier State switched to the peony in 1957.

Several states, of course, are somewhat handicapped with flowers which would hardly be fitting as our national symbol—such as Illinois, New Jersey, Rhode Island and Wisconsin, which all have violets as their state flowers. We would hardly want the shrinking violet as our nation's symbol.

Even United States Sen. Everett M. Dirksen, Illinois, doesn't advocate adoption of his own state violet as the national flower. He is trying to promote the marigold as our national posy.

The Lincoln Library of Essential Information lists the goldenrod as already being the

national flower of the United States, "by popular choice." But goldenrod, which is also the state flower of Alabama, Kentucky and Nebraska, has a poor reputation among hay fever sufferers.

Anyway, our encyclopedia says that although an attempt was made in 1889 to sample public opinion on the subject, and that the goldenrod proved most popular, it has never been generally accepted as our national flower.

The reputation of Kansas' state flower, the wild sunflower, has just been dealt a damaging blow by the Iowa House of Representatives, which voted 92 to 18 to declare the wild sunflower a noxious weed. (Michigan, capital of the automotive industry in the world's greatest car producing nation, might be inclined to favor Ohio's state flower, the "car nation.")

Well, this issue could see many flowery speeches made in Congress, some fierce floral fights among the states and many a brickbat as well as bouquets tossed back and forth before we finally "pick" a national flower. But, let the petals fall where they may.

Even the "flower children" easily could decide to become involved in this debate. Gardeners, florists, politicians and plain folks with state pride could all become partisans. There will be few wallflowers.

Let us hope that the fight over a federal flower, with all its state skirmishes, will soon be settled. But, then, who knows—after all, England's Wars of the Roses lasted for 30 years.

One thing is certain—whoever makes the final decision will have no bed of roses.

FEDERAL MILK MARKETING ORDERS

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. ABBITT. Mr. Speaker, yesterday I introduced a bill which is an amendment to the Agricultural Marketing Agreement Act of 1937. This is the basic authority for Federal milk marketing orders. The amendment would authorize dairy farmers to initiate programs for expanding market development projects, such as advertising, sales promotion, education, research, and related programs. It would operate as follows:

First. The proposed legislation would provide authorization for voluntary—not mandatory—action by milk producers in a marketing order area to adopt such a program; and, if adopted, it would require participation on a marketwide basis.

Second. The plan would be supported by funds from the milk pool of the marketing order area according to a formula approved in the referendum.

Third. The plan would be tailored to meet needs and objectives of producers in a specific marketing order.

Fourth. Expenditures under a plan would be supervised by milk producers; and would be used only for designated purposes.

Fifth. Adoption of a plan would require approval of two-thirds of producers voting in a separate referendum in a marketing order area. Cooperatives—established to serve producers—could vote on behalf of their members.

Sixth. The separate referendum—either adopting or rejecting a plan—would not affect the basic provisions of the marketing order, itself.

Seventh. Although adoption of a plan would require approval of two-thirds of producers voting in a referendum, it could be terminated by 51 percent of producers at any time.

A LETTER TO PRESIDENT NIXON

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. O'NEAL of Georgia. Mr. Speaker, my considered opinion is that there are more intelligent, well-educated, and well-trained people interested in Government than ever before in our history.

Many of these people have more time to read and contemplate because of the increased number and effectiveness of retirement programs.

They love our country and are becoming more and more concerned about trends. They are writing us every day, and they are writing others in Government.

One of my valued constituents, Mr. George I. Martin, of Sylvester, Ga., recently wrote to President Richard M. Nixon. When his letter came to my attention it impressed me with its inescapable logic and level-headed approach. I would like to share it with my colleagues:

SYLVESTER, GA.,
December 12, 1968.

HON. RICHARD M. NIXON,
President-Elect, United States of America,
Washington, D.C.

DEAR MR. PRESIDENT: First, I wish to congratulate you on being elected president of the greatest nation on earth.

Even though I, as a school man, have written to thousands of people, many of whom held high positions, I have never written to a president of the United States. I have always been rather reluctant to advise or suggest to anyone as to how he should conduct his business. However, inasmuch as our great country is in a rather precarious situation and inasmuch as you have been elected leader and administrator of a great government "of the people, by the people, and for the people", I feel that you will welcome my letter along with millions of others, if you can be convinced in your mind that the letters are written in an honest and sincere effort to be of help to you as you take the helm of our great "Ship of State" and endeavor with a determined mind and a steadfast purpose to steer it on a course that will bring this great country back to its rightful position. Yes, back to a position more in keeping with the ideals and ambitions of the great men who founded our nation; back to the ideals as set forth in our constitution; back to law and order; back to states rights whereby the people of the states may have a voice in their governmental affairs, (as a school man I was delighted to hear you say during the campaign that you would turn the schools back to the people); back to a better tax system to support our government so that the tax burden will be more equitably distributed; (there is much talk about *tax evasion* through "Foundations", also, being able to get into a low bracket, etc. etc.); back to a time when at least a portion of the tax dol-

lars sent to the federal coffers by the states can be retrieved for worthy causes without the approval of the hard-boiled "Guideline" bureaucrats in the Pentagon and State Department. Yes, back to a time when our Supreme Court will render decisions in keeping with the law as provided for in our Constitution and not in keeping with the social trends of the day, etc. (Give us a court that will not usurp the powers of the other two branches of Government—Legislative and Executive), also, back to a time when our country's sworn enemies will not be allowed to run at large and hold high government jobs—even work in defense plants and teach our youth; and back to a time when our government will not aid the enemy we are trying to subdue by sending the enemy, at great cost to our country, everything it needs including war equipment with which to kill our boys who are fighting and dying for our way of life; back to a time when some thought will be given to "balancing" the national budget. Yes, back to a time when the news media will not be controlled by a group who seek to suppress all matters that do not meet their approval, (radio, television, press, etc.)

Mr. President, no man before you has ever gone to the White House with more serious problems facing him. But George Washington had his problems in the early days of our country; yet, he was successful in laying the foundation for the greatest nation of all time. Abraham Lincoln had his problems as he sought to make certain needed adjustments in our government. He, too, was successful as a President. Now, you will be at the controls after January 20, 1969, and confronted with a situation unlike that of any other president in the history of our country. Due to "easy money" and a somewhat false economy, our people are literally wallowing in luxury and extravagance with too little regard for the things that have made this country great—individual rights, freedom of choice, respect for law and order, patriotism, good education (our education program needs a good dry-cleaning), civic responsibility, and a conviction that with every privilege there is a corresponding responsibility. We are thankful, however, that we yet have the "framework" of our great republic and with your leadership we can rebuild in keeping with the needs of our time. Please know that as you rally your forces to "rebuild" you will have the support of the great majority of our people. This was made very apparent by the election in November. Therefore, even though the task may seem great, the challenge is also great because the people recognize the need for change and all are wholeheartedly willing to go to bat to help you to reclaim our rightful position under the sun.

It is interesting to note from the pages of history that both Washington and Lincoln (referred to above) were God-fearing men who through prayer sought the guidance of our Holy Father as they faced the issues of their day. I feel sure that prayer is a part of your life, also. Please be assured that millions of your people are remembering you in their prayers continually.

In closing let me say I am a Southerner and am proud of my heritage. Having lived most of my life in the south on the farm, in town, and in the city, (of course, my professional work took me to all parts of the country) and having spent most of my life as an educator, I believe I know the South and its problems as well as anyone. Even though the south has had to endure certain handicaps throughout most of its existence, it is well on the way to coming into its own. It has yet much to offer our republic. We have through the years, particularly in recent years, had to suffer certain penalties, some of which were imposed upon us very unjustly. But, we are a courageous people; not too easily subdued when the principle of right and wrong is involved. I am sure you

will permit us to "brag" a bit by saying that with the south's direct and indirect efforts it contributed substantially to the results of the late election. You are our president and we are your people. We have ample reason to believe you are going to be as much interested in the well being and progress of the South as you are in any other area of our great nation. We must be "one nation indivisible" working together for the common cause.

I am tremendously interested in your success as President and I want to do my part. I am not seeking a job. In fact, I don't want a paying job. I only want to contribute my part in helping you be the best president this country has ever had. I hope your administration will give me the opportunity. *This is my country, too.*

Very truly yours,

GEORGE I. MARTIN.

P.S.—I dictated the above letter before you announced your Cabinet. All are good men. I was pleased, even delighted, that you chose your Defense Secretary from a field other than industry. It's high time we're making a change. Also, I must add that the overwhelming majority of our people rejoice that you have retained J. Edgar Hoover as head of the F.B.I. In my book his equal is not to be found in the U.S.A.

ISRAELI INDEPENDENCE DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. ANDERSON of California. Mr. Speaker, this year the nation of Israel celebrates the 21st anniversary of the Proclamation of Statehood. On May 14, 1948, Mr. David Ben-Gurion read the proclamation to a group of tearful but happy Jews gathered in Tel Aviv, and a few hours later, at midnight, the State of Israel came into existence. It was a paradox of history in 1948 that this nation of people, one of the oldest on earth with a record of almost 4,000 years as a nation, should be welcomed into the family of nations as a new member. In the intervening 21 years, the Israelis have demonstrated that they are a young and dynamic nation, while at the same time showing that they are the inheritors of the wisdom of their forefathers.

The world is well aware of the trials faced by the State of Israel; there have been three wars between the Israelis and their Arab neighbors in the past two decades, wars that have drained away vital energy, riches, and time from the Israel people. More important, however, is that the pride of Israel, her young people, have been set off to battle, slowing the process of nation-building. The Israelis live in an atmosphere of constant war, being subjected daily to the threat of renewed hostilities. But in spite of these burdens, the Israelis have amassed one of the most astonishing records of growth and development of any nation in the history of the world. The Israel triumph over adversity is truly one of the miracles of our time.

In every field of endeavor, the Israelis have shown an uncommon capability to provide new insights, to seek new approaches and to devise new methods. It is perhaps this innovative spirit which has made the State of Israel so prominent

in so many different enterprises. But for all the initiative and invention of the Israel people, they have not been able to find the formula of peace for their land. It is the hope of all free men that the Israeli statesmen and diplomats, will be successful in their efforts at convincing the leaders of the Arab States to set aside their weapons of war and to accept the Israeli offers of peace and cooperation.

On the occasion of the anniversary of Israel independence, we join the many friends of Israel around the world in offering our heartiest congratulations and expressing the hope that the next celebration in Israel shall be for a permanent and meaningful peace.

UNITED MINE WORKERS OF AMERICA WELFARE AND RETIREMENT FUND

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. SLACK. Mr. Speaker, one of the abiding principles which supports our method of self-government is our conviction that all sides of a controversy shall be heard and that there shall be fair play in the public arena. Recently many of you have read public attacks on the operations of the welfare and retirement fund administered jointly by the United Mine Workers of America and the coal mine operators. There have been demands for investigations, charges of nepotism and the like both published and broadcast.

I am no union pension expert and have no special knowledge of the fund other than access to the data reported annually to the Department of Labor as required by Federal law. The fund has reported in each of the last 10 years and there has been no previous broadside of accusations during that time.

In view of the many changes and accusations, I feel it in the interest of fairness to call your attention to the following statement prepared by the trustees of the fund as a means of assisting you in arriving at a dispassionate appraisal of the merits of the accusations recently distributed.

The statement follows:

A STATEMENT BY UNITED MINE WORKERS OF AMERICA WELFARE AND RETIREMENT FUND, APRIL 18, 1969

A spate of articles, editorials and speeches critical of the United Mine Workers of America Welfare and Retirement Fund has suddenly been aimed at the Fund from many directions.

Particular areas of criticism appear to be (1) the Trust Fund fails to make full report on its operations; (2) the "poor" investment record of the Fund; (3) "large" bank deposits drawing no interest; (4) Trust Fund salaries and retirement benefits for its employees are excessive; (5) the Trust Fund has excessive reserves; (6) benefit structure and changes in eligibility requirements over the years have neglected the old and disabled miner.

Whatever the motives behind the attacks, which appear highly organized as to purpose and tactics, Fund officials are of the opinion

that it is time to "look at the record" as one prominent American liked to say.

THE CRITICISM

The Trust Fund fails to make full report on its operations.

THE RECORD

Annual reports, issued since the establishment of the Fund, as a matter of policy, without compulsion of law or regulatory agency, have provided full details of its operations. In each such report, income, benefit expenditures and administrative expenditures in their various categories, have been reported in full. Each report has included in its entirety the report of the independent certified public accountants. Thus, every dollar of income and outgo since the establishment of the Trust Fund on May 29, 1946, has been subject to independent audit. Wide dissemination has been given to each Annual Report. Among others, copies are mailed to coal operators, lawmakers, state and federal officials and hundreds of newspapers, periodicals, radio and television stations, and it is reprinted in its entirety in the United Mine Workers Journal, the official publication of the United Mine Workers of America.

In addition, each year the Trust Fund files with the United States Department of Labor a detailed and voluminous report on its activities, financial and otherwise, including disclosure of its investments as required by the act in the same manner as thousands of other Welfare and Pension Plans throughout the country. This report also includes a listing of the salary of every employee of the Trust Fund as well as a copy of the retirement provisions for Fund employees. This report is a public document and available for all to review in the Office of the Department of Labor.

THE CRITICISM

The "poor" investment record of the Trust Fund.

THE RECORD

Any appraisal of our investment results must necessarily take into account that we are a Trust Fund and have fiduciary responsibilities. The objectives of the investment program of the Trustees must be understood. Such objectives include, safety of principal, production of reasonable income on a steady basis and a high degree of liquidity. Our common stock investments admirably meet all these objectives.

1. All securities in which we are invested appear on the legal list issued semi-annually by the Register of Wills in the District of Columbia. All are traded on the New York Stock Exchange.

2. The yield on our common stock investments is approximately 5.3%. The income from these investments has grown each year since their acquisition and it is expected to continue to provide a steadily rising source of income.

3. The common stock portfolio of the Fund consists entirely of shares of public utility companies. In the past few years the market value of these shares has been adversely affected by high interest rates and a number of other factors. While at the present time the appreciation in this portfolio is minimal, we are confident that it will in the future, as it has in the past, show substantial appreciation in market value.

THE CRITICISM

"Large" bank deposits drawing no interest.

THE RECORD

At most times during our existence, our bank balances were not nearly as high as we would like to have them in relation to our monthly expenditures.

In January of 1965 the Trustees made substantial improvements in the benefit programs which had the effect of increasing our expenditures by over \$45 million annually. As a consequence, as income permitted, our

cash balance was allowed to build up somewhat. Our cash balance on June 30, 1968 was actually no greater in relation to our monthly and annual expenditures than it had been at times in the past when expenditures were at a lower level.

With the conclusion of negotiations for a new three year contract between the Union and the operators in October, 1968, the potential need for cash reserves has lessened and these balances have been reduced considerably.

THE CRITICISM

Trust Fund salaries and retirement benefits for its employees are excessive.

THE RECORD

The salary scales and retirement benefits for employees of the Fund are entirely competitive with those provided for employees with similar skills and responsibilities in all fields of industry and commerce. Maximum retirement benefits provided for top officials of the Fund are less than one-third of their annual salary.

THE CRITICISM

The Trust Fund has excessive reserves.

THE RECORD

As at June 30, 1968 the unexpended balance of the Trust Fund was approximately \$180 million. At this figure the balance represents only slightly in excess of one year's expenditures. Many other plans with a lesser number of pensioners, to say nothing about the extensive hospital and medical care program of the Trust Fund, have reserves many times this figure.

Proposals now pending in Congress would, if enacted, require the Trust Fund to accumulate reserves much larger than the present figure. While we do not feel that complete actuarial funding is necessary or even desirable, prudent administration dictates that a substantial reserve be maintained to insure continuity of present benefit programs in the event of a protracted recession or stoppage of work in the coal industry. It is recalled that in September, 1949 benefit payments from the Trust Fund had to be temporarily suspended completely and in February, 1961 the amount of the monthly pension payment was reduced because of the lack of sufficient reserves.

THE CRITICISM

The Fund has neglected the old and disabled miner.

THE RECORD

Pensions and Hospital and Medical Care Benefits had always been the primary objectives of the miners in their long struggle for a benefit program. After the Fund's establishment, however, pension payments were delayed by the court actions and the pitiful shortage of physicians and medical facilities slowed development of a medical care program. To begin paying benefits of any substantial nature, therefore, the Trustees' only alternative was to set up temporary cash disability benefits until the basic programs could begin functioning. Within the short space of two years, more than 100 million dollars was paid to disabled miners.

In 1954 the pension program was in full operation with \$100 a month payments going to more than 55,000 miners—many of whom had earlier received these temporary disability benefits. Large numbers of the early pensioners continue on the rolls today and over the years have received hundreds of millions of dollars.

The Fund's Hospital and Medical Care program had also come of age in 1954 and was bringing to the heretofore deprived mining communities the most comprehensive hospital and medical care program in existence. By this time the severely disabled miners had been located by the Fund and transported to the nation's most advanced centers for treatment and rehabilitation. Over the years thousands of other disabled

miners have been assisted by specialists from the Fund's Area Medical Offices in obtaining physical and vocational rehabilitation. Fund personnel has also been instrumental in obtaining for the disabled miners assistance from Federal, State and other public-supported agencies.

Oddly enough, the Fund's pension program is condemned as being too restrictive in its eligibility regulations. This in spite of the fact that since 1948 well over a billion dollars has been paid to more than 133,000 retired miners. As the record shows, pension provisions have always been geared as closely as possible to the nature of the industry with payments as high as Fund finances would permit.

The criticism centers about a provision adopted 16 years ago that requires a miner to put in his 20 years within a 30-year period. Nothing is said about the liberality of the requirement that allows a miner to draw full pension at age 55 even though he may have left the mines at 45. Nor is mention made of the generous method of calculating service that gives a year's credit for 6 months' work in any of the bituminous mines. And no comparison is made with other pension plans in effect 16 years ago which required continuous service with one company up to age 65 in order to qualify. The fact that the Trustees have liberalized the service requirement eliminating the 30-year provision and permitting a miner to qualify for full pension at 55 with 20 years worked at any time ending after February 1965 also receives scant notice. But these features add up to one of the most liberal programs in existence.

A FURTHER LOOK AT THE RECORD

Since the Fund was created: Benefit expenditures have totaled \$2,585,896,073.65.

Royalty income has amounted to \$2,802,567,836.18 representing production of over 8 billion tons of bituminous coal.

More than 14,382,000 individual benefits have been provided.

More than 4,500,000 beneficiaries have received Hospital and Medical Care.

133,043 miners have received Trust Fund pensions.

129,937 widows and orphans have received benefits.

Total administrative costs have been less than 3.1%.

GENERAL STATEMENT

This Fund was created by the trust indenture contained in the National Bituminous Coal Wage Agreement of 1950 negotiated by National Collective Bargaining between the bituminous coal operators and the International Union, United Mine Workers of America. It is an entirely separate and distinct legal entity, created and operating under the terms of Federal law, i.e., Section 302(c) of the "Labor-Management Relations Act of 1947", better known as the "Taft-Hartley Act." Its management is tripartite, one Trustee appointed by the coal operators, one by the International Union and a third and neutral Trustee appointed by the parties.

It was very early determined in Federal court litigation that the trust was legally created under Federal statute, was charitable in nature and appropriately administered by a three-trustee management. The trust indenture itself provides specifically that:

"Subject to the stated purposes of this Fund, the Trustees shall have full authority, within the terms and provisions of the 'Labor-Management Relations Act, 1947', and other applicable law, with respect to questions of coverage and eligibility, priorities among classes of benefits, amounts of benefits, methods of providing or arranging for provisions for benefits, investment of trust funds, and all other related matters".

In the preparation, promulgation and administering of eligibility requirements the

Trustees have, within the limits imposed upon them by applicable law and the resources available to them, undertaken to exercise prudent and businesslike judgments characterized by humaneness and with full consideration of all relevant factors. These judgments were based on knowledge of changing conditions prevailing from time to time in the coal industry as this new and novel trust fund grew and developed.

It has been, and is now, impossible to establish eligibility requirements which do not create some individual problem with some applicants falling just short of eligibility. While it is of course regrettable, it is inevitable that administrative attempts to correct an individual's failure to meet the requirements are impossible. Such attempts, if made, would create a breakdown of the over-all administration of the trust and, if carried to the extreme so as to eliminate all individual problems, would result in no effective eligibility requirements at all.

The Fund and its Trustees have operated over the years on such a basis as they sincerely believe, and which the Fund now submits, should merit the approval of all interested parties. A 1956 report to the United States Senate from a Labor Subcommittee which had made a long and detailed investigation and held hearings pertaining to this Trust Fund said the Fund was "honestly and well administered" and its "outstanding programs" provided "incalculable benefits."

The Fund sincerely now believes and submits that this approval of its operation is equally applicable to its current operation.

JOSEPHINE ROCHE,

Director.

THOMAS F. RYAN, Jr.,

Comptroller.

WELLY K. HOPKINS,

Counsel.

NATIONAL GOODWILL WEEK

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. GOODLING. Mr. Speaker, National Goodwill Week is to be observed May 4-10, 1969, and I would like to call attention to some of the very fine work that is being conducted by the Goodwill Industries of Central Pennsylvania, Inc.

For one thing, Goodwill Industries currently are paying incentive wages to more than 130 handicapped people daily, individuals who have difficulty in finding employment owing to physical, mental, emotional, or socio-cultural handicaps. Through the Goodwill Industries these handicapped individuals receive vocational evaluation, job training, counseling, special educational instruction, and placement services, which enable them to become productive citizens in their communities. These handicapped persons, through this assistance, become tax payers rather than dole takers.

During 1968 Goodwill Industries of Central Pennsylvania provided service to 557 handicapped persons. Eighty-six jobs were acquired for persons who had received training at Goodwill Industries. Incentive wages to the handicapped amounted to \$217,856.

All of us can applaud these accomplishments of the Goodwill Industries, but Goodwill needs more than just good wishes upon which to operate. The or-

ganization is not self-sufficient, and it can carry on its good work only if interested citizens will make contributions to its cause.

Citizens can give repairable materials to Goodwill, materials which can provide employment for the handicapped and, in turn, be converted into useful commodities. They can also give cash, a gift which can be assigned to many useful purposes.

There is an old adage which says, "One good turn deserves another." All through the year the Goodwill Industries of Central Pennsylvania, Inc., gives its good services to those who need them. May 4-10 is Goodwill's deserving period, and it provides all of us an opportunity to do a good turn for Goodwill by giving generously.

THE BASIC FLAW OF THE PEACENIKS

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. WOLD. Mr. Speaker, the editor of the Wyoming State Tribune in Cheyenne has taken a long look at the campus demonstrations of recent days and, putting these protests in historical perspective, noted that:

It is odd that so many American intellectuals see all the wrong in the United States; who deplore the sustenance of our own national entity, without seeing the other side of the coin: the threat to the national entity that arises from other nations, whose aggression and militaristic attitude spur our own defensive efforts. These latter are decreed by these so-called intellectuals who depart from reason and objectivity. The United States of America is the only nation that within their concept, does wrong.

Editor James M. Flinchum recalls the recent speech by Harvard biology professor, George Wald, in which the Nobel laureate decries America's massive defensive armaments and proposes, with no regard for the need of these armaments that we should just "get rid" of them. Mr. Flinchum asks:

Very well, how does a Nobel prize winner tell us how to begin?

Mr. Speaker, I insert the editorial to which I have reference in the CONGRESSIONAL RECORD with my remarks:

THE BASIC FLAW OF THE PEACENIKS

The "peace ball" at the University of Wyoming which amounts to an attack, in sentiment at least, on the Reserve Officers Training Corps program there, and the abject caving in of the Harvard Corporation to the anti-ROTC demands at Harvard University, suggest two things.

One is that anti-military attitudes on the college campuses are on the upswing as they were in the 1930s, between the World Wars; and secondly that this movement is as misguided as it always has been.

Opposition to the military and what may roughly be described as an anti-war attitude is as old as man, probably; it must have its origins with the very beginning of the human being or at least when man reached that stage when he began to react aggressively to his fellows.

Organized conflict, that is to say, military

confrontation, has always been deplored. The prophet Isaiah is a very early opponent of war in the literature of Judeo-Christian civilization; Isaiah opposed the war between Assyria and the kingdom of Judah, in the eighth century B.C., and in vain did he seek to thwart the conflict engendered on the part of King Hezekiah of Judah against Assyria, a large and expansionist nation that had fallen on difficult times which led a combination of smaller kingdoms sparked by Judah, to attempt to defeat Assyria militarily. The allies, incidentally, lost the fight.

Until the day arrives, as Isaiah hopefully predicted nearly 3,000 years ago, when the House of the Lord shall be established in the top of the mountains, and "all nations shall flow into it"; until that day when the peoples of the world shall "beat their swords into plowshares, and their spears into pruning-hooks" and "nation shall not lift up sword against nation, neither shall they learn war any more"—until that day is here, then we shall have to cope with circumstances as they are. Which is to say, we shall have to tackle the problems posed by human nature, or rather, the conflicts of people.

We must consider, first of all, that humans are contentious creatures; that conflict is a way of life with them, and that it is not always mere civil conflict. The fact that the anti-war demonstrators in this one nation alone have been willing to engage in violent action, of conflict engendered by themselves, in protest against other conflict, suggests the great paradox of their crusade to end war.

There are those among those antiwar activists, however, who view pacifism or non-military action only as a one-sided affair. The founding Bolsheviks in their early revolutionary activities against the "bourgeois imperialists"—that is, the capitalist nations of the West—predicated their campaign on anti-war sentiment.

Today's pacifists who have inclinations in many ways toward socialism including communism, seem to ignore the irony of the fact that the greatest imperialists and the greatest threat to world peace, the nation with the mightiest military potential of any on the face of the earth, is the Soviet Union—a country that has waged what some historians call the Third World War and others the Cold War for nearly a quarter of a century now.

Recently, a Nobel prize winner and professor of biology at Harvard, Dr. George Wald, made a speech which deplored the prospect of nuclear war and particularly the arming of the United States in which he said: "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."

Very well, but how does a Nobel prize winner tell us how to begin? The implication is, as a great many members of the intellectual community and some lawmakers suggest, that the United States begin and the Soviets will then follow. Does anyone believe this to be true? When the basic policy and program of the Soviet Union is Marxist world revolution, a thesis and objective stated time and again by the policy-makers of the Russian communist party?

Professor Wald states that we have reached "a point of great decision, not just for our nation, not only for all humanity, but for life upon earth." But if mere life were the only objective of human beings, if the only goal they sought was just to exist itself, then human life would have progressed precious little. Is life under any circumstances our only goal? Or is it a better life, one absent as much as possible of want? And absent a minimum of terror?

Professor Wald speaks of terror—the the-

oretical terror of the nuclear bomb—but has he experienced the real terror of the totalitarian, the police, state? Would he be willing to experience this sort of terror?

It is odd that so many American intellectuals see all the wrong in the United States; who deplore the sustenance of our own national entity, without seeing the other side of the coin; the threat to that national entity that arises from other nations, whose aggression and militaristic attitude spur our own defensive efforts. These latter are derided by these so-called intellectuals who depart from reason and objectivity. The United States of America is the only nation that within their concept, does wrong.

So with the campaign against the ROTC in this country, against an institution that comprises an integral element of our nationhood. Unless this nationhood were sustained through various efforts that are designed to preserve it, including the training of our young men and women in the military profession, then neither the nation nor even these colleges and universities including Harvard and the University of Wyoming, could or would exist for very long.

That is the very basic fact these people refuse to face: How long would even they, as presumably free intellectuals, be able to speak out upon any subject including opposition to national defense, be able to do so under the direction of a Politburo which today in the U.S.S.R. decrees who will teach what, and where, and whom, and how.

AUTO THEFT

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. SHIPLEY. Mr. Speaker, because of the great concern with the rising crime rate, I would like to include in the CONGRESSIONAL RECORD the following statistics taken from the Unified Crime Reports—1967, printed annually by the Federal Bureau of Investigation. I feel that the data contained in this segment of the report helps to point up the need for antitheft devices on all passenger cars in order to reduce the ever-growing increase in auto thefts:

AUTO THEFTS VOLUME

In 1967, an estimated 654,900 motor vehicles were reported stolen, compared to thefts of 557,000 the year before. These thefts occurred at an average rate of more than one a minute throughout the year. Geographically, the volume of auto theft was highest in the Northeastern States, which reported 30 percent of the total number of these crimes. Next in order were the North Central States, 27 percent; the Southern States, 22 percent; and the Western States, 21 percent. This crime makes up 17 percent of the total Crime Index offenses. Seasonal variations disclose auto theft generally reaches its peak in the fall of the year, and 1967 was no exception in this respect, with October the high volume month.

TREND

Auto thefts in 1967 increased 18 percent in volume when compared with 1966. Since 1960, this crime has risen steadily, recording a 101-percent increase over the 8-year period. The theory that there are more auto thefts solely because there are more autos is invalid when it is shown that the percentage increase in auto theft has more than doubled the percentage increase in automo-

bile registrations since 1960, and more than doubled the percentage increase in the young age population, 15 to 24 years.

Auto theft increases in all areas contributed to the overall 18-percent rise in 1967. On the average, large cities with 250,000 or more population had an 18-percent upward trend, the suburban areas registered a 19-percent upswing, and the rural areas were up 5 percent in these crimes during 1967.

Geographically, the theft of autos showed the sharpest upward trend in the Northeastern States with a 25 percent increase followed by the North Central States up 17 percent. The Southern States were up 15 percent, and the Western States had an 11 percent rise.

AUTO THEFT RATE

In auto theft, as in other Crime Index offenses, there was a substantial increase in the rate in 1967 over 1966. From 284 victims per 100,000 population in the earlier year, the rate rose to 331 in 1967, a jump of 16 percent. The auto theft rate has risen 82 percent since 1960. There were more persons unlawfully deprived of their motor vehicles, 901 per 100,000 population, in the cities with 500,000 to one million inhabitants than in any other population group. In this regard, as a part of a special study it was found that 30 percent of the autos stolen in the District of Columbia were owned by non-resident victims. This is undoubtedly true in other large core cities because of the high mobility of the general population.

Nationally, the auto theft rate in the large cities averaged 776. In the suburbs the rate was 205, and in the rural areas the auto theft rate was 68.

The auto theft rates by geographic region disclosed the Western States were high with 418. The Northeastern States reported a rate of 400, the North Central States 322, and the Southern States 239 thefts per 100,000 inhabitants.

Nationally, in 1967 one of every 123 registered autos was stolen or a rate of 8.1 per 1,000 registered autos. Regionally, the highest registration theft rate appeared in the Northeastern States where 11.0 cars per 1,000 registered vehicles were stolen. In the 3 other regions the figures were 9.0 in the Western States, 7.6 in the North Central States, and 6.0 in the Southern States.

NATURE OF AUTO THEFT

Auto theft rates are indicative of the fact that this is primarily a big city problem, since the highest rates appear in the most heavily populated sections of the Nation. In 1967, the average value of stolen automobiles was \$1,017 at the time of theft and although police recovered 86 percent of the stolen vehicles, the remaining unrecovered 14 percent represented a loss of over \$93,000,000 to the victims. This loss figures does not take into consideration the monetary loss resulting from damage to the vehicles, property and persons which are a direct result of these crimes.

Uniform Crime Reporting special studies in the past have documented auto theft as primarily a crime of opportunity. The youthful offender who is most often involved finds the vehicle subject to theft conveniently ready to drive away or the ignition easily compromised.

CLEARANCES

Due to the fact that two-thirds of the auto thefts occur at night and over one-half are from private residences, apartments, or streets in residential districts, law enforcement agencies were successful in solving only 20 percent of these thefts by arrest of the offender. The crimes occur under cover of darkness and there are seldom any witnesses. On the other hand, police nationally are successful in recovering about 86 percent of all stolen cars. About 55 percent of stolen vehicles are taken and recovered within 48

hours. Although recovery of the vehicle does not clear the offense, the property is available for return to the victim. This high recovery percentage can be attributed to the fact that approximately 75 percent of the cars stolen are used for transportation or the purpose of the theft is unknown. The remainder were taken for resale, stripping for parts, or use in another crime.

In the Nation's largest cities 19 percent of the auto thefts were cleared during 1967. Police in the suburban areas were somewhat more successful having cleared 24 percent. Throughout the country auto theft clearance percentages ranged from 16 percent in the Middle Atlantic States to 25 percent in the Mountain States.

In all geographic divisions and population groups the participation of the young age group population is indicated by the high proportion of these clearances which were by arrest of persons under 18 years of age. In the large core cities, 54 percent were solved by an arrest in this age group while juvenile clearances accounted for 43 percent in the suburbs and 42 percent in the rural area.

PERSONS ARRESTED

Persons arrested for auto theft come principally from the young age group population. In 1967, 62 percent of all persons arrested for this crime were under 18 years of age and, as a matter of fact, 17 percent were under 15 years of age. When persons under 21 are included in the computations, 80 percent of the arrests for auto theft are accounted for. Of all Crime Index offenses, auto theft had, by far, the largest proportion of arrests of persons under 18.

The national trend in auto theft arrests disclosed a 5 percent increase in 1967 when compared to 1966. Adult arrests rose 8 percent while arrests of persons under 18 increased 4 percent. Considering the eight year period, 1960-1967, auto theft arrests increased 53 percent. Arrests of individuals under the age of 15 increased 61 percent and individuals under the age of 18 increased 54 percent during this period.

The long-term arrest trend for adults disclosed a 51 percent increase in arrests for auto theft, 1960 through 1967.

Next to burglary, auto theft as measured by arrests showed the least participation by females. Only 4 percent of persons arrested in 1967 were female and female arrests for auto theft increased 11 percent. Females under 15 recorded a 19 percent increase in arrests for auto theft. Whites made up 67 percent of the arrests for auto theft, Negroes 31 percent and all other races the remaining 2 percent. During the 1960's arrests for auto theft involving young Negroes have more than doubled.

PERSONS CHARGED

Again, the involvement of the young age group population is made clear through police reports showing 66 percent of all persons charged for auto theft in 1967 were referred to juvenile court jurisdiction. No other Crime Index offense results in such a high percentage of juvenile referrals. When the remaining adult offenders were considered as a group, 55 percent of those prosecuted on charges of auto theft were found guilty as charged, 14 percent were convicted or plead guilty to a lesser charge and 31 percent were acquitted or their cases were dismissed.

HON. HARRY SHEPPARD

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1969

Mr. WHITTEN. Mr. Speaker, I join with my colleagues in expressing deep sorrow at the passing of our late colleague, Harry Sheppard. It was my privi-

lege to serve with Harry Sheppard on the Appropriations Committee for many years and under his chairmanship, first of the Subcommittee on Naval Appropriations and, later, of the Subcommittee on Appropriations for Military Construction. In these undertakings I came to know him and to love him.

A man of the greatest integrity, unbounded energy, and sound judgment, Harry Sheppard was an excellent Congressman but, first, a wonderful citizen. His service here covered a long period of time, in the course of which he left his mark not only in the lawbooks of the Nation but in the example he set for his colleagues and friends.

To his wife, Kay, who was such a help to him, we express our deepest sympathy. While he lived a lengthy life, I know we shall all miss him though the benefits of his work will continue on down through the years.

NIXON'S FIRST 100 DAYS

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. KLEPPE. Mr. Speaker, there is a tradition that every new administration undergoes at least a preliminary evaluation of its accomplishments after the first 100 days.

President Nixon has now been in office for the prescribed time. I think most Americans would agree he is doing a creditable job. I believe they would also agree that 100 days is far too short a time to rate a President's place in history.

In a questionnaire which I sent recently to all postal patrons in North Dakota's west district, I asked how they feel President Nixon is doing. Of the more than 7,500 people who have responded thus far, 48 percent said he was doing a good job, 28 percent said fair, 5 percent poor; 18 percent were undecided.

Many of those in the undecided category replied that it is still too early to tell. Others had such comments as, "Do not expect a man to correct in a few weeks the many difficult problems which have built up over many years"—and "Let's give him a fair chance."

For the most part, I think the American people will give him that fair chance—that opportunity to meet the serious challenges which confront our Nation.

One constituent wrote:

If he can just bring the war in Vietnam to an end, this alone will rank him with our great Presidents.

Another said:

Inflation—constantly-rising living costs are our greatest problem here at home. I don't think anyone expects him to correct this situation overnight. It has been building up dangerously for five years. Mr. Nixon is moving responsibly to bring rising costs under control. He clearly recognizes this must be done.

My own evaluation of the administration record to date is that the President has been pressing forward vigorously with his first priority—the achievement of peace in Vietnam. He has also directed

our diplomatic efforts toward averting a major crisis in the Mideast.

There are two other major points I would mention:

The President has sought to put the brakes on inflation through proposed cuts of more than \$4 billion in Federal spending.

He has also sought to help the principal victims of inflation—low-income citizens—by proposing far-reaching tax reforms which would lighten or eliminate their income tax load and would, at the same time, make certain that every well-to-do American pays some tax.

During its first 100 days, I believe the Nixon administration has made an exceptionally good beginning.

PROPOSAL FOR AEC PLANT SALE DESERVES SEARCHING SCRUTINY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. EVINS of Tennessee. Mr. Speaker, it was recently disclosed that the new administration is studying the feasibility of selling to private industry the Atomic Energy Commission's three gaseous diffusion plants—including the plant at Oak Ridge.

It is reported that a committee of three members of the executive department has been appointed to look into the matter. The members are Paul McCracken, the chairman of the Council of Economic Advisers; Robert Mayo, the Director of the Bureau of the Budget; and Lee Dubridge, the President's science adviser.

The importance of these plants is underlined by the fact that, according to the AEC, by 1980 a total of 35 percent of the electricity generated in the United States will be by nuclear powerplants. The fuel which these plants will use is enriched uranium which is produced by the gaseous diffusion plants.

In addition nuclear reactors abroad will add substantially to domestic requirements for enriched uranium. In other words the production of enriched uranium will become a billion dollar business by 1980, and it is vital and essential that the public interest be protected.

In this connection I place in the Record an editorial from the Nashville Tennessean on this subject because of the interest of my colleagues and the American people in this most important matter.

The editorial follows:

[From the Nashville Tennessean,
Apr. 29, 1969]

FULL DISCLOSURE NEEDED

Too much secrecy still surrounds the White House's proposal to consider the sale to private industry of the Atomic Energy Commission's three gaseous diffusion plants—including the one at Oak Ridge.

A three-man committee had already been appointed and was studying the proposal before the public learned that sale of the plants was being considered at all.

As it turned out, all of the committee members are also members of the executive staff—the chairman of the Council of Economic Advisers, the director of the Budget

Bureau, and the science adviser to the President.

This is an alignment which can hardly be expected to arrive at an objective decision. It can scarcely do more than confirm an idea which the President apparently already had in mind.

It has now been learned that the AEC objected to being left off the study committee and has been allowed to place one member on the committee. There is also a vague report from the House-Senate Atomic Energy Committee that public hearings on the question are expected to be held, possibly in June.

All of this is quite interesting, but it is secretive and uncertain and does little to inform the public about what President Nixon has in mind concerning the gaseous diffusion plants. Before the issue is further clouded in secrecy and suspicion, the administration should make a full disclosure of its moves.

Many activities in the atomic energy field are kept secret because of the military aspects involved. Many people feel this is overdone, but they are certain that the veil of secrecy should not be extended to cover the disposal of the atomic energy facilities themselves.

The gaseous diffusion plants belong to the people. They are an important step toward the national goal of achieving an abundant supply of cheap electric power. Any attempt to turn the facilities over to the private power industry for its profit must be strenuously resisted.

The administration will be courting disaster if—anticipating the public opposition that is sure to come—it tries to hide behind a shield of military secrecy to hand over the atomic energy facilities to private industry.

INFLATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. SCHWENGEL. Mr. Speaker, there has been much discussion and investigation with respect to tax reform in recent weeks. Extensive hearings have been held, and there is hope that meaningful reform will be forthcoming. The reform will in a sense be wasted if we do not at the same time reform our spending habits, and curb the ever spiraling inflation. An editorial in the *Muscatine Journal* really hits home on this point:

THE CRUELEST TAX

Inflation has been called "the cruelest tax of all."

Inflation hits hardest at the poor, and there are several reasons why this is so. The poor have no hedges. They have no investment in real estate or in the stock market, where values tend to be carried aloft on the inflation spiral.

Inflation also hits hard at the elderly, many of whom are on fixed incomes, and at those people in the modest or middle-income brackets.

Americans are now paying higher taxes, higher interest rates and higher prices than a year ago. In the midst of prosperity, most Americans find themselves rationing money and straining to pay bills.

This is the penalty of inflation, and there likely will be more ahead. Higher interest rates, bigger down payments on houses, and higher taxes are all possible.

One event could ease pressures dramatically. This is the possibility of a cease-fire in Vietnam, followed by a sharp cut in military spending. Economists point out, however, that the war in Vietnam is not the lone

cause of inflation. Prices of raw materials began climbing steeply in late 1963, before the United States had made a major commitment in Vietnam.

Though federal spending has increased by more than \$50 billion in the past three years, more than half this amount went for programs unrelated to the war.

For whatever purpose, government spending seems to be the primary cause of inflation. The Nixon administration has made preliminary moves toward trimming excessive federal spending. Much more remains to be done in that direction.

THE SLIPPERY OIL PROBLEM

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. GIBBONS. Mr. Speaker, today I joined with House colleagues in a united front to eliminate the controversial Mandatory Oil Import Control program. The bipartisan legislation introduced by many Congressmen, would gradually phase out over a 10-year period beginning in 1970, the quota system which restricts the amount of foreign oil entering this country.

Because the *Wall Street Journal's* editorial of April 30 is right to the point in this matter, I would like to have it inserted in the *RECORD*. The article follows:

THE SLIPPERY OIL PROBLEM

The Nixon Administration is engaged in a study of the nation's oil import controls, and the whole subject of oil certainly is in need of reappraisal. The problem, such as it is, is a slippery one indeed.

Nearly everyone would agree that the U.S. needs a viable oil industry. Perhaps someday we'll all buzz around in electric cars and our homes and factories will be heated and lighted by the atom. For the foreseeable future, though, petroleum is indispensable.

In that situation, it is reasonable to give thought to what might happen if war cut off the country from overseas oil—from Venezuela, the Mideast or elsewhere. The next global war, if it comes, could be so cataclysmic that worries about oil would be moot, yet it is sensible to prepare for contingencies.

So far that part of the argument is at least in focus: The nation needs a reliable supply of oil, one that would be accessible in wartime. It's only when the Government has sought to deal with the argument that the going has become treacherous.

A major, and early, response was the oil depletion allowance. It was and is based on the reasonable premise that an oil well operator every year is using up a proportion of his assets; sooner or later the well will run dry. Since a factory owner every year can write off a part of his aging plant and equipment, it seems fair to allow an oil operator a deduction for the depletion of his petroleum.

The depletion allowance, however, is set so high (27½% of gross income annually) that an operator of a producing well may eventually recover many times the amount he invested in the well. The reasoning here is that anyone hunting for oil is practically sure to drill a good many dry holes; the allowance, in other words, is supposed to provide him an incentive to go on hunting.

But as so often happens with special tax law provisions, the depletion allowance has provided a handy tax haven for high-income individuals; it helps account for the current

furor over the fortunate Americans whose incomes are immense and whose taxes are negligible. As often happens, too, one special subsidy has not satisfied the demand.

Beginning with the Eisenhower Administration, the Government has been imposing import quotas on petroleum—again designed as a response to the national-security argument.

There are plenty of things that can be, and have been, said against quotas. They impose a huge tax on consumers, through raising domestic oil prices; they worsen relations among Congressmen, as their constituents compete for a "fair" share of imports; they complicate relations with oil-producing foreign countries, such as Venezuela; they produce windfalls for importers lucky enough to get quotas to bring in the cheaper foreign oil. Leaving all that aside, are the quotas really necessary and helpful to U.S. security?

One answer is that Canada, already a major supplier to the U.S., is eager and able to ship much more. Even if an ocean-closing world war is conceivable, a shutoff of Canadian oil is hardly so. Also worth consideration are the vast new oil discoveries in Alaska and the possibility of similar finds in the Canadian Arctic. North America's oil prospects look auspicious.

They might look even more so if the quota setup, together with state production quotas, were not debilitating the U.S. industry. The artificial prop under prices keeps high-cost, inefficient wells going and holds down the more efficient production.

So the whole subject surely could use some fresh study. If some form of depletion allowance really is necessary, and if it must be as large as it is, it should be tailored more tightly as a true stimulus to oil exploration. If the industry must have a further subsidy, perhaps it should be paid directly and openly, instead of through a hidden tax on oil consumers.

Whatever happens, everyone should remember that the problem is, or is supposed to be, U.S. security. The question is whether that security really needs so much protection.

TAX TIME

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BERRY. Mr. Speaker, a recent editorial in the *Washington Evening Star* pointed out some statistics which should be of interest to all taxpayers. As the editorial writer says, these figures present a compelling argument for tax reform. We can hardly afford to ignore it. The editorial is as follows:

TAX TIME

The Tax Foundation has come up with some figures to confirm our worst suspicions. The average person will have to work through April 27th this year in order to earn enough to pay his federal, state, and local taxes. That amounts to 117 days working for the government out of every 365, or almost one day out of every three.

Broken down into hours, the average taxpayer spends two hours 34 minutes out of every eight working for the government.

There are other figures too, but they tell the same story. The average guy has a well-intentioned but greedy monkey on his back devouring a truly staggering portion of his earnings.

The Tax Foundation has done the arithmetic without drawing any basic conclusions. For that matter, the figures speak for themselves. With this kind of tax burden facing the average American, tax reform is more

than ever a must lest the "taxpayers' revolt" become something more than a Walter Mitty dream.

THIS IS FIGHTING SHIRLEY CHISHOLM

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. ADAMS. Mr. Speaker, it gives me a great deal of pleasure to bring to the attention of the House an article on our colleague the Honorable SHIRLEY CHISHOLM. This article appeared in a recent Sunday magazine section of the New York Times.

The gentlelady from Brooklyn has already shown that her desire to be known as the "first black woman Congressman" is no idle request. The problems which we face in the country today demand such a dedication. Her references to the word "gentle" in the article are most interesting. Fighting SHIRLEY CHISHOLM, the campaigner, is welcome in the House as Fighting SHIRLEY CHISHOLM, the Congresswoman.

The article referred to follows:

AS THE "FIRST BLACK WOMAN CONGRESSMAN" HERSELF PUTS IT: THIS IS FIGHTING SHIRLEY CHISHOLM

(By Susan Brownmiller)

The annual founder's-day luncheon of the Delta Sigma Theta sorority was held this January at the Americana Hotel. The occasion represented a triple honor for the Brooklyn alumnae chapter of Delta, one of three ranking and fiercely competitive Negro sororities in the country. It was Brooklyn's turn to play hostess to the national; the guest speaker was the Honorable Shirley Chisholm, first black Congresswoman in America; and, coup of coups, in secret ceremony before the luncheon the chapter was privileged to initiate into Delta the lady of the hour herself.

"Soror" Chisholm cut an imposing figure on the dais. Small, dark, ramrod-straight, she was outfitted in a blue-and-gilt brocade suit with matching turban. Her black-rimmed eye-glasses were firmly planted above her wide nose. Her bearing gave her the look of a visiting queen rather than Delta's newest initiate. When it was her turn to speak, Mrs. Chisholm arose with her prepared text.

She has a quality that is rare in any woman—the ability to speak forcefully before an audience. On this particular afternoon, the former schoolteacher began by enunciating each syllable with biting clarity, her West Indian accent rising and falling in controlled cadence, her strongly sibilant "s" forming a pleasant rhythmic counterpoint to the clipped words. Midway through her effort (an inspirational plea for higher horizons), Mrs. Chisholm smiled broadly. As she put aside her notes, her voice lost some of its didactic school-marm flavor and took on an earthier cadence of the streets:

"You have no idea what those people in Washington with their hands on the power have been plotting and planning for us. Let me tell you. Do not be complacent. The Man says he knows we ain't never gonna come together." The audience rumbled its understanding of her warning. Surveying the ballroom from left to right, Mrs. Chisholm went on, "Oh, everyone is being so kind to me. They have such good advice. They tell me, Shirley, you're just a freshman and you have to keep quiet as a freshman—" She paused for effects as some of the women giggled.

"I listen sweetly to them and then I say, 'Gentlemen, thank you for your advice. I understand what you're saying. But when I

get up there on the floor of Congress, I'm sure you'll understand that I am speaking with the pent-up emotions of the community.'" She grinned. "One thing the people in Washington and New York are afraid of in Shirley Chisholm is HER MOUTH." The audience roared.

A few days later, Representative Chisholm returned to Washington and began her fight to change her assignment from a House Agriculture subcommittee on Forestry and Rural Villages to something more relevant to her Bedford-Stuyvesant community. (Mrs. Chisholm had hoped for Education and Labor.) She approached Speaker John McCormack, who told her, she reports, to accept the assignment and "be a good soldier." She brooded about that for a while, she says, and then decided, "That's why the country is the way it is." Mrs. Chisholm then placed an amendment before the House Democratic caucus to remove her name from the Agriculture Committee, aware that she was taking an unprecedented step—bucking the powerful Wilbur Mills of Arkansas, chairman of the House Ways and Means Committee and the man who parcels out committee assignments to his fellow Democrats. According to Mrs. Chisholm, Mills tried to call her bluff in caucus. "Will the gentlewoman from Brooklyn withdraw her amendment?" he intoned. Mrs. Chisholm says she was particularly tickled by "gentlewoman," but otherwise remained unmoved. Mrs. Chisholm was removed from Agriculture and later assigned to Veterans' Affairs. The Chisholm balk remains the most vivid sign of life in the 91st Congress.

Shirley Chisholm is true grit. Her comet-like rise from clubhouse worker to Representative in the United States Congress was no accident of the political heavens. It was accomplished by the wiles of a steely politician with a belief in her own abilities which at times approaches an almost Messianic fervor. "My rise has been constantly fighting," she likes to say. "And I have had to fight doubly hard because I am a woman. I am a very different sort of person than usually emerges on the political scene." It's an accurate self-assessment. "The nation's first black Congresswoman"—or "first black woman Congressman," as she prefers to put it—does not begin to explain who Shirley Chisholm is. But "the first black," etc., is not how she wishes to be remembered. "I'd like them to say that Shirley Chisholm had guts. That's how I'd like to be remembered."

There is a saying about women who hold elective office—that most of them got there on a "widow's mandate." It certainly holds true for Edna Kelly, the Congressional veteran who was unceremoniously bumped from her seat last year when Brooklyn's 12th Congressional District was redrawn to carve out a largely black constituency. Mrs. Kelly was brought into politics by Irwin Steingut, then the minority leader of the State Assembly, when her husband, a judge, was killed in an automobile crash. Her 19-year record in Congress was, at best, mediocre. Early in 1968, the State Legislature, under Federal Court order to correct population inequities in some Congressional districts, revamped the lines in central Brooklyn in such a manner that Mrs. Kelly was wiped off the political map. Mrs. Kelly, until that time a loyal soldier in the Brooklyn Democratic organization, cried "betrayal." She charged that county leader Stanley Steingut, the son of her first patron, had willfully forced her political extinction. She eventually delivered her own coup de grace by running a hopeless primary race in a neighboring district against Emanuel Celler.

The new 12th Congressional District was anchored to the heavily black Bedford-Stuyvesant neighborhood (Mrs. Chisholm's home territory), with slices of Crown Heights, Bushwick and Williamsburg around the edges. The new district was about 80 per cent Democratic. Its ethnic breakdown was 70

per cent black and 30 per cent white. There were Puerto Ricans in Williamsburg (Mrs. Chisholm speaks Spanish fluently), Italians in the Bushwick section, and Jews in Crown Heights. Mrs. Chisholm's survey of the election rolls ("Before I make a move, I analyze everything," she says, eyes snapping) turned up one additional demographic factor which possibly eluded other Congressional hopefuls. The 12th had 10,000 to 13,000 more registered women voters than men. Before the ink was dry on the new district's lines; Shirley Chisholm put in her bid.

While Bedford-Stuyvesant was the heart of the new 12th Congressional District, the Unity Democratic Club, the regular Democratic organization for the 55th State Assembly District, was the strongest political club in Bedford-Stuyvesant. Unity was founded in 1960 around the person of Thomas R. Jones, a politically active lawyer, and the club won its spurs in 1962 with the election of Jones to the State Assembly and to the district leadership, beating out Sam Beriman's old-line Jewish organization in the changing neighborhood. Tom Jones was Unity's standard-bearer and guiding light, but when he was offered a civil court judgeship in 1964, he accepted—and removed himself from the local political fray. It was at this point that Shirley Chisholm announced she would seek Jones's Assembly seat.

"They were shocked," Mrs. Chisholm remembers. "It was the first time a black woman had sought elective office in Brooklyn. But I knew I could do it. I felt strong enough. There were people in that clubhouse who were saying, 'Why not give Chisholm a chance? She's got it. She can lead.' So I told the club's executive committee, 'If you need to have a discussion, have a discussion. But it makes no difference to me. I intend to fight.'" Others who were members of the executive committee at the time remember it differently. Particularly, they recall a stormy session with tears when it looked for a moment as if Jones might stay in the Assembly after all. In any event, Mrs. Chisholm got the Unity Club's endorsement and went on to win the 1964 primary and the general election. Because of reapportionment, she had to run again in 1965 and '66. "I proved to be the top vote-getter," she says grimly. "I always pulled higher than the top of the ticket."

In Albany, Mrs. Chisholm also proved an able enough legislator. Her name was attached to the Assembly side of the first legislation extending unemployment insurance benefits to domestic workers, and she plumped hard in committee and on the Assembly floor for the SEEK program, a higher-education plan that enables worthy disadvantaged students who make low-aptitude scores to enter universities and receive intensive remedial aid. Assemblyman Albert H. Blumenthal, the newly appointed "deputy" minority leader, recalls Mrs. Chisholm as "a very tough lady, likable, but a loner. Unlike other women in the Legislature, she was never afraid to jump into a debate. Shirley was never hysterical, she never flailed. She knew what she wanted to say and she said it well. She wasn't quick to make up her mind, but when she did, you couldn't blast her out of it. Enemies like Shirley," Blumenthal adds half-humorously, "nobody needs in politics." (For those who like to keep their records straight, Mrs. Chisholm was the second black woman to sit in the Assembly. The first was Bessie Buchanan, the coquettish wife of a Harlem businessman, whose major legislative effort over the years was devoted to getting a certain song officially declared the New York State anthem.)

Albany is a dreary place for legislators once the day's session is over, and most of "the boys make the best of it by breaking up into congenial groups at night to make the rounds of restaurants, movies and bars. "My impression of Shirley," Blumenthal says, "is that she preferred to take her work

back to the hotel with her at night." Blumenthal is not an insensitive fellow. He admitted he couldn't recall anyone in his crowd ever extending a dinner invitation to the legislator from Brooklyn, but he didn't know precisely why.

"I don't blame the fellows for not asking me out to dinner," Mrs. Chisholm says reflectively. "I think there was a little fear of 'How do we handle her socially?' Men don't like independent women. Not many knew I was a regular gal. I think they were afraid to take the chance. I ate most of the time in my room. I had the TV and I read and I did my legislative homework. I went to bed early." Stiffening, she concludes, "I do not care for the night life of the New York State Legislature."

One thing that was noticeable about Assemblywoman Chisholm was that her relations with Brooklyn leader Stanley Steingut appeared to be considerably strained. Blumenthal believes it all began over what Chisholm concluded was a personal slight she had once received from the brusque former county chairman. The inscrutable, tight-lipped Steingut professes to be "honestly baffled" by Chisholm's action. Chisholm says, "Those that know Stanley and those that know me know the story." At any rate, many of Chisholm's votes, both in the Assembly and in Democratic party councils, were not designed to make Mr. Steingut happy. Even as recently as this past fall, when she was out of the Assembly, she let it be known that she personally preferred Moe Weinstein of Queens to Steingut for the Assembly's minority leadership.

Stanley Steingut is not the only man who professes to be baffled by Chisholm. Her relations with black politicians in Brooklyn have often been bumpy. One man who is an expert on Shirley Chisholm—her husband, Conrad—offers this explanation: "Mrs. Chisholm competes very well with everybody."

Conrad Chisholm is a pipe-smoking, outwardly affable, solidly built man who is unquestionably devoted to his wife's career. The two are very close (their 19-year marriage has been childless) and it amuses Mrs. Chisholm that those who don't know her husband are quick to pigeonhole him. "They always assume that my husband must be a tiny little shrimp of a weakling," she says with a grin.

Mr. Chisholm is also amused by outsiders' assumptions about his marriage. "I am not threatened by her in any way," he says firmly. "I grew up secure. I'm West Indian. Early in our marriage I saw Shirley's ability to get things done. I decided that she'd be the star in our family, she'd get the billing. I push her in any way I can." Chisholm is a former private investigator who specialized in knocking holes in compensation claims against the railroads, and when the mood strikes him, he can spin intricate tales of the ruses he employed to trap less than honest claimants. He is now a senior investigator with New York City's Department of Social Service, in charge of evaluating Medicaid applications. Taking a passing interest in politics himself, he has been an election district captain in the Unity Club.

Although Mrs. Chisholm was the first in her district to announce for Congress in 1968, she didn't have the field to herself for very long. Judge Tom Jones—who had opted for the bench four years before—indicated that he was interested. Conrad Chisholm says that well before the petition period began, a "Jones for Congress" storefront "sprang up" on Fulton Street, although Jones disclaimed he had encouraged it. Thomas R. Fortune, the man who replaced Jones as Unity Club leader (and the man who this year replaced Mrs. Chisholm in Albany), gets a funny look on his face when Jones' Congressional interest is mentioned. "He came around to the club," Fortune admits, "but there wasn't much support for him. You know, a judge is supposed to be above politics, and Jones

hadn't been to the club much in the last few years."

Jones was known as Senator Robert F. Kennedy's man in Bedford-Stuyvesant. Kennedy had put his prestige behind a Bedford-Stuyvesant redevelopment project, and he had named Jones to direct the "community" end of the program. Jones was the man that Kennedy talked to in Bedford-Stuyvesant; Kennedy did not take any notice of Shirley Chisholm. "Kennedy didn't understand the district," Mrs. Chisholm says, her eyes narrowing. "I was the top vote-getter, but Kennedy never sought me out." Her eyes narrow more as she adds, "I think there were some people who kept him from me."

Mrs. Chisholm was convinced that Jones had won support from Robert Kennedy for his Congressional bid. Jones is convincing when he admits—with considerable chagrin—that he went to Kennedy for his help, but that Kennedy told him he would be "more valuable" as head of the Bedford-Stuyvesant Restoration Corporation. Jones eventually declined to make the race; he accepted instead a nomination for a State Supreme Court judgeship.

State Senator William C. Thompson, who had also declared early, was somewhat ambivalent at first, according to the Chisholms. Right up to the deadline for filing nominating petitions, they say, Thompson had assured Shirley that he wasn't going to run. They point to his final decision to make the race as proof that he had a tacit understanding with Robert Kennedy—and Stanley Steingut—two men who had considerable clout with the white district leaders whose domains lay partially within the borders of the 12th Congressional District. "Willie felt the white boys were going to get out the vote for him," Mrs. Chisholm says flatly.

The third candidate who ran in the Democratic primary was Dolly Robinson, a former co-leader of Bertram Baker's. Assemblyman Baker of the 56th A.D. (and the co-sponsor of the famous Metcalf-Baker open-housing law) had his own axes to grind in the primary. Thompson and he had had a serious falling out over a past judicial contest, and Thompson had formed his own club in Baker's district and was now challenging, the aging Baker for the leadership. Baker toyed briefly with the idea of supporting Judge Jones—but Jones was a Kennedy man and Baker was strong for Johnson and Humphrey. Baker felt he couldn't quite support Mrs. Chisholm, either. On the floor of the Assembly one day, Mrs. Chisholm had made an unfortunate and devastating wisecrack concerning Baker. His pride wounded on all fronts, Baker put up a spoiler candidate. "But I think he was glad I won," Mrs. Chisholm relates. "He came over and hugged me afterward."

With Dolly Robinson running as the Humphrey candidate, and Thompson looking like the Kennedy candidate, who was there left for Mrs. Chisholm? The Coalition for a Democratic Alternative began getting little nibbles from her. The nibbles culminated in a half-hour telephone conversation between candidate Chisholm and candidate Eugene McCarthy. (The call was placed by the Senator.) Mrs. Chisholm discontinued her tenuous relations with the McCarthy people after Robert Kennedy died.

It was sticky politics, this three-way race for a black Democratic nominee, and it was for this reason, says Stanley Steingut, that he chose to remain aloof from it. "Why should I get involved in a battle between Brooklyn legislators?" he asks. Mrs. Chisholm, however, remains firm in her conviction that Steingut did get involved, and in Thompson's corner. "Never before in the history of Kings County did a county leader throw the choice of Congressman to the people," she exclaims. That is probably true, and Mrs. Chisholm made capital of it in her campaign. Her slogan, "Unbought and Unbossed," managed to tar Thompson with the support he might or might not have had.

Mrs. Chisholm likes to campaign. "I am the people's politician," she says. "If the day should ever come when the people can't save me, I'll know I'm finished. That's when I'll go back to being a professional educator." The candidate chose as her campaign manager an old pro named Wesley Holder who had been in and out of various Bedford-Stuyvesant political factions for more than a decade. She enlisted Julius C. C. Edelstein, a former factotum in reform politics and a onetime Wagner aide, as financial adviser and behind-the-scenes *éminence grise*. In addition to the forces of the Unity Club, her home base, Mrs. Chisholm developed a small army of women who roamed the district in her behalf.

"The women are fierce about Shirley," says her husband. "She can pick up the phone and call 200 women and they'll be here in an hour. And she gives them nothing more than a 'thank you' and a buffet supper."

"It stings the professional boys," adds the Congresswoman. "All I have to say is, 'We gotta go to war.'"

Chisholm's war was fought from a sound truck. The way she recounts it, the truck would pull up to a housing project such as the Brevoort Houses with a retinue of private cars in its wake: "I'd get up there and say, 'Ladies and Gentlemen of the Brevoort Houses, this is Fighting Shirley Chisholm coming through.' I have a way of talking that does something to people," she adds. "Meanwhile, my workers would scatter in all directions with shopping bags filled with literature. We'd hand out 2,000 pieces at each stop. I have a theory about campaigning. You have to let them feel you."

Despite the knock-down, drag-out contest, the voter turnout on June 18 in the 12th District was among the lowest in the city. Funditis had predicted a Thompson victory. "You could have won any kind of money on that," Tommy Fortune chuckles. But when the figures were in, the Unity Club had given Chisholm a 1,265-vote cushion. It was more than enough to cover her losses in other areas. Chisholm won her primary by 788 votes.

In July, the victorious nominee entered the hospital for an operation on a massive fibroid tumor. At the Democratic convention in Chicago (which she sat out in a hotel room), Mrs. Chisholm emerged as the choice of all factions of New York State's delegation for the post of national committeewoman, replacing Edna Kelly.

Anyone with less than a keen interest in local politics might have concluded that "what was happening" in Bedford-Stuyvesant was the campaign of James Farmer. The former national director of CORE had been at loose ends since he resigned his post a few years back to head up a Johnson Administration literacy program which never came into being. Early in the spring, Farmer announced his entry into the 12th District race as the candidate of the Liberal party. In May, the nationally known civil rights spokesman was accorded the Republican designation.

Farmer's Republican blessing did not come easily. According to Mrs. Chisholm, who maintains that three of the local Republican leaders worked quietly for her in the general election, the Brooklyn Republicans were subjected to outside pressure from as far away as Senator Charles Percy of Illinois. "They felt it was a terrible intrusion," she states. "It was saying to them, 'You don't have anybody worthwhile for this \$30,000 [now \$42,500] fruitcake.' It was a slap in the community's face. Everybody, Republican, Democrat, black and white, male and female, resented the intrusion."

Farmer, who lived in Manhattan, took an apartment on Herkimer Street near Nostrand Avenue in the district for a mailing address. He attempted a *rapprochement* with Sonny Carson's breakaway chapter of Brooklyn CORE, which had been making anti-Farmer noises in the community and had even tried to field a Congressional candidate of its own

Brooklyn CORE was an embarrassment to the former CORE chief, but the eventual *détente* did little to help him. Sonny Carson's strength, whatever it might be, was not on the election rolls, Nixon-Agnew at the head of the Republican ticket also proved embarrassing. Farmer favored Humphrey (and so did the Liberal party—strongly). His strategy was to attack the Nixon-Agnew team freely during the campaign and urge the electorate to go into the polls and "Vote Farmer First."

Bongo drums on the streets—a regular part of Farmer's campaign in Bedford-Stuyvesant—projected an image redolent of Africa and manhood. Farmer's handbills stressed the need for "a man's voice" in Washington. This may have been what the Moynihan Report was talking about, but it didn't sit well with Shirley Chisholm. In her Washington office desk Mrs. Chisholm keeps a long, scathing poem called "Mr. Moynihan in Bedford-Stuyvesant" written by a (male) student in Harvard's Afro-American Association. "Of course we have to help black men," the Congresswoman says. "But not at the expense of our own personalities as women. The black man must step forward, but that does not mean we have to step back. Where have we ever been? For the last 15 years, black men have held political office, not women."

The black male mystique stung Shirley Chisholm (she recalls walking into public meetings and being greeted by the catcall, "Here comes the black matriarch!"), but the unspoken truth of the Farmer campaign was that Farmer's "black male" image had a double edge. The women of Bedford-Stuyvesant knew without being reminded that James Farmer had a white wife.

The Farmer-vs.-Chisholm campaign attracted national coverage, but from network television down to the *The Village Voice*, the focus was on James Farmer and not Shirley Chisholm. The Chisholm camp found N.B.C.'s weekend special, "The Campaign and the Candidates," particularly galling. The half-hour show devoted itself almost exclusively to Farmer. N.B.C. newscasts still insist that they were justified. Farmer was a "national figure" who made the story "newsworthy." His campaign was "highly visible and colorful" while Mrs. Chisholm's was restricted because she was still recuperating from her operation. But from Chisholm's vantage point, and the vantage point of hindsight, the show was a serious misreading of local politics.

One N.B.C. reporter, the local station's Gabe Pressman, did not believe that Farmer was a shoo-in. Pressman spent a half-day on the Chisholm campaign trail and returned to his office convinced that Mrs. Chisholm had it. He had accompanied her to a project, the Alabama Houses, and the response she had received there was convincing stuff. Pressman was right, of course, but he never knew how carefully his day with Mrs. Chisholm had been planned. The Unity Club's captain for the Alabama Houses was none other than Conrad Chisholm.

When Mrs. Chisholm is feeling sour, she says that "any Republican the local leaders might have chosen would have run better than Farmer." When she is feeling more charitable, she avows that "Farmer ran about as well as any Republican could" in the district. There is no doubt that Farmer picked up a number of "identification votes" from those who went into the polls and pulled the lever for the name they most readily recognized. And, according to Julius Edelstein, "The male thing made inroads among voters who sincerely, if mistakenly, chose to believe in it." But Farmer's entry into the race had been a mistake from the very beginning. Mrs. Chisholm whipped "the national figure" (her pet name for him) by almost 2½ to 1. (Getting whipped by a woman did no permanent damage to either James Farmer or William C. Thompson, apparently. Thompson was subsequently named to fill a City Council vacancy; President Nixon appointed Farmer As-

sistant Secretary of Health, Education and Welfare.)

Washington's introduction to Fighting Shirley Chisholm and Representative Chisholm's introduction to Washington were not accomplished without a few surprises on both sides. A couple of weeks after Mrs. Chisholm moved into a furnished apartment in one of the capital's newer residential complexes, the apartment was broken into while she was weekending in New York. The thief or thieves made off with her new Washington wardrobe, a collection of knit suits. Mrs. Chisholm moved to another address and charged that the theft had all the markings of "an inside job."

Mrs. Chisholm would just as soon not have talked to anyone (except the police) about the burglary, but she finds it difficult to escape the attentions of the news media. It is a rare day when her appointments calendar does not show at least one interview—she is good copy for political reporters across the United States, for European journalists, members of the Negro press, the women's pages, the college press, and Washington's regular Capitol Hill corps, and all of the above-named's radio and TV counterparts. In fact, anyone with a notebook or a tape recorder considers Mrs. Chisholm fair game.

Sheer instinct for self-survival has led her to develop a set pattern, with variations on the mood or occasion strikes her. Chisholm on Chisholm does not always achieve its intended effect. A speech she gave at a gala press reception went something like this, according to the notes of one women's page reporter: "They call me Fighting Shirley Chisholm. My mother tells me I was born fighting. She says I was kicking so hard in the womb, she knew I was aching to get out and fight." According to the reporter, the raised eyebrows around the room were something to see. "My dear!" the reporter says. "The womb? Really. Maurine Neuberger didn't open her mouth the first year she was here." The womb image may have been a bit too much even for Chisholm, and she dropped it after that night.

Shirley St. Hill Chisholm was born 44 years ago in Brooklyn, shipped back to Barbados at age 3 to live with her grandmother, and returned to Brooklyn at age 11. Her father was an unskilled laborer and her mother worked as a domestic to help support her brood. Shirley was the oldest of four girls. A more credible anecdote of her early precocity she recounts with pride: "Mother always said that even when I was 3, I used to get the 6- and 7-year-old kids on the block and punch them and say, 'Listen to me.' I was a fat little thing then, believe it or not."

Little Shirley grew up with a strong sense of her own destiny. Her early heroes were Mary McLeod Bethune, Harriet Tubman and Susan B. Anthony. Miss Anthony, the homeliest of the suffragettes, was one of the movement's best speakers. In her Brooklyn campaign, Mrs. Chisholm would reel off a long quotation from Miss Anthony ("The hour is come when women will no longer be the passive recipients . . .") when she was bothered by male hecklers on street corners. "It always stopped them cold," she reports.

Mrs. Chisholm matriculated at Brooklyn College (she won a scholarship and was in the debating society) and took her master's at Columbia. She went the route that bright black women who are determined to better their lives find most readily open to them: she became a teacher, and served for a time as director of a day-care center. She was introduced to her future husband in Brooklyn. Conrad was from Jamaica. "I used to kid him," she says, "that Jamaican men always want the best so he just had to marry a Barbadian girl." The Chisholms have made a ritual of taking their yearly vacation in the islands. (This summer the routine may be broken. Mrs. Chisholm has her eye on an African tour.)

When Mrs. Chisholm began to fashion her political career, her husband assigned himself the task of shepherding her from meeting to meeting, trying to get her to appointments within a reasonable time (Mrs. Chisholm always runs late). In Washington, Mrs. Chisholm is escorted to and from her engagements off the Hill by any one of her office assistants. Representative Chisholm's office, on the street floor of the Longworth Building, has a staff of six women, four black and two white, with a median age of 24. Three of the girls were aides to former Congressman Joseph Resnick of Ellenville. The Chisholm outer office has an unusual feminine ambience: the girls are more attuned to each other's incipient moods and sniffles than a male or mixed staff would be. None of the girls are from Brooklyn. Mrs. Chisholm was forced to sacrifice some patronage for a staff which knew its way around the Hill. (Maneuvering the marble corridors of Congress is a challenge to any freshman legislator.)

Apart from an abrasive administrative assistant, who is working her way into the job (she held a lesser post with Resnick), and whom Mrs. Chisholm defends vociferously ("She's tough," says the Congresswoman, "and that's what I need."), the staff appears to be hardworking and courteous. "But you can tell Mrs. Chisholm's new," sighed one of the girls on a recent morning. "She still wants us to let her open all the mail that's marked personal." (Mail to the Chisholm office in these early weeks, admittedly a staggering load, has had a tendency to go unanswered.)

On any given day, the Chisholm office is bolstered by no fewer than three student volunteers who are there to "observe" for their college courses and to "pitch in" wherever they can be of use, which generally means running to the library to research facts for legislative aide Shirley Downs. Miss Downs, along with secretary Carolyn Jones, has managed to bring whatever order there is to the hectic office. She marvels over her new boss: "She's like a vacuum cleaner. I mark stuff for her to read and the next day she comes in and says, 'Let's get together at 2 o'clock and discuss it.' She reads anything and everything. The other day she walked out of here with 'The Valachi Papers.'"

Mrs. Chisholm is valiantly trying to arrange her Washington life along the pattern of her stay in Albany. Beset by telephone calls, both political and social, from Washington's Negro community, which feels that the nation's first black Congresswoman would make an important addition to their parties and their causes, Mrs. Chisholm has tried to make her Washington apartment into something of a retreat, and she guards her after-hours privacy like a watchdog, preferring solitude to sociability. Her home telephone number in Washington is a closely kept secret, and she recently disconnected her listed New York telephone number and arranged to have the calls transferred to her newly opened district office on Eastern Parkway, manned by former campaign manager Wesley Holder. (Mrs. Chisholm is available to her constituents at her Eastern Parkway office on Fridays from 5 to 8 P.M.)

The November elections brought the number of Negro representatives in the House up to nine, "hardly an explosion of black political power," as *Ebony* magazine put it, but a tangible gain. Joining Mrs. Chisholm as freshman Democrats are the gregarious Louis Stokes of Ohio, that state's first black representative, and smooth, young William L. Clay of Missouri, a first for his state as well. With Powell back (though just barely) and John Conyers of Michigan facing stiff competition from the newcomers (Conyers moved into a power vacuum during the Powell difficulties), there is active speculation on the Hill over the eventual pecking order of the new black line-up. "We watch each other," Mrs. Chisholm admits, "and the boys keep a special eye on Conyers." (The "watching" is done informally. No "black caucus" has yet emerged in the 91st Congress.)

According to some experienced Washington hands, Mrs. Chisholm's well-publicized battle over her committee assignment ended in a standoff. Mrs. Chisholm is inclined to disagree. She did manage to turn an unexpected spotlight on the House's seniority system, and she is quick to point out, the Veterans Affairs Committee does have some relevance to her community. There is a Veterans Administration hospital in Brooklyn, and Mrs. Chisholm intends to use her position on the committee to "make people more aware of their eligibility for the hospital and other veterans' benefits."

Apart from the committee-assignments squabble, Mrs. Chisholm's legislative activities in the first sluggish weeks of Congress have included endorsing a fistful of bills sponsored by other black and/or liberal Congressmen, and making a fiery maiden speech. She has lent her name to an omnibus \$30-billion-per-annum "Full Opportunity Act" put forward by Conyers; a Martin Luther King national holiday bill, also introduced by Conyers; a bill to set up a study commission on Afro-American history and culture, sponsored by James Scheuer of New York; a bill to abolish the House Un-American Activities Committee (dropped into the legislative hopper by Don Edwards of California before HUAC underwent its name change to the House Internal Security Committee); a bill to broaden the powers of the Department of Housing and Urban Development, sponsored by Jonathan Bingham of New York; a bill to create a Cabinet-level Department of Consumer Affairs, sponsored by Benjamin Rosenthal of New York; a bill to repeal provisions of the Social Security Act which limit the number of children in a family that can receive welfare payments under the Aid to Dependent Children clauses (sponsored by James Corman of California); and a resolution urging that food and medical supplies be rushed to the Biafra-Nigeria war zone. Mrs. Chisholm expects to work up legislation of her own on manpower training, and would like to initiate a Federal program along the lines of New York State's SEEK.

In her maiden speech late last month, Mrs. Chisholm (who came late to an anti-Vietnam war position) declared that she would oppose every defense money bill "until the time comes when our values and priorities have been turned right side up again" and called upon "every mother, wife and widow in this land" to support her position. Whether the fiercely idealistic, unbargaining Chisholm manner is as effective in Washington as in Brooklyn remains to be seen. (Also during her first weeks in Congress, Chisholm let it be known that she had quite a flair for keeping her name before the public: she announced she was "seriously considering" becoming a candidate for Mayor of New York.)

Like most other Congressmen from New York, Mrs. Chisholm commutes, arriving in Brooklyn on Thursday evening and taking the last Sunday shuttle back to Washington. After her victory, the Chisholms gave up their rented quarters and bought their first home, a nine-room attached row house on St. John's Place in the district. A large, hand-colored photograph of Mrs. Chisholm dominates one wall of the new living room, the décor of which is decidedly Victorian. A baby grand piano is squeezed into a space along the opposite wall. Next to reading, the Congresswoman prefers to relax by playing the piano. Mrs. Chisholm could never be called an underachiever. She also likes to dance, and has entered and won several Latin dance competitions. And she is a bit of a writer; some of her poems, mainly political, have appeared in the Albany papers and The Amsterdam News.

The new Chisholm residence is just outside the Unity Club's territory, and while this happenstance in itself is not particularly significant, Mrs. Chisholm made it plain after her election that she intends to be the

Congressman for the whole district—a statement interpreted by some observers to mean that she intends to cut her ties with Unity. Her future relations with Unity are one subject which the outspoken lady refuses to clarify. Tommy Fortune says merely, "She knows better than to pick a battle with her own leader and her home base." Fortune, who admits that he sometimes finds it easier to deal with Congressman Chisholm through Conrad Chisholm, is one who did not think Chisholm's balk on the Agriculture assignment was good politics.

Mrs. Chisholm does not care to beholden to anybody. "Don't talk to me about those reform Coalition for a Democratic Alternative people," she explodes. "They always try to claim me for their own because my views on legislation are progressive. Reformers? I have another name for them. We in the black community have to be very careful whom we associate with. My husband is a former private investigator. I have dossiers on people." Whether or not she actually has dossiers is debatable. (Unity Club members remember hints about dossiers in the old days.) Mrs. Chisholm's sharp tongue is hardly reserved for reformers. She doesn't mind referring to super-black militants as "woolly-heads" and "spear carriers" when it is they who get her back up, as they did at one memorable meeting of the Bedford-Stuyvesant Restoration Corporation. White liberals? Mrs. Chisholm says archly, "Don't you know that white liberals are our favorite parlor conversation?"

The result of Mrs. Chisholm's freewheeling rhetoric is to keep her allies and potential allies slightly off-balance, which is no doubt where she wants them. "Some of these politicians," she concedes, "think I'm half-crazy, that I don't know what I'm doing. Good. Let them think that," she finishes coolly.

She is expert at picking her way through the thorny racial issues facing black and white these days and she exhibits a fine disregard for both the fears and the panaceas now in vogue. Black anti-Semitism is one issue for which she has little patience. "I wish to God the mass media would stop playing it up," she implores. "Don't they understand that what is going on is an anti-establishment feeling? Of course it is the Jewish landlord and the Jewish shopkeeper in the ghetto that the black man sees and reacts against, but it is not anti-Semitism that is at work. What worries me more is this new restraint I see on the part of white liberals who profess not to understand why blacks are rising up in such hostile fashion. They were fine when they were relieving their pangs of guilt with their contributions and their participation in the panels and the forum groups, but now that it has come down to the stark reality, when it becomes a matter of putting into practice what you've discussed in your forums and panels, you've got a lot of hang-ups."

Mrs. Chisholm views with more than mild suspicion that current catchword, black capitalism. "What is black capitalism?" she says with something between a laugh and a sneer. "A tax-incentive plan for white businessmen? How many black entrepreneurs can they create? The focus must be on the masses of black people who realistically we know can never become capitalists. The focus must be on massive manpower training. Mr. Roy Innis of CORE is rounding up support for his so-called 'Community self-determination' bill, and I expect that Mr. James Farmer will probably be its champion in Washington. This is not a bill I think I will support. Just wait, there may be some fireworks."

In her first, combative, getting-acquainted weeks in Washington, Mrs. Chisholm has been an instant celebrity on Capitol Hill. As she hurries down a corridor or boards an escalator in her spindly high-heeled shoes and longish skirts, she smiles left and right to those who invariably recognize her. Black

maintenance men are treated to a special, warm hello; women secretaries nudge each other and nod happily in her direction. Once inside the leathery, masculine House chamber, she sits regally in her chair, at attention. "That's the woman who beat what's-his-name," remarked one visitor to the Congressional galleries. In these early weeks, Mrs. Chisholm has made news—and has made the rounds of public functions, party meetings, speaking engagements and televised interviews on the kind of schedule a Mrs. Roosevelt would find exhausting. The demands on her time that come from her being the nation's "first black woman Congressman" show no sign of letting up, nor does she seem willing or able to call a halt.

A few weeks ago in Brooklyn, two old friends of Shirley Chisholm were talking about the woman they knew and the public figure—"the national figure"—she had become. As Chisholm-watchers they speculated about what Shirley will do next. "If she buckles down and concentrates on her legislative work, it will be wonderful," one said. "If they turn her into a symbol, if she just does the ceremonial things, or just goes around making speeches and doing very little else—then it will really be disappointing." So far Shirley Chisholm has seldom disappointed.

THE NATIONAL TIMBER SUPPLY ACT

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BROCK. Mr. Speaker, yesterday I introduced the National Timber Supply Act to establish a special fund, financed from national forest timber sale receipts, to provide reliable and necessary financial support for the U.S. Forest Service administering our national commercial forests.

Identical legislation has been introduced into the Senate by Senator JOHN SPARKMAN of Alabama.

Recently, Mr. E. E. Edgar, chairman of the Forest Industries Council, stated the case for this legislation forcefully and effectively.

Here is what he said:

This bill recognizes the necessity of establishing a systematic and continued funding that will enable the U.S. Forest Service to improve timber growth and yield on its holdings which contain nearly three-fifths of the nation's inventory of softwood trees, the raw material for lumber and plywood.

Certain individuals inside and outside of government who rank housing among the highest priorities in our country's social progress agenda will find in this measure a vital beginning to fulfilling this objective.

The F.I.C., which represents the National Forest Products Association, the American Paper Institute, the American Pulpwood Association and the American Forest Institute, urges prompt and favorable consideration of the National Timber Supply Act as an important first step in meeting our declared domestic need for adequate shelter.

I urge my colleagues to study this statement by Mr. Edgar, and to give the earliest possible consideration to the National Timber Supply Act which is so closely related to one of our major national needs and therefore much more than a narrow, regional concern.

THE CHEYENNE HORTICULTURAL
STATION

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. WOLD. Mr. Speaker, the April 29, 1969, issue of *Empire* magazine contains an article which accentuates the unbelievably tedious trials of the science of horticulture and relates the development of 21 varieties of sturdy, free-blooming chrysanthemums which were produced by the Horticultural Research Station at Cheyenne, Wyo. The station recently survived another attempt to terminate its research in the interest of "budgetary" considerations.

Written by Dabney Otis Collins and entitled "A Mum for the High Places," the article describes the work of Dr. A. C. Hildreth who began developing high altitude chrysanthemums in 1932. His work involved the collection of some 2,000 species throughout the world and improvement of the species through natural selection over a 15-year period during which time six new species were developed.

During a single 8-year period, 40,000 seedlings were developed and tested to produce what today is the widest variety ever known to high altitude sturdy chrysanthemums suited for shortgrowing seasons.

The article is but one more example of the quiet accomplishments of the intricate and patience-oriented science of horticulture and it points up again the many accomplishments of the Horticultural Field Station at Cheyenne.

There have been several attempts over the past 5 years to terminate this station. The latest, a product of planning by the previous administration, came into focus some 8 weeks ago when the Department of Agriculture announced the station would have all phases of research terminated in March.

Wyoming's congressional delegation united in demonstrating the speciousness of the budgetary proposition behind the closure effort and the order was rescinded by Secretary Hardin.

Mr. Speaker, I included the article to which I have referred in the CONGRESSIONAL RECORD.

For the sake of the RECORD I include also a memorandum prepared in 1965 on the question of the power of the Secretary of Agriculture to close the research station and a list of publications from the station so the material will appear in a unified context if it is needed in the future:

A MUM FOR THE HIGH PLACES
(By Dabney Otis Collins)

Cheyenne—that's the big name in chrysanthemums for home gardeners in the Rocky Mountain-Great Plains region. The Cheyennes are the only chrysanthemums tailor-made to fit the exacting requirements of our high, dry, sunny, sometimes cold, often capricious climate. Bred into them are characteristics that will bring you an entirely new, and wholly satisfactory experience in growing chrysanthemums. These characteristics are, basically, four:

Early Blooming. Some varieties bloom in

late July. By mid-August, many varieties are domes of almost solid bloom. The extravaganza goes on for weeks after Jack Frost has drawn the curtain on summer's pageant of color, until the first really hard freeze—about three months of continuous bloom.

Hardiness that takes our on-again-off-again winters and springs in full stride. Cheyenne chrysanthemums are tough, never need mulching or winter care.

Vigorous, low-branching plants with lush growth beginning at ground level. Self-disbudding is genetically built in; these chrysanthemums require no disbudding, no topping. Varieties range from low cushions to intermediate heights, somewhere between the cushions and the older tall types.

Bloom that comprises the rich spectrum of colors through white, yellow, bronze, russet, pink, crimson, purple, burgundy to black-red, including many lovely bi-colors and polychromes. Buds are set in long summer days, whereas most older varieties set flower buds only in the shorter days of autumn. Blooms are two to three inches in diameter. Petals of some varieties number over 500. As cut flowers, their non-fading beauty lasts and lasts.

The story of the Cheyenne chrysanthemums is as remarkable as their performance in the garden. It began 36 years ago.

In 1928 the Cheyenne, Wyo., Horticultural Field Station was established by the U.S. Department of Agriculture to aid in solving horticultural problems common to the Central Great Plains. Two years later, Dr. A. C. Hildreth, an enterprising young West Virginian with a string of degrees in horticulture, took charge of the station.

Dr. Hildreth is the originator of the Cheyenne chrysanthemums. In 1932 he began his project of finding or creating chrysanthemums hardy enough to withstand our winters and early enough to bloom in our short growing season. From various parts of the world, he collected and tested some 2,000 kinds of chrysanthemums that held possibilities of furthering his objectives.

None was found to be thoroughly satisfactory for this region, but the hardiest among them were selected for improvement through breeding. These entered into the mixture that finally resulted in the Cheyenne chrysanthemum.

In the early years, a natural hybridization and natural selection method of improvement was followed. Cross-pollination was encouraged by growing the different kinds close together. Only the hardiest survived the rigorous Wyoming winters; only the early blooming matured seed in the short growing season. Slowly, very slowly, the Cheyennes were being born.

Said Dr. Hildreth, "Every year we came a little closer to what we were after—early blooming and hardiness. These must come first. Bloom quality had to wait."

Fifteen years later, on Feb. 21, 1947, the USDA Bureau of Plant Industry, Soils and Agricultural Engineering announced the release for propagation of six new chrysanthemums produced at its Cheyenne Horticultural Field Station.

"Selection and testing of these varieties was done by A. C. Hildreth," continued the announcement. "They were later tested by nurserymen, florists, and experiment stations in various parts of the United States and Canada. These varieties were developed for outdoor culture in regions of cold winters and short growing seasons, and are believed to be of value mainly for the Plains states. They are intended primarily for the perennial border, but some of them can be used for cut flowers or as pot plants."

By 1951, the chrysanthemums had attained a sufficient degree of hardiness and early blooming. The next, and final, objective was to improve quality: greater depth and clearness of colors; varieties of color combinations; sturdiness of the plant to withstand breakage from high winds and early snows.

Gene S. Howard, another man with the gift for improving plants by breeding according to the laws of genetics, joined the station staff. With his capable assistance, methods were adopted that meant more rapid progress—controlled pollinations and the use of large-flowered but tender varieties as one parent to increase flower size in the hybrids.

Crossing was done by hand pollination. In this delicate operation the petals are sheared off at the pistils. Pollen is collected from the male plant and brushed onto the flower of the female parent. Each cross is tagged and bagged, to prevent possible cross-pollination by insects. The following February, the seeds were sown in the greenhouse.

Seedlings were transplanted to the field about the middle of May. They bloomed the first year, and the culling was drastic. "Roguing," horticulturists call this practice of harsh, but essential, selection of plants to be retained in the trials.

After testing for one, two, three or more years at the Cheyenne station, the better selections were shipped for further testing to 16 northern states and three Canadian provinces. After three years of trial at these testing stations, the plants that passed the tests were named and released to nurserymen for propagation and distribution to the public. During these eight years, the tests involved some 40,000 seedlings. New varieties resulted in double instead of single blooms, and flower quality was improved to match the qualities of early flowering and cold weather resistance.

The announcement sent by the Cheyenne station to its mailing list of nurseries gave detailed specifications of each variety released. San Saba, for example, was described as follows:

"San Saba is a strong stemmed, upright, spreading mum, having up to five flowers per stem. It has clean, dense, dark green foliage. The flowers are fully double, of excellent quality, and average 2½ inches in diameter. The color is a clear sulphur yellow that develops a slight lavender cast on aging. Later flowers are borne on slightly longer stems and thus cover the old flowers. San Saba is an early mum, reaching full bloom from Aug. 15 to Sept. 1 at Cheyenne. Rated very hardy during the five winters tested."

In the culture of chrysanthemums, both Dr. Hildreth and Gene Howard emphasize the importance of sunlight and freedom from crowding. Plant in full sun wherever possible, in any loose, friable soil, and not too close to other plants. Manure is a good fertilizer for established plants. Water as often as needed. It is advisable to divide every one or two years.

In 1959, Dr. Hildreth retired from the U.S. Department of Agriculture and became director of the Denver Botanic Gardens Foundation, with headquarters at 909 York St. Here may be seen, beginning in August, many of the Cheyenne chrysanthemums in all their sparkling splendor.

A total of 21 varieties of these sturdy, free-blooming chrysanthemums have been released by the Cheyenne Field Station. Here are some of them: San Saba, Maverick, Buffalo, Bridger, Togwotee, Powder River, Inca, Aztec, Mohave.

"Powder River is probably the finest white mum in the whole country," said Gene Howard. "All except one, Togwotee, which has a red mutation, have held true to genetic type and color."

Except for a few lines and varieties maintained at the Cheyenne Field Station, Cheyenne chrysanthemum stocks have been transferred to the University of Wyoming Plant Service Department. Under the direction of Dr. Charles McAnelly, nine new Cheyennes have been created.

In a symphony of glorious colors, these genuine Western chrysanthemums sing their beauty to the autumn skies. They are available at many nurseries in the Rocky Mountain Empire.

THE LIBRARY OF CONGRESS,
Washington, D.C.

To: Hon. Milward L. Simpson; Attention:
Mr. Baldwin.
From: American Law Division.
Subject: Power of Secretary of Agriculture
to close an agricultural research station
at Cheyenne, Wyo.

On the basis of disclosures contained in dispatches appearing in the New York Times (January 1, 1965, p. 1, col. 5; January 9, 1965, p. 28, col. 2) the Secretary of Agriculture has been directed by the Bureau of the Budget to effect savings of funds through the closing of several agricultural research stations, including the one at Cheyenne, Wyoming. Since the Secretary does not appear to have been accorded any express statutory authority to close any one of these stations on the ground of obsolescence or for any other specific purpose, the directive from the Bureau of the Budget would appear to represent another attempted exercise by the President of a power to impound appropriated funds and thereby prevent their disbursement.

As the head of the Executive Branch of the Government, the President hitherto has sought to justify such impounding of appropriated moneys as a means whereby he is enabled to discharge his responsibility for supervising the efficient, and economical operation of executive departments. Serving at the will of the President and exposed to the latter's power of removal, a departmental officer accordingly has no alternative but to comply with such a presidential order, whether originating with the Bureau of the Budget or directly from the White House, to refrain from spending the entire amount of a specific appropriation made available by the Congress.

Whether citizens who are adversely affected by such impounding of funds, or federal employees who are separated from office as the result of such action are possessed of sufficient interest requisite to support their standing to challenge the validity of such presidential directive is dubious. However clearly Congress may have expressed its intent in appropriation measures that certain installations or programs therein financed are not to be suspended, it is highly unlikely that federal courts will view the disbursement of appropriated funds by a departmental officer as other than discretionary or as amenable to judicial enforcement by such remedies as mandamus or mandatory injunction (*Larson v. Domestic & Foreign Corp.*, 337 U.S. 682 (1949)). In the past, none of the precedents embracing the impounding of funds has been resolved by litigation; but has been adjusted, if at all, solely through the interaction of the policy making branches, the Congress and the President.

As to the intent of Congress in the instant controversy, the following statutory provisions are relevant. In 7 U.S.C. 361a to 361e, 387-390k Congress has made it abundantly clear that these research stations were designed as permanent installations the continued operation of which was to be suspended for any appreciable duration only by warrant of statutory authority. The latter conclusion would appear to be substantiated by the following provisions; namely, 7 U.S.C. 361g 390l.

Section 361g stipulates that "If the Secretary of Agriculture shall withhold from any State any portion of the appropriations available for allotment, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress shall not direct such sum to be paid, it shall be carried to surplus." Section 390l directs the Secretary to "make an annual report to the Congress during the first regular session of each year with respect to (1) payments made under sections 390-390k . . . and (3) whether any portion of the appropriation

available for allotment to any State has been withheld and, if so, the reasons therefor." Also relevant is 7 U.S.C. 1625 which empowers the Secretary to consolidate agencies engaged in research but is devoid of any authorization for suspension of the research function.

NORMAN J. SMALL,
Legislative Attorney.

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SOME STUDENTS LIKE TODAY'S ROTC

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BOW. Mr. Speaker, King Features Syndicate carried recently a column by John P. Roche in which he belittled the ROTC program and applauded recommendations that it be abolished at several universities. Mr. Roche's comments were based largely upon his reminiscence of ROTC when he went to college 25 years ago.

I wish to share with Members a reply to Mr. Roche which was published in the Charlotte, N.C., Observer. It is the work of Stanley Hubbard, Jr., a college student who is the nephew of Dr. Hampton Hubbard whom many of us know for his excellent work at Bethesda Naval Hospital. My congratulations to Stanley Hubbard on this concise and telling letter:

SOME STUDENTS LIKE TODAY'S ROTC

I was dismayed on Feb. 14 to see that both you and King Features Syndicate wasted time, ink and space on John P. Roche's article "ROTC a Bad Military Joke." It is Roche's sour memories of two decades past, rather than the concept of today's Reserve Officer training, that constitutes a "bad joke."

I don't doubt for a moment that the ROTC program had its faults back then. A brief glance at the textbooks of that era shows that other college curricula were a bit out of date then too! But if we are going to talk about abolishing an institution, let's judge it on its merits and shortcomings today.

ROTC today does not have weekly bayonet practice or grenade throwing drill. Instead, cadets and midshipmen study management concepts, human relations, the psychology of personnel direction, group problem-solving and both written and verbal communications. From this basic core of courses, each branch of ROTC teaches the technological specifics of its field.

Unfortunately, war has gotten considerably more complex since Roche last looked in on it. Military men must now understand the complexities of deterrence strategy and modern concepts of peace maintenance. Roche's one valid criticism of the program was that of the required ROTC that some colleges still cling to.

Although I feel, as he does, that a military program should not be rammed down the throats of all college students, I strongly object to abolishing the program in the face of all the students who wish to elect it.

One of the fights of the liberal students on campuses today centers around the right of students to study anything they choose. It is not logical to give this right to them and deny the ROTC cadets and midshipmen of it at the same time.

Roche admitted that he is "permanently twisted on the subject." But "twisted" people who seek to destroy an academic program on sour memories and caustic but illogical attacks do no deserve space on the editorial page of a paper like *The Observer*.

BISHOP JOHN J. WRIGHT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, we in Pittsburgh, Pa., are very proud of our own Roman Catholic Bishop John J. Wright, who is being elevated to cardinal this week in Rome.

It is a pleasure to include in the CONGRESSIONAL RECORD articles from the Pittsburgh Press and the Pittsburgh Post-Gazette which describe the large group of Pittsburgh clergy and laymen who have traveled to Rome with Bishop Wright and the details of the many ceremonies planned to honor the new cardinal this week:

[From the Pittsburgh (Pa.) Press, Apr. 20, 1969]

WRIGHT CARAVAN USING 2 PLANES FOR ROME TRIP

(By Robert Schwartz)

A caravan of nearly 300 persons will go to Rome this week to attend ceremonies in connection with the elevation of Cardinal-designate John J. Wright, bishop of Pittsburgh Catholic Diocese, to the Sacred College of Cardinals.

The pilgrimage caravan will consist of relatives, closest clergy friends and admirers from the laity.

The official party accompanying Cardinal-designate Wright to the Eternal City will make the trip in two jets, sponsored by the Pittsburgh Catholic Diocese.

CUSHING TO ATTEND

The first plane will leave Greater Pittsburgh Airport at 7:30 p.m. Thursday and fly directly to Rome.

The second plane, on which Cardinal-designate Wright will be a passenger, will leave at 5:30 p.m. Friday and stop in Boston en route. The plane will leave Boston at 7:45 p.m. Friday and arrive in Rome at 10:15 a.m. Rome time Saturday.

Boarding the plane in Boston for the trip will be Richard Cardinal Cushing, archbishop of Boston.

Cardinal Cushing has been a long-time friend. Cardinal-designate Wright served as his secretary before becoming an auxiliary bishop of Boston and prior to becoming the first bishop of Worcester, Mass.

It will be the first making of a cardinal from this diocese.

OTHERS ON TRIP

Other members of the hierarchy who will be with the cardinal-designate include both of Pittsburgh's auxiliary bishops, Vincent M. Leonard and John B. McDowell; Bishop William G. Connare of Greensburg Catholic Diocese; Archbishop Stephen J. Kocisko of Pittsburgh Byzantine Catholic Archdiocese; Bishop David M. Maloney of Wichita and Auxiliary Bishop Timothy Harrington of Worcester, Mass.

Retired Bishop Austin Pardue of Pittsburgh Episcopal Diocese will not be going on the same plane, but will join Cardinal-designate Wright in Rome in connection with a tour of Europe and Africa.

Many of the persons making the pilgrimage are from Boston, Worcester, Cleveland and Philadelphia.

RELATIVES IN PARTY

Two sisters and two brothers of Cardinal-designate Wright will be in the official party.

They are Mrs. John Haverly and her husband from Brighton, Mass., Mrs. Joseph Gibbons and her husband from Milton, Mass., Dr. Richard H. Wright and his wife from Milton, Mass., and Robert G. Wright and his wife from Cleveland Heights, Ohio.

As Cardinal-designate Wright returns to Rome, where he was ordained in 1935, much of the pomp and ceremony of earlier rituals for the making of a cardinal will be missing. Pope Paul VI has indicated that a more solemn ceremony is fitting today in the light of world conditions.

But the traditional splendor of the Vatican will be nonetheless present in supplemental functions that will include a round of receptions and banquets.

RECEPTIONS SLATED

The first reception for Cardinal-designate Wright will be next Saturday night at Rome's Hotel Massimo.

The pilgrimage will attend mass celebrated by Auxiliary Bishop Leonard next Sunday at Santa Susanna. Another reception will be held Sunday evening in the Grand Hotel.

The first of the ceremonies will be Monday, April 28 when Cardinal-designate Wright will receive the Biglietto, the notice of his nomination to the Sacred College.

Auxiliary Bishop McDowell will celebrate a special mass Tuesday, April 29, at one of Rome's major basilicas.

The actual elevation will be at 6:30 p.m. Rome time Wednesday, April 30, in the Sistine Chapel at the Consistory for the imposition of the cardinals' birettas.

WILL PRESENT RINGS

This is when the Pope will present the birettas to all 33 new cardinals.

Because of the small size of the Sistine Chapel, attendance will be limited. A formal dinner for Cardinal-designate Wright will be Wednesday night.

Pope Paul will concelebrate mass Thursday, May 1, in St. Peter's Basilica with all the new cardinals. It is at this time that the Pope presents the cardinals with their rings. A reception will be Thursday evening.

Cardinal-designate Wright will celebrate mass Friday, May 2, at his alma mater, Old North American College, in Rome.

A farewell reception and dinner party will be that night.

The new cardinal will take over one of Rome's ancient churches Saturday, May 3, as his titular church.

The pilgrimage departs Rome for Pittsburgh Sunday, May 4, at 2:30 p.m., returning by way of Boston and arriving in Pittsburgh at 10:50 p.m. Sunday, May 4.

Diocesan officials here expect the pilgrimage to have the privilege of a possible audience with Pope Paul during the stay in Rome.

[From the Pittsburgh (Pa.) Post-Gazette, Apr. 26, 1969]

WRIGHT LEAVES TO JOIN "COLLEGE"

A charter jet left Greater Pittsburgh Airport at 5:25 p.m. yesterday—five minutes early—carrying the city's first Cardinal-designate and some 60 other members of his party to Rome.

A beaming John Wright, shepherd of nearly one million Roman Catholics in the Diocese of Pittsburgh, waded through nearly a thousand well-wishers to get to his chartered flight with stops in Boston, Paris, and finally, the Holy City.

BELFAST STOP ASKED

As he made his way to the observation deck, one reporter asked Bishop Wright if he planned to stop in Belfast (Northern Ireland). He stopped, smiled and looked at the reporter's Kelly-green tie, and gave a wistful smile—then politely declined comment.

Canevin High School's marching band serenaded the cleric as he strode to the wind-

swept deck and heard, "On a Clear Day, You Can See Forever." The bass drum sounded a little off-key, but it was competing with the whine of giant jets.

Bishop Wright must have shaken hundreds of hands and signed an equal number of autographs.

Then an official escort reminded him the plane was due in Boston to pick up another 89 people at about 6:30 p.m.

SHOOK HANDS

He descended stairs to the runway, halted, shook a young lady's hand, then proceeded to the plane's ramp.

Stopping and posing for news cameramen took another 15 minutes. He continued to smile and cooperate with every request from photographers.

"Hey, Bishop... uh... ah... er... Cardinal. Look over here, please!"

Then he was at the plane's doorway. He turned, faced the people, many school children, a handful of nuns wearing modern and traditional habits, and raised both arms in a victory wave.

He paused momentarily, then gave the crowd his blessing, turned abruptly and entered the plane.

The plane headed down the runway, took off toward the west, circled back over Pittsburgh and winged toward Boston.

One member of the entourage won't be joining Cardinal-designate Wright. His old friend and mentor, Richard Cardinal Cushing of Boston, had to cancel because of rib injuries.

[From the Pittsburgh (Pa.) Press, Apr. 27, 1969]

CARDINAL JOHN J. WRIGHT'S AIM: BUILD FRIENDSHIP BRIDGES

(By Robert Schwartz)

ROME—Cardinal-designate John J. Wright arrived here for the most auspicious moment of his career with a promise to build "bridges of friendships" between Rome and the U.S.

His chartered jet with 146 friends and relatives aboard landed at Ciampina Airport yesterday.

The Pittsburgh bishop, who will be elevated to cardinal Wednesday in one of the Roman Catholic Church's most colorful ceremonies, was greeted at the airport by many Pittsburghers who preceded him in another chartered plane Friday.

Bishop Wright's party also was applauded by other Americans who had landed 35 minutes earlier with Archbishop John Francis Dearden of Detroit.

Archbishop Dearden preceded Cardinal-designate Wright as bishop in Pittsburgh, and now they will be installed as cardinals together.

Four airline hostesses stood on the steps to kiss Bishop Wright's ring as he left the plane.

Archbishop Dearden and Bishop Wright were formally welcomed by Msgr. James Hickey, rector of the Pontifical North American college.

On the flight from Pittsburgh, with a stop at Boston to pick up additional passengers, Bishop Wright and his entourage dined, slept, visited up and down the aisles and watched a motion picture titled "Angels in My Pockets."

The Pittsburgh bishop appeared to be as exhilarated as he was March 28 when he became the first American designated to become a cardinal without first being an archbishop.

"I've made 46 trips to Rome in my life," he said, "but this one was absolutely indescribable.... When I realized the flight had taken off directly for Rome (from Boston), you can't imagine the effect that had on me."

'CAME SO DRAMATICALLY'

He said he hardly had time to give much thought to his promotion because "it all came so suddenly and dramatically."

"But I'll say this: If it's true that I'm to

work in Rome, I hope to build bridges of friendship between Roman and American churches . . ."

He said his most satisfactory achievement had been "making friends for the church. I never do anything without asking whether it would win friends for the church."

He recalled that American poet Walt Whitman had a "wonderful vision of cities linked together, with arms around each other's shoulders like brothers."

"When I think of Pittsburgh and Rome, Pittsburgh and Boston, bringing together people like this, well it thrills me. I like to be part of it."

He said he was deeply moved by other passengers on the plane, some of whom he hadn't seen for 35 years, but "every one of whom I love to have around me. New friends don't replace old ones. You pick up new generations of friends, and never lose the old ones."

"That's why it's so beautiful."

He thanked The Pittsburgh Press for "the sheer affection as well as the journalistic enterprise that inspired it to run a picture of my titular church, which I myself have never seen. This is one of the reasons why I'm proud to have spent 10 years in Pittsburgh. This was wonderful."

[The Press printed a photograph in Friday's late editions of the Church of Jesus the Divine Master on the outskirts of Rome—assigned to Cardinal-designate Wright by Pope Paul VI.]

Among those on the plane with Bishop Wright were two brothers and their wives—Mr. and Mrs. Robert G. Wright of Cleveland Heights, Ohio, and Dr. and Mrs. Richard H. Wright of Milton, Mass.

A reception last night at a central city hotel enabled the nearly 300 Pittsburgh clergy and laity friends of the prelate to get acquainted with the ways of Rome.

Auxiliary Bishop Vincent M. Leonard was to celebrate mass this morning at Santa Susanna for the official party from Pittsburgh.

The entourage was part of an estimated 2000 Americans in Rome who came here for a week of events in connection with the making of 33 new cardinals.

The Pittsburgh pilgrims were free this afternoon to view Rome's traditional fountains, the Colosseum and works of art in and around the Vatican.

TRIBUTE TO SENATOR E. L. "BOB" BARTLETT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BENNETT. Mr. Speaker, one of the finest men I ever knew in public life was the late Senator Bartlett. He was a universal man. That is a man at home with all types of people and interested in everyone's problems. Perhaps his greatest expenditure of energy for others is what led to his early death. Tomorrow I will receive an award in the field of helping disabled persons by my sponsorship of legislation to remove architectural barriers so that disabled people could move around more easily. He was in fact the chief inspiration of this legislation and it was just one of the many fine things that he did in his life. Truly he is an inspiration to all of us and leaves a rich heritage for the entire country as well as his beloved State of Alaska.

SCIENTIFIC LIGHT ON—POLITICAL PROPAGANDA OFF—THE GRAVE QUESTION OF THE ANTI-BALLISTIC-MISSILE SYSTEM DEPLOYMENT

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. DONOHUE. Mr. Speaker, the proposed deployment of even a limited anti-ballistic-missile system constitutes one of the most imperatively urgent questions this country and Congress must decide, and soon.

Unfortunately, there have been some indications in recent press reports that an unhappy tendency is developing to inject biased political overtones into the determination of this matter, from which they ought to be strictly withheld.

Traditionally and unquestionably, the administration has the obligation to recommend legislative action in the national interest to Congress, and Congress has the responsibility to review and determine such recommendations.

When the respective obligation of the administration and the responsibility of Congress involves a subject that is essentially scientific, the legislative duty of determination is truly a most challenging one.

In the instance of the proposed deployment of the anti-ballistic-missile system, it should be soberly realized that neither Congress nor the American people are sufficiently knowledgeable to technically judge the real, actual capabilities of the anti-ballistic-missile system, nor is the distinguished Secretary of Defense a scientist himself.

It would seem obvious, then, that the best guidance for the wisest determination of this matter, to Congress and the country, would come from the completely objective and unprejudiced testimony and recommendations of recognized eminent American scientists. Indeed, the universally known Dr. James Killian has suggested that such urgently needed testimony and evidence to the people and the National Legislature could be made available through the designation of a special committee of eminent American scientists "utterly free of economic or political ties" to examine the whole anti-ballistic-missile situation and the overall American defense structure from a scientific viewpoint, with findings and recommendations made public.

Mr. Speaker, beyond the vitally important guidance that such a scientific committee would provide for an objective determination of a matter of immense gravity to the country, it would also serve to prudently restrain dangerously increasing temptations to inject unwarranted and unwitting political pressures and prejudices into those very sensitive areas of deepest national concern from which they should now and forever be rigidly barred.

I most earnestly hope that the White House and our congressional leaders of both parties will cooperate in their patriotic assessment of the values of Dr. Killian's suggestion, and I wish to include, now, a most timely and enlighten-

ing editorial that appeared in the April 28 issue of the Worcester, Mass., Telegram newspaper, which, I believe, my colleagues and the RECORD readers will find most interesting and instructive on this point:

LAIRD'S WARNING

U.S. Defense Secretary Melvin R. Laird is dedicated to the preservation of the United States against any missile attack from the Soviet Union, Red China or elsewhere. He says that he does not intend to stand idly by waiting for the missiles to start exploding above American skies before he takes action to try to prevent it.

It would be unfortunate if Secretary Laird's dedicated role in national defense were undermined by any feeling whatever that the nation is deliberately being frightened into a \$7 billion expenditure for an ABM missile system because of powerful economic and political forces. That would be grossly unfair to Laird, and dangerous for the nation.

But the coming now on the heels of the Republican National Committee's recent decision to make the ABM issue a political one, and, indeed, to furnish GOP spokesmen with speeches favoring it, Secretary Laird's most recent speech on the subject might be open to charges that he is trying to panic the Congress to approve the multi-billion dollar expenditure by fear.

Laird says, for example, that the Soviet Union "could" have twice the number of long-range missiles by 1975 than the United States. This country has, he says, 1,054 such missiles, with no plans to increase the number, and the Soviet "could" produce 2,500 by '75.

"The Safeguard System," says Laird, "is the minimal step necessary to ensure . . . the safety and security of the American people." A few days ago, Laird warned against a supermegaton Soviet weapon, and said the Russians planned to neutralize the U.S. Polaris nuclear submarines. Laird takes his hat off to no man in warning again and again of the dangers of being asleep at our defenses against aggressive communism.

But Dr. Ralph E. Lapp, the atomic physicist, writing in his book, "Kill and Overkill," pointed out that the United States several years ago already had enough nuclear explosives, with delivery capability, to overkill the Soviet at least 25 times. And he emphasized that, of all government agencies, Congress is the least-informed about nuclear defense matters. He suggested that non-partisan scientists become non-voting members of congressional committees considering such things as the ABM controversy.

Secretary Laird, in his defense efforts, might well consider Dr. James Killian's suggestion that a special committee of eminent American scientists—utterly free of economic or political ties be set up to explore the whole ABM situation, and the entire American defense structure from a scientific viewpoint. If, as Laird suggests, there is danger of the Soviet having all those missiles by 1975, the most urgent question to ask is: Will even the Safeguard System work to stop such a potential rain of nuclear explosives? A scientific committee, under Dr. Killian perhaps, should be able to answer that in a matter of months.

The defense secretary is not a scientist. Neither the Congress nor the American people are equipped to judge the true capabilities of the ABM. Even Secretary Laird would probably rest easier—and certainly the nation would—if any suspicions of politics or economic pressures were removed from the ABM debate. An impartial scientific committee could do that. If the nation is in as great a danger as Laird suggests, it cannot afford to make any mistakes in its defense system. The people want facts, and without any suspicion, however unjustified, that they are being exposed to propaganda.

IN PASSING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. DERWINSKI. Mr. Speaker, it is my policy to insert in the RECORD from time to time columns and articles which, I believe, are representative of the sound thought of grassroots America.

One writer whose articles have come to my attention, is Leonard Carriere, a public-spirited attorney who contributes a regular column in the Blue Island, Ill., Sun-Standard. His column of April 24 contains a thought-provoking and philosophical message:

IN PASSING

(By Leonard Carriere)

There is one thing most definite about going away . . . it all ends when you return . . . a blur fills the space between departure and re-entering your front door . . . the blur recedes in time . . . and with time comes super-zero.

Yucatan is going back in time, the time of the Mayas and their pre-Columbian culture . . . a desolate, hot land of temples, pyramids and formerly great Indian cities . . . cities reconstructed by Western man . . . cities crumbling under the searing sun . . . cities uncovered, lying in rubble mounds awaiting the archeologists pick and shovel . . . cities of greatness, built under unimaginable hardship . . . the mystery surrounding the arrival and the departure of the Mayas . . . time has answered but little.

From whence they came and to where and why they went have founded many myths and theories . . . Asiatic? Perhaps . . . it matters little in any event . . . taken off by a plague? Could be . . . that matters less . . . the only truth is that they came and later departed leaving the marks of their passing on the face of the earth . . . many others have come and gone with no marks, no traces.

There is no identity between Western culture and the Mayas . . . no names of great men . . . or of events . . . or of places . . . Uxmal is an unpronounceable word, along with Ohhncen Itze, Kabah and many other . . . all years in the making at the expense of hundreds of thousands of lives . . . yet, in the end all men must die, so that, too, matters but little.

Today in their place there is Merida . . . Merida, over 400 years old, with no link to the past other than that the founder tore down the Mayan temples for building stone for his house and his city . . . his city . . . who owns a city? . . . yet, the Montejos are a legend to this day . . . the honored name that plundered a civilization . . . a gigantic bulldozer separating the Indians from the gods of their ancestors so that they may better accept the blessing of Christianity . . . the blessings of the new religion that mattered but little and brought but little . . . the hunger and want prevailed over them both.

Merida is not a pretty city . . . nor is it wealthy . . . it anchors the countryside predicated on the dying economy of the sisal plant . . . the green-gold that turned to ashes in the test tubes of a DuPont laboratory . . . there are thousands of miles of narrow gauge tracks rusting away in symphony with the disintegrating ruins . . . smokeless stacks shadowing silent machinery . . . the wheels turn no more . . . and may never turn again.

Merida, where there are only the rich and the poor . . . little else in between . . . Merida, where the Indians pad along in silence and stare in awe at the luxury and opulence of the Panamericana Hotel . . . a new temple

to house the rich from the four corners of the earth . . . the Panamericana, ice tinkling in glasses . . . air-conditioned comfort and Simmons' beds in the land of the hammock and sultry heat . . . they stare in silence and steal away, trudging across the rocky land to their palm-thatched, one-room cottages.

Merida is also a man picking fish heads out of a swill barrel for his evening meal . . . a local night club whose permanent equipment includes a horse and two live deer . . . canyons of nameless streets and thousands of blank, staring faces . . . it is also a dead horse lying by the side of the road, fought over by the carrion creatures . . . the carrion creatures that haunt the land . . . sailing, sailing overhead on the thermal updrafts . . . seeking, searching and never, never being in want.

It is also the place from where you return to the creeping silence of time . . . you return to the land of unrest and crisis . . . the land of strife, tension and turmoil that you call home.

NATIONAL COMMUNITY COLLEGE WEEK

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BELL of California. Mr. Speaker, concerning the following resolution, I would like to mention briefly its inspiration. Despite the extravagant attention paid of late to campus disruptions by a small minority, the great majority of our Nation's young people are pursuing the educational and community goals which will better enable them to exercise the leadership that will soon be their responsibility.

In an effort to enrich their appreciation of the problems and culture of another region of our Nation, students at Santa Monica City College in California are participating in an "exchange" program with students of Alice Lloyd College in Pippa Passes, Ky. As a highlight of Community College Week, two Santa Monica students will travel to Kentucky, attend classes there, and return to Santa Monica with two students from Alice Lloyd College. The Kentucky students will participate in a range of activities involving the Santa Monica community.

It is a privilege to contribute to this effort by commending to the attention of my colleagues the resolution calling for observance of National Community College Week:

JOINT RESOLUTION

Authorizing the President to proclaim annually the week including May 9 as "National Community College Week".

Whereas the community college is the only form of higher education developed in the United States for utilization by all citizens; and

Whereas the community college affords opportunities for personal and educational growth to students who might be unable to obtain an education at a more distant college; and

Whereas the community college involves students in meaningful community projects and city improvements; and

Whereas students at some of our Nation's community colleges now designate the week including May 9 as "Community College Week": Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the week including May 9 as "National Community College Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

THE CRIME PROBLEM AND INDIVIDUAL RESPONSIBILITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. ASHBROOK. Mr. Speaker, the necessity of citizen interest and support in the war on crime has been emphasized many times by Director J. Edgar Hoover of the FBI, who is certainly qualified to speak on this subject. One citizen who is encouraging the American public to constructively participate in the campaign for law and order is H. Bruce Palmer, president of the National Industrial Conference Board, whose wife was murdered in their New Vernon, N.J., home in September 1967.

Some months after his tragic loss, Mr. Palmer was instrumental in forming Citizens for Justice With Order, an organization directed at responsible citizen effort in the fight on crime. With the help of such organizations as the American Bar Association, the International Association of Chiefs of Police, and prosecutor groups to provide pertinent information on the nature and severity of the crime problem, Citizens for Justice With Order seeks to alert action organizations such as the General Federation of Women's Clubs and other groups to become involved. Emphasis is placed on "a constructive approach" rather than "a destructive approach of the vigilante type."

The New York Times of May 1 carried an article, "Fight Against Crime Costly to Business," which illustrates the type of approach which Mr. Palmer utilizes in his campaign. Coupling the current cold facts of crime with a deep religious faith, Mr. H. Bruce Palmer endeavors to revitalize that sense of individual responsibility which has made this Nation so unique.

I request that the above-mentioned article from the New York Times of May 1 be inserted in the RECORD at this point:

[The New York Times, May 1, 1969]

FIGHT AGAINST CRIME COSTLY TO BUSINESS

The nation's "No. 1 problem, crime," is causing hundreds of millions of dollars in price rises and increased security costs in business and industry, an executive said here yesterday.

H. Bruce Palmer, president of the National Industrial Conference Board, cited examples in an address before an institute on New York City economy.

Mr. Palmer who has been mobilizing resources against crime since his wife was murdered in their New Vernon, N.J., home on Sept. 29, 1967, said Sears, Roebuck and Company reported that 1½ per cent—or \$120-million—was built into its price structure to offset the value of merchandise stolen

from its stores. He said the company, which has annual sales of \$8-billion, maintained a police force larger than the 14,000-member police force of Chicago.

The National Retail Merchants Association, Mr. Palmer told the session at 345 East 46th Street, estimates its retailers' similar price factor at 2.63 per cent on total retail sales of \$9-billion. The A&P Food Stores, he said, "lost last year in value of merchandise more than it made in profits."

General Motors Corporation, he said told him it spent \$60-million last year "for the security of the lives and property of its people."

Mr. Palmer, who became chairman of the organizing committee of the new Citizens for Justice With Order last December, said that only one of every eight reported crimes resulted in arrest, prosecution and punishment. His guess, he said, is that this meant one of perhaps an actual total of 20 or 30 crimes both reported and unreported.

Declaring that "our court system in our nation has completely broken down," Mr. Palmer suggested that the courts invoke automated processes developed by business.

YOUTHS "GOOD TARGET"

Youths aged 14 to 17, he said, commit 50.5 per cent of crimes and should be "a fairly good target" for anticrime efforts.

The police around the country, he said, are "undermanned about 50 per cent, their morale is low, and education and training completely inadequate."

The new citizen effort, he said, has on one side the American Bar Association, International Association of Chiefs of Police and prosecutor groups for "input of facts," and on the other, "action organizations led by the General Federation of Women's Clubs, with 15 million members."

Mr. Palmer, a tall, 60-year-old man with silver hair, stilled a luncheon of more than 100 leaders convened by the New York City Council on Economic Education when he said he was "convinced God had a purpose" in stirring him, after his wife's death, to lead an anticrime effort.

He recalled that three weeks before her murder, his wife had suddenly urged that they "find and buy a cemetery plot." A week before her death, he said, she wrote a six-page letter on their 37-year married life to their oldest daughter ending, "I have lived a full, complete and happy life."

FAITH BECOMES STRONGER

"You wonder about your faith and religion and whether you will ever have peace of mind again," Mr. Palmer said. "My religious beliefs have become much stronger. I have prayed more than ever in my life."

He said 2,000 people who "loved and respected" Mrs. Palmer had written him, including leaders pledging support in any program against crime. "I had an immediate resolve that I would do something about this problem," he said.

Asserting that "our citizens are completely frightened, angry, frustrated," he said there could be "a constructive approach," which he was seeking, or "a destructive approach of the vigilante type."

TAX REFORM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, radio stations WTMJ AM and FM and WTMJ-TV recently broadcast the following editorial stressing the need for tax reform and supporting an in-

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crease in the \$600 personal exemption to \$1,000. This editorial was broadcast April 19, 20, and 21, and enforces my belief that tax reform must be a priority item in the 91st Congress.

President Nixon will reveal his tax reform proposal either Monday or Tuesday at a time when across the nation the people are engaging in organized or unorganized tax revolts. Federal tax reforms, of course, are long overdue. Last year 155 Americans, who reported incomes of 200-thousand dollars or more, paid no taxes at all. These included 21 who had incomes of one million dollars or more. The treasury also tells about a taxpayer with an income of one-million 300-thousand dollars who paid a tax of only \$383. This is seven dollars less than the federal government expects from a one-child married couple with an income of \$4,950.00. The millionaire taxpayer sought shelter from higher taxes by using perfectly legal capital gain and personal deduction provisions.

The treasury has proposed what it calls a "minimum tax" aimed at persons who have large tax-exempt income. It also proposes a "maximum tax". This would require that no person pay more than 50% of his total income, including the present tax-exempt income. Tax reform, however, must go deeper and close existing loopholes. This would permit a more realistic personal exemption figure.

The present \$600 personal exemption was adopted in 1948. Since that time the cost of living has risen 40%. The exemptions for you and your dependents should be at least \$1,000 each.

A recent Harris poll showed that 72% of the people in this country think taxes are excessive. It's no wonder. The average American, particularly the middle-income person who is bearing the brunt of the high cost of government, is fast losing confidence in the fairness of the federal tax system.

MASSACHUSETTS LEGISLATURE RESOLUTION TO IMPROVE SOCIAL SECURITY PAYMENTS

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. DONOHUE. Mr. Speaker, I am pleased to include the resolution recently adopted by the Massachusetts Legislature urging the inclusion of a cost-of-living index formula in social security benefit payments. As the Congress moves toward the further improvement and expansion of the social security system, in response to the increasing economic strains upon millions of our elderly citizens, I most earnestly urge and hope that my colleagues and the administration will heed and act in the language and the spirit of this wholesome resolution which follows:

RESOLUTIONS

Memorializing the Congress of the United States to enact legislation to include a cost-of-living index formula in social security benefit payments

Whereas, Under the present regulations those persons receiving social security benefits are limited to a fixed income; and

Whereas, Many of the persons receiving such payments are almost totally dependent upon them for their living expenses; and

Whereas, The cost of living has increased continually from year to year; now, therefore, be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing that there be a cost of living index formula included in the method of computing payments under the social security law; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from the Commonwealth.

GARRA MAKES A DIFFICULT DECISION

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BOW. Mr. Speaker, I have long believed that the so-called fairness doctrine of the FCC needed review and clarification, and I have now come upon an illustration of its operation so ridiculous as to convince even the most ardent advocate of fairness.

A candidate has withdrawn from the nonpartisan race for councilman-at-large in Alliance, Ohio, because the radio station cannot risk having all of his opponents demand 15 minutes of "equal time" each day. The withdrawn candidate presents, without pay, a 15-minute daily program entitled "Morning Meditations," very popular in the community. He would rather continue the program than run for council, and I cannot say that I blame him. I do condemn, however, a doctrine that forces public-spirited citizens into decisions of this kind.

I wish to include with my remarks an editorial from Radio Station WFAH which explains the matter more fully. The editorial follows:

GARRA MAKES A DIFFICULT DECISION

We feel an obligation to our listeners to explain the circumstances in regard to Richard Garra's decision to withdraw from the race for Council-at-Large in the city of Alliance. As you may know, Mr. Garra is currently holding such office, ending his first two-year term.

Section 315 of the Communications Act provides that "If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting stations." There are only a few exceptions to this rule, such as appearance on a bona fide newscast, news interview, documentary or spot coverage of bona fide news events.

Mr. Garra has been identified with our program, "Morning Meditations," which program he hosts without remuneration of any kind. And the content of his program is and, we are confident, would be non-political in every respect. Yet, the law is specific, and the station would have to make available to every candidate for the same office an equal amount of time, which he could use for the promotion of its own candidacy.

This would neither be fair to Mr. Garra, nor could the station make that much time available—as much as an hour a day. Nor would it be in the best interest of the community.

Broadcasters have been attempting to get Congress to repeal Section 315 of the Act,

but to no avail. There are many hardships created by it for both candidates and broadcasters.

We commend Mr. Garra for retaining his program, though it is quite a sacrifice in view of the circumstances.

COWARDICE AT CORNELL

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. WYMAN. Mr. Speaker, no matter how you slice it, the failure of Cornell's president and university administration to expel its deliberate student anarchists is going to shame a proud university.

If, as reported in the following Evans and Novak column, University President Perkins continues to have the support of Cornell trustees after such conduct in office, it is to be fervently hoped that the Cornell alumni will pull the rug out from under the whole sorry mess and give Cornell a new start. Perkins' permissive appeasement amounting to surrender to criminal vandals is a disgraceful example for the rest of academic America. It proves beyond question what will happen to any college leadership discovered by the insubordinate few to be lacking in courage and firmness.

ANARCHY AT CORNELL AND HOW IT GREW FROM MILITANT MOVES OF DECEMBER

(By Rowland Evans and Robert Novak)

ITHACA, N.Y.—The surrender last week of Cornell University's Administration to rifle-toting black militants, a new precedent in the national campus civil war, was no isolated incident but rather the climax of deepening anarchy here.

Despite the official Cornell line congratulating itself on a peaceful escape from bloodshed, there is no doubt that President James A. Perkins accepted the black demands in an atmosphere of coercion. While armed Negroes were occupying a university building, lesser publicized events had so terrorized a majority of the faculty and student body that they were eager for appeasement.

Responding to threats broadcast over the radio, faculty members branded as "racists" were forced to evacuate their homes for the night. One black student who openly opposed the resort to force was spirited across the border into Canada for safekeeping by friends. Unidentified rifle shots fired at a classroom building aggravated the tension. Moreover, the burning cross which supposedly forced black militants into armed insurrection is widely believed here to have been set by Negroes themselves.

That this lovely upstate New York campus could be so deformed by strife is in part attributable, ironically, to Perkins' well-meaning liberalism in recruiting black students, many of whom were ill-equipped for Cornell's academic demands. This inadequacy led some young Negroes into increasingly more belligerent postures here. Cornell's administration, faculty, and students, bearing an immense guilt complex toward Negroes (freely admitted by Perkins), could not bring themselves to impose discipline.

The watershed event came in the spring of 1968 when three Negro students, infuriated by an economics professors' classroom contentions about the superiority of a Western civilization, seized the offices of the economics department and held the department's chairman prisoner. When the Perkins administration did not press charges against the students, it flashed the green light for anarchy.

Pushing an action campaign for an autonomous black studies program, the militants moved on many fronts last December: The takeover of a university building (actually promised them for a later date) with professors and their belongings dispossessed into the street, the theft of furniture to furnish the building, dancing on dining hall tables, disruption of library stacks.

Perkins' permissiveness and the black militants' contempt were graphically exhibited during these December demonstrations when black militants staged a sit-in outside Perkins' office. Trying to make friends, Perkins sent out doughnuts and milk. The militants responded by smashing the refreshments against the wall.

Even more bizarre was an incident two months later when the Afro-American Society demanded \$2000 from the administration to buy bongo drums to celebrate Malcolm X day. Within two days, the administration scraped together \$1700 and dispatched two black student leaders down to New York City in the university plane to purchase the drums.

But pressed by a few faculty members, the administration did reluctantly bring charges against six of the more flagrant December demonstrators. Consequently, once the blacks won their demand for an autonomous black studies program early this year, radicals stepped up direct action around a general theme of amnesty for the six demonstrators.

To the accompaniment of the university-purchased bongo drums, Perkins on Feb. 28 was physically pulled down from a speaker's platform at a conference on South Africa. A few days later, job recruiters from the Chase Manhattan Bank were physically assaulted. In mid-March, three white students were beaten at night on campus—one to the point of death; two of the victims identified their assailants as Negroes while the third was in no condition to identify anybody.

Thus, as spring came to Cornell, wholly non-political students decided it would be prudent not to stroll the quadrangle at night. Simultaneously, Perkins became the open target of derision by the black militants, who wore sheathed knives in their boots during conferences with him. In one such meeting, a leader of the Afro-American Society described Perkins to his own face with an obscenity widely used in the black ghetto.

Behind the scenes, Perkins' lieutenants were quietly prodding the faculty to quash the charges against the six December demonstrators—a surrender the faculty finally agreed to last week in the atmosphere of armed insurrection.

In an interview, Perkins told us he intends to stay on as president of Cornell and feels he has full confidence from the board of trustees. If he is correct, his method of buying peace on the campus may well become the pattern for college administrators around the country. The implications for Cornell as an educational institution and for liberal education in America generally will be discussed in another column.

CONGRESSMAN KOCH'S LEADERSHIP IN PROMOTING MASS TRANSPORTATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. OTTINGER. Mr. Speaker, I was proud to cosponsor with my colleague from New York, Congressman KOCH, a bill providing for the establishment of a

mass transportation trust fund with \$10 billion in financing over the next 4 years. Congressman KOCH should be applauded for his initiative in this vital area. His district and his State can be proud of him.

It is obvious that our urban areas are literally strangling in traffic congestion. Development of modern, efficient, and convenient mass transportation is vital to the economy of our cities and the suburbs around them. Yet, we continue to invest several billion dollars each year in construction of new highways while the urban mass transportation legislation enacted 5 years ago suffers from fiscal malnutrition.

This is a glaring example of the misplaced budget priorities which have existed in recent years and which are continuing under the current administration. Congress must act, and without delay, to reorder these priorities and we can begin with transportation.

House hearings will be held next month on Congressman KOCH's bill and similar measures. I am hopeful these hearings will be the first step toward development of an effective mass transportation program. If they are, Ed KOCH must certainly take a major share of the credit.

NEW ZEALAND PRIME MINISTER URGES COUNTRYMEN TO ACCEPT ROLE IN SOUTHEAST ASIAN SECURITY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. ZABLOCKI. Mr. Speaker, in a recent address, the Prime Minister of New Zealand, the Right Honorable Keith Holyoake, made a major statement of his country's defense and foreign policies.

In it he eloquently defended New Zealand's decision to become actively involved in the regional security of Southeast Asia through its decision to retain military forces in Malaysia and Singapore after the British withdrawal and its assistance to the Republic of Vietnam.

At a time when too many of America's allies seem reluctant to shoulder the burden of peacekeeping and the maintenance of security, Prime Minister Holyoake's words are indeed encouraging.

He has recognized that in our modern age no country can be an island in the sense of being isolated from the other nations in its region. Our Nation, which has sought to foster regionalism in Southeast Asia, should applaud his realism and commitment.

Although Prime Minister Holyoake was speaking to an audience of his countrymen, I believe his words deserve a wider audience. He proposes ideas which are relevant to our own concern about the future of the Pacific Basin and richly deserve the attention of Congress and the American people.

For that reason I am pleased to insert in the RECORD at this point, thereby calling to the attention of my colleagues, the speech of Prime Minister Holyoake to the New Zealand Institute of International Affairs:

A DEFENSE AND FOREIGN POLICY FOR NEW ZEALAND

(Speech by Prime Minister Keith Holyoake, before New Zealand Institute of International Affairs)

I am pleased and honoured to be your first guest speaker invited by the New Zealand Institute of International Affairs under its new organisation to give an address upon an issue of foreign policy. There is a rapidly growing interest in our foreign and defence policies. This is a healthy sign and this Institute can help maintain and increase that interest by promoting informed debate.

I want to talk today about our national security policy, the broad range of national activities designed to promote and protect the security, stability and well-being of New Zealand.

In the past too many people have ignored the issues and pretended that there was no problem. They have been content because they believed that New Zealand was tagging along behind Britain and that this was the obvious—the 'loyal'—thing to do. This attitude is clearly irrelevant today, and has been irrelevant for years. Now that there is a growing interest and concern, we can hope for a greater awareness of what we are doing and a greater readiness to accept the burdens our nation must carry. Interest and concern alone, however, are not enough. There must be a determined and deliberate effort at understanding; there must be a readiness to consider what the country has been doing in recent decades; and there must be a willingness to think, in hard and realistic terms, of our short and longer term national position.

As I said in my Defence Policy Statement last week: "It is obvious that a fundamental change is taking place in the framework for our operations in South-east Asia". The successive British defence reviews, culminating in the decision last year to withdraw all forces from Malaysia and Singapore by the end of 1971, compel us to examine our position. The approach—we may hope—of the end of the Vietnam War should enable us all to examine our broad policy and national needs without the emotional overtones and distortions that have obscured issues in recent years.

An analysis of our national security policy must begin with some geography and some history. For 100 years, New Zealand's relationship with Britain enabled us to evade the full implications of our geographical position. But, more recently, as the relationship has changed we have had to come to terms with geography. New Zealand does not consist of a few islands somewhere off the coast of Britain. We look north on to the Pacific Ocean. We have many important goals—of national policy—a life of satisfaction and expanding opportunity for our people, greater trade, and so on. But our first concern must be security because it is on this that the achievement of our other goals directly depends. We are concerned with the security of our nation, of the region in which we live, and of the world at large. There is nothing novel in this. It is true of every nation that is determined to remain one. But the way in which our security is sought, the directions in which we seek it, cannot be copied from any other country. They must be determined—discovered if you like—in the light of the special circumstances of our own geography, our own relationships and our own history.

Our historical links with Britain have been very close. In the circumstances of the first half of this century, it made sound sense to work closely with Britain. We were a small power and we felt dependent for our security on cooperation with the head of the empire and Commonwealth. In the Second World War we learnt to cooperate with a second great power, the United States, because our security depended completely on it. But the greater part of our military effort

was still made in Europe, and made within a British structure.

The concept of seeking defence in a collective effort—in cooperation with others—thus came naturally to us. It was strong in the 1930s and in the post war period. Within the United Nations, or if needs must, outside it, we would seek our security by a readiness to join with others in a collective effort. But in the new situation of the post war era, our effort came to be directed to the Pacific and its troubled western rim, the Western Pacific, or East Asia, (or to use an old name, the Far East). I need not recall at length the successive steps in the development in our policy: the Korean War in 1950, the ANZUS Pact in 1951, the Manila Treaty in 1954, the decision in 1955 to accept a wartime commitment in South-east Asia and a peace time contribution to a Commonwealth Strategic Reserve; our association with the Anglo-Malayan Defence Agreement; our actions in the ten year Malayan Emergency, during Indonesia's Confrontation with Malaya and Singapore, and in Vietnam, and the brief deployment of forces to Thailand in 1962. Nor do I need to remind you of the other steps that we have taken over the years in order to contribute to the development of the Asian and Pacific region and to the consolidation of our ties with its member countries: our membership of ECAFE, our activities under the Colombo Plan, our membership of the Asian Development Bank, our membership of ASPAC, our support for the development of regionalism, and the steady expansion of our network of official posts. It is not the detail which is important, but the steady development of a national policy and a national capability, exercised in concert with others but in accordance with our own decisions, giving depth and a substance to the concepts of collective security and of a national role.

The past two decades have not always been easy. There have been setbacks and difficulties. But the policies we have followed, in concert with our friends, have on the whole had good results. It is important therefore, when calls for new policies are made, to understand exactly what it is that we are being invited to abandon. And it is important too that we keep steadily in mind the very real difference between shaping a policy and striking an attitude, between making a hard calculation of the nation's best interest and lightly consigning it to agencies or arrangements that are untried, irrelevant to our conditions, or already shown to be ineffective. Let us then consider the broad lines of historical development in our area of strategic interest over the past two decades.

In 1945, a devastating war came to a close. It had brought not just material damage, but sweeping political changes and social upheavals. In East Asia, where Japan, China and Thailand had been the only independent countries before the war, Japan was defeated and a communist regime soon came to power in mainland China. At the same time, the colonial hold on South-east China started to crack. This period of dramatic change was clearly bound to continue and the risk of unfriendly regimes coming to power seemed great, particularly because of the threat of militant communism. In some circles it has been unfashionable to speak of the communist threat (or at least it was until Czechoslovakia) but at that time the communist world was rigidly unified, the communists had shown they would act ruthlessly and with armed force to impose their rule, and communist policy throughout Asia was one of armed revolt and conquest. Emerging from a time when we had faced a very direct and immediate danger to our security, New Zealand had to feel concerned about the future. In the East Asian and Pacific area, so critical for us, we had no independent network of government representation and few independent means of action.

Let us move forward a few years to 1955, the year in which we took the decision to send forces to Malaysia and Singapore. The immediate danger of war in both Korea and Indo-China had passed, but the future was still uncertain. The truce in Korea and the ceasefire in Indonesia were both precarious. The non-communist governments in the former French Indo-China were not solidly established and faced grave problems. South Korea was in ruins. The Republic of China was still shaken by the loss of the mainland and the transfer to Taiwan. Japan was beginning to make good progress, but its future as an independent government was still far from certain. The alliance between Communist China and the Soviet Union was close. Communist China's prestige was high, as seen by its role at Bandung. There seemed a real risk that its model would prove attractive to the rest of Asia. Indonesia, by contrast, was stumbling. Thailand uncertain, Malaysia still a colony and still vulnerable to communist terrorism. It was a rather unpromising and dangerous area in which we were committing ourselves. Moreover, our national means were exiguous: around the Pacific, independent New Zealand diplomatic representation existed only in Washington, Canberra, Ottawa, with a small trade office in Tokyo and a colonial administration in parts of the Pacific, but nothing in South or South-east Asia. We were not well placed to formulate a national policy nor carry it out. And yet clearly developments could affect us deeply.

Let us turn finally to today. Since 1955, there have been crises, changes of direction, and reverses, but much cause for encouragement and satisfaction. A review of the basic changes will set the background for a discussion of where we stand today.

Japan's economic miracle has been repeated so consistently that it is clearly no miracle; its democratic preliminary parliamentary political system is well established; it has become more active, in a constructive manner, throughout the area. South Korea has traversed a difficult political transition from the authoritarian Rhee government through coups to a more soundly and broadly based government; it is starting to show greater confidence and greater progress; another economic miracle may well be in sight. Communist China abandoned moderation over a decade ago; the Great Leap Forward and the Cultural Revolution have convulsed the country and the earlier economic progress have been followed by alternate spurts and stagnation; the alliance with the Soviet Union and friendship with India have been broken; the regime's reputation abroad has suffered from its own internal failures and its external meddling in the affairs of others; it has made progress in recent years in developing nuclear weapons but not in winning acceptance for its claims to leadership and its militant policies. The Republic of China has consolidated its position from one of fragility to one of very considerable strength.

In South-east Asia, the process of decolonisation has been completed. Only in one case—North Vietnam—has it led to the establishment of a communist state—although the communist effect still continues, with great strength in South Vietnam and Laos, with less strength elsewhere. On the whole, communist prospects are much less favourable than in 1950. On the whole, the governments of South-east Asia are more firmly established, and the economies in sounder shape than seemed likely in 1955. Malaysia and Singapore are progressive, stable, and democratic. Indonesia has abandoned the dangerous and self-defeating policies of Sukarnoism. Thailand is modernizing itself. Progress has been made towards greater regional cooperation.

In the Pacific, too, there have been changes. When our trusteeship for Western

Samoa ceased at the beginning of 1962, it was the first independent Pacific state. The Cook Islands have been brought to Internal Self Government. Political progress is being made in other territories. The Pacific peoples themselves are being given a more significant role in regional bodies.

This progress in East Asia and the Pacific has not been achieved by accident or luck. It has been achieved by effort—mostly from the peoples most directly concerned, the peoples of each country themselves, but with significant help from other countries, including New Zealand. This assistance has had to cover many fields: political, economic, information aid and military. Look at what our own country has done since the decisions of 1955. We have built up our government representation in the area, beginning with Singapore in 1955, until now we are represented in all the major countries of South-east Asia, as well as India and Japan; the greatest gap in our direct representation—Peking—stems from the insistence of Communist China that its claims to override the wishes of the people of Taiwan be accepted. Our relations with the countries of Asia, especially South-east Asia, are excellent. Our trade with South-east Asia has grown; our exports have risen from \$1 million in 1950 to about \$20.5 million in 1967/68. Our Colombo Plan effort, at first heavily concentrated on South Asia and taking mainly the form of capital grants, has been remoulded to give more emphasis to South-east Asia and to technical assistance; new aid agencies have been joined.

Someone may say that I am spending a long time talking about things other than defence, that I should just be talking about what our forces have done and what changes in equipment or deployment there have been. I don't think so.

I do not believe that our defence policy can be set off into some compartment separated from our overall policies. What we are concerned with is the situation we face as a nation, looking out on to the world around us and looking into the future. Defence policy takes its place in that context. And, indeed, we all know that, in our concern for the establishment of a stable and friendly South-east Asia, we have felt obliged at times to take military action. We have maintained forces in the area, not just to enable us to meet our obligations, but also to contribute to confidence and security. We recognised that there could no longer be any question of waiting for total war to break out and then taking a year or two to build up a large force: highly trained forces in being, acclimatised and ready for action were needed to help prevent the situation reaching that point.

Following upon this recognition New Zealand has since 1955 twice deployed forces in fulfillment of our obligations under the Manila Treaty: in 1962, to Thailand, when the dispatch of allied forces helped prevent deterioration of the situation in Laos, and in 1965 to South Vietnam, where they have helped to check communist aggression. Twice, also, we have deployed forces to help our Commonwealth partners: during the Malayan communist guerrilla Emergency and in the action to check Indonesian military aggression. We have committed these forces in these cases as a result of our national decisions, made in the light of our assessment of the situation and of our concern to meet our obligations. Basically, these decisions reflect the belief that collective action, with others, in accordance with obligations we have accepted, will contribute to our security as well as others. And these decisions must be seen in the context of our general policy in the area.

What conclusions can we draw from this survey of the past? They can be simply stated. What we have done in South-east Asia has involved a broad national effort; it has been developed over a comparatively long period of our history; it has been im-

posed by the logic of our national situation; and it has so far served us well. These are points to remember when we turn to the future. It is right to reassess. But we cannot reassess by ignoring what we have done, or focusing on only one feature, or pretending that all our actions were mistaken or were simply undertaken at someone else's bidding. It is in knowledge of the past that we can turn to the question that we as a nation must answer today; in the new situation emerging today, will our basic policies continue to be sound and in the national interest?

The proper place to begin is with an analysis of the situation we shall face.

In the short term, we still foresee no direct threat of attack in the area immediately around New Zealand and we believe that, if we and others follow sound policies in the Pacific Islands, there need be no instability there that will cause tension or difficulty. Moreover, looking to the longer term, provided reasonably sound conditions can be created in East Asia, we see no reason to believe that there will be any direct threat to New Zealand independent of a threat to other countries in the region. And since we are anxious to see that there is none, we have to consider what we can do to promote security and stability in East Asia.

In East Asia one great problem is the role of Communist China: reunited, militant and dedicated to the remoulding at its neighbours to conform with what it regards as inevitable communist victory, Communist China has lost much of its momentum and its mystique but it still pursues dangerous doctrines. Nevertheless in most directions it is checked.

We think that the position to its north-east is progressing well. Japan is prosperous, stable and democratic. South Korea is moving rapidly ahead. The Soviet Union, we may be sure, will prevent any expansion of Communist China to the north and north-east. In the south, the Himalayas are a strong barrier, and both India and Pakistan are determined to maintain their independence; their problems are essentially internal.

The problem of the divided China is still a real one, but the Republic of China is more soundly established in Taiwan now than seemed possible in 1949.

It is in South-east Asia, divided and with some vulnerable weakness, that there may be room for an enlargement of area of influence. Any trend of this sort would pose a long term threat to Australia, and to New Zealand. In the short term, it would carry the danger of instability and of hostilities.

It is for these reasons that our defence interest has come to be focussed primarily on South-east Asia, I submit that these reasons are still valid.

Let me state straight away that the problem of communism is only one of the problems of South-east Asia and indeed of Asia. Underdevelopment; the existence of ethnic minorities; border problems; differences in religion, language, culture and colonial experience that separate neighbour from neighbour; problems of urbanisation and the rapid social change; problems of building strong nation states with institutions adjusted to the modern world and to the national character: all these exist. These are difficult problems to resolve; they are also an exciting challenge for the peoples of South-east Asia which they are acting to meet, with some considerable success. If anyone expected me to say that Communist China and Communist North Vietnam or communist pressure is the only problem, I must disappoint him. There are other causes of instability: Communist China, in particular, must be expected to continue to exploit these, but it does not create them.

The search for stability and progress in South-east Asia—and more generally East Asia—will be one of the key issues in the world over the next few decades. New Zealanders must make up their minds

whether they want to play a responsible part in that search, in concert with others, or whether they want to sit back with their fingers crossed, and leave the effort to others. It would be consistent with our past policies and our present commitments to be ready to play a part. We can try to ignore both our past policies and the present challenge but I believe that we would be ill advised to do so. Moreover, there is every reason to be confident that the effort will be successful. I have already pointed out that, despite the problems we see today, progress has been made, and this trend seems likely to continue. In most countries of South-east Asia, governments are now more representative and more solidly established than before; in most countries economic progress has been achieved; progress towards regional cooperation—chequered, but with a perceptible trend—is being made. There are bound to be setbacks, reverses and problems, and there are bound to be further political changes, evolutionary and revolutionary. But the problems will not simply disappear if we and others turn our backs on them, and we can have reasonable confidence that problems can be met.

This question—the attitude we are prepared to take to the challenge in Southeast Asia—is more important, more basic, than some of the detailed and immediate issues that we sometimes concentrate on. One of these is the future of our defense forces in Malaysia and Singapore. Let me try to put that question in the broader perspective I have been attempting. When we deployed forces to Southeast Asia in 1955, it made sense to do so as part of a large Commonwealth structure and this will continue to be true until the end of 1971. Only once—because of the decision of one Commonwealth country not to participate in collective action—have we operated outside a Commonwealth structure, in Vietnam. But our interest in Malaysia and Singapore did not arise because of British military presence or the Commonwealth link with Britain; it arose from our interest in the security of South-east Asia as a whole. The form in which that interest was expressed is less significant than its substance. After 1971, that interest will continue, and our role in the area should continue.

The day following the British announcement of the defense decisions of January 1968 I said that "what is certain is that we shall continue to seek our security in concert with like-minded nations and to play our part in collective defense". Since then we have been working hard to reassess our longer term role, in consultation with other countries concerned: Malaysia, Singapore, Australia, Britain (for it still has an avowed interest in the security of the Far East), and the United States, which will inevitably have the major responsibility for counterbalancing the threat of Communist China's nuclear power. But the basic approach behind our consideration of what forces from any service we should have in the area after 1971 has been the belief that we have an interest and a role. The main argument in favour of the deployment of forces forward—the ready availability of trained and acclimatised forces for "fire brigade" action—is still valid and will remain valid for as far ahead as we need foresee. The detailed size and shape of our forces in Malaysia have varied in the past according to the actual needs of the time: the Canberra squadron has sometimes been deployed in Malaysia, sometimes in New Zealand; sometimes we have had more than a battalion, sometimes less; always a frigate, sometimes additional naval elements. If it is accepted that we are prepared to face a responsibility and a role in the future, we can then consider the size, and shape of the forces we are to deploy and can make the necessary decisions at the appropriate time.

Elsewhere in South-east Asia, our main obligation has been under the Manila

(SEATO) Treaty. The principal significance of the Treaty lies not in the Organization that was set up—for, unlike NATO, it has never had large standing armed forces or a unified peacetime command—but in the basic obligations it created. It is the only collective security treaty relating to South-east Asia, and it is the only treaty that extends United States security obligations to mainland South-east Asia. These two points remain as valid and as valuable today as they were in 1954, and we expect them to continue so. There will doubtless be changes in the situation in South-east Asia following the eventual settlement in Vietnam, but let me hazard a guess on two points: first, that the Manila Treaty will retain its significance and, secondly, that the settlement in Vietnam (and one hopes Laos) will need continued international interest and vigilance if it is to last.

International interest in these two areas—the Commonwealth arrangement for Malaysia and Singapore and the Manila Treaty framework further north—are likely therefore to continue to be important to the security of South-east Asia. Regional or sub-regional arrangements may also develop in time. We hope they will and where appropriate we shall support them. But so far no arrangement has had both broad membership and political depth. We have seen ASA and Maphilindo, and now ASEAN, the most promising of all. In due course, ASEAN or even some broader arrangement may develop a defence significance: I hope it will. But there is no point in dismantling the framework for security that exists before another is ready, or pretending that some arrangement linking everybody can be summoned up overnight: the countries of South-east Asia are not yet ready for this. We can contribute to the emergence of such regional arrangements by accepting a positive role within the region ourselves, rather than turning our backs on the area.

For these reasons I believe that a policy of collective defence and of defence cooperation makes good sense and deserves our support.

Some disagree and set forward several, quite different, objections.

One argument is that it is quite unnecessary. We hear people say "Communist China isn't expansionist; besides it doesn't matter what happens in South-east Asia, we'll be all right; certainly, we shouldn't face any direct threat for a few years, so let's keep our heads down and hope to be ignored." I don't find this convincing. Communist China's claim that it has the answer for other countries is clear and it obviously does not shrink from the use of force. Perhaps one could agree that no individual country in South-east Asia matters to us, just as other countries could ignore our fate, but on that basis there can be no security for anyone. In the long term, what happens there could lead to a direct threat to us. The example of other countries in other periods does not suggest that smallness and an earnest desire to be ignored are a necessary or sufficient guarantee of security. Moreover the assertions we sometimes hear that Communist China is bound to dominate South-east Asia or alternatively that South-east Asia is bound to go communist simply cannot be sustained on the evidence. There is no historical reason why Communist China should control the destiny of South-east Asia and the peoples of South-east Asia themselves reject such control. Communist China has no special attraction in South-east Asia: nor has Communism. Neither gives evidence that it can solve the problems of an underdeveloped Asia; the economic success stories in Asia are Japan, South Korea, Malaysia, Singapore, Hong Kong, not the communist regimes.

Another argument is that it is "immoral" to "choose" someone else's territory in which to defend oneself. We never have and never

shall. We did not "choose" in 1939 that Nazi Germany should attack Poland; we did not choose in 1950 that North Korea should attack South Korea; we did not choose that there should be a Malayan communist guerilla Emergency, or Indonesia's Confrontation policy, or the Vietnam war. We faced a situation in which those wars existed. The question was not whether we chose to defend ourselves in other people's territory rather than our own, but whether we chose to ignore an attack on others. If one is to consider the morality of a collective defence policy, one must surely consider what other people think. Would the people of South Korea, Thailand, Malaysia, Singapore, South Vietnam think that it was immoral of us to respond to a request from them for help? I don't see anything very moral about deciding that we will ignore what happens to others in the hope that it won't matter to us.

Another argument is that our defence policy should consist solely of aid and trade, that aid and trade are the best form of defence. It is argued that we shall store up goodwill for New Zealand and attack the real root of security problems. Let me say straightaway that New Zealand is anxious to trade with Asia (and our trade with South-east Asia and indeed most Asian countries has grown substantially) and we have said that our aid will continue to expand as our resources grow. But aid and trade are important for themselves and in their own right. It seems to me a dangerous and illusory argument to justify them as some sort of defence weapon. In any case, our military assistance has also won us much goodwill in Malaysia, Singapore, Thailand, South Vietnam and South Korea. It is moreover a hard fact that goodwill alone does not ensure security. It is simply not true that aid and trade will prevent aggression or solve all security problems. No amount of economic aid to Malaysia and Indonesia would have saved Malaysia during Indonesian military aggression. It was necessary to show that armed attacks would be resisted. We do not have a choice between whether we give civil and or military aid: we must decide whether we are going to give both. Aid alone is not constructive defence: it is valuable in its own right, but it is not defence.

Some have advocated a policy of non-alignment or neutralism: a policy of remaining free from defence obligations. But, if we are free of defence obligations to others, others are free of defence obligations to us. I suppose for the next few years we probably wouldn't have anything to worry about, but I would not advocate staking the longer term future of our country on the belief that the political situation and the state of the military art will always be such that this is so. We have felt the need of friend before and we may again. Moreover, we do not see any wisdom in trying to huddle down in Fortress New Zealand or even Fortress Australasia and ignore the rest of the world. To me, it makes greater sense to take a part in helping shape events. Nor am I impressed by those who have asserted that neutralism will enable us to act as moral umpires or universal mediators: there is nothing very moral about renouncing a concern for the security of others; those without stature and without a readiness to act are rarely effective as mediators or anything else. Nor is neutralism always an "independent" policy: neutralist countries can be so scrupulous about finding a position midway between the two main power groups that their position is really determined for them by that of others. Neutralism or non-alignment as a policy suits some countries whose background and position are different from our own: but we are not a Switzerland or a Sweden. I do not want to see a Swiss or Swedish policy for New Zealand. I want to see a New Zealand policy.

Others want a qualified alignment. What that means, I'm not sure. I suspect it means they welcome a United States obligation to

us, but don't want to have any obligation in return. They really want a one-sided ANZUS Treaty, a free ride, with the right to criticise the driver. If you want to criticise the driver, you need to pay your share of the costs of the journey.

Others have suggested we should look to the United Nations for our defence and devote all our support to it. New Zealand is second to none in its support for the United Nations. But there is no point in pretending that the Organization can do things that in fact it cannot, or arguing that we can help build the United Nations into an effective security body by renouncing our readiness to help others in case of need. Malaysia would not have survived in 1964 and 1965 if it had depended on the United Nations or if we and others had offered help only in a United Nations context.

Some have voiced concern that, by joining collective defence arrangements, we lost our independence or our independent judgement, that we are inevitably "committed" by other people's actions. A collective security treaty—whether it be the United Nations Charter or the ANZUS pact, the Manila Treaty or any other—is, like any treaty, voluntarily accepted by the Government as an act of sovereign and independent judgement. The reality is that under these treaties we have accepted an obligation, because we believe that the exchange of obligations is in our interest as well as others. Moreover, a treaty limits a country's freedom of decision only to the extent laid down in the treaty itself. I must say I find it odd that some people, in the one breath, can dismiss the ANZUS or Manila treaty as useless because it doesn't really commit the United States to help us and objectionable because it commits us inescapably. If there is "aggression by means of armed attack" we have an obligation to act—but we retain complete responsibility for assessing whether there had been "aggression by means of armed attack." If there is a threat to a Manila Treaty partner we have an obligation to "consult . . . in order to agree on the measures which should be taken for the common defence"—but we retain our judgement and voice on what the measures should be in the actual circumstances. We took the decision to contribute forces in South Vietnam because of our assessment of the situation, because we believed that there was aggression by means of armed attack bringing our obligations into force. Collective defence treaties are necessarily in general terms, because they record a general obligation of long term validity, not specific commitments appropriate only to particular situations. These treaties nevertheless have a real meaning where there is respect and a continuing habit of cooperation. New Zealand, in this respect, has been fortunate in its allies: our views are sought and heard; but we can only have good allies by proving ourselves a good ally. A good ally is not subservient: he has judgement and a voice, and uses them; but he is also prepared to take up his share of the burden. Our voice can be all the more effective by having an accepted place with our close friends, rather than sitting on the side lines. To take our share of the burden does not diminish our national independence: it is a mark of independent policy.

These are some of the factors that the Government has taken into account in reviewing where we stand today. We have announced decisions from time to time, notably our recent announcement that our forces would be maintained in Malaysia and Singapore after the British withdrawal. We shall have to take other national decisions from time to time.

There are, however, decisions of detail. The main policy lines are clear. In our judgment, the logic of our position points to a policy of defence cooperation and of a readiness to play a part in South-east Asia. New Zealand—indeed Australia and New Zealand together—

cannot take the British role in South-east Asia. There is no reason why we should. We can take a New Zealand role. It will be one of close cooperation with countries in the area and with countries interested in the security of the area. We are not writing a blank cheque guarantee for other peoples' security, but we are prepared to make a contribution to regional security. We are not accepting responsibility for internal security or internal disorders and we are not trying to impose our ideas by force; no one has ever suggested that we should. We know that we shall face situations in which we shall need to exercise judgment, and that our judgment will not always coincide exactly with others'; this does not frighten us or seem so unusual. We know that the problems will often be complex and the judgment fine: this does not seem to us a reason to ignore the problems or abandon our judgment. Once it may have made sense to say "where Britain goes, we go". Now, as Britain withdraws from South-east Asia, it makes no sense to say "when Britain leaves, we leave".

In our judgement the reasons that led us in 1955 to become concerned for the security of South-east Asia, in cooperation with Britain, remain valid today for continued concern in cooperation with others. If anyone is frightened of the responsibilities and the burdens of a national role in South-east Asia, he would be right to argue that we should leave. But, today, New Zealanders should have enough confidence in their own judgment and concern for their future to accept the opportunities and the challenge it offers.

"OPERATION GRATITUDE," BY MRS. LINA M. ALDRIDGE, OF RUSHVILLE, IND.

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BRAY. Mr. Speaker, there is nothing more noble nor more touching, nor more indicative of patriotism and love of country, than those gestures made by the average American citizen that truly come right from the heart. Such a gesture was that of Mrs. Lina Aldridge, of Rushville, Ind. As Mrs. Aldridge put it in a letter to me, it was done "in deep gratitude to our servicemen who are serving our country and our flag."

Mrs. Aldridge's contribution was a symbol—an American flag, and following in her own words is a description of her work:

The SP Flag (The Service People's Flag) was made as "Operation Gratitude" project, in deep gratitude to our Servicemen who are serving our country and our flag.

It is made entirely of solid tatting—a form of lace—comprised of tiny knots, throughout. It is approximately 3 x 5 feet in size with a 1½ inch gold border, 50 full stars, and is reversible. Each knot tied is dedicated to a service boy. Each is entitled to claim a small portion of the flag, just by sending in his name.

I am rather safe in saying it is the only flag of its kind in the entire world, as there is no existing pattern. It is known as the "Lost Art." It took 3,000 hours in the making with a mini-sized shuttle. A little old 72-year-old lady made this flag in appreciation to our service boys, and through the dedication of this flag to try to unite as many of us as possible to back our boys, back here at home.

Mrs. Aldridge has given us all a lesson in patriotism and love of country,

and I am happy and proud to call her fine work to the attention of my colleagues.

EARL WATTERSON

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. WIDNALL. Mr. Speaker, on Friday of this week, the Congress of the United States will be sustaining a loss when Mr. Earl Watterson of the Legislative Reference Service of the Library of Congress resigns from his present position.

While few Members of the House are personally acquainted with Mr. Watterson, I feel certain in predicting that within a matter of a few years every Member of the House and perhaps the Senate will be acquainted with the product of Earl's initiative and efforts.

In an effort to improve the legislative calendar of the House Committee on Banking and Currency, last year our committee staff raised the question of possible application of computer technology in support of this publication. Because the Library of Congress has initiated the use of data-processing equipment in the production of some of their legislative publications, Mr. Watterson's advice was sought and his response was so enthusiastic that we undertook to initiate the project.

As many Members of the House already know, the House Banking and Currency Committee this year became the first committee of the Congress to produce its calendar by entry and retrieval of information into an IBM 360 model 40 computer. The initial goals of our project experiment have been fulfilled in their entirety, largely as a result of the perseverance, patience, and cooperation of Mr. Watterson. Accordingly, ours is the only committee in the Congress which can, in a matter of minutes, upon request, give the status and summary of any pending legislation, based entirely upon automated retrieval from a computer located in the Library of Congress. Next week, our committee will publish a printed calendar produced in its entirety through automated information retrieval. In much less space and at significantly reduced cost, it will contain far more information on pending legislation than has heretofore been practical.

There is no question in my mind that it will contain far more information on pending legislation than has heretofore been practical.

There is no question in my mind that it will be only a matter of months or years before every committee in the House will adopt our system.

As I said at the outset, the House of Representatives owes a great deal to Earl Watterson for the outstanding services he has rendered. I look forward to the day when the Congress, either on its own or in partnership with the Library of Congress, takes full advantage of the benefits of the age of the computer. When that occurs—as it most surely

will—I truly hope we can persuade Mr. Watterson to return and assist us in that process.

FIRSTHAND OBSERVATIONS ON NIGERIAN-BIAFRAN CONFLICT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BRAY. Mr. Speaker, there is a great deal of interest in the Nigerian-Biafran war, and there are many reports and suggestions advanced as to cause, background, and possible solution. Following is a letter I received from a young American girl whom I met recently. I have removed identification from the letter, for her protection, but she is obviously well qualified to speak with considerable firsthand knowledge on the situation.

Hon. WILLIAM G. BRAY,
U.S. Congress,

DEAR MR. BRAY: Following our recent conversation about the Nigerian-Biafran war, I want to put before you my impressions of the reasons for the war, as well as the possible results of alternative solutions. First, may I remind you of my connection with and interest in the situation. I was in Nigeria from 1962-64, during which time I met my husband. After our marriage we lived in Lagos, Nigeria's capital, until the situation in the country forced us to go to Eastern Nigeria. We settled in Enugu and were there when the East seceded from the Federation, taking the name (Biafra). Within a month after secession (June, 1967) Nigerian soldiers entered Biafra in what they hoped would be a quick police action to end what they called Ojukwu's rebellion. Neither side expected or was prepared for a long war. Two months later, when Nigerian troops were close to Enugu, which was Biafra's capital, we moved away from the enemy's line of advance. When Biafra was at its worst position, militarily, in September 1968, I brought our children to where my parents are staying for the winter.

The Nigerian Federation as it was when it became independent in 1960 had three regions or states. The largest and most heavily populated was and is now the predominately Muslim North. It is unfortunately also the most backward. Neither British colonial policy nor the native Northern rulers have encouraged extensive education or economic advance. The opposite was true of the West and the East, both largely Christian, where education is highly valued. Western Nigerians have made great strides forward, especially in the Arts, while Easterners—now Biafrans—have most of the technical know-how.

Easterners are also more aggressive in business. For years Ibos, members of the largest tribe in Biafra, established businesses and made their homes in all parts of the Federation. Every Northern town has Ibo businessmen, and even though few Northerners engage in business, they have somewhat resented the success of other Nigerians in their home region.

In Nigeria's drive for independence Easterners provided much of the leadership. Since independence political power has rested with the Northerners, since over half Nigeria's population is in the North. Yet few Northerners have the skills necessary to fill government posts. In their own region nearly all technical jobs are filled by non-Nigerians, because Northern rulers tend to resent the fact that their Christian countrymen are more skilled. Likewise in the federal government, when the Northern Peoples' Congress cannot find men from their own region to

take government and quasi-government positions, they often prefer outsiders.

To maintain firm control of the Federal government after independence, the Northern Peoples' Congress formed coalitions according to the needs of the moment, first with the Eastern-based party, the NCNC, later with the Western-based Action Group led by Chief Awolowo. In a concession to Easterners, Azikiwe (an Ibo from the East) was made President of Nigeria, a role which carried little authority. A sense of public responsibility, such as is known, if not always followed, in Western countries, hardly existed in Nigeria. Corruption was widespread both in the federal and regional governments. In 1962 a plot to overthrow the federal government was reportedly uncovered, and Chief Awolowo, who commanded a large popular following, was tried and imprisoned for treason.

Easterners and Westerners alike became restive under the Northern leadership. Discontent came to a head with the release of the census report in 1965. Few Nigerians believed the figures; it was widely rumored that cows had been counted to inflate the North's population (it is a cattle-grazing region). In December that year a small group of army officers overthrew the government, and Ironsi was sworn in by the acting president (President Azikiwe was overseas) as military governor-general. Military governors were installed in all the regions, and many Nigerians hoped that with military rule, corruption could be curbed, if not ended, before new elections for a civilian government were held.

Although Ironsi was an Ibo officer, the coup was not, as Northerners later claimed, an Ibo plan to take over the country. In a sense, it was unfortunate that the only civilian regional governor not killed during the coup was that of the East. Even though other Eastern politicians were killed, Northerners felt this oversight pointed to an "Ibo plot." Even more unfortunately, Ibos living in the North did not mask their delight at the end, for the moment, to Northern domination of the federal government, nor at the deaths of the Northern Premier and the Federal Prime Minister, Alhaji Abubakar Tafawa Balewa.

In mid-1966 a counter-coup was planned and executed by Northerners, who replaced Ironsi with Gowon. In the next few months Northern army officers eliminated many highly placed Ibo and other Eastern officers, and several thousand Ibo civilians living in the North were killed. Even in the Western Region Ibos were occasionally harassed or killed. Despite frequent assurances from Lt. Col. Gowon that Easterners would be protected in all parts of the Federation, lives continued to be taken, and eventually almost all Easterners moved back to their own region. Thousands abandoned property and businesses they had owned for years.

Deep disagreement between Gowon and Col. Ojukwu, the military governor of the Eastern Region, followed these events. Ojukwu refused to turn over to the Federal government the revenue from oil production, maintaining that the East could not support the federal structure if Eastern citizens were not safe in all parts of the country. Furthermore Ojukwu never fully acknowledged the legality of Gowon's position, since Ironsi was the officer who had been sworn in by the last civilian government. This increased distrust between the two men.

When Gowon decreed that twelve states would be created out of the existing four, Ojukwu maintained that such a move was illegal without the consent of all regional governors, and he refused to allow the East to be divided. There were several meetings, most notably the one at Aburi, Ghana, when attempts were made to reach a compromise, but all failed. In mid-1967 Ojukwu, with the consent of the Eastern people, declared the East an independent republic.

The feeling among Biafrans was at the time of secession and still is that if Nigeria could not guarantee their safety in other parts of the Federation, they had little to gain as Nigerians. Biafrans also feel that Nigerian progress has been hampered long enough by Northern leadership, and if that leadership cannot change, they will be better off on their own. That Biafrans support Ojukwu was verified within the limits of my experience. The determination with which the war is fought, despite hardships and despite lack of weapons, also points to a desire for independence. Biafran propaganda has overplayed the "genocide;" still many people there are convinced, because of the Ibo massacres before the war and the ruthless manner in which Nigerian soldiers have sometimes dealt with civilians, that independence is their only hope. Gowon could not prevent the deaths of thousands of Ibos before the war, a Biafran would say, why should he be able to after? Biafrans also like to point out that Gowon professes to be a Christian (he is from the Middle Belt, or southern part of the North), yet he condones the slaughter of those he wants to call his compatriots.

The oil question has rankled Easterners for a long time, though by itself it would never have caused secession. Oil revenue from Eastern Nigeria was shared among all regions according to population. Easterners felt they ought to have had a greater share, as it is located in their region. It is possible they would compromise on this issue, either within a confederal arrangement or in terms of paying a percentage of oil revenue to Nigeria for a number of years.

It is necessary to point out that if Nigeria had engendered in its people a strong national sentiment, the secession would not have taken place. It is precisely because Nigeria was an artificial creation, paying no regard to tribal interests or religious differences, that difficulties arose. One can "blame" the Berlin Conference of 1886 which drew the dividing lines in Africa, but it does not help solve the present trouble.

In my opinion, an independent Biafra would have a considerably greater chance of economic and social progress at present than a united Nigeria. Although it would lose the economy of scale advantage vis-a-vis Nigeria, an independent Biafra would have more time and energy to devote to economic and social problems, since less energy would be wasted on intertribal rivalry. No matter how much Western political observers like to think otherwise, tribes are still and will be for a long time to come the most cohesive units in parts of Africa.

If Nigeria were to be re-united, many highly skilled Biafrans would leave. It is doubtful whether Biafrans who held important posts before secession would be given back their jobs. The bitterness remaining would far exceed that between Southerners and Northerners after the United States' Civil War.

A confederal government might be possible; a federal system such as existed previously would have little chance of survival. On the other hand it is possible that given a long enough time for the Northern region to "catch up" with its southern counterparts, (a difficult task within the framework of a predominately cattle-grazing and agricultural economy) Nigeria would prosper as a united country. Yet to ask the Biafrans, who are eager for education and industrialization, to wait patiently for one or two generations, while old enmities die out and the Northern leaders change their political and economic structure, is unrealistic. Certainly a country that vests most of the political power in the least progressive section is doomed to strife.

You asked me what I thought the United States could do to help end the war. To me there are several things that would seem useful; I cannot say how possible they are. First, the United States could discourage other

countries from sending arms to either side. Second, it could send political or semi-political observers to meet with both Gowon and Ojukwu, to search out possible bases for compromise. Thirdly, it could encourage the Organization of African Unity to make another attempt at peace talks. When Britain speaks about initiating peace talks, Biafrans only laugh, since Britain has from the beginning supplied arms to Nigeria. The American reputation has not been compromised toward either side, and lending its prestige to an attempt at settlement would have great value.

Thank you kindly for reading my letter. If there is anything else I could attempt to answer to help clear the picture, I would be only too happy to do so.

Yours sincerely,

PAN AM-NORTHWEST INAUGURATE
NEW EUROPE TO MIDWEST AIR
SERVICE

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BLATNIK. Mr. Speaker, I am delighted to learn that the first single-plane service between Minneapolis-St. Paul and Europe will be inaugurated on June 1 under an interchange agreement between Pan American World Airways and Northwest Airlines.

Daily service will be provided with the flight leaving Minneapolis-St. Paul in the afternoon and arriving in London the following morning. Westbound, the flight will leave London each morning and arrive at Minneapolis-St. Paul by mid-afternoon the same day. Flights in both directions will include a stop at Detroit.

Under the interchange agreement, Pan American crews will fly the Boeing 707 Jet Clipper between Detroit and London. Northwest crews will fly the jet between Minneapolis-St. Paul and Detroit.

Mr. Speaker, this new service opens new and swifter travel routes to Europe for the people of the upper Midwest. It also opens new world markets for these people, which I am sure will have a great economic impact on our area of the Nation.

The people of our area eagerly await these joint flights to Europe, and I join in wishing Northwest and Pan American all the best in their innovative, cooperative venture.

HONOLULU CITY COUNCIL RESOLUTION
REFLECTS COMMUNITY
CONSENSUS ON JOB CORPS PROGRAM

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. MATSUNAGA. Mr. Speaker, I have joined with several of my colleagues in a resolution expressing the sense of the House in opposition to the administration's announced intention to shut down 59 Job Corps centers and camps across the Nation, and requiring that this proposed action be suspended pending a congressional review.

In a speech in the House on April 21, 1969, I also voiced my particular concern with respect to the Koko Head Job Corps Center in Hawaii and pointed to its successful operation in the Island State.

In this regard, I respectfully call to the attention of my colleagues, and to others who are equally concerned with respect to this vital matter, a resolution passed by the city council of the city and county of Honolulu, Hawaii, on April 22, 1969. This resolution underscores the consensus of the Honolulu community that the Koko Head Job Corps Center is an essential and worthwhile program, and that it ought to be retained.

Resolution No. 137 of the city council of the city and county of Honolulu, adopted on April 22, 1969, follows:

RESOLUTION No. 137

Whereas the national administration and the United States Department of Labor have indicated that the Job Corps operation in Hawaii will be discontinued; and

Whereas the Job Corps has been an integral part of our community since May 15, 1966, in helping young men to become employable in various vocations, in preparing young men for the military, and in encouraging many dropouts to return to school; and

Whereas approximately 1,000 young men have already benefited from the Job Corps program, and there are now 220 men currently enrolled in its program; and

Whereas it is the consensus of our community that the Job Corps is an essential and worthwhile program and that it should be maintained; and

Whereas every effort should be made to preserve the Job Corps; now, therefore, be it

Resolved by the Council of the City and County of Honolulu, That said Council supports the Job Corps and humbly requests the national administration through the United States Department of Labor to reconsider their decision to discontinue the operation of the Job Corps in Hawaii; and be it finally

Resolved, That the Clerk be, and she is, hereby directed to transmit copies of this resolution to the Secretary of Department of Labor, Washington, D.C., Senator Daniel K. Inouye, Senator Hiram L. Fong, and Representatives Patsy T. Mink and Spark M. Matsunaga.

Introduced by:

WALTER M. HEEN,
TORAKI MATSUMOTO,
MARY GEORGE,
HERMAN J. WEDEMAYER,
BEN F. KAITO,
CLESSON Y. CHIKASUYE,
CHARLES M. CAMPBELL,
Councilmen.

Date of introduction: April 22, 1969, Honolulu, Hawaii.

H.R. 10250—MAJOR REVISION OF AMERICA'S PUBLIC AID PROGRAMS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. PUCINSKI. Mr. Speaker, considerable interest has been focused on H.R. 10250, legislation which I have introduced to completely overhaul our chaotic public assistance program in America.

My bill would bring order, equity, and justice to the people of this country who urgently need public assistance and who

are all too often penalized by the present system. H.R. 10250 provides for:

First. National welfare standards.

Second. Supplemental family allowances that permit workers receiving public assistance to retain up to 50 percent of their earnings over and above their welfare allowance, and

Third. Complete Federal funding of the national welfare system.

Mr. William Raspberry one of our most distinguished and widely read journalists endorsed this legislation in his column in the Washington Post recently. I welcome the discussion engendered by Mr. Raspberry's thoughtful and helpful comments and hope that my colleagues will join me in seeking to enact this legislation at the earliest possible time.

Mr. Speaker, Mr. Raspberry's column and the full text of H.R. 10250 follow:

[From the Washington Post, Apr. 25, 1969]

PUCINSKI'S WELFARE MEASURE DIRECTED AT MAJOR CRITICISMS

(By William Raspberry)

Rep. Roman C. Pucinski (D-Ill.) has introduced a bill designed to correct three of the most frequent criticisms of the welfare system: that it stifles ambition, that it doesn't pay enough to let the poor live in decency and that the states cannot afford to pay much more than they already do.

Pucinski's bill would:

Restore the incentive to work by permitting recipients to keep half of their outside earnings, thus allowing "every able-bodied person (to) participate in some form or another of helping himself."

Set uniform national welfare standards, both to raise the level of assistance and to curb the migration of poor people to states that have higher welfare standards.

Shift the financial burden of welfare from the states to the Federal Government.

One of the most illogical and counterproductive of all welfare rules has been the 100 per cent tax on outside earnings. Thus, a welfare mother who earned, say \$60 a month from a part-time job would have the \$60 deducted from her welfare check, making it pointless for her to try to help herself.

That rule was changed last year to permit welfare recipients to keep the first \$30 of outside income and a third of the remainder. Pucinski would make it a flat 50 per cent. The result, he hopes, is that more and more welfare recipients would be encouraged to earn their way off the public dole.

The proposal for uniform national standards got a major boost on Monday, four days after Pucinski's bill was introduced, when the U.S. Supreme Court struck down the one-year residency requirements by which 40 states and the District of Columbia have kept otherwise eligible people off the welfare rolls.

The most likely result of the ruling is an accelerated influx of poor people from the states with the lowest welfare grants to those with the highest. This could bankrupt the very states that are trying hardest to do right by their poor while easing the burden of those that are doing least.

Pucinski said that 49 per cent of the welfare recipients in Illinois are from the single state of Mississippi. A hint of what the Supreme Court ruling will mean here is that a recent 15-month suspension of the District's residency requirement cost the city an extra \$1 million in welfare outlays.

Uniform national standards, of course, would make it senseless to move from one state to another to enjoy higher welfare benefits. But since many states are simply too poor to pay the higher benefits, the Federal Government would have to take up the slack. Pucinski wants the Government to take over the entire burden.

The most obvious question regarding uniform standards has to do with the fact that it costs less to live in some places than in others. Is it realistic, therefore, to have the same set of eligibility and payment standards for Marks, Miss., as for New York City?

Says Pucinski: "There are those who might argue that a person in Appalachia does not need the same amount of money to feed a family of four, or five, or six that a person in Chicago does. I do not share that view. I believe that if there is poverty in Appalachia it is only because of the insufficient standards of assistance."

But suppose one can live more cheaply in the country than in the city. Isn't the continuing migration to the cities one of the reasons that urban problems are becoming increasingly unsolvable? Wouldn't uniform welfare standards help to stem—perhaps even reverse—that tide?

Maybe welfare will never work very well. But Pucinski's proposals would make it work a lot better than it ever has.

H.R. 10250

A bill to provide for nationally uniform minimum standards and eligibility requirements for public assistance, to provide for a supplemental family allowance program, and to provide that the cost of public assistance under the Social Security Act shall be fully borne by the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supplemental Family Allowance Act".

TITLE I—NATIONALLY UNIFORM MINIMUM STANDARDS FOR PUBLIC ASSISTANCE

SEC. 101. REQUIREMENTS OF COMPLIANCE WITH MINIMUM STANDARDS

(a) OLD-AGE ASSISTANCE AND MEDICAL ASSISTANCE FOR THE AGED.—Section 2(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (13) the following new paragraph:

"(14) provide, with respect to all individuals seeking or receiving assistance under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(b) AID TO FAMILIES WITH DEPENDENT CHILDREN.—Section 402(a) of such Act is amended—

(1) by striking out "and" at the end of clause (22), and

(2) by striking out the period at the end of clause (23) and inserting in lieu thereof "; and (24) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(c) AID TO THE BLIND.—Section 1002(a) of such Act is amended—

(1) by striking out "and" at the end of clause (12), and

(2) by striking out the period at the end of clause (13) and inserting in lieu thereof "; and (14) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(d) AID TO THE PERMANENTLY AND TOTALLY DISABLED.—Section 1402(a) of such Act is amended—

(1) by striking out "and" at the end of clause (11), and

(2) by striking out the period at the end of clause (12) and inserting in lieu thereof "; and (13) provide, with respect to all individuals seeking or receiving aid under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(e) AID TO THE AGED, BLIND, OR DISABLED AND MEDICAL ASSISTANCE FOR THE AGED.—Section 1602(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (16),

(2) by striking out the period at the end of paragraph (17) and inserting in lieu thereof "; and", and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) provide, with respect to all individuals seeking or receiving aid or assistance under the plan at any given time, for the application of the minimum standards and acceptance requirements promulgated and in effect at such time under section 1122."

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to calendar quarters beginning after December 31, 1969.

SEC. 102. ESTABLISHMENT OF MINIMUM STANDARDS AND UNIFORM ACCEPTANCE REQUIREMENTS.

Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"NATIONAL MINIMUM STANDARDS AND UNIFORM ACCEPTANCE REQUIREMENTS

"SEC. 1122. (a) The Secretary shall from time to time (as provided in subsection (c)) determine and promulgate—

"(1) the minimum amount of aid or assistance which (with appropriate adjustments based on other income and resources as required by the relevant provisions of this Act) would have to be paid to eligible recipients under titles I, X, XIV, and XVI, and part A of title IV, and

"(2) the manner in which other income and resources should be taken into account in determining need for aid or assistance under such titles and the other conditions which it might be appropriate to impose in determining eligibility for such aid or assistance,

in order to assure that the purposes of such titles are being carried out effectively and without discrimination between applicants and recipients in different States. The minimum standards determined and promulgated under paragraph (1), and the acceptance requirements determined and promulgated under paragraph (2), shall (subject to subsection (b)) apply uniformly and equally throughout the United States with respect to aid and assistance provided under State plans approved under such titles.

"(b) The minimum standards and acceptance requirements determined and promulgated under subsection (a), which shall take into account the full need of all recipients, may vary as between the several programs of aid or assistance involved to the extent necessary to take into account the different requirements of the classes of individuals to whom such programs respectively apply, and may vary as between individuals in different geographic areas to the extent necessary to take into account any differences between cost levels in such areas; but any such variation shall be designed only to prevent aid or assistance under the programs involved from being of greater net benefit to one individual or class of individuals than to another.

"(c) The minimum standards and acceptance requirements described in subsection (a) shall be promulgated by the Secretary between January 1 and March 31 of each year, beginning with the year 1970, and such promulgation shall be conclusive for each of the four calendar quarters in the period beginning with the July 1 next succeeding such

promulgation; except that the Secretary shall initially promulgate such standards and requirements as soon as possible after the enactment of this section and such initial promulgation shall be conclusive for the two calendar quarters in the period beginning January 1, 1970, and ending June 30, 1970."

TITLE II—SUPPLEMENTAL FAMILY ALLOWANCES

SEC. 201. AMENDMENTS TO INTERNAL REVENUE CODE OF 1954.

(a) SUPPLEMENTAL FAMILY ALLOWANCE PROGRAM.—Subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—SUPPLEMENTAL FAMILY ALLOWANCE BENEFITS

"Subchapter A—Entitlement to benefits.

"Subchapter B—Administration.

"SUBCHAPTER A—ENTITLEMENT TO BENEFITS

"Sec. 1601. Definitions.

"Sec. 1602. Supplemental family allowance benefits.

"Sec. 1603. Maximum benefit.

"Sec. 1604. Reduction on account of income.

"Sec. 1605. Imposition of tax on excess annual income.

"Sec. 1606. Ineligibility of individuals receiving public assistance on account of blindness or disability.

"SEC. 1601. DEFINITIONS.

"For purposes of this chapter:

"(1) ELIGIBLE INDIVIDUAL.—An individual is an eligible individual for a calendar month if, at the close of such month—

"(A) he is neither a spouse of an ineligible beneficiary nor an eligible dependent of any other individual; and

"(B) he has attained the age of 18 or is married; and

"(C) he resides in the United States.

"(2) ELIGIBLE DEPENDENT.—

"(A) GENERAL RULE.—An individual is an eligible dependent of another individual for a calendar month if at the close of such month—

"(i) he is a dependent of such individual, and

"(ii) he resides in the United States.

"(B) DETERMINATION OF DEPENDENCY.—Section 152 (relating to definition of dependent) shall apply in determining whether an individual is a dependent under paragraph (2)(A), but any reference in such section 152 to 'calendar year', 'taxable year', or 'calendar year in which the taxable year of the taxpayer begins' shall be considered to be a reference to 'calendar month'.

"(3) SPOUSE OF AN INELIGIBLE BENEFICIARY.—An individual is a spouse of an ineligible beneficiary for a calendar month if at the close of such month—

"(A) he is married to a spouse who is not entitled to receive benefits under this chapter for such month, and

"(B) he has as his principal place of abode the home of his spouse.

"SEC. 1602. SUPPLEMENTAL FAMILY ALLOWANCE BENEFITS.

"Except as provided in section 1606, each eligible individual who makes application for a benefit for a calendar month under section 1612 shall be entitled to a supplemental family allowance benefit payable with respect to such month in an amount equal to the maximum benefit under section 1603 less any reduction on account of income under section 1604.

"SEC. 1603. MAXIMUM BENEFIT.

"(a) GENERAL RULE.—

"(1) COMPUTATION OF BENEFIT.—Except as provided in subsection (b), the maximum benefit for a month shall be equal to the sum of—

"(A) \$50, plus

"(B) \$40 multiplied by the number of additional allowances to which the eligible individual is entitled under paragraph (3) for such month,

except that such benefit may not exceed \$290 for a month in the case of an eligible individual other than an eligible spouse, or \$145 for a month in the case of an eligible spouse.

"(2) ELIGIBLE SPOUSE.—An eligible individual is an eligible spouse for a calendar month if at the close of such month—

"(A) he is married and has as his principal place of abode the home of his spouse, and

"(B) both he and his spouse are entitled to receive benefits under this chapter for such month.

"(3) ADDITIONAL ALLOWANCES.—An eligible individual shall be entitled to an additional allowance for each eligible dependent.

"(b) SPECIAL RULE FOR RESIDENTS OF RURAL AREAS.—In the case of an eligible individual who resides in a rural area (as defined by section 520 of the Housing Act of 1949), the maximum benefit shall be equal to 90 percent of the amount determined under subsection (a), unless such individual's application for such benefit contains a statement by such individual that during such month he did not consume home-grown produce equal in value to 10 percent of the maximum benefit under subsection (a).

"SEC. 1604. REDUCTION ON ACCOUNT OF INCOME.

"(a) GENERAL RULE.—Except as provided in subsection (b), the reduction on account of income of an eligible individual's maximum benefit for a month shall be equal to 50 percent of income received by such individual and any eligible dependent of such individual during such month.

"(b) SPECIAL RULES FOR PERSONS ELIGIBLE FOR CERTAIN PUBLIC ASSISTANCE.—

"(1) PERSONS RECEIVING CERTAIN PUBLIC ASSISTANCE.—If an eligible individual receives public assistance for a month, no reduction on account of income shall be made for such month in such individual's maximum benefit under this chapter.

"(2) PERSONS ELIGIBLE FOR BUT NOT RECEIVING PUBLIC ASSISTANCE.—If an eligible individual who has filed application for public assistance does not receive such assistance for a month solely because of his income and resources under section 2(a)(10)(A), 402(a)(7), or 1602(a)(14)(C) of the Social Security Act, his reduction on account of income for that month under this chapter shall be an amount equal to the lesser of—

"(A) the reduction under subsection (a), or

"(B) two-thirds of the amount by which for that month (i) his income (for purposes of this chapter, including any income of an eligible dependent of such individual) exceeds (ii) the portion of his income and resources (for public assistance purposes) which was taken into account in applying the applicable section of the Social Security Act.

"(3) PUBLIC ASSISTANCE DEFINED.—For purposes of this subsection, the term 'public assistance' means only aid or assistance received under a State plan approved under title I of the Social Security Act or part A of title IV of such Act (or under title XVI of such Act in the case of an individual age 65 or over who is neither blind nor permanently or totally disabled).

"(c) DEFINITION OF INCOME.—For purposes of this chapter, the term 'income' means gross income (excluding supplemental family allowance benefits paid under this chapter and overtime pay) plus—

"(1) any item excluded from gross income by reason of—

"(A) section 101 (relating to certain death benefits),

"(B) section 103 (relating to interest on government obligations),

"(C) sections 104(a)(1) and 104(a)(4)

(relating to workmen's compensation and certain disability compensation).

"(D) section 105(d) (relating to amounts received under wage continuation plans),

"(E) section 112 (relating to certain combat pay),

"(F) section 113 (relating to Armed Forces mustering out pay),

"(G) section 116 (relating to partial exclusion of dividends), or

"(H) section 117 (relating to partial exclusion of scholarships and fellowship grants):

"(2) the value of property acquired by gift, bequest, or devise, to the extent excluded from gross income,

"(3) any item not included in gross income which—

"(A) constitutes an unemployment compensation benefit provided under an unemployment compensation program of the United States or a State,

"(B) is a benefit paid under title 28, United States Code, which is excluded from gross income,

"(C) is a benefit paid under title II of the Social Security Act, or

"(D) is a benefit paid under the Railroad Retirement Act of 1937.

"SEC. 1605. IMPOSITION OF TAX ON EXCESS ANNUAL INCOME.

"(a) EXCESS ANNUAL INCOME DEFINED.—For purposes of this section, the term 'excess annual income' means (1) the income of an individual during the taxable year plus the income for each calendar month which ends in such taxable year of any other individual who is an eligible dependent of such eligible individual for such calendar month, less (2) 150 percent of the sum of the minimum standard deduction (whether or not such individual computes his tax under chapter 1 on the basis of such deduction) plus any personal exemptions to which such individual is entitled under section 151.

"(b) IMPOSITION OF TAX.—If for any calendar month ending in the taxable year an individual receives a supplemental family allowance benefit, and such individual has excess annual income, then in addition to any tax imposed on such individual under section 1 for such taxable year, there is imposed on such individual a tax equal to the lesser of—

"(1) one-half of the excess annual income of such individual for such taxable year, or

"(2) the aggregate amount of supplemental family allowance benefits paid to such individual during such taxable year.

"SEC. 1606. INELIGIBILITY OF INDIVIDUALS RECEIVING PUBLIC ASSISTANCE ON ACCOUNT OF BLINDNESS OR DISABILITY.

"An individual may not receive a supplemental family allowance benefit under section 1602 for a calendar month if for such month (1) he receives assistance under a State plan approved under title X or XIV of the Social Security Act, or (2) he receives assistance under a State plan approved under title XVI of such Act and he is blind or is not blind but is permanently and totally disabled. An eligible individual may elect, at such time and in such manner as the Secretary may prescribe, to receive a supplemental family allowance benefit for a calendar month in lieu of receiving assistance referred to in paragraph (1) or (2) of the preceding sentence.

"SUBCHAPTER B—ADMINISTRATION

"Sec. 1611. Regulations.

"Sec. 1612. Application for benefits.

"Sec. 1613. Payment of benefits.

"Sec. 1614. Procedure and enforcement.

"SEC. 1611. REGULATIONS.

"The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this chapter.

"SEC. 1612. APPLICATION FOR BENEFITS.

"An eligible individual may apply for a

supplemental family allowance benefit under section 1602 for a month at such time and in such manner as the Secretary or his delegate shall prescribe by regulation. Such regulations may provide that an eligible individual may apply for benefits for more than one month in a single application. Two or more eligible individuals may apply jointly for benefits to which each is entitled.

"SEC. 1613. PAYMENT OF BENEFITS.

"At such time as may be prescribed by regulations, but not later than 180 days after the close of each month, the Secretary or his delegate shall pay a supplemental family allowance benefit to each eligible individual entitled to receive such a benefit under section 1602 for such month, except that in the case of a benefit to which a minor or an incompetent person is entitled, such benefit shall be paid to such person as the Secretary or his delegate shall prescribe by regulation.

"SEC. 1614. PROCEDURE AND ENFORCEMENT.

"(a) HEARINGS.—Upon request in writing (within such period as the Secretary or his delegate may prescribe), opportunity for hearing with respect to any action of the Secretary or his delegate denying or withholding any portion of a supplemental family allowance benefit shall be afforded to any individual aggrieved by such action. If a hearing is held pursuant to this subsection, the Secretary or his delegate shall make findings of fact and a decision based upon the evidence adduced at such hearing and shall take such action as may be required by such findings and decision.

"(b) JUDICIAL REVIEW.—Decisions of the Secretary or his delegate under subsection (a) shall be reviewable by commencing a civil action in a United States district court. The district courts shall have jurisdiction of such actions without regard to the amount in controversy.

"(c) COLLECTION OF OVERPAYMENTS.—If an individual receives any payment under this chapter to which he is not entitled or which is in excess of the amount to which he is entitled under section 1602, the Secretary or his delegate may recover such payment or the amount of such excess only by withholding it from subsequent supplemental family allowance benefits to which such individual is entitled under this chapter.

"(d) ENFORCEMENT.—The Secretary or his delegate may not conduct investigations (other than routine examinations of applications and investigations in connection with hearings or civil actions under this section) of applicants for or recipients of supplemental family allowance benefits with respect to more than 10 percent of the persons who apply for such benefits in any fiscal year. Such applicant or recipient may be investigated only on the basis of random selection from all applicants and recipients, except where the Secretary of his delegate finds that there is probable cause to believe such applicant or recipient is not entitled to receive the benefit for which he applied or which he received."

"(2) CLERICAL AMENDMENT.—The table of chapters for subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"CHAPTER 7. Supplemental family allowance benefits."

"(b) INCLUSION OF SUPPLEMENTAL FAMILY ALLOWANCE BENEFITS IN GROSS INCOME.—

"(1) INCLUSION OF BENEFITS.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"Sec. 82. Supplemental family allowance benefits.

"Gross income includes supplemental family allowance benefits to which the taxpayer is entitled under section 1602 with respect to calendar months ending in the taxable year, but only to the extent such benefits exceed the tax imposed for such taxable year under section 1605."

"(2) CLERICAL AMENDMENT.—The table of sections for such part is amended by adding at the end thereof the following:

"Sec. 82. Supplemental family allowance benefits."

"(c) REQUIREMENT OF RETURN.—Section 6012(a) of the Internal Revenue Code of 1954 (relating to requirement of return) is amended (1), by striking out "and" at the end of paragraph (4), (2) by inserting "and" at the end of paragraph (5), and (3) by inserting after paragraph (5) the following new paragraph:

"(6) Every individual subject to taxation under section 1605."

"(d) EFFECTIVE DATES.—The amendments made by section 101(a) of this Act shall apply with respect to entitlements for benefits with respect to calendar months beginning after June 30, 1970. The amendments made by section 101 (b) and (c) of this Act shall apply with respect to taxable years ending after June 30, 1970.

Sec. 202. Changes in amounts of income to be disregarded under public assistance needs tests.

"(a) OLD-AGE ASSISTANCE.—Section 2(a) (10) (A) of the Social Security Act is amended by striking out "except that" and all that follows and inserting in lieu thereof the following: "except that, in making such determination, the State agency shall disregard the first \$30 of earned income for any month plus one-third of the remaining earned income for such month;"

"(b) AID TO FAMILIES WITH DEPENDENT CHILDREN.—

"(1) INCOME TO BE DISREGARDED.—Section 402 (a) (8) of such Act is amended by striking out everything through the end of subparagraph (B) and inserting in lieu thereof the following: "(8) provide that, in making the determination under clause (7), the State agency—

"(A) shall with respect to any month disregard, in the case of earned income of a dependent child, a relative receiving aid under the plan, and any other individual (living in the same home as such relative and child) whose needs are taken into account in making such determination, the first \$30 of the total of such earned income for the month plus one-third of the remainder of such income for the month (except that the provisions of this subparagraph shall not apply to earned income derived from participation on a project maintained under the programs established by section 432(b) (2) and (3)), and

"(B) may, subject to limitations prescribed by the Secretary, permit all or any portion of the earned or other income to be set aside for future identifiable needs of a dependent child;"

"(2) CONFORMING AMENDMENTS.—Subparagraphs (C) and (D) of section 402(a) (8) of such Act are each amended by striking out "clause (ii) of".

"(c) AID TO THE AGED, BLIND, OR DISABLED.—Section 1602(a) (14) of such Act is amended by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following:

"(C) if such individual has attained age 65 and is neither blind nor permanently and totally disabled, the State agency shall disregard the first \$30 of earned income for any month plus one-third of the remaining earned income for such month, and

"(D) the State agency may, before disregarding the amounts referred to above in this paragraph (14) in the case of an individual described in subparagraph (A) or (B), disregard not more than \$7.50 of any income;"

"(d) EFFECTIVE DATE.—The amendments made by this section, insofar as they affect aid or assistance under a State plan approved under title I, part A of title IV, or title XVI of the Social Security Act, shall apply with respect to payments of such aid or assistance for months after June 30, 1970.

SEC. 203. BUREAU OF SUPPLEMENTAL FAMILY ALLOWANCES.

(a) **ESTABLISHMENT OF BUREAU.**—There is established in the Department of the Treasury a bureau to be known as the Bureau of Supplemental Family Allowances.

(b) **DELEGATION.**—The Secretary of the Treasury may delegate his functions under chapter 7 of the Internal Revenue Code of 1954 only to the head of the Bureau of Supplemental Family Allowances. The head of such Bureau may make such redelegations of these functions as he deems necessary.

TITLE III—FULL FEDERAL PAYMENT FOR PUBLIC ASSISTANCE EXPENDITURES

SEC. 301. ELIMINATION OF STATE AND LOCAL SHARE OF EXPENDITURES.

(a) **OLD-AGE ASSISTANCE AND MEDICAL ASSISTANCE FOR THE AGED.**—

(1) Section 2(a) of the Social Security Act is amended by striking out paragraph (2).

(2) Section 2(a)(12)(C) of such Act is amended by striking out "referred to in section 3(a)(4)(A)(i) and (ii)".

(3) Section 3(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has a plan approved under this title, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as old-age assistance, and medical assistance for the aged, under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(4) Clause (A) of section 3(b)(1) of such Act is amended by striking out "and stating" and all that follows.

(5) Section 3(c) of such Act is repealed.

(6) Section 6(c) of such Act is repealed.

(b) **AID TO FAMILIES WITH DEPENDENT CHILDREN.**—

(1) Section 402(a) of such Act is amended by striking out clause (2).

(2) Section 403(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid and services to needy families with children, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as aid to families with dependent children under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(3) Clause (A) of section 403(b)(1) of such Act is amended by striking out "and stating" and all that follows.

"(c) **AID TO THE BLIND.**—

(1) Section 1002(a) of such Act is amended by striking out clause (2).

(2) Section 1003(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as aid to the blind under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(3) Clause (A) of section 1003(b)(1) of such Act is amended by striking out "and stating" and all that follows.

(4) Section 1003(c) of such Act is repealed.

(d) **AID TO THE PERMANENTLY AND TOTALLY DISABLED.**—

(1) Section 1402(a) of such Act is amended by striking out clause (2).

(2) Section 1403(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the permanently and totally disabled, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as aid to the permanently and totally disabled under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(3) Clause (A) of section 1403(b)(1) of such Act is amended by striking out "and stating" and all that follows.

(4) Section 1403(c) of such Act is repealed.

(e) **AID TO THE AGED, BLIND, OR DISABLED AND MEDICAL ASSISTANCE FOR THE AGED.**—

(1) Section 1602(a) of such Act is amended by striking out paragraph (2).

(2) Section 1602(a)(16)(C) of such Act is amended by striking out "referred to in section 1603(a)(4)(A)(i) and (ii)".

(3) Section 1603(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has a plan approved under this title, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as aid to the aged, blind, or disabled, and medical assistance for the aged, under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(4) Clause (A) of section 1603(b)(1) of such Act is amended by striking out "and stating" and all that follows.

(5) Section 1603(c) of such Act is repealed.

(f) **MEDICAL ASSISTANCE.**—

(1) Section 1902(a) of such Act is amended by striking out paragraph (2).

(2) Section 1902(a)(20)(C) of such Act is amended by striking out "referred to in section 3(a)(4)(A)(i) and (ii) or section 1603(a)(4)(A)(i) and (ii)".

(3) Section 1903(a) of such Act is amended to read as follows:

"(a) From the sums appropriated therefor, the Secretary shall pay to each State which has a plan approved under this title, for each quarter, an amount equal to—

"(1) the total amount expended during such quarter as medical assistance under the plan, and

"(2) the total amount expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the plan."

(4) Section 1903(c) of such Act is repealed.

(5) Clause (A) of section 1903(d)(1) of such Act is amended by striking out "and stating" and all that follows.

(6) Section 1905(b) of such Act is repealed.

(g) **CONFORMING AMENDMENTS.**—

(1) Section 1101(a)(8) of such Act is repealed.

(2) Section 1108 of such Act is amended by striking out subsections (a), (b), and (c).

(3) Section 1118 of such Act is repealed.

(4) Section 1121(c) of such Act is amended by striking out "except that" and all that follows and inserting in lieu thereof a period.

Sec. 302. Effective date.

The amendments made by section 301 shall be effective with respect to calendar quarters beginning after the date of the enactment of this Act.

TENTH DISTRICT YOUTH CONGRESS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. RODINO. Mr. Speaker, last week I had the pleasure of meeting with youth leaders from 11 high schools of the 10th Congressional District of New Jersey. These aware and concerned students participated in the organizational meeting of a proposed 10th District Youth Congress, which will meet periodically to discuss issues of local and national importance, and advise me of their decisions and points of view.

I have long felt the desirability of relying upon just such a representative youth group for guidance and knowledge regarding the thinking and concerns of students. It appears to me to be worthwhile, stimulating, and challenging for both legislators and students to join in such a means of direct and continuing communication, especially in light of the recent ferment and discord not only on the college campuses, but within our high schools as well. Students deserve to be heard; they deserve many outlets for their views, and not just through the channel of mass confrontation.

I am heartened, Mr. Speaker, by the interest indicated at this first meeting, and am looking forward to May 10, at which time the students will begin to write their charter and plan for a full program beginning in September.

Those students, all outstanding leaders of their respective schools, are: Mark Clemente, Glen Ridge High, Glen Ridge; Ann Donan, Lacordaire School, Montclair; Nancy Eng, Barringer High, Newark; Anthony Fabiano, Memorial High, Cedar Grove; Charles Levin, Montclair Academy, Montclair; Gary Matthis, Weequahic High, Newark; Dianne Phelps, Kimberly School, Montclair; Anthony Sharon, St. Benedicts, Newark; Larry Spinelli, Belleville High, Belleville; Dianne Veni, Good Counsel, Newark; Leroy Wilson, East Side High, Newark.

TRIBUTE TO FORMER CONGRESSMAN HARRY R. SHEPPARD

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, I wish to join my distinguished colleagues today in paying final tribute to former Congressman Harry R. Sheppard.

When I first entered the Halls of Congress in 1963 as a new Member, a man who was then the dean of the California delegation took me under his wing. Although we were on different sides of the aisle, he generously took of his valuable time and experience to provide me with much needed counsel and guidance.

When Harry Sheppard retired at the end of his 14th term, I sincerely missed our frequent discussions of items of mutual interest and concern. Quite frankly,

Harry left a void in our lives that could not be filled, not only for me personally, but also for the California delegation and the entire Congress as well.

Those of us who had the opportunity of working with "Shep" during his 28 years of service to California and the Nation, now mourn his passing. He is one of the few who can be counted among the truly great American legislators of this century.

Harry knew his district and his constituency well and he was their friend and their extremely able and effective representative in the Congress.

As chairman of the House Subcommittee on Military Construction, this distinguished Congressman did more for the development of our national defense posture than any other man. Harry had the unique ability to weigh the necessity of military construction against the many other pressing and demanding needs for Federal funds.

I should like to take this opportunity to extend my sincerest sympathies to his lovely, dedicated and devoted wife Kay, who was his greatest supporter during their years together.

The one thing that stands out vividly in my mind is the principle that guided our distinguished colleague's life: "There's no telling how much good you can do, if you don't care who gets the credit."

CLEVELAND PLAIN DEALER'S STORY ON OIL DEPLETION TAX LOOPHOLES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. VANIK. Mr. Speaker, the Cleveland Plain Dealer's Donald Barlett has uncovered yet another abuse by the oil magnates of our Federal tax structure. In an illuminating article, the Plain Dealer has spelled out clearly to hundreds of thousands of readers in the greater Cleveland area the specifics of how the Federal Treasury is deprived of millions of tax dollars through this tax gimmick.

This important article is worthy of the attention of the Members of the House and the other body and the country's beleaguered taxpayers who carry the burden of their taxes which are so much greater than companies which show great profits and pay no taxes. It is my intention to continue to press for significant loophole-closing reforms in this area and many others this year. The article is as follows:

PLAIN DEALER FINDS A LOOPHOLE

The accompanying article dealing with a unique loophole in the nation's income tax laws is the fifth in a continuing series of special Plain Dealer reports on oil and taxes.

It is not the type of article that newspapers of general circulation ordinarily print. It involves a subject that is both obscure and complex.

Even publications oriented toward business and financial news have written little or nothing about the loophole.

The Plain Dealer believes the principle involved warrants not only publication of an article on the subject—but a lengthy, detailed study.

It is particularly important to present such an analysis at a time when Congress is engaged in the most extensive overhaul of the federal income tax system in history.

[From the Cleveland Plain Dealer, Apr. 25, 1969]

OIL FIRMS CARVE OUT NEW TAX LOOPHOLE

(By Donald J. Barlett)

WASHINGTON.—The petroleum industry has zeroed in on a loophole in the nation's federal income tax laws that opens the door to a billion dollar tax dodge.

Once perfected, the loophole—virtually unknown outside the minerals industry—can enable an oil company to avoid payment of all federal income taxes.

The tax gimmick already is being used by some oil companies to escape the brunt of the 10% surcharge and income taxes running into the hundreds of millions, a Plain Dealer investigation disclosed.

The loophole involves a transaction known as a carved out production payment.

It is used in a complex, bookkeeping system in which income is shifted from one year to another to create special tax advantages.

The accounting device gives a company an inflated income one year and a self-induced loss the following year.

Unlike the long controversial 27½% oil depletion allowance, a tax-saving benefit that was granted by Congress, the production payment is a tax-avoidance device.

When used in conjunction with the depletion allowance, the production payment allows an oil company to:

Increase the value of the depletion allowance above the level intended by Congress when the depletion law was enacted.

Create self-induced paper losses through bookkeeping manipulations that reduce and eliminate federal income tax liability.

Lower the income tax payments of other businesses owned by the oil company, giving these firms a subsidized advantage over competitors.

Growing use of production payments was found in a continuing Plain Dealer inquiry into the federal income tax status of the oil industry.

Although aware of the tax-avoidance technique, federal agencies are just beginning to compile figures on the scope of production payment sales.

U.S. Treasury aides call the payments a "tax abuse" and Congressional tax reformers label them a "tax dodge."

A production payment is similar to a loan, with the oil in the ground serving as collateral. The oil company borrows money from a lending institution and repays the loan as oil produced and sold.

It is a transaction that is unique to the petroleum and minerals industry in that the proceeds of the loan are treated as income for tax purposes by the oil company. This may sound like a disadvantage but it works to the company's benefit at a later time.

This special tax treatment stems from court decisions and private rulings issued by the Internal Revenue Service (IRS).

The Treasury Department, in its preliminary study, estimates the government lost a minimum of \$350 million in tax revenue in 1966 as a result of the production payment loophole.

A Capitol Hill tax expert places the potential loss to the government at more than a billion, noting that oil companies started using production payments to escape income taxes only in the last few years.

The practice is spreading—on a much smaller scale—to other mineral businesses such as coal and cement.

The only government statistics available on the subject are based on a limited Treasury survey.

These figures show that the sale of carved out production payments soared 150% from 1965 to 1966, rising from \$214 to \$540 million.

But the Treasury figures appear to be on the conservative side.

A Plain Dealer study showed that:

Ten large and small oil companies alone sold production payments totaling \$217.4 million in 1967—the last year for which complete statistics are available.

Of the 10 companies, four reported owing no federal income tax at all, while recording combined profits of nearly \$140 million.

A projection of production payment sales, based on these 10 companies, places the total for 1967 in excess of \$1 billion. There are dozens of major and large independent companies, thousands of smaller firms, partnerships and individuals—all eligible to sell production payments.

Preliminary figures for 1968—based on company reports still being used—indicate a continuing rise in sales.

Use of production payments is widespread, with a sizable majority of the major and large independent oil companies reporting the transactions.

Some oil companies conceal the actual production payment figure, lumping it with other income in their financial statements.

A production payment may be compared with a home mortgage loan transaction in which an individual borrows money from a bank to purchase a home.

The bank, in return for the money it lends, receives a claim (mortgage) against the property.

In the case of the production payment, the oil company obtains a loan from the bank, which receives a claim against the company's untapped oil reserves.

The loan usually is for one year, at a fixed rate of interest, and repaid out of the income from oil or gas produced and sold in the following 12 months.

Unlike such dealings in any other business production payment is considered as income rather than a loan.

The courts have ruled the buyer is purchasing the economic interest in the mineral in the ground—making the income of the production payment subject to the 27½% depletion allowance.

This inflates an oil company's income for one year, causing a mismatching of income and expenses over two years—a bookkeeping practice frowned upon by many professional accountants.

The mismatching occurs when the company reports the income from the production payment one year and the expenses incurred in extracting the oil the following year.

Under the depletion allowance, a company pays no federal income tax on 27.5% of its income from wells.

But the tax-free sum—according to the depletion statute—may not exceed 50% of a company's net income.

By selling a carved out production payment, the oil company bypasses the 50% limit imposed by Congress.

Using a fictitious firm, here is how the percentage depletion allowance was intended to work:

Cuyahoga Oil Co.'s income from wells was \$10,000,000 for the year. Deduction for business expenses and costs totaled \$8,000,000, leaving a net taxable income of \$2,000,000.

Income from wells.....	\$10,000,000
Business expenses	-8,000,000
Net income	2,000,000

The depletion allowance is based on gross income from the wells—27½% of \$10,000,000. This represents \$2,750,000 in tax free income.

Income from wells.....	\$10,000,000
Depletion allowance	x .275
Tax free income.....	2,750,000

However, this deduction may not exceed 50% of the company's net taxable income,

which in this case is \$2,000,000. Fifty percent of this figure is \$1,000,000.

Net income	\$2,000,000
Depletion limitation	x .50

Allowable depreciation... 1,000,000

The maximum allowable depletion deduction then is \$1,000,000, or \$1,750,000 less than the full depletion allowance.

Net income	\$2,000,000
Allowable depletion	-1,000,000

Taxable income

This leaves \$1,000,000 on which Cuyahoga Oil Co. must pay federal income tax. At the corporate rate of 52.8%, the company pays \$528,000 in income tax.

Taxable income	\$1,000,000
Corporate tax rate	x .528

Federal income tax owed... 528,000

Using the same figures over a two-year period, Cuyahoga Oil Co. would pay a total of \$1,056,000 in federal income taxes.

Through a carved-out production payment, the company avoids federal income taxes in the following manner:

The company sells a production payment to a bank, foundation, insurance company or some other lending institution.

In this case, the production payment amounts to \$8,000,000.

Added to Cuyahoga Oil Co.'s original \$10,000,000, this increases the firm's income from wells to \$18,000,000 in the first year.

Deductions for business expenses remain the same as before, \$8,000,000, but now the net taxable income is \$10,000,000.

Income from wells	\$18,000,000
Business expenses	-8,000,000

Net income

The depletion allowance is based on gross income from the wells—or 27½% of \$18,000,000. This represents \$4,950,000 in tax-free income.

Income from wells	\$18,000,000
Depletion allowance	x .275

Tax free income

Now Cuyahoga Oil Co. may deduct the full depletion allowance because it does not exceed 50% (\$5,000,000) of its net taxable income.

Net income	\$10,000,000
Tax free income	-4,950,000

Taxable income

Taxed at the corporate rate of 52.8%, the company pays \$2,666,400 in federal income tax in the first year.

Taxable income	\$5,050,000
Corporate tax rate	x .528

Federal income tax owed... \$2,666,400

The following year the company's income from wells remains the same—\$10,000,000. However, the company deducts as an expense, the funds used to satisfy the production payment (loan) of \$8,000,000 leaving a balance of \$2,000,000.

Income from wells	\$10,000,000
Production payment	-8,000,000

Balance

The company's business expenses for the year still total \$8,000,000, creating a self-induced paper loss of \$6,000,000 and eliminating any federal income tax liability for the year.

Balance	\$2,000,000
Business expenses	-8,000,000

Self induced loss

Cuyahoga Oil Co. then applies the \$6,000,000 loss in the second year as an operating loss carryback, collecting refund from the government of the \$2,666,400 paid in federal income taxes in the first year.

The \$6,000,000 paper loss offsets the \$5,050,000 income the first year, leaving \$950,000 to be carried forward or back to other years.

Self induced loss	\$6,000,000
Prior taxable income	-5,050,000

Unused loss

Thus Cuyahoga Oil Co. eliminates payment of federal income taxes over the two years totaling \$1,056,000 (\$528,000 each year if no production payment), while showing a book profit of \$2,000,000.

The company may repeat this cycle every two years, perpetually avoiding payment of any federal income tax.

The unused loss of \$950,000 also may be used to reduce the tax liability of subsidiary businesses.

For example, Cuyahoga Oil Co. may own a publishing firm that reports net taxable income of \$3 million.

The \$950,000 paper loss is deducted from the \$3 million. Instead of paying income tax on \$3 million, the publishing company pays tax on \$2,050,000.

This procedure is followed when the oil company files a consolidated tax return that includes all its subsidiaries.

One of the issues raised by production payment critics is the unorthodox accounting system that mismatches income and expenses over the two years.

The oil companies are so sensitive to the unique accounting procedure that it is never made public.

An oil company reports the mismatching of income and expenses only on its tax return—a secret document.

In its annual report to stockholders—a public record—the company lists the income from the production payment in the same year the oil is produced.

The dual income reporting system means two sets of financial books: one for the tax man and one for the public.

The use of production payments to elude payment of income taxes has received little publicity outside the petroleum and securities industries.

Even some members of Congress, who profess to be familiar with petroleum tax laws, seem to be unaware of the tax-avoiding potential.

Last February, Sen. William Proxmire, D-Wis., alluded to a tax loophole (production payments) which permits an oil company to use the depletion allowance to offset income from other sources.

His statement brought an immediate response from a colleague who observed that he was certain Proxmire was mistaken and added:

"It is (my) understanding . . . that the percentage depletion deduction is only available with respect to oil properties, or the income from oil properties . . . I would have to have powerful evidence to the contrary. "Before I came to the Senate I prepared tax returns involving oil operating interests and never have I heard that percentage . . ."

A. PHILIP RANDOLPH

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1969

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to join my distinguished colleague, the gentleman from Michigan (Mr. Driggs) in paying tribute

to A. Philip Randolph, one of America's truly great men, on his 80th birthday.

It is a distinct pleasure to pay tribute to this great man. Mr. Randolph's long and successful career as a labor leader, civil rights activist, militant editor, and gadfly to Presidents was characterized by much that provided a firm foundation for the recent gains by Negroes and other members of minority groups.

Mr. Randolph is truly a dedicated leader. He is, I might add, a leader for all the people. Through his courageous efforts over the past several decades, he aroused the consciences of all of us.

On his 80th birthday last month, Mr. Randolph stated that his primary aim has been to unite all the scattered segments of the working classes, the Negro among them. He added that the liberation of the white workingman and the liberation of the black workingman could not be separated because the unity of these forces would bring about the power to really achieve basic social change.

A. Philip Randolph is a man whom the New York Times described as one "whose natural dignity has always remained unbruised and ultimately triumphant in a lifetime filled with attempts at petty humiliation by those determined to hold down the black man in labor and in every other aspect of American life."

Thank you, Mr. Speaker, for the privilege of paying tribute to one of our truly great men, A. Philip Randolph.

NATIONAL CLOWN WEEK

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. SKUBITZ. Mr. Speaker, recently the Kansas State Legislature passed Senate Concurrent Resolution 33. The purpose of this measure is to memorialize the Congress of the United States to adopt House Joint Resolution 236, authorizing and requesting the President of the United States to designate the week of August 1 through August 7 as National Clown Week.

One of the world's greatest clowns is the late Emmett Kelly who lived in Sedan, Kans., which I have the honor and privilege to represent. As the Kansas Legislature has pointed out, the ability to make people laugh in these troubled times and to relieve the tensions of our modern, complex society is a rare and truly valuable gift. Emmett Kelly had no peers when it came to this art. The joy he brought to those who saw him will long be remembered.

Therefore, at this time I request that the House favorably consider this measure.

The Kansas State resolution follows:

SENATE CONCURRENT RESOLUTION 33

A concurrent resolution memorializing the congress of the United States to adopt a joint resolution authorizing and requesting the president of the United States to designate the week of August 1 through August 7, 1969, as National Clown Week

Whereas, The ability to make people laugh in these troubled times and relieve the tem-

sion of our modern complex society is a rare and valuable gift; and

Whereas, Clowns throughout the world have for many years supplied this necessary comic relief; and

Whereas, The Emmett Kelly Museum in Sedan, Kansas has been established to pay tribute to one of the world's greatest clowns; and

Whereas, House Joint Resolution 236 of the 91st Congress authorizes and requests the president of the United States to issue a proclamation designating the week of August 1 through August 7 as National Clown Week: Now therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature of the state of Kansas respectively urges the congress of the United States to adopt House Joint Resolution 236 and lends its support in requesting the president of the United States to designate the week of August 1 through August 7 as National Clown Week.

Be it further resolved: That a duly attested copy of this resolution be immediately transmitted by the secretary of state to the secretary of the senate of the United States, the clerk of the house of representatives of the United States and to each member of the congress from this state.

**WORLD TRADE EXPANSION HELD
KEY TO A BETTER WORLD BY
MASAO ANZAI, 1969 CHAIRMAN OF
JAPAN ECONOMIC MISSION**

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. MATSUNAGA. Mr. Speaker, in a relatively short span of years, Japan has followed a course of incomparable economic growth and progress. Japan's gross national product in fiscal year 1967 reached \$120 billion, surpassing that of France, and in the following fiscal year the country's gross national product topped West Germany's, placing it third in the world after that of the United States and the Soviet Union.

Since 1955, Japan has led the world in shipbuilding. It now leads the world in the production of cotton yarn, motorcycles, cameras, sewing machines, watches, and radios. In the automobile industry, it is now second to the United States in the output of vehicles. It is the third largest steel-producing country, and also ranks third in the production of paper, cement, sulfuric acid and oil refinery products.

Concurrently, Japan's imports have also increased considerably. Japan's share of total world imports was 5.5 percent in 1968. It is America's largest overseas customer—second only to Canada in total trade, and the world's biggest customer for American farm products.

Mr. Speaker, earlier this week I had the privilege of introducing to Speaker JOHN W. MCCORMACK, majority leader, CARL ALBERT, minority leader, GERALD FORD, majority whip, HALE BOGGS, and other distinguished Members of the Congress a number of outstanding industrialists and businessmen from Japan. These leaders of industry were on an economic mission to the southern United States, promoting good will and understanding between the two nations. This is the third of such missions; the first mission

was to the Pacific coast in 1966, and the second to the Midwest in 1967.

Members of the delegation were: Masao Anzai, president of Showa Denko, one of Japan's largest chemical companies; Toyosaburo Taniguchi, chairman of Toyobo Co., Ltd., the world's largest textile manufacturer; Koji Shindo, chairman of the board of Mitsui O.S.K. Lines, Ltd.; Iwao Iwanaga, president of Mitsui Petrochemical Industries, Ltd.; Somei Iwata, president of Noritake Company, Ltd., makers of Noritake china and porcelain and Japan's leading producer of ceramics and abrasives; Hosai Hyuga, president of Sumitomo Metal Industries, Ltd., the third largest crude-steel producer in Japan; and Yutaka Egashira, president of the Chisso Corp.

Speaking at a luncheon sponsored by the United States-Japan Trade Council, Mr. Masao Anzai, the mission head, suggested that Japanese attitudes toward U.S. investment would undergo a favorable change if American companies would accept equal partners in Japan. On the other hand, if American leadership is "ambivalent," Mr. Anzai expressed concern that the world might face "a new epidemic of creeping protectionism." The free world today, he said, acts as a diversified community, marked by "interdependence as a matter of choice," rather than "dependency as a matter of necessity."

Mr. Speaker, I submit for inclusion in the CONGRESSIONAL RECORD the text of Mr. Anzai's thoughtful speech on the need for orderly cooperation among the free economic systems of the world, I believe my colleagues will find Mr. Anzai's remarks extremely helpful and informative:

**UNITED STATES AND JAPAN: INTERDEPENDENCE
BY CHOICE**

(Remarks by Masao Anzai, chairman of the 1969 Economic Mission of Japan to the Southern United States)

Mr. Secretary, distinguished guests: Thank you for your kind introduction.

I am also very grateful for Mr. Johnson's thoughtful remarks. He is a gentleman whose great abilities and warm human manner won him our admiration during his stay in Tokyo, as your Ambassador. No wonder it took so long to find a successor!

Ours was the first economic mission to be sent by the Japanese Government to the American South. It was a rewarding experience. Wherever we went we saw and heard evidence of a dynamism that is producing some of the highest rates of new investment, industrial expansion, and urbanization in your country.

We found Southern leaders to be future-oriented and growth-minded. As far as we could tell, few have any interest in trade restrictions. Most are concerned, rather, with trade expansion—with strengthening the already great momentum in their foreign trade, including their trade with Japan, which is their best customer. We were pleased, for example, that when we were in Austin the upper house of the Texas Legislature enacted a resolution calling for "the success of the Mission in establishing even closer ties between our two countries through mutually beneficial expansion of economic relations."

This spirit helps explain why, although overall trade between the United States and Japan has been doubling every five years, trade between Japan and the U. S. South has been quadrupling every five years.

Naturally we are gratified by our discoveries on this tour. We Japanese are concerned,

as you know, with indications that protectionist sentiment has been gaining ground in the United States, especially with the problem of so-called "voluntary" restraints on textiles to the United States.

These appear to us to be a contradiction in America's traditional policies of trade expansionism—if not a step backwards into restrictionism. American leadership of the campaign to liberalize trade has been, I am sure you will agree, the principal force behind the unprecedented growth in world trade over the past two decades.

If your leadership is ambivalent, the forces of protectionism may gather strength throughout the globe, only to nibble away at the gains we have all worked so hard to attain.

We dread what might be called a new epidemic of "creeping protectionism."

Moreover, as a businessman I am not convinced that new protection for a major industry such as textiles is the best way to solve that industry's problems. Protectionism is not the cure for your textile industry or ours. Mr. Toyosaburo Taniguchi,puty leader of this Mission and chairman of the International Federation of Cotton and Allied Textile Industries, has mentioned that the future of the world textile industry depends on joint efforts to create wider consumer demand—on stimulating consumers to buy, as the automotive and other industries have so successfully done. And future competitiveness of the textile industry, he adds, depends on introducing major technological changes in every aspect of textile processing. "Raw cotton at one end of the machine, and finished fabric at the other," he suggests, pointing out that since you have got to the moon, this should not be too difficult for you.

We have another deep reservation about measures such as international restrictions on exports. This is the effect of these measures on our domestic economy. To enforce the agreement, the Japanese Government must intervene in our private sector with an elaborate system of controls over production and exports. I do not mind telling you that government controls of this kind—which invariably spread to other areas of the economy—are anathema to the Japanese businessman, as I suspect they would be to businessmen in this country. A little government control is like a little pregnancy.

Ours is a highly competitive economic system, as the stability of Japan's wholesale or export price index demonstrates. It is in many respects freer and more flexible than any West European or even the American economy. Our tradition and respect for orderly development have simply insured a certain sense of responsibility in the free play of competition.

Nevertheless, one of our principal problems is not governmental regulations, but excessive competition among private enterprises. This is our national headache, and a continuing source of painful economic and social adjustments. Indeed, our headache is compounded by the structural imbalance which are produced by the very speed of our economic growth.

As you are well aware, Japan's economy has been expanding over the past five years at the unparalleled average annual rate, in real terms, of 10 percent. I am personally convinced that the relatively greater freedom of the Japanese free-enterprise system has been the most important factor in sustaining this high growth rate.

Let me turn briefly now to American complaints about Japan.

Despite a drastic trade-liberalization program initiated just five years ago, Japan still retains a number of import restrictions, some of which are related to domestic problems of structural imbalance and adjustment.

Western European countries, especially the EEC countries, maintain some import restrictions with which you are familiar. In addition, they have erected a number of

barriers which discriminate specifically Japanese imports—cameras, automobiles, tape recorders, etc. Thus Japan's concerns in trade negotiations are not simply bilateral, with the United States. They are multilateral, and are especially difficult in relation to Western Europe.

It is my personal view that Japan would be quite ready to negotiate further reductions in its import restraints, any time the West Europeans are willing to discuss comparable concessions. I hope some of your able and experienced negotiators will help us get this important message across to our European friends. And I think I speak for my business colleagues in saying that the Japanese private sector will strive to overcome those domestic structural problems which are related to our remaining import restrictions.

As a footnote, I should mention that, although Japan may not have liberalized its trade as rapidly as some of you think is possible, we take satisfaction from the fact that—since we initiated our liberalization program—we have taken not a single step backwards.

Japan is also criticized here for its restraints on foreign capital investment, although we have taken two important steps in this direction—the first in July 1967, and the most recent in March 1969. In both these steps our guiding principle was to open up as many industries as we felt we could reasonably open up to 100 percent foreign investment. At present, 44 industries have been fully freed, and 160 are eligible for foreign equity participation up to 50 percent.

A third round of capital liberalization is now planned, and I expect this next step will be taken ahead of the target date. Our capital liberalization program will be accelerated.

Meanwhile I should like to raise a question for consideration by my American business colleagues, especially the leaders of your great international corporations. On the basis of past experience in Europe and Latin America, as well as Japan, is 100 percent or even 51 percent control over an overseas company essential to efficient and profitable operations? In fact, is a foreign-controlled company in the best position, in the long run, to command top local talent, capital and other resources, and the goodwill of the local business community?

My own experience suggests that the optimum business arrangement—for both sides—is an equal partnership. I am proud to have been responsible for forming in 1960 the first U.S.-Japanese joint-stock company established under the liberalization program: Showa Neoprene, which is a 50-50 joint venture between Du Pont and my own Showa Denko. Since then we have set up joint ventures with five other U.S. firms. Without exception these enterprises have been successful, and wholly satisfactory to both partners.

Insistence by some American companies on 100 percent equity, in certain industrial sectors, has been a stumbling block to Japan's rapid capital liberalization. If these industries would accept equal partners in Japan, I suspect—though I cannot speak for my Government—that attitudes toward U.S. investment would undergo a favorable change.

The happy result, as I see it, would be a much wider and much faster induction of U.S. capital, technology and management into Japan, to the great benefit of both countries. A breakthrough on these grounds should also open the way for new U.S.-Japanese joint efforts for the benefit of capital-hungry areas of the world such as Southeast Asia.

American and Japanese private capital is already playing a vital role in building the potentially rich Indonesian economy. Once peace comes to Vietnam, a similar cooperative effort could speed the rebuilding of that war-torn area. As both South Korea and Taiwan have proved, with their astonishingly high growth rates, private enterprise works in developing Asian countries as well as in

Japan or in the West. And, in the long run, a surge of economic growth around the rim of Asia would be a major force for political stability and peace in that area.

We face together some extraordinary challenges and opportunities. This world of ours has reached, I believed, an epochal turning point. If we consider merely the great scientific, technical and material progress of the last few decades—especially in the advanced countries, but also increasingly in the developing areas—we might be tempted to say, "We never had it so good." We have the resources and are acquiring the know-how to create a far better life for all mankind. Yet paradoxically ours is a time of unrest, uncertainty and danger—within our respective societies, and around the world.

It is my own view that we are experiencing the birthpangs of a new and hopefully better era. I think we have reached the end of the postwar era, which was characterized by the polarization of power between the two great blocs, headed respectively by the United States and the Soviet Union.

Thanks to the stability and progress insured by American leadership and generosity during the postwar period, other nations—especially Western Europe and Japan—have got on their own feet again. The free world thinks and acts today less as a bloc, with uniform policies to insure survival, and more as a diversified community, with common basic interests, but with a welcome sense of freedom.

It is the difference between dependence as a matter of necessity, and interdependence as a matter of choice. And, if my observations are correct, this is a tribute to the success of America's postwar policies.

The question is, What can the new era be like? How can we bring about the best that is in our reach?

I believe the next era can be one of creative diversity, of greater individuality and spontaneity, of friendly competitiveness between nations and cultures and economic systems—a world in which each people may make its own unique contribution to the common good. In a world we have the power to shape, the international private sector can bring its resources to bear on the greatest of mankind's problems—if only we establish the framework for orderly cooperation among distinctive free economic systems.

This framework should not only favor the flourishing of free enterprise of diverse backgrounds, but should also mobilize more effectively the human and material resources of cooperating nations on behalf of world economic and social development.

Earlier American Presidents are remembered for their leadership in erecting the framework for world trade expansion and monetary cooperation. I wonder whether the time may now have arrived for a new American President to take the lead in constructing this framework for a freer and more progressive, yet orderly, world economy. Private initiative is a dream America first put flesh to; it is a dream we share with you, as we look to a better world.

SOUTH AFRICAN SUGAR QUOTA

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. GREEN of Pennsylvania. Mr. Speaker, 2 weeks ago, I was privileged to join 21 of my colleagues in cosponsoring legislation authored by Representatives JONATHAN BINGHAM to end a bonanza for South Africa by eliminating its sugar quota. On the following day, April 18, Senator EDWARD KENNEDY

and 12 cosponsors introduced identical legislation in the Senate.

I would like to commend both Representative BINGHAM and Senator KENNEDY for the efforts they have made to call attention to America's subsidizing of South African plantation practices—practices which strengthen the backbone of South Africa's rigid and harsh racial policies. While events in both the North and the South of this country will prompt many people to say that we should begin by cleaning our own house first, I do not see a contradiction in working for domestic tranquility by ending deprivation and segregation at home—and at the same time working to eliminate the props of support for a fervently racist cause in South Africa.

We cannot successfully hope to bind up the wounds that our own problems inflict on us without examining the effects of our acts overseas. Through the South African quota, we have not only granted sugar growers in South Africa a bonus in the past 4 years, by giving them \$23 million more than they would receive in open competition in the world's markets, but by participating in their economic life of that country we have increased the power of a nation swimming desperately against the tide of human progress and self fulfillment.

Mr. Speaker, it occurs to me that the elimination of the sugar import quota is but one step in an American reevaluation of our position with regard to South Africa. I do not think we want to cast our lot with oppression of the natural desire to be free and the denial of basic human rights which the legal aims of the South African Government have come to represent.

SCIENCE BOWS TO PREJUDICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. RARICK. Mr. Speaker, the National Academy of Sciences, in a secret vote behind closed doors, has fearfully rejected a Nobel Prize winner's proposal that it encourage scientific research and inquiry into the question of hereditary racial differences and the extent, if any, to which these differences contribute to the Nation's social problems.

The soul of science is the search for truth. Academic freedom is indeed a thing of the past when such a search cannot even be encouraged for fear its results will not agree with the neat propaganda of the social apologists. If we would solve our problems, we must not fear to seek their cause.

Our Western civilization was built by men who dared ask why. If we lack their courage, their honesty, their devotion to truth, we deserve the inevitable result.

Mr. Speaker, I insert an article from the Washington, D.C., Evening Star of April 30, 1969:

RACE STUDY OF HEREDITY IS RULED OUT

The National Academy of Sciences has rejected a proposal that it encourage research

on whether hereditary racial differences contribute to the nation's social problems.

NAS President Frederick Seitz said yesterday academy members killed the proposal in a closed session, primarily on grounds it might be misunderstood as a "white vs. black issue."

"There is a strong feeling," Seitz said, "that in the current circumstances in which the social issue is so predominant—we're trying to find our way in equal opportunity—that it would be almost impossible to carry out reasonable research . . . that would not be misunderstood."

The stand was proposed by Dr. William Shockley, a 1956 Nobel Prize winner and Stanford University professor. For four years, he has been urging the NAS to encourage scientific investigation of possible racial differences in intelligence and other human qualities.

His resolution would have urged the public, press, government and scientific community "to seek facts relevant to hereditary aspects of our national human quality problems" which could lead to "knowledge suggesting wise, humane and appropriate remedial legislation."

NOTHING COULD BE MORE URGENT THIS YEAR THAN TAX REFORM

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. LOWENSTEIN. Mr. Speaker, once again April 15 has passed quietly by, which is a tribute to the fundamental lawfulness and patience of the American people.

Now lawfulness and patience are fine qualities, but they are not the only fine qualities. Indignation at unfairness and determination to make things better are fine qualities as well. And millions of Americans are finding some of these qualities in conflict with others as a result of the continuing failure to end at least the worst of the inequities of the Federal tax structure.

In the long run respect for the law, as for anything else, depends on respect being deserved, and we all know that there are now Americans of all walks of life and backgrounds who are finding it increasingly difficult to believe that laws which are neither fair nor responsive to the wishes of the people do, in fact, deserve respect. Resentment about the tax laws has grown so deep and so widespread that there is now a risk of a taxpayers' revolt—a revolt which, quite apart from the merits of revolt as a tactic, would have the strength of justice on its side.

In short, if it is desirable to increase respect for the law, it is necessary to make the law more responsive and more deserving of respect. I can think of no task that should be more urgently undertaken in the present situation in the United States.

To understand the scope of the unfairness—and to glimpse the depth of the discontent—these facts, among so many others, could be cited:

First, 2.2 million families earn approximately \$2,200 a year and pay nearly \$100 annually in taxes, in 1967, 21 in-

dividuals with incomes of more than \$1 million, and 155 persons with incomes over \$200,000 paid no taxes.

Second, the rate of taxation does not rise with increases in income, despite rhetoric about America's progressive tax structure. Individuals receiving over \$200,000 in income a year pay an average of 27 percent of their income in taxes, a rate equal to that paid by people earning \$13,000 a year.

Third, the total revenue loss from loopholes and shelters approximates \$50 billion, according to former Secretary of the Treasury Joseph Barr. Giant oil companies pay virtually nothing thanks to the depletion allowance, and many wealthy individuals are able to avoid any substantial taxation by using such devices as deductions for the appreciated value of charitable contributions, the capital gains tax, the exemption of earnings from State and municipal bonds, and stock options.

Fourth, present inequities are made even worse by the 10-percent surtax. For the 21 individuals who earn over \$1 million and pay no taxes, 10 percent of nothing is, of course, nothing, while taxpayers with smaller incomes who pay higher rates are hit yet again.

Nobody can be expected to enjoy paying taxes, but a tax structure that leaves a great majority of the taxpayers feeling victimized by rules of their own Government cannot help but increase doubts about Government itself. This inevitable and insidious byproduct of the tax situation adds urgency to the need for reform.

And these are circumstances that have caused many of us in the Congress to reject assertions by some administration spokesmen and congressional leaders alike that no major changes in the tax structure are possible this year. When all is said and done, it will not be acceptable if once more everything has been said and nothing has been done.

But I cannot believe that the President and Congress will allow another year to pass without a comprehensive overhauling, if the din of discontent keeps up, loud and clear. And, in any event, this matter will remain a most urgent priority for many of us in this House. We will continue, Mr. Speaker, to do everything humanly possible to press for a tax system that insures to each citizen an equitable share of the burden. Few Americans would begrudge doing their fair share for their country.

So we take this occasion, as April ends, to repeat our resolve that before another April comes around, we will have begun the elimination of the more outrageous loopholes, including oil depletion allowance, and will be on our way to restoring a progressive rate structure.

We will continue the fight to eliminate the 10-percent surtax, to double personal exemptions, to exempt the first \$5,000 of retirement income, and to do much more to distribute the tax burden more fairly. We will continue to press for action on the legislation we have introduced that would begin to effectuate these goals.

Too much is at stake for too many people—and for the integrity of the institutions of this country—to brook further delay.

DON'T LOOK BACK

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. MANN. Mr. Speaker, on April 15, an outstanding young man was inaugurated the eighth president of Wofford College in Spartanburg, S.C. Paul Hardin III is a man of many accomplishments. He was practicing attorney for several years, and for 10 years was professor at Duke University, whose president emeritus, Douglas Knight, was present on the platform. President Hardin's inaugural speech, entitled "Don't Look Back," contains great insight into the purpose and function of the small, independent educational institution in our country today. I wanted to share his thoughts with my colleagues. I am, therefore, pleased and privileged to offer it for printing in the RECORD.

"DON'T LOOK BACK"

(Inaugural Address by Paul Hardin III, Eighth president of Wofford College, April 15, 1969)

Dean Covington, distinguished platform guests, official delegates, members of the Wofford College community, and friends:

By an odd custom college and university presidents are inaugurated some months after they assume their duties. The timing is unfortunate. If I had been called upon to make this speech before last September, it would have been a snap, for then I knew practically all there was to know about college administration. After all I had been a faculty member at Duke for the preceding ten years, and I was able to judge instantly whether President Knight and his predecessors did well or poorly, even when I had only a fraction of the facts before me. Long before that I was a university student. This, of course, qualified me to make most decisions about how my school should be run. I also had had 16 or 17 years of experience as an alumnus, and alumni have an infallible instinct for college administration. Finally, I had been for several years a practicing lawyer, and, as all of you understand, lawyers know almost everything.

It is utterly astounding how memory fades after a scant seven months in the job! Simple and obvious solutions to complex college problems no longer spring instantly to mind. It's a strange phenomenon. I have actually had to seek the advice of faculty members, students, and alumni. I even telephone a lawyer now and then.

What I am trying to say, with tongue slightly in cheek, is that this job is a great deal tougher than even the best Monday morning quarterback can possibly know. On the other hand I am convinced that, if one gives the job all he has, gets others to help with decision-making, and, above all, does not take himself too seriously, being a college president is challenging always, fun at times, and not necessarily fatal.

This speech is in a sense the fourth in a series. My basic first speech to alumni gatherings, church groups, and civic clubs applauded what had gone on here before I came to Wofford, the strong foundation on which we shall all be privileged to build. It was and is an honest and enthusiastic speech. Wofford has a grand tradition of educational leadership, and the college made significant new strides under the distinguished administration of Dr. Charles F. Marsh, my predecessor and now our beloved president emeritus. We have a conscientious and sup-

porting governing board, able and promising students, a strong faculty and staff, a good physical plant, sound financial management, an innovative curriculum, a respect for the best of the past, and an openness to the future. We have a wholesome relationship with the United Methodist Church and view our tasks and opportunities from a Christian perspective. These are ingredients of greatness.

The second speech in the series occurred at last September's opening convocation. It was printed, and many of you had it inflicted upon you in one way or another. At that time I catalogued a number of important questions which Wofford must ask and answer. I did not venture answers but sought to lay the ground rules for discussion. I spoke of the necessity of complete openness and honesty with each other within and without the campus community and declared that Wofford must be a robust market place of ideas, if we are to get good answers to our important questions. The patron saint of that speech was John Stuart Mill, whose essay "On Liberty" was cited and paraphrased with everyone's apparent approval.

The third speech was not a speech, but an interview, and it came about unexpectedly as a necessary digression. Several controversial speakers representing a wide range of opinions were invited to the Wofford campus as a part of our regular assembly program. Some people, also representing a wide range of opinions, suddenly doubted that Mill's essay was applicable to speakers whose views differed from their own or whose appearance at Wofford might adversely affect public relations.

I doubt that many folks are more concerned about public relations than are the presidents of under-endowed, church-related colleges; but I did not see in Mill's essay, nor in the principles of freedom on which our nation was founded, nor anywhere in the distinguished history of Wofford College, nor in my own speech anything which excluded from scrutiny and analysis any ideas, popular or unpopular. The fearless scrutiny and analysis of ideas is the very stuff of education; so I defended the open speaker policy in a written newspaper interview. At the same time I was given the opportunity to distinguish between true and necessary freedom of expression, on the one hand, and disruption of the educational enterprise and interference with the rights of others, on the other. We all must do this; we cannot adopt the careless attitude that all student demonstrations are alike—none to be tolerated. We must be as swift to defend non-disruptive expressions as we are to put down violence. Our students now know that this administration will not tolerate disruption. But they first had to know and do now that we put fairness and openness first, firmness second. In all of this talk about student unrest I have expressed honest confidence in our Wofford students—not only most of them, but all of them.

Now, this speech, or what's left of it, is intended to define our educational goals and consider how our academic program may contribute to their attainment. What are we going to try to do for the young people who come here seeking an education? First, I want to set out certain premises with which I hope you will agree.

1. The first duty of an educational institution is to help young people live successfully in the world they will inhabit, not the one we have inhabited.

2. What formerly was considered, and may have been, a very practical kind of education, the ingestion of facts to be stored up and used as needed, is now demonstrably impractical. The reason is that facts these days are perishable. There really is a knowledge explosion, not a stable body of information which can be squirreled away like nuts for the winter.

3. If education is not mainly the ingestion

of facts, what is it? Let's try this. The business of life is solving problems. The educated man should have more skill than the uneducated man in recognizing, measuring, and analyzing problems, a keener motivation to solve them, and a superior ability to find appropriate solutions or at least to eliminate inappropriate ones. The value system implicit in a Christian education, incidentally, should show up in the priorities a man sets for solving problems and in the particular solutions he chooses.

4. If our aim in education is to teach students how to gather and use information in the solution of problems, the method originally adapted to a different end—the mere accumulation of facts—are no longer appropriate. In an earlier time, when knowledge evolved more slowly, we sought to impart it by breaking it up into discrete packages which we called disciplines. Each department of the college or university was responsible for imparting to the students as much of the sum total of knowledge in that particular field as time and the intelligence of the students permitted. If the emphasis today is not to be as much on storing facts as on learning how to find and use them in the solution of problems, the basic educational approach should be a problem approach, not a disciplinary or departmental approach.

5. Although only a small minority of students in this country adopt tactics of rebellion, probably every educator here senses that most students conscientiously question the relevance to life of much that we do in our courses of study. They come to us concerned about the nature and existence of God, the nature and purpose of man, war and peace, poverty and plenty, racial antagonism, air and water pollution, and they find themselves in English Literature one hour, foreign language class the next, a science course, three hours per week plus lab, and so on. If they question relevance, we tell them to trust us, that all of this will tie together as we go along. We are honest in this; we really believe what we teach is relevant; but we often aren't very persuasive.

Of course, the complaint of irrelevance is old stuff, and every college has tried to respond in one way or another. One response which subverts rather than promotes education is for the institution to seek "relevance" by plunging into society in a veritable spasm of individual and institutional activism. The college decides it will set all things right in society. Students and teachers spend most of their time off campus in what we call direct involvement. Despite a lack of clear educational purpose or intellectual discipline, at the end of each semester passing grades and academic credit are awarded. Meanwhile the institution itself has influenced the destiny of mankind by abolishing ROTC, denying recruiting privileges to the military services and Dow Chemical Company, and making sure that the investment portfolio is not being handled by a bank which once loaned money to the government of South Africa. At the risk of offending someone, may I suggest that this is rubbish. Well-intentioned perhaps, but rubbish nevertheless. This is what Albert Outler calls "politicizing the academy", and it diverts into offtimes aimless political activity energies and resources intended for and vitally needed for education. Those of you who disagree, please read Jacques Barzun with an open mind. He is criticized for his conservative stance here, but isn't it true that colleges and universities haven't the resources to cure social ills by direct intervention?

It seems to me imperative that education today should neither continue the traditional style which often seems oblivious to the real problems of life nor swing over to a kind of feverish activity which may be relevant to something, but not to education.

Now in this great company of witness I

want to make a modest proposal to our faculty and students. I offer no final solution to the agony of American higher education—only a beginning point for this college at this time.

Lets start by identifying the great problems which perplex mankind: war, poverty, racial injustice and antagonism, environmental pollution, destructive uses of leisure time. You name your own set of cosmic problems. Let one of the first courses offered to freshmen and other new students be an inter-disciplinary quantitative and qualitative study of one or several of these problems.

Take poverty, for example. Everyone knows intuitively that it is a problem, but does an educated man rely upon intuition? Examine poverty. Measure it. What is it? Where is it? Why is it? How serious is it? Let the economist and the sociologist show by statistical data the quantity and geography of poverty. Let the historian show us the history of it. Let the humanist show how poverty affects and is mirrored in art, music, and literature. Let the philosopher and the religionist explore the morality of poverty. This is crucial in a Christian college concerned with moral values. Let the behavioral scientist and the natural scientist demonstrate the psychological and physiological effects of poverty. I read recently that a starving Biafran child asked her priest, "Father, what is happening to my body? Let the scientist tell us what happens in starvation or malnutrition.

After we discover the dimensions of the problem, lets consider possible cures. Experts in economics can discuss how our private and public resources can be allocated to alleviate poverty. Of course, attention must be paid here to competing priorities, and we may argue, for example, about going to the moon. History can tell us how well or poorly various attacks on poverty have succeeded in other times. Religion and government can explore the ethical soundness and political feasibility of such proposed cures as enforced birth control. Science can tell us what are the prospects of producing enough food and pure water to feed the multitudes. And so it could go, ad infinitum. Anyone here could make up his or her own illustration of what I am proposing. And this introductory course could deal with a different problem each time around.

Now, I haven't an entirely new curriculum to propose. If each student's career should begin with his participation in this kind of experience, I frankly don't think it would make much difference how we structured the rest of the curriculum, because I foresee the following almost inevitable benefits:

1. Students who currently feel frustrated by an apparent lack of concern about great social issues will see that there is institutional concern and that this concern is central to the educational mission of Wofford College.

2. Students who by reason of sheltered backgrounds have not been aware of great crises and problems will become aware—a beginning of education.

3. Students in both categories will learn a great deal about these problems—accumulate a lot of information, in fact—but more importantly they will learn how to learn, learn how to gather data from a variety of sources, classify it, and use it in the solution of problems.

4. The natural instinct to learn and the generous enthusiasm of youth will not be blunted and deadened by failure to see the organic relation between learning and life. That instinctive zeal of the student for today's problems will have been exploited to demonstrate to him the rich social, intellectual, and spiritual rewards of disciplined and systematic study. Once that introductory course has been completed—even begun—both students and teachers will be seeking to plug into that experience every course and every project which follows in the curricu-

lum. If there are teachers who cannot show how what they teach relates to one or more of the cosmic problems of mankind, the sooner we learn this the better.

5. The students will work with raw data rather than textbooks, and artificial disciplinary lines will become at least partially obscured.

6. The college will be exercising upon its environment a leadership in Christain social responsibility which is vastly more effective than lofty preachments or direct applications of political, social, or economic pressure.

That last statement and a point made earlier about student activism relate to something which is terribly important to Wofford College and something I want to mention briefly in closing. That is the relationship between this college and its environment.

It is almost impossible to avoid occasional tensions between a college or university and its surrounding community. If I recall elementary physics correctly, we do not have motion without friction except in a vacuum. Wofford College is in motion. Spartanburg and South Carolina are on the move, and we are not operating in a vacuum. Furthermore, there are nearly always on any campus a few persons who, while insisting that the college must be free to run its own affairs, like to tell the outside community how to handle its problems. I can testify too that there are some persons outside a college who like to push the college around. In the minds of these few persons support is not something you give to a worthy college, but something you withhold, this year for one reason, next year for another.

But let's make one thing very clear, as President Nixon is fond of saying. This college and this city and this region have an alliance for progress. The great majority of our students and faculty, not minimizing the imperfections of our society, have confidence in the basic direction of its movement and great hope for the future. The great majority of South Carolinians, whether or not they agree with everything we do at Wofford, appreciate the need here for a first-class free Christian college. Wofford is always becoming and will be a first-class free Christian college. The time has passed when a Southern college can excuse mediocrity by blaming a narrow-minded constituency. Our constituency is not narrow-minded. With respectful independence and warm mutual support and with God's help, this college and this region will pursue excellence as relentlessly as it is pursued anywhere else. If there are doubters present, visiting from other progressive areas and schools more renowned than Wofford, let me address a final word to you, quoted from a grand old baseball player, Satchel Paige: "Don't look back. Something may be gaining on you!"

OLSEN DEPLORES CUTBACK IN SOCIAL SECURITY INCREASE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. OLSEN. Mr. Speaker, those social security recipients who accepted Mr. Nixon's pledge of a 10-percent cost-of-living increase in their benefits last fall must be wondering what became of 3 percent of it. That 3 percent must have evaporated somewhere between Miami Beach and Washington because the President is now calling for only a 7-percent increase.

The rationale, of course, is that we must all tighten our belts, we must all economize. I am as much for economy as the next man but let us get our priorities straight. A decent income for those too old to work, for those who contributed to the social security fund with the confidence that their old age would be provided for, this is all that is being asked by them. Instead of a warm and sensitive response they are told to get out the ice picks and punch more holes in their belts because the Department of Defense cannot see fit to cut down on more of its wastefulness.

The Montana Standard recently, in an editorial comment, put the question of where to economize in the proper perspective. I recommend it to my colleagues:

[From the Butte-Anaconda (Mont.) Standard Apr. 19, 1969]

UNPOPULAR SAVINGS

President Nixon's decision to offer Social Security recipients less than former President Johnson will come as a keen disappointment to the elderly. Both political parties promised in the presidential campaigns to increase Social Security payments. The Democrats talked in terms of 10 per cent. When the Republicans said "me too" it was expected they would also ask for that percentage.

Instead, regrettably, the Nixon Administration has set the hike at 7 per cent.

President Johnson, in the budget proposals he made before leaving office, urged a 10 percent cost-of-living benefit increase. It was estimated the cost would be \$1.6 billion. Nixon not only wants to cut the increase but wants to delay the effective date of the boost from January 1970 to February. And by making other adjustments he hopes to hold the cost to \$600 million.

The saving of \$1 billion comes close to being the largest proposed by the Nixon regime. The only larger cut is in defense. Here Nixon wants to trim \$1.1 billion from the figures in the January or Johnson budget.

Obviously when Congress looks at this comparison, it will question the Social Security cutback from the proffered 10 per cent increase. More can be trimmed from defense and added to the Social Security raise.

The elderly are least able to combat inflation, brought about partly by defense spending. Social Security recipients are caught in a squeeze. Inflated costs leave fixed-income people no choice but to further retrench. Such continued curtailment can lead to poverty.

We feel the Nixon Administration should have exhausted other areas of prospective savings before hitting the retired. We hope Congress sees it our way and restores the 10 per cent cost-of-living increase.

LANGUAGE AND THE DISADVANTAGED CHILD

HON. JOHN BRADEMAs

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BRADEMAs. Mr. Speaker, one of the most promising recent developments in American education has been the concentration of funds and attention on the education of the disadvantaged child, principally through the program fi-

nanced under title I of the Elementary and Secondary Education Act.

Programs of this type frequently place great emphasis upon the development of the communications skills of the child—reading, writing, and oral expression. But this effort is complicated by the fact that the disadvantaged child comes from a cultural background with forms of communication significantly different from those of the established, middle-class world. Moving back and forth from one cultural context to the other can be very confusing and psychologically taxing for the child.

I insert in the RECORD at this point a very timely article which appeared in the winter, 1969, issue of the Allegheny College Bulletin. The author, Peggy Toman, is a third-year speech major at Allegheny College. She has had extensive first-hand experience in educational programs directed at the communications problems of the disadvantaged.

The article follows:

ORAL LANGUAGE OF THE DISADVANTAGED CHILD (By Peggy Toman)

Language and culture or language and society are intimately related, although they are not always thought of as related in reference to education. This relation which exists between, for example, social differences and dialect differences, can be important to the teacher who then must decide whether there is a variety of English which he or she must emphasize because of its social implications. The problem of the socioeconomically-disadvantaged child and his oral language development is particularly relevant in the discussion of language and culture.

A great percentage of language learning must take place before the child enters school. Under normal conditions, a child in kindergarten or first grade is expected to use in his speech all of the sentence patterns he is ever likely to need. If he does not, the child is said to have "delayed development." This may also include deficient vocabulary and difficulty with word association. As the child grows older, more specific language problems, which will be subsequently discussed, become evident if he has experienced linguistic impoverishment in his early years. This early development is influenced most by the home environment. The formative years in language development are those between the time the child begins to utter sounds and the time he enters school. However, in many culturally deprived homes, the child's development may begin and progress no further than utterances of sounds. When he enters school, he is severely handicapped by the inability to communicate verbally.

A child coming from an inarticulate family is usually inarticulate himself. In the present study, the author observed several four-year-old children who could utter only phonemes when they entered the Day Care Center. Most of them showed no signs of mental retardation, but came from deprived homes. Some of the circumstances characteristic of disadvantaged homes are the absence of a father, in which case the mother may work, a large number of siblings, and parents with little education.

Parents and siblings do not have or take the time to encourage the child to speak. The child's wants are often anticipated by the parent before the child speaks and no verbal exchange is demanded. If the child has five or ten brothers and sisters, he does not have the opportunity to be heard alone or to receive individual attention. The communication defined as the sharing of ideas and feelings rarely exists in the disadvantaged home. Also, the parents who have had little education have limited verbal skills

themselves and their language usually serves as an example of non-standard English. Naturally, it would be to the child's advantage if he were exposed to the standard English he will encounter in school.

The differences between language of the school, with middle class standards, and the non-standard English used by the disadvantaged, are due to the fact that the lower class home may simply not be verbally oriented. Models for standard English and sentence structure are not readily available until the child enters school. Some linguists claim that at this point it is already too late to try to reverse language patterns or teach a "standard English" which the child will readily adopt.

The problem of the inarticulate family environment, however, is more complex. The child is handicapped by the lack of verbal stimulation which is characteristic of the middle-class home containing books, records, magazines, and parents prodding their child to verbalize. The child in the disadvantaged home suffers from a lack of concrete experience about which he may talk in school. Many children have never left the center city. When the child reads about vacations or is asked in September about his summer trip, he has nothing to contribute.

His opportunities to develop normally with word association are limited. For example, the child has probably never been to a zoo or a circus and he has few books at home which help him distinguish a lion from a tiger. At the Meadville Day Care Center, five four-year-olds were asked to identify a grapefruit. They examined it and guessed "orange" and "apple." They knew it belonged to the category of fruit, but it seemed apparent that they had not seen a grapefruit before and if they had, they forgot what word they should associate with the piece of fruit. When they were told that it was a grapefruit, they gave no sign of recognition of the verbal symbol.

These examples suggest a lack of experiences which will help the culturally deprived child understand the concepts which are presented in school. The child's environment is labeled an "inarticulate climate" if the child is not motivated by his family to speak and if he has limited experiences about which he can speak in the school environment.

It must be emphasized that this underdeveloped linguistic ability is referred to in relation to the school. It is by school standards, which are essentially middle class standards, that the child's language is judged when he enters school. The question of standard and non-standard English becomes as important as the problem of being inarticulate, for even if the child speaks fluently and often, it may be unacceptable speech by school standards.

The child may be so unfamiliar with the language of the school that he feels he is not equipped with the necessary linguistic tools to express himself in a manner satisfactory to the teacher. At this point, the child feels strangely alienated and rejected because the teacher asks him to repeat, or corrects his grammar usage.

The school becomes a place to fear because the child's confidence is destroyed when he realizes that middle class standards are the norm. In reference to concrete experiences, the child has obviously had some, but they are not related to the life at the school. The child will probably try to express himself, but many of his experiences in the slums which he talks about will be rejected by the teacher. The complications which this situation produces may have serious consequences learning. He may become silent and fall farther and farther behind in school. Some teachers may assume his intellectual development as a whole is delayed, or that he is mentally retarded.

Finally, by the time he is, or should be, reading and writing and by the time he takes

IQ tests and reading-readiness tests, definite patterns in his verbal deficiencies emerge. In the present study, specific morphological problems, which will illustrate this point, were found. A common problem was the child's failure to add *s* to the third person singular. The sentence, "He want a bicycle," is an example. Another problem was the excessive use of *be* as a pivot word with no transformation of form. Examples are, "I be happy," "They be back later," "You be pretty."

The syntactic structure problems of the disadvantaged are numerous, and it is primarily because of these problems that the child is said to speak non-standard English. One specific problem is the disadvantaged child's continued use of two-word verbals. He fails to expand his verbals into verb-phrase construction by using complete noun phrases. "A cookie" becomes "want cookie" instead of "want a cookie." This may be a prelude to poor syntactical organization later.

Standard English is defined by educator Virginia Allen as "the kind of English habitually used by most of the educated English-speaking persons in the United States." The question of standard English versus non-standard is an important one, because there has been much misunderstanding caused by the misconception that standard English is the only applicable and acceptable language norm. It should be emphasized that it is not a question of standard English being "better" than non-standard English. The problem rests with the fact that man learns that there is a standard and he also learns to have perhaps unconscious prejudice against those who do not conform to the standard. When someone applies for a job, the slang or non-standard English he speaks in his neighborhood may not be acceptable in the situation of speaking with his future employer.

"Appropriate" or "correct" usage then becomes the decision of the people involved in the situation, not that of the dictionary or the gang or neighborhood. Language should be judged by its effectiveness in communicating successfully with various types of people in various social classes. "I don't got no book" should not be criticized for "incorrect usage," or it will mean nothing to the child in school. He hears this usage at home, his mother speaks that way, so it is useless to tell him it is wrong. A better technique would be merely to make him familiar with the standard "I don't have a book," as an alternative way of expressing his thought.

Some of the most serious problems in educating the child with a cultural dialect different from the school's are in relation to the child's taking standardized tests. Reading-readiness and Intelligence Quotient tests are highly dependent on the child's environmental experiences and acquaintance with language. The tests are written in "standard middle-class language," and many of these tests will ask word association questions, picturing five objects and listing five words to match the objects. It is very likely that the disadvantaged child will only have seen two of the objects in the realm of his experience.

It seems only logical, then, to begin correcting the situation of the disadvantaged child's language problem with the revision of standardized tests. Especially, in reference to IQ tests, which may determine much of the child's future educational opportunities, the tests should have "built-in" correctional devices for those children who cannot possibly answer from experiences which they've never had.

Regarding the teaching of language to disadvantaged children, the first consideration should be when to begin. Head Start programs, such as the present study used as a laboratory, are excellent. It is ideal to begin to make the child aware of a "school language" before he even begins school.

It is a widely-accepted fact that 70 per cent of the talking in the classroom is done

by the teacher. If this is true and the teacher represents an unfamiliar, hostile culture to the disadvantaged child, he is not going to listen to this "school language." It is therefore the responsibility of the teacher to establish a comfortable rapport with the pupil. Once the teacher has the respect of the pupil, she can be sure that he will accept her language as well.

The teacher must analyze the child's abilities and then build a technique of instruction with those abilities and weaknesses in mind. The language itself is not new to the child, so it is important to take advantage of what the child already knows. The teacher must find out whether the child is weak with the use of verbs and then construct drills which encourage him to practice using these verbs. By taking advantage of a child's ability for fantasy, the teacher can put him in role-playing situations which encourage him to express himself. By repeating, and elaborating the child's sentences, the teacher can provide models for their construction.

A casually-disciplined classroom allows a child to express himself freely. The children should have many spontaneous and unstructured situations to stimulate verbal exchange. Insisting upon silence at all times can stifle verbal expression.

The differences between standard and nonstandard speech are finite. The child should be made aware of different levels of speech and he should be made to realize that it is within his capabilities to speak either standard or nonstandard English whenever he wishes. This then, is the teacher's goal for the deprived child: to make him able to move from one language to another, depending upon what the social situation requires.

To learn word associations, symbolization, and conceptualization, the child must be exposed to as many pictures, trips, objects, maps, signs, word games, and experiences as possible. The school must suddenly take over the job of exposing the child to varied experiences, a job which is traditionally assigned to the family. He must learn that different responses are expected in school, and that the "system" is going to expect him to be able to call up a "formal" language in certain situations. The middle class standard language must be used as a model, not as a "perfect way of speaking," but as an alternative.

If answers to the disadvantaged child's language problems are to be found, the search begins in the classroom or in a teaching situation and the answer is likely to be found in effective teaching methods. The term "effective" methods does not necessarily imply "proper" methods such as those enumerated in grammar rule books. Effective methods are those methods which are most successful in accomplishing the goals mentioned above. Methods which will pull the socio-economically different child out of the "disadvantaged" category should be identified as effective methods. The socio-economically different child is disadvantaged when he enters school, but he need not remain in that category if teachers adopt techniques of language study which help the child "catch up" to middle class children of the same age.

Teaching a child that his dialect is unacceptable or incorrect is clearly not a proper approach to the problem. Instead, it must be taught that certain cultural or class dialects will be acceptable at different times than certain other dialects. The meaning of language and the importance of communication must be taught, and not a list of grammar rules "which will enable him to speak like an educated person."

It must be the teacher who impresses upon the disadvantaged child that his cultural dialect is not incorrect, and that learning particular language skills is not for the purpose of changing his existing speech patterns, but merely to add to his language experience so that he will be equipped to communicate successfully with most individuals.

POLISH CONSTITUTION OF
MAY 3, 1791

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. CONTE. Mr. Speaker, since the outbreak of World War II, we in this Congress have annually commemorated one of the brightest events in Polish history. That event is the adoption of the May 3d Constitution in 1791. I would like to take this occasion to personally participate in the commemoration of that glorious event.

This special observance is an excellent way to demonstrate American friendship toward the Polish nation and its great people. These people look forward to and need our words of hope and encouragement.

I might add that this year's May 3d observance coincides with the following significant dates of Polish history: the 30th anniversary of the German-Soviet attack on Poland; the 25th anniversary of the Battle of Monte Cassino; the 25th anniversary of the Warsaw uprising; and finally, the 25th anniversary of the founding of the Polish American Congress.

Thank you, Mr. Speaker, for the opportunity to commemorate this great event.

ANTHONY SADOWSKI MEMORIAL
DAY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. YATRON. Mr. Speaker, April 20, 1969, was set aside by Pennsylvania Gov. Raymond Shafer as "Anthony Sadowski Day." On that day, the village of Douglassville, Pa., was the scene of a proud occasion for Polish people in Berks County, Pa., and throughout the United States.

The man who was memorialized on that day led a life which may serve as an inspiration to those of all nationalities. Anthony Sadowski was an adventurous pioneer and frontiersman who ventured from his native Poland to the unfamiliar environs of Pennsylvania. He later set forth from the Berks County area to outlying unsettled country establishing trading posts for the Indians. Sadowski lived from 1669 to 1736. On the memorial day commemorating the 300th anniversary of his birth, Anthony Sadowski's 11th-generation descendant, Jeffrey Wilson, unveiled a sculptured memorial to his famous ancestor in St. Gabriel's Cemetery.

I should like, Mr. Speaker, to submit for publication in the CONGRESSIONAL RECORD, an article which appeared in the Berks County Record describing the events of April 20 and heralding Anthony Sadowski as the "Polish Daniel Boone." I am also including the eulogy delivered on that day by Dr. Kenneth F. Neigh-

bours, another descendant of Anthony Sadowski:

[From the Berks County (Pa.) Record]

ANTHONY SADOWSKI MEMORIAL DAY

Anthony Sadowski, who lived a rich, adventurous life from 1669 to 1736, was never a man to boast about himself like Daniel Boone, but he was called an "exceptional son of Poland," "an amazing human being," a "man for all seasons," and "the greatest Polish frontiersman in the history of Pennsylvania."

About 500 persons gathered on April 20 in historic St. Gabriel's Cemetery in Douglassville, Berks County, Pennsylvania, to celebrate the 300th anniversary of his birth.

Eight Vietnam veterans from Reading formed the Honor Guard and stood with the colors of two veterans' organizations as prayers, eulogies, and lyrics were offered to a Polish immigrant of the 18th century who traded with Indians, prepared deeds, served the provincial government as a peace negotiator, and blazed new trails in the wilderness.

A memorial bearing an image of the famous Polish frontiersman was unveiled by Jeffrey Wilson, nine-year-old son of E. J. Wilson and Mrs. Robert Lindenmuth, who is an eleventh generation descendant of Anthony Sadowski.

President Richard M. Nixon read about the unveiling and sent this message to Edward Pinkowski, chairman of Sadowski Memorial Committee, through James Keogh, Special Assistant to the President:

"The hard work and high aspirations of the Polish people who came to these shores and braved the uncertainties of frontier life have indeed contributed much to the heritage and greatness of America. To all who gather for the tricentennial anniversary of the birth of this exceptional son of Poland, President Nixon sends his greetings and warm good wishes."

Governor Raymond P. Shafer, in a special proclamation read by Frank Polaski, a conscientious state legislator from Erie, designated April 20 as "Anthony Sadowski Memorial Day" and extended best wishes to Americans of Polish descent as they honored the memory of the Polish pioneer in Amity Township.

Shafer described Sadowski as "among the first in an illustrious line of Poles whose search for bread and freedom led them to these shores."

He said that Pennsylvania is "proud of its many fine Polish citizens and grateful to them for the great contributions they have made to our Commonwealth throughout the years."

The Pennsylvania Legislature paused earlier in the week to pass a citation paying "the highest tribute of the Commonwealth of Pennsylvania" to Sadowski.

Councilman Joseph P. Kuzminski read a proclamation issued by Victor Yarnall, Mayor of Reading, paying tribute of the City of Reading to the Polish frontiersman.

Jeffrey Wilson, who unveiled the memorial, lives with his father in a modern split-level house built on part of the land that Anthony Sadowski owned in Amity Township from 1712 until his death in 1736. His branch of the Sadowski family has continually resided in Berks County for eleven generations.

Because of intermarriages the name of the ancestral line was changed three times which, in succession, were Sadowski, Warren, Beard, and Wilson. Jeffrey Wilson's maternal grandfather, John A. Beard, Sr., ninth in line of succession from Anthony Sadowski, lives in the homestead built by Daniel Boone's grandfather in 1733.

One of the traditions left behind by the Sadowski children is that Anthony Sadowski opened the first Indian trading post on the western shores of Lake Erie and Sandusky is a corrupted spelling of his name.

For the memorial, Steve X. Gallas, a Reading sculptor, carved the face and half figure of Anthony Sadowski in low relief in stone, working from a sketch by Henry Archacki, well known New York illustrator and Polish historian.

The epitaph of the memorial reads:

"Whether or not he opened an Indian trading post on the shores of Lake Erie and gave his name to Sandusky, Ohio, here lies the greatest Polish frontiersman of colonial times, an organizer of Amity Township in 1719, and founder of the Sandusky family in America."

Funds for the memorial were raised in a drive conducted by Edward Pinkowski and the Sadowski Memorial Committee. For their efforts and work in commemorating the memory of Anthony Sadowski, Raymond S. Elliott, President of Amity Township, 250th Anniversary Committee, presented a certificate of recognition and appreciation.

With the help of the second Mrs. John Beard, Sr., Pinkowski found Jeffrey Wilson living on a portion of the 400-acre farm that Sadowski bought in 1712, and like Pinkowski the 11th generation descendant of the Polish frontiersman received a certificate of recognition from the Amity Township 250th Anniversary Committee.

In addition to the Beards of Berks County, two other direct descendants of Anthony Sadowski were present to celebrate the 300th anniversary of Sadowski's birth. They were Donald White, of Connelville, Pa., and Dr. Kenneth F. Neighbours, professor of American history at Midwestern University, Wichita Falls, Texas.

"If he had spent as much time writing about his activities as he did trading with Indians," said Dr. Neighbours in his eulogy, "he could have been as well known as Daniel Boone or Father Jacques Marquette."

"Sadowski was part of the frontier procession," he added. "He participated as a part of the farming frontier when he opened a farm of 400 acres on the Schuylkill River in 1712."

"Not content with this phase of pioneering, Sadowski became an Indian trader. Following Indian trails he established trading posts up the Allegheny River into the mountains to be a part of the frontier pattern."

A Reading attorney, Adam B. Krafczek, who served as program chairman, introduced Rev. John J. Duminiak, administrator of St. Mary's Church, Reading, for the invocation; Rev. Kenneth Cosbey, rector of St. Gabriel's Episcopal Church, Douglassville, for the welcoming address, and Rev. John S. Dunajski, pastor of St. Anthony's Polish R. C. Church, Millmont, for the benediction.

The memorial was blessed by Rt. Rev. Monsignor Peter J. Klekotka, V.F., J.C.D., P.A., pastor of St. Hedwig's R. C. Church, Chester.

Henry Archacki, who provided the sculptor, Steve X. Gallas, with a sketch of Anthony Sadowski, set the stage for the unveiling by speaking in both English and Polish.

Wreaths were placed at the memorial by Mrs. Mary Napieck, president of the Ladies Auxiliary, Polish Army Veterans, Post No. 55, Reading; Joseph L. Zazyzny, president of the Polish Heritage Society of Philadelphia, and Mrs. Stephanie Batory and Mrs. Sophia Soltysik, vice presidents of the Polish American Congress, Eastern District of Pennsylvania.

EULOGY BY DR. KENNETH F. NEIGHBOURS

Mr. Chairman (Adam Krafczek), Mr. Pinkowski, descendants, friends, and supporters of our ancestor Anthony Sadowski, I am conscious of the honor you have done me in inviting me to speak on this auspicious occasion.

Before speaking of the personage we memorialize today, I should like to attempt to express my appreciation to Mr. Edward Pinkowski and the Anthony Sadowski Memorial

Committee for their long and devoted efforts to honor the memory of Anthony Sadowski. Mr. Pinkowski has spent many years compiling data on Sadowski and leading the committee in raising money for the memorial fund. I cannot speak too feelingly for myself and the descendants of Sadowski in expressing our gratitude.

Anthony Sadowski was born in Poland three hundred years ago. As his father Maszin Sadowski before him, Anthony served his king and country in various official capacities. It is of his career and significance on the American scene, however, which we wish to reflect upon today.

For reasons echoed only in tradition, Anthony Sadowski came to the British colony of New York during the reign of Queen Anne. Thereafter he was identified largely with the American frontier. His experiences epitomize and embody the effects of the frontier as so ably written by the great American historian Frederick Jackson Turner in 1893. The writing of American history since that time has largely followed the tenets of Turner. The life of Anthony Sadowski largely bears out Turner's thesis. Turner wrote in effect that all in American life that is significant and distinctive as contrasted with European is the result of the frontier. Turner wrote that the "frontier was compounded of fisherman, fur-trader, miner, cattle-raiser, and farmer. Excepting the fisherman, each type of industry was on the march toward the West, impelled by an irresistible attraction. Each passed in successive waves across the continent. Stand at Cumberland Gap and watch the procession of civilization, marching single file—the buffalo following the trail to salt springs, the Indians, the fur-trader and hunter, the cattle-raiser, the pioneer farmer and the frontier has passed by. Stand at South Pass in the Rockies a century later and see the same procession with wider intervals between."

Anthony Sadowski was a part of this frontier procession. He participated as a part of the farming frontier when he opened a farm of 400 acres on the Schuylkill River in 1712. Not content with this phase of pioneering, Sadowski became an Indian trader. Following Indian tracks, Sadowski established trading posts up the Allegheny River into the mountains to be a part of the frontier pattern about which Turner wrote. While it has been challenged by such notable historians as Theodore Roosevelt in his *Winning of the West*, tradition has Sadowski establishing the post that bears the variant of his name Sandusky on Lake Erie in Ohio.

Among the effects of the frontier experience, Turner wrote that: "First we note that the frontier promoted the formation of a composite nationality for the American people. The coast was preponderantly English, but the later tides of continental immigration flowed across to the free lands."

Anthony Sadowski bore out this generalization by taking as his wife a Dutch girl from Long Island, Marya Bord. Each succeeding generation has added new nationalities until his descendants, including your speaker, are a composite of most of the nationalities of Great Britain and northwestern Europe.

Turner further wrote: "In another way the advance of the frontier decreased our dependence on England. . . . Before long the frontier created a demand for merchants, and Turner wrote that the seaboard cities were competing for what George Washington called "the extensive and workable trade of a rising empire." Sadowski's frontier mercantile ventures we have already noticed.

Turner went on to remark that "the most important effect of the frontier has been in the promotion of democracy here and in Europe."

Again Anthony Sadowski bears out Turner's generalization. He left behind in Palonia his castle, his courtly position and

title to become a plain yeoman farmer as he is classified in his will. With his neighbors Sadowski participated in community affairs by helping organizing the civil unit of amity townships.

Another distinctive American trait resulting from the frontier experience said Turner is "that restless, nervous energy; that dominant individualism, working for good and for evil, and withal that buoyancy and exuberance which comes with freedom—these are traits of the frontier, or traits called out elsewhere because of the existence of the frontier."

Already a seasoned leader when he came to the New World, Anthony Sadowski fulfilled Turner's observations on the frontier. Sadowski certainly had a restless, nervous energy and dominant individualism. He left behind the trappings of his aristocratic European class and adapted to his frontier surroundings. His linguistic abilities, he spoke seven languages, were doubtless employed in mastering languages of the Indians among whom he traded. This also stood him in good stead serving the Colonial government as an interpreter.

Certain it is that Anthony Sadowski bequeathed to his heir his restless, nervous energy and pioneering spirit. His descendants took to the frontier like ducks to water. They were in the vanguard of the advancing frontier. His son, Andrew, pioneered in Western Virginia where he lost his life. Before this his neighbor, Daniel Boone, with whom they were associated in the westward movement, had founded Boonesboro in Kentucky. Anthony's son James Sandusky had helped found Harrodsburg, Kentucky. Anthony's grandson, Emanuel, helped found settlements in what is now Tennessee, also before the American Revolution.

Like the birds of the sea, Anthony Sadowski's descendants have scattered across the continent to distinguish themselves in the business world and in the professions.

Anthony Sadowski and the twelve million or so others of Polish descent have made a powerful and significant contribution to what one has called our pluralistic American culture.

Again may I express my appreciation to Mr. Edward Pinkowski and the Anthony Sadowski Memorial Committee for making this significant occasion possible.

STUDENTS GET "HIGH" ON AEROSOL MOUTHWASH, FDA STUDY INDICATES GAS PROPELLANT IS CAUSE OF "TRANQUIL SENSATION"

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, seemingly harmless products which we purchase in the marketplace and use daily in our homes frequently are disclosed to have some seriously hazardous quality.

One such product has been identified because a concerned parent in Bethlehem, Pa., took his concern to the editor of the *Bethlehem Globe-Times* newspaper. A newspaper article resulted, and I sent copies of the article to the National Commission on Product Safety and to the U.S. Food and Drug Administration.

The product in question is Colgate 100 aerosol mouthwash. I want to make clear, however, that neither the Pennsyl-

vania Department of Health nor the Food and Drug Administration has found Colgate 100 mouthwash to be harmful in itself.

The hazard is associated with Freon 12, which is the propellant used to eject the mouthwash from the small, pocket-size spray container. Freon 12, according to the Food and Drug Administration, has been cited as the cause of more than 30 deaths due to inhalation of freon propelled aerosols.

The freon used in aerosol mouthwash is the same gas used in cocktail glass frosters which have been associated with accidental deaths of children who discharged the aerosol froster can into their mouths.

Because misuse of these devices, as reported by a concerned parent, Dr. Earl B. French of Bethlehem, Pa., apparently is common among young people who report experiencing a "tranquil sensation" from their use, I feel it is important that parents around the country be alerted to their potential hazards.

I should like to include in the *RECORD* copies of the *Bethlehem Globe-Times* newspaper article which first focused attention on the aerosol mouthwash, and the letter I have received from the Food and Drug Administration identifying freon as the potentially hazardous propellant in common use.

I have asked the FDA whether other suitable harmless substitutes for the freon might be available to eliminate the hazard, and have also urged that continued effort be made to alert the general public.

The material follows:

PROFESSOR WAGES BATTLE ON MOUTH SPRAY, INSISTS PUPILS ARE GETTING "HIGH"

Dr. Earl B. French has started a one-man crusade to alert the public to what he considers is a dangerous mouth spray in popular use by school children.

After being alerted to the effects of an aerosol spray product called "Colgate 100" by his own children, Dr. French alerted health officials in Harrisburg who are presently testing its contents.

Colgate 100's label reveals that the mouth spray contains 50.8 per cent alcohol, Dr. French said. He feels it might also contain some tranquilizers which "calm you after you descend from a way up feeling."

Because of Dr. French's conversations with Harold Shunk, principal of East Hills Junior High School, any medication including sprays and breath sweeteners are being given careful scrutiny by school officials.

Royce Masteller, assistant principal at East Hills, said yesterday that safeguards are being taken on the use of such "medications."

"We have had one case so far in which a girl student was found using a breath freshener spray product distributed through home sales," he said.

"Any medication must be cleared through the school nurse and we will contact the parents to find out why and when the sprays are to be used during school hours."

TESTS UNDERWAY

Masteller said that because of Dr. French's concern the school has sent a lipstick-size Colgate 100 spray container to the state Health Bureau for analysis.

BOOZE, TRANQUILIZER

Dr. French also made known his concern over the product which he calls "booze and tranquilizer with a bit of breath sweetener added" to Atty. James Prendergast, an Easton assemblyman.

Prendergast said he alerted assemblyman William Rybak of Bethlehem who also submitted a container to the state health bureau.

Dr. French said he was appraised of the high alcohol content by his son, Chris, 15, a ninth grader at East Hills Junior High School, but not before he became ill during a lecture class at Lehigh University where he is a social psychologist.

"I tried a similar product called 'Whisper' before I began my lecture and for the first time in 17 years I could not complete a lecture," he said. "I got giddy and had a toxic reaction which laid me up the next day."

"The following day (Feb. 21) Chris came home from school and showed me the Colgate 100 spray container pointing out its alcohol content. He said that it is 'common practice' for the kids at school to use it throughout the day."

"We get a great feeling out of it, Dad," he told me.

"I hope parents and health officials will look into this right away," said Dr. French.

PRODUCT SCARCCE

It does not appear that the Colgate 100 spray can is easily available to the public, not because one needs a prescription to obtain it but it has not been widely distributed to date.

East Hills school officials said yesterday they have checked a half dozen drug stores in vain. "They told us they did not have the new product in stock," explained Masteller.

Atty. Prendergast said that he could not find a store in Easton selling that particular spray product.

The Food and Drug Administration office in Philadelphia reports that it has had no inquiries concerning the mouth spray product. An investigator said that such products are new in the area and no complaints have been received so far.

When asked whether school officials had given students at East Hills information on alcohol, Chris said that his ninth grade classes had concentrated only on the effects of marijuana and heroin.

"They did not even talk about speed, STP or LSD either," Chris claimed.

Earlier Shunk said that talks on the use of alcohol and tobacco were also included in regular health courses given the students.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 22, 1969.

HON. FRED B. ROONEY,
House of Representatives,
Washington, D.C.

DEAR MR. ROONEY: This is an additional response to your inquiry of March 4, 1969, concerning abuse of Colgate 100 aerosol mouthwash to which we originally replied on March 13, 1969.

We find this product is available in the Washington area. In addition to Colgate 100 there are similar competitive products on the market.

Examination of Colgate 100 breath spray reveals that it is an aerosol with a metered valve. Total content is given as $\frac{1}{16}$ oz. with 50.8% alcohol. Benzethonium chloride is listed as the active ingredient. We have not performed an analysis, but most aerosol preparations contain 50% propellant, usually Freon 12, thus the actual alcohol content is less than $\frac{1}{4}$ oz., an amount which is insufficient to produce intoxication in the average adolescent. Benzethonium chloride is an antiseptic which does not have any sedative or tranquilizer properties. Further, it is present in minute quantities so that the entire contents of a Colgate container would be insufficient to produce any effect, even if ingested all at once.

Thus, we are forced to conclude that the Freon content is responsible for the abuse of this product. We have received a number

of reports of this type of abuse of various aerosol preparations, including drugs, cosmetics and household products. Among these are cocktail glass frosters which contain only Freon. Freon is commonly regarded as an inert gas and its known properties do not provide any explanation for its use in this manner other than the psychological effect or the effect of lack of oxygen due to displacement of air in the lungs with Freon. Nevertheless, this is not an innocuous practice since we have some 30-odd reports of deaths due to inhalation of Freon propelled aerosols. The original mechanism of death was assumed to be freezing of the larynx with subsequent asphyxiation, but this is erroneous, since the product is usually inhaled indirectly by first spraying it into a plastic bag which is then placed over the mouth and the contents inhaled. Even if a spray like Colgate 100 were inhaled directly, a properly functioning metered valve would effectively prevent freezing of the tissues.

You will be pleased to know that we are continuing our study of this somewhat complicated problem. As you are aware, there are a very large number of aerosol products available and their convenience and utility to the consumer is obvious. Since this use is a gross abuse entirely unrelated to the purpose for which they are intended it seems rather a draconian step to ban them from commerce. We considered a warning statement and such has been proposed by the FTC for products under their control but it is possible that such a warning might encourage abuse rather than deter it.

It now seems to us that the available substances which can be abused for their real or imagined psychotropic effect are almost infinite and can be controlled only by public enlightenment. A warning statement for aerosols might be of limited help in this respect and we are awaiting the outcome of the FTC pronouncement to help us determine the utility of such a warning.

In the meantime, we are continuing our surveillance of the death and injuries from Freon to determine the toxicity of this compound.

We hope this information may be helpful to you.

Sincerely yours,
PAUL A. PUMPIAN,
Director, Office of Legislative
and Governmental Services.

POVERTY: PRIVATE SECTOR— SELF-HELP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. RARICK. Mr. Speaker, one of our Washington landlords has found out how to make a profit out of poverty.

The technique was demonstrated in today's paper with an announcement that a local owner had transferred several slum homes to a nonprofit corporation so they can be remodeled with Federal funds.

Taxpayers will feel small satisfaction from this gift since the owner is also an officer in the nonprofit holding company and the property he disposed of as a gift to the nonprofit corporation is eligible as an income tax deduction. Then, too, the nonprofit status of the corporation will further aggravate the taxpayers since the slum buildings will be taken off the real estate tax rolls leaving an additional deficit to be made up by private citizens.

The moral justification for this gift is the fact that the buildings were too run down to be repaired economically—but uneconomical repairs are a made-to-order project for the war on poverty.

Is this an isolated incident, or have other landlords discovered how to make poverty pay?

Mr. Speaker, I include an article on this subject:

SLUMLORD SHIFTS HOUSES TO GET U.S. REPAIR AID: CAN CLAIM SWITCH AS DEDUCTION

(By Phineas R. Fiske)

A Washington landlord told the City Council yesterday that he has given several slum houses to a nonprofit corporation of which he is an officer, so that they may be rehabilitated with Federal subsidies.

Nathan Habib, co-owner of Habib Realty Co., said that he is an incorporator of the People's Rehabilitation Corp., which is eligible to receive Federal money to rehabilitate run-down residential properties.

The buildings were too run-down to repair economically, he told the Council's Housing Committee.

Any property disposed of as a gift would be eligible as an income tax deduction.

DESCRIBE PROBLEMS

The Committee heard Habib and other landlords describe their problems with increasing costs and vandalism, which they said makes it uneconomical to build and operate low-income residential properties in Washington.

The Committee was critical of some of the landlords for permitting their properties to deteriorate beyond usefulness, and singled out several for multiple housing violations on buildings they owned.

One landlord, Roscoe Jones of the R. L. Jones Realty Co., was resubpoenaed by the Council when he did not appear at yesterday's hearing.

Jones was one of four landlords the Council subpoenaed last week after they failed to testify at an earlier hearing.

The three others—Basil Gogos, formerly of the B. C. Gogos Investments, Sylvan Mazo of Three Investment Co., and George Basiliko of B&W Real Estate Corp.—testified yesterday.

OPPOSE RENT CONTROLS

They and William Calomiris of the Calomiris Investment Corp. said they opposed rent controls as a restriction on their income that would prevent them from meeting the rising costs of building maintenance.

Council Chairman Gilbert Hahn Jr. told Habib, who said he owns 260 buildings in Washington, that he was called to testify because "you are a symptom" of the city's housing problem.

"You represent a group of small real estate operators," Hahn said to Habib. "You're not really equipped to give good service to the community."

"You suggest that we should license (property managers) to make sure that they are competent. Maybe you couldn't get a license."

Habib replied he considered himself a good landlord and said he was always available to any of his tenants whenever they had problems.

"MR. FIREMAN" HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. RODINO. Mr. Speaker, the enclosed story of Andrew Hutch, the former

fire chief of Nutley, N.J., succinctly outlines the reasons why Chief Hutch is a living legend in Nutley. Affectionately known as "Mr. Fireman," he will serve as the grand marshal of the parade this Saturday honoring the 75th anniversary of the local Nutley Fire Department.

The story referred to follows:

ANDREW HUTCH GRAND MARSHAL FOR MAY 3 PARADE

The oldest active member of the Nutley Fire Department—former Chief Andrew Hutch—will be the Grand Marshal of the giant May 3 parade here planned to commemorate the 75th Anniversary of the local Fire Department.

The parade, which will last nearly three hours along Franklin Avenue, will bring units from nearly all communities in New Jersey to Nutley.

Walter Journey, chairman of the anniversary program, made the announcement today that Hutch has been named the parade's grand marshal.

This is the greatest honor that we could bestow upon the oldest active member of the Nutley Fire Department at Hose Company No. 2," said Journey.

Andrew Hutch has been partially responsible for much of the modern day equipment presently in use. During his tenure as a fireman the department has purchased the first modern 85 foot hydraulically operated aerial truck.

In addition, during his time as a fireman, the department has installed the first transistorized fire alarm system; the master control equipment for the fire alarm systems and the first four digit fire alarm box code numbers that will pinpoint the location of the alarm, and installed the first shortwave radio equipment.

Hutch was born in Troy, New York, and moved to Nutley in 1906. He established his residence at 58 Laura Avenue in 1920 and has lived there since.

He is known as Nutley's "Mr. Fireman," and with good reason. In 1914 he joined the fire department and served his first tenure as chief from 1940 to 1942. He served as chief again from 1944 through 1960.

During the period 1914 through the present, Hutch has retained his staunch interest in the development of Nutley's fire department.

Hutch's affiliation with fire department oriented organizations reads like a "Who's Who." In 1932 he became a life member of the New Jersey State Exempt Fireman's Association. In 1940 he joined the New Jersey State Fire Chief's Association and was elected to serve as treasurer in 1958.

He served as president of the New Jersey State Exempt Firemen's Association for three years (1948-1951). For the past 12 years he has served as assistant secretary for the Paid Fire Chief's Association.

At the present, Hutch is serving a five year term as a trustee of the New Jersey Fire Chief's Association.

CONGRESSMAN WHALEN COMMENDS CONGRESSMAN REID'S ARTICLE IN LOOK MAGAZINE

HON. CHARLES W. WHALEN, JR.
OF OHIO

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 1, 1969

Mr. WHALEN. Mr. Speaker, I would like to take this opportunity to commend my colleague, the gentleman from New York (Mr. REID), for his very excellent

article in the current issue of Look magazine.

While it has been my general policy to refrain from purely partisan political comments both on the floor and in RECORD inserts, in this instance Mr. REID's incisive comments compel me to do otherwise.

His article is a frank discussion of the problems the Republican Party faces in its aspirations to become the majority party. He does not despair. And I agree with him. But majority status will not occur unless we become a party "with an outlook that is relevant to our times," as Mr. REID so aptly put it.

With a Republican President in the White House, we remain a minority in the Congress. During the past 30 years we have been relegated to this position for more terms than I care to recall. There are lessons to be learned from our plight which can profit both our party and the Nation.

I do not believe that the Republican Party should be a protest mechanism to be used only when the electorate wishes to remove Democrats. As our new distinguished national chairman, the gentleman from Maryland (Mr. MORTON), recently said, the party should be more than "a spare tire."

Mr. REID's thoughts, in my opinion, deserve the careful study of every Republican Member of Congress. Our Democrat colleagues, too, will find them meaningful.

Mr. Speaker, I am pleased to insert at this point in the RECORD Mr. REID's article from the current issue of Look magazine, dated May 15, 1969:

DO REPUBLICANS HAVE THE COURAGE TO BECOME THE MAJORITY PARTY?—IT ALL DEPENDS ON RICHARD NIXON

(By Representative OGDEN R. REID (Republican of New York))

Unaccustomed as we are to winning presidential elections, we Republicans can perhaps be forgiven a prolonged exultation over victory last November.

But while we've been celebrating, the tough problems we were elected to resolve—Vietnam, poverty, crime, pollution, education, the arms race—have become a little worse. In these fast-moving times, problems don't wait. Men die in Vietnam. The poor become more cynical. The air gets dirtier. The arms race escalates. And the chances for finding answers to our problems become more elusive.

Politically, one of the toughest problems of all, of course, is to convert the Republican party, out in the cold most of the time, from minority status into a responsible and credible instrument for governing nationally, supported by a majority of Americans.

Last year's election, despite our victory, did not offer vast encouragement for this prospect. The victory was based on the support of the farmer, the independent voter, the white-collar worker, the older American and the Southerner. Mr. Nixon had only 43 percent of the vote, just a shade more than Mr. Humphrey. In a nation where one half the population is 27 years of age or under, he failed to carry voters from 21 to 49. He lost the 12 largest cities, and, though

¹ Ogden R. Reid, Ambassador to Israel under President Eisenhower, is a fourth-term congressman from Westchester County, N.Y. Last November, he outpolled his opponents by more than two to one and ran well ahead of Richard M. Nixon.

he won most of the suburbs, lost in metropolitan areas as a whole. He carried only 12 percent of the nonwhite vote. And since the trend of our national life appears to be urban and young, I think the Republican party cannot look so much to the 1968 election in itself, but to the opportunity that it has offered.

What the election offers to the Republican party is the opportunity to perform. During our long years out of office, we Republicans were perhaps too often tempted by rhetoric. We thought too little about the solutions to problems and too much about the political implications, which frequently have no relation to the problem at all. What President Nixon can do now, faced by a society that badly needs reordering, is to demonstrate that we can govern, that we know how to exercise responsibility, even if the decisions that this requires are hard.

It seems to me we can make no progress in resolving our national dilemmas as long as we are involved in a foreign war that divides us against ourselves, spills our blood and wastes our energy and resources. I am apprehensive that Mr. Johnson's war will become Mr. Nixon's war. I believe we must recognize that the Saigon regime cannot be allowed to veto a settlement in Paris. Neither can we permit negotiations to be undermined by a contradictory strategy on the battlefield. I am fearful that all prospect for substantial achievement will be squandered in indecision over the war. Surely there are neither diplomatic nor political reasons for prolonging it. An early withdrawal of some of our troops, on a clear timetable, may well be necessary to convince South Vietnam of the realities of a political settlement and of the determination of the American people to end the war.

But a settlement in Vietnam, I believe, is just the first step in creating a peaceful world order, an atmosphere in which people, wherever they may be, can give their attention to their well-being at home. I detect a new impatience, on both sides of what we have so long called "the Iron Curtain," with ideological strife. In the Communist world, the European satellites are in open rebellion against Russian dominance. In the capitals of the West, there is greater diversity of policy and opinion than at any time since World War II. The era of the superpowers may be over, and I regard this as an opportunity to be seized. If President Nixon somehow manages to write a treaty of peace for the cold war, he will earn the gratitude of countries throughout the world who are bored with doctrine but excited by the prospect of renewing their own societies. He will also keep the Republican party in office for the foreseeable future.

That is why I am troubled by the President's decision, however different from President Johnson's, to deploy an anti-ballistic missile system. Once we have taken the step toward a new generation of offensive and defensive nuclear weapons, it is that much more difficult to reverse our course. Even Mr. Nixon's limited ABM program will, I think, needlessly divert vital resources from our urgent priorities at home. An ABM system could ultimately cost \$100 billion or more. It is more imperative than ever that the President schedule early disarmament talks with the Soviets. Undue delay in preliminary contacts may cause us to miss the moment for agreement while the "military-industrial complex" in both countries presses the world into a vast acceleration of nuclear-arms madness.

If, in negotiations on Vietnam and strategic arms limitation, we succeed in creating an atmosphere of détente, I think we will also establish an opportunity for desperately needed achievements in the underdeveloped Third World. For too long, the industrialized countries have watched with indifference

while the population boomed and hunger intensified. As conditions have come closer to chaos, we have actually diminished our own efforts at development assistance and, since the Vietnam war, we have contributed next to nothing. Today, the United States ranks an abysmal seventh in the percentage of national income that goes to foreign aid. We are contributing 44 percent less in economic assistance under aid than we were only three years ago. The time has come, I believe, to lift the underdeveloped nations out of the arena of international power politics and to work with them without being wedded to the status quo—on the basis of equal to equal—to narrow the growing gap between the have and the have-not nations.

Unfortunately, arguments in the past for reconciliation between nations have been greeted as somehow "fuzzy-headed." I speak not out of abstract idealism but practical consideration. Americans are tired of living in a climate of fear. They have come to realize, I think, that their security does not lie in playing at the edge of nuclear annihilation. They have had enough of governments that speak peace while behaving adventurously. It would be not only diplomatically but politically prudent, I think, to step back from the abyss. We are not, essentially, a warlike people, and we would like to get on with our critical problems at home.

These problems, even in the affluent sector of our society, are manifold. The suburbanite, the parent, the farmer, the senior citizen, the businessman, the commuter, the taxpayer, the housewife, all have legitimate grievances that they look to government to relieve. Frustrated by the government's apparent impotence, they feel cut off, powerless, incapable of affecting their destiny. We cannot overlook the individual who is injured by inflation in food costs, the breakdown of vital services in hospitals and in schools, the disintegration of transportation facilities, vanishing open space, and the befoulment of air and water. We surely cannot forget the crisis in taxation at the local level.

But for some Americans, the problems are fundamental. The poor and racial minorities have been denied realization of the American dream. Intellectuals and young people are cynical about whether it even exists. All have lost much of their confidence in the Democratic party—if not in the political process generally. Many young men and women everywhere are rightfully distrustful of a system that emphasizes military superiority out of proportion to human values—and has dimmed hopes for a safe future.

We Republicans must now open the doors to our democratic system, make full participation in it available to the "out" groups of our society. We must make the vote available to 18-year-olds, provide for the direct popular election of the President and reform the convention system. Without historical ties to political machines, rigid labor unions or courthouse racism, the Republican party has the opportunity to offer the young, the poor and the black a chance to be heard and contribute to change. But we must hurry if our invitation to create a democratic system is to be credible.

More than a year ago, the Kerner commission on civil disorders issued a public call for speed in meeting our nation's worst crisis. "Our nation," said the report, "is moving toward two societies, one black, one white—separate and unequal." It urged, to reverse this trend, "a commitment to national action—compassionate, massive, and sustained. . . . From every American it will require new attitudes, new understanding, and, above all, new will." Yet in the year that has passed, our country has been gravely deficient in responding to the call and, according to the latest studies, has become even more separate and unequal.

There is a hard way and an easy way for a President to deal with the racial crisis in America. The hard way is to challenge white society to exorcise its racism, to propose the taxes necessary to finance "massive" social change and to counsel the country to avoid impatience with slow results. The easy way is to maintain that Negroes, as a minority, can be politically ignored, make common cause with racist politicians and put off any effort to resolve the problem on the grounds that it will, somehow, go away. The latter is known, euphemistically, as the "Southern strategy," and there are some Republicans who are tempted by it. But I believe that such expedient politics is unthinkable, and that if the Republican party tries to deal with the black-white struggle in the easy way, it will not only do the country a disservice but assure its own ultimate demise. To start with, it is important that the Administration show its commitment in this area by promptly and clearly upholding the school desegregation guidelines and not relaxing their uniform and timely application.

Similarly, I think the Republican party will seriously misjudge the needs of this nation if it treads too cautiously in its approach to social problems. For example, what will we do about the antipoverty programs—directed at changing the condition of life for the poor, black, white, Spanish-American and Indian? Many in Washington tend to focus on the administrative failures in these programs and to slight the substantive achievements. Progress is not easy to measure when it is in terms of hope, a future and a decent life. But Head Start, community action, health and legal services and job-training programs have made a significant difference in the lives of the nation's 30 million poor.

We must acknowledge that other programs have failed. The reason is a combination of inadequate and tardy financing—particularly after large sums began to go into paying for Vietnam—and innocent and not so innocent administrative breakdowns that seem inevitably to accompany unfamiliar endeavors. I might point out that few people question the principle of space exploration because of the waste of a billion or so here and there. Because an antipoverty program has not worked does not mean that it cannot work—if given adequate financing, qualified direction and appropriate goals. Many a good program will demonstrate its merit, I suspect, despite a faulty start.

To be sure, it is also time to experiment with fresh ideas, even if some new programs appear to clash with conventional dogma. I am thinking, for example, of the negative income tax, a program endorsed by many eminent economists to eliminate poverty directly by assuring every American a minimum annual income. And I am thinking also of a plan to abolish unemployment by making the government the employer of last resort. We need, as well, imaginative programs involving the private sector much more fully as an employer of the hard-core poor. In any event, we must use day-care centers and work incentives to restructure the welfare system, which has sapped the will and dignity of so many of its "beneficiaries." In short, it is time to reexamine the premises of our approach to antipoverty to see if they apply to the actual conditions of American life.

Perhaps nothing we can do to regain our social strength is more important than the restoration of the American city as a viable living unit. A modern industrial society with decaying cities is seriously ill. Yet we are not dealing with housing, education and jobs in our cities, to say nothing of pollution, transit, crime and trash. And if the essentials go unmet, what happens to parks, libraries, museums and the arts? The Federal Government can help create the conditions for

healthy urban diversity. It can try to attract the middle-income family back downtown—through the construction of housing, for instance, that is not anti-children. The Government must also try to restore the cities as self-sufficient, responsible political organisms, qualified to take care of themselves. Perhaps the way to achieve that is to reserve a certain proportion of Federal tax revenues for the use of the cities in which they are collected. We cannot save the cities cheaply, but I don't think this nation can, in the long run, afford not to save them.

One means available to the Republican party to alleviate many of the nation's ills is to make our free enterprise system work more equitably and efficiently. The party has always championed free competition, but we have witnessed the creation of a system of proliferating subsidies, tax shelters, import quotas, monopolies, production controls and various cushions for big business, big labor and big agriculture. The oil industry alone extracts more than \$5 billion a year in hidden tribute. At the same time we have done little to correct such harmful industry practices as false advertising, deceptive packaging, discriminatory pricing, phony guarantees, interest padding and substandard manufacturing. I think that a rigorous assertion of the Government's power to protect the integrity of the marketplace is important to the entire nation, even at the price of a complaint from a lobbyist here and there. We need a creative and expanding economy, unstifled by sanctuaries of privilege, to yield a maximum of tax revenues in a just and fair manner. We count heavily on the free enterprise system as the chief vehicle for combating poverty and inequality of opportunity, and, it seems to me, we should take whatever steps are necessary to insure that it functions well.

Finally, let me note that the Republican party's tradition of resistance to unwarranted governmental power—a tradition often abused by the representatives of private interests—seems peculiarly appropriate to many of our aspirations today. Government, in becoming too bureaucratic and too impersonal, has often become too arbitrary. We have, in many cases, piled rules and regulations one atop another until the system seems ready to collapse. That's why I think we need reform in our inequitable draft laws, our internal revenue procedures, our civil service codes. We need food-stamp and surplus-food programs that are simple enough to get people fed, not so complex that bureaucrats can defeat them. We need anti-crime programs that will not intensify the policing of our lives by wiretaps and dossiers but instead unclog the courts with more judges and improve the corrections system with better prisons and probation officers.

The needs of our society are more complex than they once were. A spiraling population, a speeding technology and an insatiable quest for the wares of our civilization have created conditions that bear little resemblance to those President McKinley faced. What troubles me is that I still see in the Republican party men who are nostalgic for McKinley's day. In itself, their nostalgia is perhaps not blameworthy; but as a guide to the governing of America in the 1970's, it has small use. We cannot apply horse-and-buggy political thinking to the space age. President Nixon's task is made no easier by the presence of this thinking in the party.

If the President is to prove that a Republican Administration is not a curiosity that occurs occasionally between Democrats, then I think he will have to align himself and the party with an outlook that is relevant to our times. He will thereby disappoint some Republicans. But to build a new coalition, I believe he must show the minorities, the poor, the young, the intellectuals that Republicans can govern with compassion and understand-

ing, as well as with skill and effectiveness. America will always respond if the goals are high enough and tough enough, but mediocrity bores and fails to inspire. The "comfortable life" will breed apathy, indifference and callousness, but if we can boldly tackle the creative adventure for peace, and address ourselves to freedom denied, then we can call forth the best of our generation.

There's no magic formula by which Republicans can be transformed into a majority. There are difficult decisions, unpleasant struggles and hard work. Good politics is not distinguishable from good government. But I do not despair that the task can be performed and the Republican party become again—as it once was—the keeper of the destiny of our nation.

**MONROE COUNTY, N.Y., HONORS
LATE PRESIDENT BY DEDICATING
"DWIGHT DAVID EISENHOWER"
LILAC AT WHITE HOUSE CEREMONY**

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. HORTON. Mr. Speaker, in each of our districts we have things in which we can express great pride. It has been my particular pleasure today to share with each of my colleagues in the House of Representatives a memento from my 36th Congressional District—a small sampling of the beautiful lilac fragrance which has made Rochester, N.Y., famous the world over.

The Monroe County's Highland Park in Rochester has developed one of the finest collection of lilacs in the world. These lilacs—which will be blooming in the very near future—present a beautiful rainbow spectrum when in full bloom. The scent is as delicate as the breeze.

Springtime and lilac time are synonymous in Monroe County. The gentle slopes of scenic Highland Park, planted with more than 1,600 lilac bushes of 552 varieties, are ablaze with color ranging from white and the most delicate shades of lilac to the deepest purple.

Mr. Speaker, well over a half a million persons from virtually every State in the Nation and many sections of Canada visit the "Lilac Capital of the World" each spring to enjoy the park's multicolored vistas.

Lilac Sunday, the day blooms are at their height, is the highlight of the week when an afternoon-long program of music and entertainment is featured. Evenings during the week-long festival the colorful beauty can be enjoyed to music under brilliant illumination.

The lilac has been cherished by every generation of Americans. In Mount Vernon, both the Custis and the George Washington families were among its fanciers; Thomas Jefferson recorded the planting of lilacs in his personal garden.

Many of our poets and writers have had a fondness for the fragrant native of the Balkan mountains. Thoreau noted its traditional popularity in New England, where the lovely blooms have beautified homesites ever since Governor Wentworth planted our country's first

bushes on his colonial estate at Portsmouth, N.H.:

Still grows the vivacious lilac a generation after the door and lintel and sill are gone.

Fortunately, lilac varieties have not been lost to us over the generations, as have so many varieties of roses, peonies, and other plants of colonial times.

The world-famous collection which today covers 22 acres of Highland Park includes many of the varieties dating back to colonial origins. Although the Rochester collection was not started until the 1890's, the pioneer varieties provide a striking contrast to some of the most recent introductions.

Among the most interesting of the historical varieties in Highland Park's display is the Azurea Plena, the first double-flowering form known, originated in 1843. Most of the modern double-flowering varieties are descendants of Azurea Plena, having resulted from the breeding experiments of the Lemoines, of Nancy, France after 1876. The double lilacs developed by the Lemoine nursery were the sensation of expositions all over Europe in the late 19th century, and their importation by fanciers in the United States began at the turn of the century.

Lilacs have never required promotion by an organized group of fanciers. The tradition of their popularity has grown spontaneously and is demonstrated vividly each year at lilac time in Rochester, when thousands of visitors from all sections of the United States and Canada come to view the 552 varieties—from pure white to deep purple—in the world's largest display of more than 1,600 shrubs.

These lilacs have won many awards but I sincerely feel their greatest honor took place today when a new lilac—the "Dwight David Eisenhower"—was presented to Mrs. Richard Nixon and to Ambassador John Eisenhower for planting in the White House gardens.

I was privileged to take part in this presentation along with Mrs. Horton, and two representatives of Monroe County, Kermit Hill, assistant county manager, and Alvan R. Grant, parks director.

It was Mr. Grant who had suggested the tribute to the late Dwight David Eisenhower. The new lilac—a unique blue with individual florets with four, five, or up to 17 petals on each cluster—was developed, under his direction, by Richard A. Fenicchia, superintendent of horticulture at the parks department. It was Mr. Grant who remembered the fondness for lilacs expressed by Mrs. Mamie Eisenhower a dozen or so years ago when she lived at the White House.

Because as a child she loved a lilac bush in the backyard of her Denver home, Mrs. Eisenhower wished she had some on the White House lawns, especially white ones.

To make that wish come true representatives of the park system arranged to transplant seven varieties at the White House and three varieties at the Eisenhower farm in Gettysburg. These plants were arranged so Mrs. Eisenhower could see them from her bedroom window at the White House and the farm.

The President's lady said:

I have a special feeling in my heart for them when they bloom, it is to me the beginning of spring.

I was very pleased when Mrs. Nixon agreed to accept the gift from the people of my district who over the years have held deep affection and admiration for General Eisenhower. The presentation ceremony was a double pleasure in that the late President's son was able to break into an extremely tight schedule of briefings for his new assignment as Ambassador to Belgium in order to participate.

This presentation is the second honor in a week for the Monroe County Parks Department. Just a week ago they provided plants, on special request, to the National Arboretum here in Washington, D.C.

The famous "Rochester Lilac"—a pure white flower—was added to the National Arboretum collection.

Mr. Speaker, the "Dwight David Eisenhower" lilac is the result of many years work. It is a cross between the white "Rochester" lilac and the blue "Madame Charles Souchet."

The deep feeling behind the decision to name the newest lilac in memory of our late President demonstrates the love and affection held for him not only by the people of my district but by people across the world. I am sure all of my colleagues join with me in commending Mr. Grant and his staff for their dedication today of the "Dwight David Eisenhower" lilac.

**SUPPORT FOR INCREASE IN
PERSONAL EXEMPTION**

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, early in this Congress I again introduced legislation to increase the personal income tax exemption from \$600 to \$1,000 over a 4-year period.

Over 100 Members of Congress have introduced similar proposals to raise the exemption from its present \$600 level.

I have received overwhelming support for this proposal from residents of the Sixth District and throughout Wisconsin.

In addition to many individual letters, Mr. James Huebner of Hartland, Wis., collected over 50 signatures on a petition and Mr. and Mrs. C. Lange of Milwaukee, Wis., circulated a petition to over 800 signers. I am deeply indebted to these individuals for their efforts and to the signers as well for their support.

Recently the Wisconsin State Council of Machinists, which is made up of delegates from all of the local lodges of the International Association of Machinists and Aerospace Workers, AFL-CIO, representing 70 members of the State of Wisconsin, met in Oshkosh and went on record to reaffirm its previous position that we urge all of our Congressmen that they initiate and support any legislation that would increase Federal income tax exemption from the

present \$600 to \$1,000, and further, to support and introduce legislation which would close present tax loopholes.

Further support has come from radio station VTKM in Hartford, Wis., and I would like to include their editorial on this matter as part of my remarks. The editorial follows:

WTKM EDITORIAL

The personal exemption was first provided in the revenue act of 1913. At that time, a tax payer was allowed an exemption of \$3,000, plus \$1,000 for each dependent. Then, in World War II, the exemption was reduced to \$500 per person. The present exemption of \$600 was provided in 1948. Between 1947-1968 the cost of living went up 55.8%. In April of 1947 the average factory worker grossed \$47.44 per week, for the year of 1968 the same worker grossed \$107.43 per week for an increase of 44.3%. Since 1948 nothing has been done to increase the personal tax exemption, although, through April of 1968, more than 50 bills have been introduced in the 90th Congress to raise exemptions to amounts ranging from \$750 to \$1,200. Recently Congressman Steiger re-introduced legislation for an increase in the personal tax exemption from \$600 to \$1,000 per person over a four year period beginning in 1970 to \$700, 1971 to \$800, and so on, thus preventing an \$11-billion dollar revenue loss to the Federal Government.

WTKM feels, as does Congressman Steiger, that a change in this \$600 exemption is long overdue. It is about time we do everything we can to allow the American people to better make ends meet. We feel this should be enacted by the Senate and House of Representatives at the 1st session of the 91st Congress and not tossed aside as in the past. What do you think?

I would hope, Mr. Speaker, that the increasing volume of support for raising the personal exemption would prompt Congress to take positive action on this as part of its program for tax reform.

DISTRICT OF COLUMBIA COMMITTEE TO CONSIDER LOAN INTEREST LEGISLATION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. GUDE. Mr. Speaker, on Monday the District of Columbia Committee will consider H.R. 255, a bill to authorize banks, savings and loan associations, and other regulated lenders in the District of Columbia to charge or deduct interest in advance on installment loans. This bill has been considered in Congress on previous occasions, but now the era of intensified concern about consumer problems is upon us, as the effective date of the truth-in-lending bill and the comprehensive City Council consumer protection regulations fast approaches. This legislation has brought up the critical area of interest rates which has become one of the major financial issues in the District.

Consumer groups here in the District express their strong concern about the bill in that it allows the effective interest rate to skyrocket into the stratosphere, without any legal limit or ceiling. But there are no legal limits on rates of

interest on any forms of payment involving revolving credit. The bill may be, as the consumer advocates suggest, special-interest legislation, but their objections are in part equally specific.

Many points were brought out, however, which deal exactly with what several of my colleagues and I on the House District Committee have been concerned about for some time. Last year, Congressmen ANDREW JACOBS, JR., BROCK ADAMS, and I introduced legislation which would authorize the District City Council to set maximum interest rates for the District.

Next week when the District Committee brings up H.R. 255, I plan to propose an amendment which would allow the Council to hold comprehensive hearings on the installment loan situation in the District, including not only bank loans, but also retail installment transactions and revolving credit, and subsequently set viable interest rates for the District which will benefit the entire economic life of the city, and all those residents of the metropolitan area who shop or transact financial business in Washington.

It is high time that a systematic overview and study be conducted of the entire installment loan situation here in the District and, in fact, all over the country. H.R. 255 must be placed in the context of this broader problem. It seems to me that we are merely carrying out an exercise in semantics if we call the same rate of interest usurious in one transaction in the marketplace and yet legal in another related transaction. None of us as consumers will benefit from skirting the issue at hand.

I, therefore, submit for the attention of all of my colleagues who are interested in the protection of consumers against unfair and unreasonable installment loan practices, the District of Columbia Retail Installment Sales Act which authorizes the District of Columbia City Council, in title III, to deal with the broad issue and set maximum interest rates for the District:

H.R. 19919

A bill to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS AND DEFINITIONS

SEC. 1.101. PURPOSES, RULES OF CONSTRUCTION.—

(A) This Act may be cited as the "District of Columbia Retail Installment Sales Act", and shall be liberally construed and applied to promote its underlying purposes and policies.

(B) Underlying purposes and policies of this Act are—

(1) to regulate retail installment sales of consumer goods (other than motor vehicles) and services and to safeguard consumers from unfair, unconscionable, or fraudulent advertising, sales, credit, and collection practices;

(2) to permit and encourage the development of fair and economically sound consumer credit practices;

(3) to further consumer understanding through disclosure of the terms of retail in-

stallment transactions and to promote and enhance competition among retail sellers of consumer goods and services; and

(4) to promote and develop programs for the education of retail credit consumers.

SEC. 1.102. CONSTRUCTION AGAINST IMPLICIT REPEAL.—This Act being a general Act relating to the retail installment sale of consumer goods and services, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

SEC. 1.103. GENERAL REPEALER.—All Acts or parts of Acts inconsistent herewith are, to the extent of such inconsistency, hereby repealed.

SEC. 1.104. SEVERABILITY.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of this Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable.

SEC. 1.105. EFFECTIVE DATE.—

(A) This Act shall take effect on the first day of the first month which begins more than ninety days after the enactment of this Act.

(B) This Act and the regulations adopted and promulgated by the Council under the authority of this Act shall be applicable to retail installment contracts, open-end credit agreements and extension or refinancing agreements entered into on or after the effective date of this Act, notwithstanding the provisions of any retail installment contract, refinancing or extension agreement, promissory note, or other instrument to the contrary.

SEC. 1.201. DEFINITIONS.—

(1) "Cash price" of goods or services means the price at which the goods or services are offered for sale by the seller to cash buyers in the ordinary course of business and may include, if separately itemized, any applicable taxes. The cash price of goods may not include the cash price of delivery, installation, servicing, repairs, alterations, or improvements. The amount by which the cash price stated in a retail installment contract exceeds the cash price of goods or services offered for sale by the seller to retail or cash buyers in the ordinary course of business shall be deemed a finance charge.

(2) "Commissioner" means the Commissioner of the District of Columbia or his designated agent; "Council" means the District of Columbia Council or its designated agent.

(3) "Consumer goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods, and including consumer goods which, at the time of the sale or subsequently, are to be so affixed to real property as to become a part of real property whether or not severable therefrom, but the term "consumer goods" does not include goods acquired for commercial or business use or for resale, nor shall such term include any motor vehicle as such term is defined in the first section of the Act approved April 22, 1960 (74 Stat. 69; title 40, ch. 9, D.C. Code), providing for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia.

(4) "Credit" means the right granted to a retail buyer to defer payment of debt or to incur debt and defer its payment.

(5) "District" means the District of Columbia.

(6) "Finance charge":

(a) "Finance charge" means the sum of all the charges directly or indirectly imposed upon and payable by a retail buyer, as an incident to the extension of credit in a retail installment transaction, including, but not limited to, amounts deemed a finance charge under subsection (1) of this section, loan

fees, service and carrying charges, discounts, interest, time price differentials, investigators' fees, costs of any guarantee or insurance protecting the creditor against obligor's default or other credit loss.

(b) If itemized and disclosed in compliance with this Act and regulations promulgated thereunder, the term does not include

(i) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to a retail installment transaction; (ii) taxes; (iii) charges or premiums, in compliance with this Act and regulations promulgated thereunder, for insurance against loss of or damage to property related to a retail installment transaction or against liability arising out of the ownership or use of such property; and (iv) charges or premiums, in compliance with this Act and regulations promulgated thereunder, for credit life, accident, and health insurance.

(7) "Home improvement contract" or "contract for home improvement work" means an agreement for the performance of home improvement work.

(8) "Home improvement work" means the construction of one or more additions to, other improvement, repair, restoration, alteration, conversion, or replacement of any residential property as herein defined, but the term "home improvement work" shall not extend to or include the sale or installation of any appliance, materials, household furnishings, or home equipment, if not made part of the realty.

(9) "Open-end credit agreement" means an agreement, prescribing the terms of secured or unsecured retail installment transactions, which may take place from time to time thereunder, and providing that the buyer's periodic unpaid balance is payable in installments.

(10) "Person" means an individual, firm, concessionaire, partnership, joint stock company, corporation, association, incorporated society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, committee, assignee, officer, employee, principal, or agent.

(11) "Residential property" means real property or interest therein consisting of a single-family dwelling or two-family dwelling, including an individual apartment or residential unit in a cooperative or condominium apartment building, together with any structure or grounds appurtenant to such dwelling.

(12) "Retail buyer" or "buyer" means a person who buys consumer goods from a retail seller in a retail installment transaction and not principally for the purpose of resale, or who, under a retail installment contract, buys services from a retail seller.

(13) "Retail installment contract" means a contract evidencing a retail installment transaction and which is entered into within or has substantial contact with the District.

(14) "Retail installment transaction" means any retail transaction between a retail seller and a retail buyer in which there is an agreement for the purchase of consumer goods, or services, or both consumer goods and services, for which the price is to be paid in one or more deferred installments, and such term shall include any transaction involving a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay compensation for the use of the consumer goods or services or both which are the subject of such contract and it is agreed that the bailee or lessee is bound to become, or, for no further, or a merely nominal, consideration, has the option, upon full compliance with the provisions of the bailment or lease, of becoming the owner of the consumer goods or services, or both; except that the term shall not include any retail transaction in which the purchase price is to

be paid in full within not more than ninety days from the initial billing date, and no security interest in the consumer goods is retained by the seller and no other collateral or security is required or accepted by the seller, and no finance charge or other charge is made as consideration for the deferral of payment or extension of credit.

(15) "Retail seller" or "seller" means a person engaged in the business of selling consumer goods or services to retail buyers.

(16) "Services" means work, labor, or other kind of activity furnished, or agreed to be furnished, primarily for personal, family, or household use, and not for commercial or business use, whether or not furnished or agreed to be furnished in connection with the delivery, installation, servicing, repair, or improvement of consumer goods, including such work, labor, or other activity furnished or agreed to be furnished in connection with repairs, alterations, or improvements upon or in connection with real property, but the term "services" shall not include work, labor, or other activity furnished or agreed to be furnished for which the price or tariff charged or to be charged is required by law to be determined or approved by, or to be filed, subject to approval or disapproval, with the United States or the District, or a department, division, agency, officer, or official of either of such governments.

TITLE II—REGULATIONS AND GENERAL AUTHORITY TO COMMISSIONER AND COUNCIL

SEC. 2.101. The Council is hereby authorized to make and provide for the enforcement of such regulations as it deems appropriate to effectuate the purposes of this Act and safeguard consumers from unfair and unconscionable advertising, sales, credit, and collection practices in connection with retail installment transactions. Such regulations may include, without limitation, provisions—

(A) containing definitions, whether or not used in this Act, insofar as such definitions are not inconsistent with the provisions of this Act;

(B) defining and proscribing advertising, sales, and collection practices which in the opinion of the Council, are inconsistent with the general purposes of this Act and existing laws including, without limitations—

(1) false, misleading, and deceptive advertisements relating to quality, quantity, price, finance charge or rate, or other terms relative to the sale of consumer goods and services, provided that such regulations shall not apply to the owner, publisher, employee or agent of newspapers, magazines, publications, or printed matter wherein such advertisement appears, or to the owner, operator, employee, or agent of a radio or television station which disseminates such advertisement when the owner, publisher, operator, employee, or agent has no knowledge of the commission of a violation of regulations; and

(2) advertising and sales practices and techniques that depend for their effect upon an offer to sell consumer goods or services that is not accompanied by a bona fide offer to sell the offered goods or services, or upon an offer of terms or conditions surrounding a sale that is not contained in the retail installment contract or an offer that would mislead buyers as to the terms and conditions surrounding the obligations of a party or parties to a retail installment transaction, or as to the possibility of performance of such terms and conditions;

(C) respecting the form, execution, and delivery of retail installment contracts, open-end credit agreements, and notices of cancellation, including, without limitation, provisions for a more detailed description of the consumer goods or services to which any contract or agreement relates than is required by section 28: 9-110 of the District of

Columbia Code, provisions for a brief notice to one who cosigns a contract explaining the liabilities incurred by such signature, and additional provisions and notices to be contained in such contracts, agreements, or notices of cancellation.

(D) requiring the showing in retail installment contracts of the amount, if any, to be charged retail buyers as a finance charge, or the basis on which such charge is to be determined, and the amounts, if any, to be charged such buyers for insurance premiums, delinquency charges, attorneys' fees, court costs, collection expenses, and recording or filing fees, such amounts to be itemized separately or to be grouped, as the Council may determine;

(E) requiring the showing in open-end credit agreements of the schedule, rate, or basis upon which the payments and finance charge will be computed, and the basis on which will be determined the amounts to be charged the buyer for insurance premiums, delinquency charges, attorneys' fees, court costs, collection expenses, and recording or filing fees;

(F) governing the form, execution, and delivery of promissory notes and other instruments whereby a retail buyer agrees or promises to pay the unpaid balance of the total amount to be paid under a retail installment contract or open-end credit agreement;

(G) respecting the form, execution, and delivery of notices required by this Act regarding repossession of goods and respecting the manner and methods of the sale or disposition of repossessed goods.

SEC. 2.102. No regulation shall be adopted by the Council under the authority of this Act until after a public hearing has been held thereon for the purpose of receiving evidence relevant and material to the proposed regulation.

SEC. 2.103. The Commissioner and the Council, with the exception of the function of making regulations to carry out the purposes of this Act, are authorized to delegate, with power to redelegate, any of the functions vested in them by this Act.

SEC. 2.104. The authority and power vested in the Commissioner and Council by any provision of this Act shall be deemed to be additional and supplementary to authority and power now vested in him or them, and not as a limitation.

TITLE III—MAXIMUM FINANCE AND OTHER CHARGES

SEC. 3.101. INCLUSIVE CHARGES.—No fee, expense, or other charge whatsoever shall be taken, received, reserved, or contracted for in retail installment transactions and in open-end credit agreements except the following:

(A) finance charges permitted by this Act or regulations promulgated thereunder;

(B) charges for delivery, installation, repair, or other services upon the goods which are included in the contract separate from the cash price of the goods and which are not imposed on the buyer as an incident to the sale or extension of credit;

(C) charges for official fees, taxes, and insurance which are itemized and described in the retail installment contract which qualify for exclusion from the definition of finance charges under section 1.201(6) of this Act; and

(D) additional charges authorized by this Act, or regulations promulgated thereunder.

SEC. 3.102. MAXIMUM FINANCE CHARGES.—No finance charge shall be taken, received, reserved, agreed upon, or contracted for in excess of the maximum rates established by regulations promulgated by the Council. Such rates shall be computed in accordance with rules, regulations, and instructions issued by the Council.

SEC. 3.103. ADDITIONAL PERMITTED CHARGES.—A retail installment contract may provide for the payment by the buyer of—

(A) charges or premium for insurance, to protect from loss the seller or his assignee or any other person entitled to payment in accordance with the terms of a retail installment contract or any extension or refinancing agreement respecting such contract, of such types, maximum coverage amounts and rates as the Council shall by regulation prescribe;

(B) a delinquency charge on each installment in default for a period of not less than fifteen days, in such amount as the Council shall by regulation prescribe;

(C) an extension charge, in such amount as the Council shall by regulation prescribe for each installment from the date when such installment or part thereof would otherwise have been payable to the date when such installment or part thereof is made payable under the extension agreement: *Provided*, That when any such charge is made, no delinquency charge as provided in subsection (B) of this section shall be made (unless an installment as extended is not paid by the end of the period beyond the extended due date): *And provided further*, That the buyer may be charged the additional cost, if any, for such insurance coverage which is provided as permitted by subsection (A) of this section, and is provided in such extension.

(D) the payment of a reasonable attorney's fee in an action for the unpaid balance and, upon redemption by the buyer of repossessed goods, reasonable attorney's fees incident to the actual and reasonable costs of repossessing and holding the goods, in either case not to exceed 10 per centum of the unpaid balance, to an attorney not a salaried employee of the seller, assignee, or person suing on his behalf;

(E) court costs; and

(F) actual and reasonable expenses incurred in realizing on a security interest, following default of the buyer.

SEC. 3.104. SPLITTING OR DIVIDING TRANSACTIONS.—No seller shall induce or permit any buyer to split up or divide any retail installment transaction for the purposes of contracting for or receiving a higher finance or other charge than would otherwise be permitted by this Act.

TITLE IV—RESTRICTIONS ON RETAIL INSTALLMENT CONTRACTS

SEC. 4.101. Every retail installment contract shall be contained in a single document or single set of documents, signed by both the buyer and the seller, and completed as to all essential provisions before it is signed by the buyer. No provision shall be inserted in any retail installment contract or extension or refinancing agreement designed to nullify and make ineffective the provisions of this Act or regulations adopted pursuant thereto, or otherwise deprive a retail buyer of the protection afforded him by this Act or such regulations, nor shall any provision be inserted in any such contract or agreement whereby the buyer waives or purports to waive any provision of this Act. The insertion in any such contract or agreement of a provision in violation of or designed or intended to nullify this Act of the regulations adopted and promulgated pursuant to this Act, or to waive the requirements of this Act and such regulations, shall constitute a violation of this Act, and, in addition, such provision shall be void and of no effect.

SEC. 4.102. NEGOTIABLE INSTRUMENTS PROHIBITED.—Notwithstanding section 28: 3-301 through 307 of the District of Columbia Code, in a retail installment transaction the seller may not take a negotiable promissory note or other negotiable instrument as evidence of the obligation of the buyer. If, as a part of a retail installment transaction, a commercial paper is taken by the seller, such paper shall state that it is subject to and governed by the retail installment contract out of which it arises and, in the hands

of any subsequent holder, such paper shall be subject to all defenses which the buyer might have asserted against the seller. In the absence of such statement in the commercial paper, such paper shall be void.

SEC. 4.103. PROHIBITED CONTRACT CLAUSES.—No seller or subsequent assignee shall at any time take or receive any retail installment contract or extension or refinancing agreement from a buyer which contains—

(A) any provision for the acceleration of the time when any part or all of the indebtedness becomes payable other than for a substantial default in payment or performance by the buyer, or on the same grounds as would authorize an attachment before judgment under paragraphs (2) through (5) of subsection (d) of section 16-501 of the District of Columbia Code, notwithstanding section 28: 1-208 of the District of Columbia Code;

(B) any schedule of payments under which any one installment, except the downpayment, is not equal or substantially equal to all other installments, excluding the downpayment, or under which the intervals between any consecutive installments differ substantially, except that—

(1) the intervals for the first installment payment may be longer than the other intervals,

(2) the final installment payment may be less in amount than the preceding installment payment, and

(3) where a buyer's livelihood is dependent upon seasonal or intermittent income, the seller and the buyer may agree that one or more installment payments in the schedule of payments may be reduced or deferred;

(C) any confession of judgment or any power or warrant of attorney to appear for the buyer or for any surety or guarantor for him to confess judgment;

(D) any provision by which the buyer agrees not to assert against a seller or, notwithstanding section 28:9-206 and 28:2-316 of the District of Columbia Code, against an assignee, a claim, defense or express or implied warranty arising out of the sale of the consumer goods or services which are the subject matter of such contract.

(E) any provision by which the buyer relieves the seller from liability for any legal remedies which the buyer may have against the seller under the contract or under any separate instrument executed in connection therewith;

(F) any provision by which the buyer grants authority to the seller or assignee to enter the buyer's premises in the repossession of the collateral, if any;

(G) any provision by which the buyer waives any right of action against the seller, assignee or other person acting on behalf of either, for any illegal act committed in the collection of payments under the contract or in the repossession of goods; and

(H) any provision whereby the buyer executes a power of attorney appointing the seller, assignee, or other person acting in the seller's behalf, as the buyer's agent in the collection of payments under the contract or in the repossession of collateral security.

SEC. 4.104. Notwithstanding section 28: 9-204 of the District of Columbia Code, the consumer goods which are the subject of a retail installment contract shall serve as security only for the obligation arising out of the sale of such goods and related collection and default charges and such goods shall not be made to secure any past or future advance or obligation of the buyer to the seller or to seller's assignee. This section shall not affect the right of a seller to take a security interest in accessions or in other goods to which such accessions are to be installed or affixed and shall not affect the right to place an encumbrance upon such fixtures or the real estate to which the article has become an accession or fixture.

SEC. 4.105. SIGNING IN BLANK PROHIBITED.—No seller or assignee shall at any time take or receive any retail installment contract signed by a buyer in blank prior to the time all information required to be disclosed by this part and all terms upon which the parties have agreed at the consummation of the sale have been completed in the body of the contract, and the completed contract has been exhibited to the buyer and the buyer afforded reasonable opportunity to examine the contents thereof.

SEC. 4.106. DELIVERY OF COPY OF COMPLETED CONTRACT TO BUYER; ACKNOWLEDGMENT OF DELIVERY; REBUTTABLE PRESUMPTION.—The seller shall deliver to the buyer, or mail to him at his address shown on the retail installment contract, a legible executed and completed copy thereof. Any acknowledgment by the buyer of delivery of a copy of the contract or compliance by the seller or assignee with the requirements of section 4.105 shall be in such format as prescribed by regulation of the Council. The buyer's acknowledgment, conforming to the requirements of this section, shall be a rebuttable presumption of such delivery and such compliance in any action or proceeding by or against an assignee of the contract without knowledge to the contrary when he purchases the retail installment contract.

SEC. 4.107. MAIL OR TELEPHONE SALES.—Any sale otherwise subject to the provisions of this Act which has been negotiated or entered into by mail or telephone without personal solicitation by a salesman or other representative of the seller, where the seller's cash and deferred payment prices and other terms are clearly set forth in a catalog or other printed solicitation of business which is generally available to the public, shall not be subject to the requirements of this Act that a copy of the contract be signed by the buyer or be delivered to the buyer; provided, that the seller delivers to the buyer, not later than the date on which the consumer goods or services are received by the buyer, a memorandum of the purchase containing all of the essential elements of the agreement. Nothing in this Act shall prohibit a seller from receiving an order containing blank spaces, where a sale is entered into in accordance with the provisions of this section.

SEC. 4.108. COMPLETION CERTIFICATE INVALID UNLESS TRUE.—In any transaction involving the modernization, rehabilitation, repair, alteration, improvement, or construction of real property, a writing signed by the buyer that such work has been satisfactorily completed shall not be valid unless the work to be performed by the seller is actually completed.

TITLE V—PAYMENTS

SEC. 5.101. OPERATION AND EFFECT OF PAYMENT.—Unless the buyer has written notice of actual or intended assignment of a retail installment contract, the buyer may pay or tender any amount due thereunder or give any notice required or permitted by the contract, to the person last known to be entitled to payment or notice under the contract, and such payment, tender, or notice shall be binding upon any subsequent assignee as fully as if made to him.

SEC. 5.102. RECEIPTS; STATEMENT OF ACCOUNT.—

(A) When any payment is made on account of any retail installment contract, the person receiving such payment shall, if the payment is made in cash, give the buyer a complete written receipt therefor. If the buyer specifies that the payment is made on one of several obligations, the receipt shall so state.

(B) (1) Within six months after the execution of a retail installment transaction, including an open-end credit agreement, and within every six-month period thereafter until the buyer has discharged all his obligations under the contract, the seller or as-

signee, if any, in addition to any other statements or notices required by this Act, shall send to the buyer upon his written request a statement of account which shall list the following items designated as such:

(a) the amounts of each of the payments made by him or on his behalf, or the sum of the payments made by him or on his behalf during each billing period, depending on the manner in which the seller or assignee maintains his records, and setting forth any refunds and any payments of charges for delinquencies, expenses of repossession and extension, to the date of the statement of account but not to exceed a period of three years prior to such request;

(b) the amounts, if any, which have become due but remain unpaid, setting forth any charge for delinquencies, expenses of repossession and extensions; and

(c) the number of installment payments and the dollar amount of each installment not due but still to be paid and the remaining period the agreement is to run.

(2) The buyer shall be entitled to only one such statement in any six-month period free of charge. The sum of \$1 may be charged for each additional written statement requested by the buyer before supplying such additional written statement.

SEC. 5.103. PAYMENT IN FULL BEFORE MATURITY.—

(A) Notwithstanding the provisions of any retail installment contract to the contrary, a buyer may pay in full at any time before the maturity of the final installment thereof, and thereby shall receive a refund credit and, if the contract included an amount for insurance, a further refund credit for such anticipation, whether or not the maturity of the scheduled payment of the contract was accelerated by reason of a buyer's default.

(B) Except as provided in paragraph (D), the amount of any such refund credit shall be calculated by the so-called sum of the digits method, and shall represent at least as great a proportion of the total amount of the finance charge as the sum of the scheduled periodic balances after the date of prepayment bears to the sum of the scheduled periodic total balances under the schedule of installments in the original or refinanced contract. In the event a contract has been extended and is prepaid in full during an extension period the buyer shall receive, in addition, the refund of that portion of the extension charge applicable to any unexpired months of the extension period.

(C) DETERMINATION OF THE DATE OF PREPAYMENT.—If the prepayment is made before the first installment due date, it shall be deemed to have been made on the first installment due date; thereafter, if the prepayment is made other than on an installment due date it shall be deemed to have been made on the next preceding or next succeeding installment due date, whichever is nearer to the actual date of prepayment.

(D) Where the amount of credit for anticipation of payment is less than \$1, no refund need be made.

(E) In the event of prepayment, the seller shall be entitled to retain a finance charge in an amount to be determined by the Council.

SEC. 5.104. EXTENSION OF DUE DATE.—

(A) A seller or assignee may by agreement with the buyer extend the due date of all or any part of one or more installments under an existing retail installment contract or refinancing agreement.

(B) Except where an extension agreement extends the due date of only one installment or where no charge is made for the extension agreement, an extension agreement—

(1) shall be in writing and signed by the parties;

(2) shall incorporate by reference the agreement to which the extension agreement applies;

(3) shall state the terms of the extension; and

(4) shall clearly set forth regarding any extension charge, the dollar amount for each installment extended (which need not be separately stated if the amounts are substantially equal) the total additional dollar amount to be paid by the buyer for the privilege of extending the time of payment, and the dollar amount for the additional cost of insurance, if any, resulting from the extension.

SEC. 5.105. REFINANCING.—

(A) A seller or assignee may by agreement with the buyer refinance the unpaid balance of a single retail installment contract or refinancing agreement to provide for a new schedule of the times or amounts of the payments, or both.

(B) The refinancing agreement shall be in such format as prescribed by regulation of the Council.

SEC. 5.106. ACKNOWLEDGMENT OF PAYMENTS; RELEASE OF SECURITY.—Promptly on written request and in any event within sixty days after payment of all sums for which the buyer is obligated under a retail installment contract, the seller or assignee of such contract shall mail to the buyer, at his last known address, sufficient instruments to indicate payment in full and to release all security in the collateral, if any, under such contract.

TITLE VI.—REPOSSESSION

SEC. 6.101. DEFAULT BY BUYER; RIGHTS OF SECURED PARTY; NOTICE OF INTENT TO REPOSSESS.—

(A) In the event of default by the buyer in performance of his obligations under a contract or instrument of security which expressly makes such default a ground for repossessing the goods, and the cash price of the goods does not exceed \$1,000, a secured party, pursuant to any rights granted by such contract or instrument, may (1) retake the goods and proceed as hereinafter provided, notwithstanding sections 28:9-501, 9-502, 9-504, 9-506, and 9-507(1) of the District of Columbia Code, or (2) proceed to recover judgment for the balance due without retaking the goods. In any case in which the proceeds obtained from the sale or other disposition of any such goods so repossessed are not sufficient to cover items (1), (2), and (3), of section 6.104, the secured party may, subject to section 6.105(A), recover the deficiency from the buyer. Unless the goods can be repossessed with the permission of the possessor and without use of force or breach of peace, they shall be repossessed by legal process.

(B) Not less than fourteen days before he repossesses, the secured party may, if he so desires, give notice to the buyer of his intention to repossess. The notice shall state the default, the balance due, and the period, if any, at the end of which the goods may be repossessed, and shall clearly, conspicuously, and briefly state the buyer's rights in case the goods are repossessed. The notice may be delivered to the buyer personally or be sent by registered or certified mail to his last known address.

SEC. 6.102. NOTICE; SERVICE; CONTENTS; PENALTY FOR FAILURE TO COMPLY.—Within five days after goods are repossessed the secured party shall deliver to the buyer personally, or send him by registered or certified mail to his last known address, a written notice stating:

1. That the goods, including a general description thereof, have been repossessed;

2. The buyer's right to redeem within the fifteen-day period following the date that such notice is personally delivered to the buyer or if the mails are used the date the notice is sent to him by registered or certified mail to his last known address upon payment of the amount due and payable on such goods so repossessed;

3. The buyer's rights as to a resale; and

4. The exact address where any payment is to be made or notice delivered, and where the goods are stored.

SEC. 6.103. BUYER'S RIGHTS OF REDEMPTION.—

(A) The secured party shall retain possession of repossessed goods for the fifteen-day period following the date that such notice referred to in section 6.102 is personally delivered to the buyer or if the mails are used the date the notice is sent to him by registered or certified mail to his last known address, during which period the buyer may redeem the goods and become entitled to take possession thereof, by paying or tendering the amount specified below.

(B) To redeem the goods, the buyer shall:

1. pay or tender the full amount due under the contract or instrument of security;

2. perform or tender performance of any other promise the breach of which gave the secured party the right to repossess the goods; or

3. if the secured party has given notice of his intention to repossess under section 6.101 (B), the buyer shall pay in addition, the reasonable costs of repossessing and holding the goods, including attorney's fees as provided in section 6.104(2).

SEC. 6.104. RESALE AND APPLICATION OF PROCEEDS.—After default and repossession of the goods and subject to the provisions of this section and section 6.103, the secured party may sell or otherwise dispose of the goods, the disposition to be carried out in a commercially reasonable manner. The proceeds of any such sale or disposition shall be applied in the following order:

1. If the secured party has given notice of his intention to repossess under section 6.101(B), payment of reasonable expenses incurred in sale or disposition.

2. If the secured party has given notice of his intention to repossess under section 6.101(B), payment of reasonable expenses of repossessing and holding the goods, including reasonable attorney's fees where the attorney is not a salaried employee of the secured party or the seller.

3. Satisfaction of the balance due under the contract, less finance charges and insurance premiums, if any, allocable to installments due after repossession.

4. Surplus, if any, to the buyer without request.

SEC. 6.105. RECOVERY OF DEFICIENCY; ATTACHMENT OF GOODS PROHIBITED.—

SEC. 6.105. RECOVERY OF DEFICIENCY PROHIBITED.—If the proceeds of the sale are not sufficient to cover items (1), (2), (3), and (4) of section 6.104, the secured party may not recover the deficiency from the buyer or from anyone who has succeeded to the rights and obligations of the buyer.

Notwithstanding section 16.544 of the District of Columbia Code, a secured party who elects to bring an action for the unpaid balance of a sale not exceeding \$1,000 under section 6.101(A) may not, pursuant to any judgment obtained therein, have the goods, which were the subject of the retail installment contract, sold on execution or similar proceedings.

SEC. 6.106. If it is established that the secured party is not proceeding in accordance with the provisions of this title VI disposition may be ordered or restrained on appropriate terms and conditions.

TITLE VII.—PRIVATE REMEDIES

SEC. 7.101. (A) In the case of failure by any person to comply with the provisions of titles III and IV, and sections 5.104, 5.105, or any of the regulations promulgated by the Council pertaining thereto:

(1) such person or his assignee shall be barred from recovery of any finance charge or delinquency, collection, extension, or re-finance charge, imposed in connection with

the retail installment contract or refinancing or extension agreement; and

(2) for each violation, the buyer shall have the right to recover from such person or any person who acquires such a contract with knowledge of such noncompliance, a sum equal to the amount of any finance charge, imposed by the retail installment contract or refinancing agreement, plus 10 per centum of the principal amount of the debt.

(B) In the case of failure by any person to comply with the provisions of section 5.103, or any regulations promulgated by the Council pertaining thereto, the buyer shall have the right to recover from such person who acquires a retail installment contract or refinancing or extension agreement with knowledge of such noncompliance, a sum equal to twice the amount of the refund credit to which the buyer is entitled under that section.

(C) Failure of the secured party to comply with sections 6.102, 6.103, or 6.104, shall bar him from recovering any deficiency judgment from the buyer or from anyone who has succeeded to the rights and obligations of the buyer, and in addition, shall subject him to liability for any loss caused by the failure to comply with such provisions.

SEC. 7.102. PENALTIES—ERRORS.—SEC. 7.101 (A) or (B) shall not apply to any violation which a seller or assignee establishes by a preponderance of the evidence to be the result of bona fide error. Any good faith book-keeping or clerical error and any unintentional failure by the seller to comply with any provision of this Act may be corrected within ten days after the seller or assignee notices such failure or is notified thereof in writing by the buyer and, if so corrected, neither the seller nor the assignee shall be subject to any penalty under this Act.

SEC. 7.103. In addition to the remedies specifically provided by this Act, the court may give such relief as it deems equitable and just.

SEC. 7.104. Except as provided to the contrary, the remedies provided by this part are cumulative to any additional remedies to which a buyer may be entitled under existing law, including, but not limited to, an action for actual damages that proximately resulted from a violation of this Act or regulations promulgated thereunder, and an action for conversion against a secured party who fails to proceed in accordance with sections 6.102 and 6.103.

SEC. 7.105. In any case in which it is found that a buyer, seller, or assignee has violated any provision of this Act, the court may award reasonable attorney's fees incurred by the party charging such violation.

TITLE VIII—ADMINISTRATION AND ENFORCEMENT

SEC. 8.101. There is hereby created a District of Columbia Department of Consumer Affairs, subject to the general supervision of the Commissioner. The Department is authorized to employ such personnel as may be required to carry out its functions under this Act, and is hereby authorized and directed to—

(1) administer and enforce this Act and any regulations promulgated by the Council under this Act;

(2) conduct studies, investigations, and research with respect to retail installment transactions, including the retail sale of consumer goods and services and the purchasing of retail installment contracts;

(3) conduct educational programs, collect and disseminate information relating to retail installment transactions, and, for such purpose, establish a District of Columbia Government Consumer Information Service;

(4) establish and carry on continuous studies of the operation of this Act to ascertain from time to time defects therein jeopardizing or threatening to jeopardize the purposes of this Act, and to formulate and recommend changes in this Act and other

laws of the District of Columbia which it may determine to be necessary for the realization of such purposes, and to the same end to make a continuous study of the operation and administration of similar laws that may be in effect in the United States and when it deems advisable, make such studies available to the public;

(5) advise, consult, and cooperate with local governments within the Washington metropolitan region, the Federal Government, and interested persons and groups;

(6) encourage voluntary cooperation by persons or affected groups to achieve the purposes of this Act; and

(7) receive certifications by a clerk of court pursuant to section 8.105 and establish procedures for receiving and receive complaints from all persons affected by potential or actual violations of this Act or regulations promulgated under the authority of this Act, including members of the consuming public and persons engaged in the business of selling consumer goods and services or purchasing retail installment contracts.

SEC. 8.102. (A) The Commissioner or his duly authorized agent, in any case involving violation of the provisions of this Act or any of the regulations promulgated thereunder, shall have the power to issue subpoenas in the name of the chief judge of the District of Columbia Court of General Sessions to compel witnesses to appear and testify and/or to produce all books, records, papers, or documents.

(B) In case of disobedience to a subpoena the Commissioner may invoke the aid of the District of Columbia Court of General Sessions in requiring the attendance and testimony of any person and the production of documentary evidence.

The District of Columbia Court of General Sessions may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Commissioner or his duly authorized agent, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(C) No person shall be excused from attending and testifying or from producing documentary evidence before the Commissioner or his duly authorized agent in obedience to the subpoena of the Commissioner on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no person except a corporation shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the Commissioner in obedience to a subpoena: *Provided*, That no such person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 8.103 (A) The Commissioner or his duly authorized agents may administer oaths and affirmations to persons summoned in any investigation or hearing conducted under this Act. Any false swearing on the part of any person as to any material fact shall be deemed perjury and shall be punished in the manner prescribed by law for such offense.

(B) The Commissioner may order testimony to be taken by deposition at any stage of an investigation pending under this Act. Such depositions may be taken before any person designated by the Commissioner having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any persons may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and

testify and produce documentary evidence before the Department as hereinbefore provided.

SEC. 8.104. In carrying out the purposes of this Act, the District of Columbia Department of Consumer Affairs is hereby authorized to—

(1) hold hearings or otherwise gather information and conduct investigations relative to any aspect of, of matter in, the administration and enforcement of this Act or regulations promulgated under the authority of this Act;

(2) compel witnesses to appear, testify, or produce books, records, papers, or documents under the authority of and in the manner provided by sections 8.102 and 8.103; and

(3) initiate such proceedings as may be necessary for enforcement of sanctions provided in sections 8.201 through 8.204, or issue such orders as may be necessary to effectuate the purposes of this Act and enforce the sanctions provided in sections 8.201 through 8.204, and enforce the same by all appropriate administrative and judicial proceedings.

SEC. 8.105. CERTIFICATION BY A CLERK OF COURT.—Whenever the judgment of the District of Columbia Court of General Sessions or the United States District Court for the District of Columbia becomes final in a case in which it is found that any person has engaged in conduct violating this Act or regulations promulgated thereunder or conduct that is unconscionable or fraudulent and is potentially or actually subject to action under section 8.201(A)(2), the clerk of the court in which the judgment was entered shall certify such finding to the Commissioner or his duly authorized agent. A judgment shall be deemed to have become final for the purposes of this section—

(A) if no appeal is taken from the judgment, upon the expiration of the time within which an appeal could have been taken, or

(B) if an appeal is taken from the judgment, having been sustained, can no longer be appealed from or reviewed on a writ of certiorari.

CIVIL REMEDIES

SEC. 8.201. INJUNCTIONS.—

(A) Any person may be restrained by civil action brought by the Director of the District of Columbia Department of Consumer Affairs or his delegate, or by an aggrieved retail buyer, from—

(1) engaging in conducting or enforcing any contract that violates this Act or any regulations promulgated thereunder, or

(2) engaging in a course of unconscionable or fraudulent conduct in connection with the making or enforcing of retail installment and other consumer credit contracts.

(B) In an action brought pursuant to this section to enjoin and restrain any person from violating regulations promulgated by the Council under section 2.101(B), any advertising, sales, or collection practice that is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission, shall be rebuttably presumed to be neither unfair nor unconscionable, absent express provision in such regulations to the contrary.

(C) The court shall grant appropriate relief in an action brought pursuant to this section when it finds—

(1) that the defendant has or is engaged or threatens to engage in conduct violating this Act or any regulation promulgated thereunder, or

(2) that the defendant has or is engaged or threatens to engage in a course of unconscionable or fraudulent conduct in connection with the making or enforcing of retail installment contracts, and that the conduct of the defendant has caused or threatens to cause substantial injury to members of the consuming public or persons engaged in the business of selling consumer goods and services or purchasing retail installment contracts.

SEC. 8.202. PRELIMINARY RELIEF.—With re-

spect to and pending final determination of any action brought pursuant to section 8.201, after notice to a defendant and a hearing is held thereon, the court may grant such preliminary relief as it deems appropriate.

Sec. 8.203. (A) Whenever the Director of the District of Columbia Department of Consumer Protection determines that any person has violated this Act or any regulation promulgated thereunder and that such violation constitutes an enforceable claim for the recovery of penalties imposed by subsections (A) (2) and (B) of section 7.101, the Director may take an assignment in trust from the buyer for such claim, without being bound by any of the technical rules respecting the validity of any such assignments, may bring any appropriate legal action necessary to collect such claim for the recovery of penalties and may join in one proceeding or action such claims against the same person as the Director deems appropriate. Upon any such assignment the Director shall have power to settle and adjust any such claim or claims on such terms as he may deem just.

(B) The court in any action brought under this section shall, in addition to any judgment awarded, allow costs of the action, including costs or fees of any nature, and reasonable attorney's fees, to be paid by the defendant. Such attorney's fees shall be deposited in the Treasury of the United States to the credit of the District of Columbia. The Director of the District of Columbia Department of Consumer Protection shall not be required to pay the filing fee or other costs or fees of any nature or to file bond or other security of any nature in connection with any such action.

Sec. 8.204. CIVIL PENALTY.—Any person who shall engage in a course of repeated and willful violations of this Act or any regulation promulgated by the Council under the authority of this Act shall be subject to liability for a civil penalty not exceeding \$5,000. In all other cases, any person who shall willfully violate this Act or any such regulation shall be subject to liability for civil penalty not exceeding \$1,000.

MISCELLANEOUS

Sec. 8.301. Section 28: 9-203(2) of the District of Columbia Code is amended by inserting immediately after the word "subject" where it appears the second time, the following: "to the District of Columbia Retail Installment Sales Act."

SAVINGS BONDS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. SCHWENGEL. Mr. Speaker, one of the most important civic fundraising campaigns is the savings bond campaign. Treasury Department officials could not have selected a more capable chairman than Mr. D. C. Bradley. Mr. Bradley's guest editorial in the Davenport-Times Democrat is an eloquent plea for the savings bond program.

The editorial follows:

THESE ARE FOR EVERYONE

(NOTE.—Guest editorialist today is D. C. Bradley, president of the Dewey Portland Cement Co., Davenport, and chairman of the United States Savings Bonds Payroll Savings "Share in America" campaign which is being conducted April 1-May 15 in Scott County.)

One of the more popular cigarette tv commercials—if a commercial can be classified as "popular"—ends with the comment that

"Blank cigarettes are not for everyone; they don't try to be."

If I may take the liberty of borrowing on that widely-known phrase in connection with U.S. Savings Bonds, I might point out that these bonds, while differing in the degree of ownership, ARE for everyone, in the manner that everyone should have at least some voluntary financial interest in their country. They are, in all probability, a better savings instrument for the labor force than for any other particular group.

These thoughts, I feel, are some of the most important reasons to push for the successful conclusion of the U.S. Savings Bonds Payroll Savings Plan Campaign in the Scott County area—a campaign, I might add, that I feel proud to head.

Probably never before in their brief but lively history have U.S. Savings Bonds been under more fire than in recent months. Few weeks go by in which the U.S. Savings Bond is not downgraded in one way or another.

In some cases the criticism possibly is earned but, for the small saver, the so-called little guy who makes up America's payroll and who finds it difficult, if not impossible, to save money in large chunks, there is simply no better methods to build a nest egg for himself and for his family.

If I felt any different, I would not have consented to head the Payroll Savings Campaign for the Davenport area.

I would be less than honest if I didn't admit that there were times when I, too, had doubts. But these doubts were erased when I had the opportunity to go to Washington, D.C., for a meeting with other campaign chairmen and with some of America's top industrialists. These men were quite candid in their review of the program and told of the advantages that their worker received from participating in Payroll Savings for U.S. Savings Bonds.

The nationwide drive is headed this year by James M. Roche, board chairman of General Motors. At the Washington meeting, he pointed out emphatically that the U.S. Savings Bonds Payroll Savings Plan has been a boon to his workers—one of the largest work forces in the world—and that the bonds are certainly one of the most attractive savings plans ever for the small, week-by-week saver. He pointed out that millions find this to be the only way in which they can really put aside any money for the future.

In comparing the interest rates of 4.25 per cent for the E Bond and 5 per cent for the Freedom Share with other "small" type savings plans, it shows that actually this is an attractive rate. The combination pays 4.65 per cent and, when one considers the income tax advantages involved, it could well be above 5 per cent.

I returned from the Washington meeting with a strong conviction to do my utmost to make this Scott drive for 1,500 new payroll savers more successful than ever. I have developed a strong pride in the U.S. Savings Bonds Program.

I urge the head of every Davenport area industry to give this savings program a chance, to study it from an unbiased attitude and to urge every worker in his plant to sign up for Payroll Savings.

By the same token, members of the labor force in the Davenport area should also give this program strong consideration. I urge them to give Payroll Savings a try and see for themselves whether or not it is for them. In this case, giving it a try costs nothing—it does, in fact, pay dividends because they not only will get back what they put in but will get more than they invested. Furthermore, it is a voluntary program which they can drop at any time they choose.

From a purely unselfish attitude, what greater investment can one make than to invest in the greatest country in the history of the world?

TRANSPACIFIC ROUTE CASE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. VAN DEERLIN. Mr. Speaker, I wish to express my concern over the action taken by President Nixon in rescinding the order of the Civil Aeronautics Board in the Transpacific Route case.

Early this year the air and the press were filled with rumors, charges and countercharges surrounding President Johnson's handling of the case, with many implying that politics and "cronyism" had been allowed to interfere with selection of carriers for transpacific routes. Many Members of Congress sought review of President Johnson's decision.

Now President Nixon has completed his review, and announced that no evidence of political favoritism was found. However, President Nixon returned the question of South Pacific service to the Board, with instructions for it to certify a carrier for a route from the east coast and Midwest, overflying California.

Naturally, that is of concern to Californians because we have the greatest traffic volume to the South Pacific area, and we would prefer that future service be via California.

Of even greater concern, however, is the fear that this new procedure will result in eliminating California-Hawaii services certified for carriers under the former decision, which is now to be reconsidered in light of President Nixon's action.

The air and the press are again full of rumors that politics and cronyism are affecting the decision of this matter. President Nixon presumably sought to avoid such charges by sending the case back to the CAB for selection of a South Pacific carrier. However, there is speculation this time that the President intends the route to go to Eastern Air Lines because of its strong Republican connections.

The doubts of the press and other observers should not be lightly dismissed in so serious a matter. If the CAB is to be allowed to select the carrier without Presidential guidance, that should be made plain. If the new procedure is just a way of disguising Presidential selection of a South Pacific carrier on the basis of political considerations, those who may be injured by the decision—including the Californians for whom I speak—are entitled to know that too. It is to be hoped that this can be clarified promptly.

Meanwhile, I submit for the RECORD, newspaper items from the Los Angeles Times, the Wall Street Journal and the Washington Post reporting on these matters:

[From the Los Angeles Times, Apr. 20, 1969]
TRANSPACIFIC ROUTE CASE; IT'S STILL UP IN THE AIR

(By Paul E. Steiger)

When President Nixon issued his ruling on the tortured, 10-year-old transpacific airline route case a week ago, he raised almost as many questions as he answered.

To be sure, he laid to rest for at least the next few years any thought that a third U.S. airline might be authorized to fly into Japan. Northwest and Pan American, the two carriers that now have this right, have been given broader authority to compete with one another over the Arctic route to Tokyo (now Northwest's prime preserve) as well as across the central Pacific (presently reserved for Pan American).

Moreover, Trans World Airlines, as approved by former President Johnson as well as Mr. Nixon, will be allowed to cross the Pacific via Okinawa and Hong Kong, thus making it the nation's second round-the-world carrier (after Pan Am).

In fact, the only major international matter left hanging by the President's action is the designation of a second U.S. carrier (again after Pan Am) to fly to Australia, New Zealand and other South Pacific points.

But this matter is of crucial importance—partly because of the value of the route itself (expected to be modest initially), but much more so because of its almost certain impact on the highly lucrative domestic phase of the case.

The domestic phase, in which the Civil Aeronautics Board has the final authority, involves the designation of new routes from mainland cities to Hawaii. By the early 1970s, this market is expected to contribute well over \$200 million a year in new revenue to the favored carriers.

The CAB has said all along that the final shape of its Hawaii awards will be carved to fit the international awards approved by the President. And since President Nixon has sharply upset the board's (and Mr. Johnson's) previous design for the international routes, the CAB can now be expected to make some significant transformations in the domestic routes.

As a result, several of the airlines which got tentative new Hawaii rights in January based on the international awards approved by Mr. Johnson in December now have to bite their fingernails waiting for the CAB and Mr. Nixon to ink in the ultimate route pattern.

What will that pattern be? Airline executives are sufficiently timid at this point that for the record, they won't even speculate. But in private conversations, while they say the possibilities are almost limitless, most believe that Continental and Braniff are the carriers least likely to hold on to their tentative domestic routes. They added that for various reasons, Western, United, and Northwest can probably count on keeping what they have and might even get a dividend or two. Meanwhile, they note, some carriers left out of the original awards—most notably Eastern and American—have new cause for hope.

Airline industry sources suggest that while a Republican President is dealing in this case with a board that has a 3-to-2 Democratic majority and a Democratic chairman, Mr. Nixon most likely will have the initiative. They note that he has the last word on the crucial South Pacific routing and that three of the five CAB members come up for reappointment in the next few years. A look at the impact of what Mr. Nixon has done so far indicates the thrust of his intervention in this case:

1. As any good Republican might, he has completely swept away (as far as his authority permits) the awards approved by Mr. Johnson to Continental and Braniff, the two carriers most closely identified with LBJ's Democratic administration. The Braniff award was just a small spur appended to a domestic Hawaii routing from south central cities. But the Johnson-approved award for Continental would have established the Los Angeles-based carrier as a major force in the South Pacific.

2. For the second time in eight years, a Republican administration has rescued Pan American at the last moment from a threat-

ened onslaught of new U.S. flag competition in the Pacific. This time, though, the rescue is much less complete. While then-President Eisenhower completely voided any new trans-Pacific service in the waning days of his tenure in 1961, Mr. Nixon's awards will force Pan Am to struggle to protect important segments of its Hawaii and Far East markets.

3. Mr. Nixon's specifications to the board for redesigning the route for a second U.S. entrant in the South Pacific derby has been widely interpreted as a direct suggestion that Eastern should be given the nod. Eastern, of course, has perhaps the most Republican image of all the airlines. Financier Laurance Rockefeller, brother of the New York governor, is reportedly its single largest shareholder.

Given all this, many airline industry sources are looking for Eastern to be awarded a combination Hawaii and South Pacific route package much like the one originally recommended for it last April by the CAB's staff examiner on the trans-Pacific case, Robert L. Park.

Mr. Nixon instructed the board to redesign the new South Pacific route so that it bypasses California and originates in East and Midwest cities. Unlike the original award to Continental, which involves service through Los Angeles, this approach will leave Pan Am alone to compete with foreign flag carriers (like Air New Zealand, Australia's Qantas and Britain's BOAC) for traffic between the West Coast and the South Pacific.

California, of course, is currently by far the heaviest source and destination for South Pacific travel, and the President's move here is likely to please the governments of the foreign flag carriers as much as it pleases Pan Am.

The awards recommended for Eastern by examiner Park involve service from Boston, New York, Philadelphia, Washington, Baltimore, Atlanta, Miami, Dallas, Houston, New Orleans, Chicago and St. Louis—all via Hawaii to the South Pacific. The examiner also gave Eastern the option of going through Mexico and bypassing Hawaii (as well as California) on some of its South Pacific routes, but since Mr. Nixon voided Mexico routing for Braniff, it's considered unlikely that it will be revived.

BRANIFF COULD LOSE

If Eastern is given essentially this routing, Braniff's tentative Hawaii authority could well be eliminated, since the Eastern package would include all the cities given by the board to the Dallas-based carrier.

But Braniff supporters are given hope—and Eastern fans some apprehension—by Mr. Nixon's wording calling for South Pacific routes to originate in the East and Midwest. "I wish he had just said eastern half of the country," acknowledges one source close to Eastern.

The reason: Eastern's traffic source is mainly the East Coast and the Southeast. It doesn't possess the East-West routes into the Midwest traffic centers, Chicago and St. Louis, that several other carriers do. Moreover, the Southeast is close to Florida and Caribbean vacation spots offering much the same attractions as those of Hawaii and the South Pacific—at a fraction of the air fare—and many industry sources have suggested its highly optimistic to predicate South Pacific service on getting traffic from cities like Atlanta, Miami and New Orleans.

Thus, some industry sources suggest that American might be selected instead of Eastern for a South Pacific award. It would encompass the northern cities proposed by the examiner for Eastern plus some of the Midwest cities given to Continental (Kansas City and perhaps Denver and Phoenix).

LEFT IN COLD

These sources note that American has strong East-West routings throughout the East and Midwest. They add that because

Mr. Johnson and Mr. Nixon both nixed a lucrative mainland-Hawaii-Tokyo routing proposed for American by the CAB, the carrier is left with no trans-Pacific awards whatever to compensate it for the feeder traffic it will lose. (American currently delivers many passengers from interior cities to Pan Am and United at San Francisco and Los Angeles for transit to Hawaii or beyond. Under the new awards, many of these passengers should be able to fly direct to Hawaii.)

Where does all this leave Continental? Probably out in the cold, most airline sources say. The Los Angeles carrier last week asked the CAB to consider it for the revised South Pacific routing and suggested an award for it that would conform to the President's guidelines. Briefly, the route would add three East Coast cities and St. Louis—none of which Continental currently services—to the four Midwest cities included in its tentative award.

But several industry sources contend that while giving Continental Hawaii and South Pacific authority made a lot of sense as long as some of the planes could be routed through the rich Los Angeles market, the carrier simply doesn't have the roots in the East necessary to make a go of it under Mr. Nixon's ground rules.

AT OTHERS' EXPENSE

The board still might see fit to give Continental simple domestic authority from the Midwest and Southwest to Hawaii via the Los Angeles gateway, but this would no doubt have to come at the expense of either Braniff or Western.

As for Western, its Hawaii awards are considered the most inviolate in the original package, since they have the least intertwinement with the international structure.

But Braniff's awards are considered more vulnerable. "I'd hate to see Braniff hold on and Continental end up with nothing," says an East Coast airlines official who lobbied hard to have the Johnson package overturned. "The Braniff awards made only political sense. Continental is an aggressive, efficient little airline."

He adds: "I'm glad that Nixon turned this thing around, but we had no quarrel with Continental going to Hawaii. It would be an injustice if they got nothing."

[From the Wall Street Journal, Apr. 14, 1969]
TRANSPACIFIC AIR ROUTE AWARDS REVISED BY NIXON—JOHNSON'S GRANTS TO BRANIFF, CONTINENTAL ARE CANCELED; BASICALLY, THE REST STAND—MORE CONTROVERSY POSSIBLE

WASHINGTON.—President Nixon revised the international air-route awards, approved by his predecessor in the controversial trans-Pacific case, primarily by removing the awards that raised most of the controversy.

The major changes ordered by Mr. Nixon were to cancel grants of South Pacific routes to Continental Airlines and a less significant award of a route to Mexico as part of new Hawaii service for Braniff Airways, a subsidiary of Ling-Temco-Vought Inc. Former President Johnson's approval last December of these Civil Aeronautics Board awards had prompted charges of political favoritism.

President Nixon's action appeared to be aimed at removing any doubts about the awards, whether the favoritism charges were justified or not. The President's advisers said they hadn't found any evidence of impropriety by the previous Administration in the case. Both Continental and Braniff still could pick up lucrative routes to Hawaii in the trans-Pacific case's domestic phase, which isn't subject to Presidential approval.

Aside from certain modifications to limit increased service across the Pacific, President Nixon basically let stand the remainder of the previous trans-Pacific awards approved by Mr. Johnson. This means that Trans World Airlines will get a route across the Pacific

allowing it to provide around-the-world service, and that Flying Tiger line will receive an all-cargo route to the South Pacific.

Pan American World Airways and Northwest Airlines, the only two U.S. carriers authorized to fly to Japan, will be allowed to expand existing transpacific service. Basically, the two airlines will compete directly on routes to Japan for the first time.

JOHNSON VETO STANDS

President Nixon upheld Mr. Johnson's previous decision against allowing a third U.S. carrier to serve Japan. The CAB had recommended American Airlines for such a route, but Mr. Johnson vetoed the idea. The Japanese government has strongly opposed entrance of a third U.S. airline into Japan to compete with Japan Air Lines.

The President also opened the door for another airline to obtain transpacific routes by ordering the CAB to recommend a carrier to receive a revised version of the South Pacific routes denied to Continental. Eastern Air Lines, the major loser in the CAB's previous decision, is expected to be among the leading contenders for such routes.

The revised transpacific awards are likely to stir still more controversy in perhaps the biggest air-route case ever to come before the CAB. President Nixon took charge of the case less than a week after he took office last January, by rescinding the awards previously approved by Mr. Johnson. At the time, Mr. Nixon aides confided that the President was reluctant to get involved in the case, but believed there wasn't any alternative because of the charges of political favoritism to Johnson friends at Continental and Braniff.

COUNTERCHARGES POSSIBLE

President Nixon's revised transpacific awards are expected to raise countercharges of political influence. This is because he canceled the controversial awards to Continental and Braniff, despite finding that there wasn't any improper action by the previous Administration in approving the awards. The President also could come under fire because the Rockefeller interests are major stockholders in Eastern, which could benefit from the revised awards.

The Republican Administration, however, probably could squelch any charges of favoritism to Eastern, aviation observers said, merely by approving whatever airline the Democratically controlled CAB recommends for the South Pacific routes denied to Continental. And White House spokesmen already have stressed that the changes ordered by the President were based on economic factors.

In Los Angeles, Continental said it was "surprised at this rejection of CAB recommendations . . . which would have provided the greatest benefit to the traveling public." A spokesman said the line was "studying the matter as to our future course of action."

TWA cheered the President's action. "TWA is most pleased that President Nixon's decision will permit us to close our round-the-world gap after nearly a quarter of a century of effort in this direction," Charles C. Tillinghast Jr., TWA president, declared in New York.

Pan Am, also in New York promised to "vigorously carry out the responsibilities and opportunities (Mr. Nixon) has given us."

Braniff in Dallas, played down the significance of the route between Hawaii and Mexico that it was denied. "The main thrust of the CAB award to Braniff was in the domestic portion in which we were granted new non-stop routes from six mainland co-terminals to Hawaii," a company spokesman said.

The White House said that transpacific awards approved by former President Johnson would have overburdened the Pacific structure with inflated route awards lacking economic viability. The President's advisers estimated that transpacific passenger traffic, while increasing sharply, would be 21% to 33% below the 1973 estimates of the CAB.

Considered to be a factor strengthening the Nixon Administration's position is that its transpacific award changes are more in tune with the less-controversial proposals by CAB Examiner Robert Park in his recommended decision a year ago. Mr. Park, for example, also envisioned a less substantial increase in transpacific air travel, but his forecasts were termed too conservative by the CAB.

The international, transpacific air-route structure ordered for U.S. airlines by President Nixon still will provide for a sharp increase in service from the U.S. to the Orient and the South Pacific. But transpacific awards were reduced from the level of increase called for under the Johnson Administration.

Here are the revised transpacific awards President Nixon ordered Friday in a one-page letter to John H. Crocker Jr., CAB chairman:

Continental will lose an award to compete with Pan American on routes to the South Pacific, including Australia and New Zealand, from East Coast and Midwest U.S. cities. President Nixon ordered the CAB to recommend a carrier to serve such routes from the East Coast and Midwest cities. The CAB examiner, Mr. Park, had recommended such service for Eastern Air Lines, but was overruled by the CAB.

Continental also will lose a South Pacific route segment to American Samoa and Okinawa. This segment should be deferred for consideration by the CAB in a pending Pacific Islands local-service investigation, the President said. Conceivably, Continental still could receive the relatively minor route.

Braniff will lose a route to Hawaii via Mexico because, the President's aides said, the route isn't economically feasible. Braniff, however, tentatively has been awarded direct routes between Hawaii and the U.S. mainland in the domestic phase of the transpacific case.

Pan American will lose a previous award of new service to the Orient from the Northwest via the so-called Great Circle Route over Alaska. Pan Am, however, will receive a Great Circle route from New York, putting it in direct competition with Northwest Airlines; currently, Northwest is the only U.S. carrier authorized to fly the Great Circle Route to the Orient, which is up to 2,000 miles shorter than a Central Pacific route via Hawaii.

Northwest won't be able to add California cities to its current Great Circle routes from the Northwest, but it was authorized to add several inland and Eastern cities, including New York. And Northwest still will receive a new Orient route across the Central Pacific to compete with existing service by Pan Am. Traditionally, the Central Pacific route accounts for about 70% of all U.S.-Orient passenger air travel.

TWA will get a new transpacific route segment stretching from Hong Kong to California via Hawaii. Coupled with TWA's transatlantic routes, this will make TWA the second U.S. around-the-world carrier, competing with Pan Am.

Flying Tiger will get all-cargo routes between the U.S. and the Orient for a five-year experimental period.

In addition, President Nixon canceled a previously proposed requirement that TWA be restricted to the use of less-congested satellite airports near Los Angeles on its new transpacific route.

[From the Washington Post, Apr. 12, 1969]
NIXON AWARDS NEW AIR ROUTES IN PACIFIC TO PAN AM, EASTERN

(By Richard Halloran)

President Nixon made Pan American and Eastern Airlines the big winners in his long-awaited decision on the controversial transpacific air routes.

Continental Airlines was the main loser in

the disputed case, around which have swirled charges and counter-charges of excessive political influence.

Northwest Orient and Trans World Airways came out with about the same routes as they had earlier, as did Flying Tigers, an all-cargo carrier.

The net effect of the President's decision, White House sources said yesterday, was to reduce the service that might have been available if previous awards by former President Johnson had been allowed to stand.

White House sources said that President Johnson's awards, made late last year, "would have overburdened the Pacific with inflated routes lacking in economic viability."

This would have led, the Administration sources said, to restrictions by foreign governments to protect their own carriers. The Japanese have urged the United States to hold down the number of U.S. carriers flying across the Pacific to protect Japan Air Lines, their flag carrier.

The President said yesterday that he made the decision on "considerations of foreign relations and national security." He made the same point when he rescinded the previous awards on Jan. 24.

The Administration also justified the decision on economic terms. White House sources cited forecasts that air traffic over the Pacific would be 21 per cent to 33 per cent lower than those made by the Civil Aeronautics Board.

The sources also pointed to the coming introduction of larger aircraft, specifically the Boeing 747.

NIXON'S ADVISER

The White House said that Mr. Nixon's main adviser on these forecasts has been Prof. Paul Cherington, formerly at Harvard and now Assistant Secretary of Transportation.

In yesterday's decision, Pan American gained by having a great circle route from California to Japan taken away from Northwest, a route Pan American now flies. Pan American also retained its great circle route from New York to the Orient.

SOUTH PACIFIC CARRIER

Pan American, however, was denied permission to fly from the Pacific Northwest to the Orient, which would have put it into direct competition with Northwest. Northwest retained its central Pacific route through Hawaii to the Orient in competition with Pan American.

Eastern gained when the President removed Continental from its previously awarded route from California through Hawaii and the South Pacific to Australia.

Mr. Nixon, in a letter to CAB Chairman John Crocker, said that the second carrier to the South Pacific (Pan American is the other) should bypass the California gateways.

The President asked the Board to recommend a carrier to serve East Coast and Midwest terminals to Hawaii and beyond. While Eastern was not named, this is the route and pattern it proposed to fly during extensive hearings before the CAB.

A major shareholder in Eastern is Laurence Rockefeller, brother of New York Gov. Nelson Rockefeller.

BRANIFF TURNED DOWN

Continental, which competitors earlier alleged had close ties to the Johnson Administration, was removed from an American Samoa-Okinawa route that it considered important to its plans for developing traffic and tourism in the central Pacific Trust Territories.

President Nixon also disapproved an award to Braniff, which has headquarters in Texas, to fly to Hawaii via Mexico City.

Trans World Airlines' earlier award of a route from Hawaii through Okinawa to Hong Kong, which permits it to establish an around-the-world service, was left standing.

Both TWA and Northwest gained when President Nixon said that they need not use satellite airports on the West Coast but could fly from major international airports.

CAB MUST ACT

The next steps are now up to the CAB. It must issue certificates and name an effective date for these international routes, besides selecting the carrier to fly from the East Coast to the South Pacific.

Further, the CAB, which has sole authority over international air routes, must reconsider those domestic routes that are intertwined with the international phase of the case. These are primarily from the mainland United States to Hawaii.

The Board has already awarded routes to Continental, Western and American although the American route is unsettled due to a technicality. After several postponements these routes are scheduled to become effective on May 11.

That may not close the case however, as airline lawyers have stated publicly or privately that they may take it to court. A couple, in documents presented to the CAB, have asserted that President Nixon's intervention in the case may not have been legal.

VOICE OF THE PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. RARICK. Mr. Speaker, the long-suffering American citizen is expressing disapproval through the ballot box of socialistic programs of his Government.

This is the traditional way for the law-abiding citizen to communicate with his chosen leaders. To "take to the streets" and employ violence is the act of insurgents, not Americans.

As this message continues the planners for "Big Brother" may finally understand that the people do not like their planning. Under our American system, if the planners do not understand, they are replaced.

Mr. Speaker, I include several news articles as follows:

[From the Washington (D.C.) Post, May 1, 1965]

POLICEMAN SCORES MINNEAPOLIS UPSET
MINNEAPOLIS, April 30.—A Police Department detective running on a "law and order" platform scored a stunning upset Tuesday in the primary election for mayor of Minneapolis.

The winner, Charles Stenvig, 41, cut into both Democratic and Republican strongholds to get what was interpreted as an outpouring of white backlash and anti-tax sentiment. Stenvig today claimed a "mandate" from people "sick and tired" of no voice at City Hall.

Running as an independent, Stenvig, who is president of the Police Federation, outdistanced the Democratic- and Republican-endorsed candidates and seven nonentities. He now faces a runoff in the general election on June 10 against the Republican candidate, Dan Cohen, City Council president.

Cohen, who ironically has had a hard-line reputation on civil rights, called for a "coalition of reason" with Democrats to maintain what he called the city tradition of moderate leadership. He laid Stenvig's first-place showing to a reaction against black militants, student demonstrations and radical groups.

NO IMMEDIATE RESPONSE

The Democrat, Alderman Gerard Hegstrom, made no immediate response.

However, Hegstrom, whose campaign in the closing weeks was managed by Norman Sherman, former press secretary to Vice-President Humphrey, expressed "concern for this community, which has clearly rejected the rational moderate approach."

Stenvig, a flamboyant figure who has come to City Council hearings with a revolver in the belt of his civilian suit, got 30,229 votes to Cohen's 21,899 and Hegstrom's 19,210. Hegstrom was thereby eliminated from the runoff, ending eight years of Democratic control of the Mayor's office.

Stenvig carried 9 of the 13 wards and Mayor Arthur Naftalin, the four-term incumbent who did not seek re-election, confessed, "I don't know what I'm to do (about the outcome), and I think I'm typical."

NO ROLE IN PRIMARY

Naftalin, a long-time friend of Humphrey, had backed another candidate for the Democratic endorsement and played no role in the primary. The Party's apparent disorganization was assumed to be one factor in the outcome.

Although the Republicans had an 8-to-5 City Council margin, Minneapolis has been considered basically Democratic.

Minneapolis, with a black population of about 20,000, has had no serious racial problems recently. However, black militants have been active and University of Minnesota students have staged demonstrations including seizure of a building in January and marches in large numbers on city hall to protest criminal charges against three black students involved in the January sit-in.

Both the University and Mayor Naftalin have taken conciliatory stances in the face of student and black militancy. A Stenvig supporter summed up: "This is a grassroots revolt against loud-mouths like Mat Eubanks (a black militant leader), bullhorns and riots."

SEES DOUBLE STANDARD

Stenvig, who appeals to what has been called the "cop vote," summed up his views before the election as being the voice of the "little people" who oppose a "double standard."

Stenvig said:

"It's a double standard because I have had a lot of policemen say to me that they're afraid to tag a minority person because they are afraid that if they do they'll be in the front office the next morning . . ."

[From the Washington, (D.C.) Post, May 1, 1969]

TAX INCREASE AND BUSING REJECTED

(By Rasa Gustaitis)

RICHMOND, CALIF.—Last winter, Superintendent of Schools Denzil E. Widell warned that the Richmond Unified School District was financially "on the brink of disaster."

Last month, voters pushed the school system still closer to that brink.

Turning out in record numbers, they soundly defeated a proposed tax rate increase. They also elected—by a wide margin—a school board composed entirely of white suburbanites unanimously opposed to the school administration's plan to integrate elementary schools through two-way busing of pupils.

Losers in the contest called the election results a victory for white racism. Winners called it a triumph for parents who sought to reclaim control of their neighborhood schools. The vote was, in either case, a repudiation of the current board, which had sought to desegregate the entire school system and to bring in innovative programs and special services.

Integration was the big issue in the bitter campaign, even though opponents of the

busing plan denied they opposed desegregation and spoke instead of support for "neighborhood schools" and opposition to "forced busing."

"But Americans have generally not been against integration—they just haven't wanted to do anything about it," said Loren A. Gammon, executive secretary of the Association of Richmond Educators. "The election left no visible alternative between busing and the status quo, which is de facto segregation."

Richmond, an industrial city of 76,000 adjoining Berkeley, is a hard-bitten sort of community, with a large population of poor whites and poor Negroes, many of whom came from the South during World War II to work in local plants and nearby shipyards.

Blacks are concentrated in south and north Richmond, cut off from higher-income white hills by a freeway and from lower-income white areas by the Santa Fe Railroad tracks. Across the tracks from north Richmond is San Pablo, populated largely by working-class whites. It's one of the largest concentrations of poor Caucasians in northern California. "You'll find more American flag stickers and gun stickers and Wallace stickers here than anywhere," said a community worker. "We have a Tobacco Road situation here."

According to Dr. Maurice Barusch, outgoing school board president, the schools of the district have traditionally been governed "by people elected by professional people from the hills in coalition with Negroes. Typically, school board members have been college graduates or above and the sort of people who worry about education for all the kids and so forth. But people voted in this election who have had no interest in schools before."

The turnout in Richmond was more than three times its usual. In some portions of the city, it was nearly 70 per cent, compared with a district average of 20 per cent in previous elections. Only one of the three new board members, an attorney, has a college degree. One is a real estate man, another a mechanical operations manager.

Backed by the Citizens Committee for Neighborhood Schools and the United School Parents, the three rode to victory on their promise to oppose busing and their expressed doubt that the district needed all of the \$2.50 tax-rate increase proposed.

The district has not raised its tax rate of \$3.14 per \$100 assessed valuation for 17 years. The schools have been steadily sliding downhill since 1958 when the administration began to dip into reserve funds after voters rejected a tax increase. Subsequent tax-rise proposals also failed. The trouble was blamed by many on the growing controversy about racial issues.

Now, with the community polarized as never before, one faction in full control of the five-member board, the prospect of a \$1.5 million cut in next year's budget, the outlook for Richmond is grim.

In addition, the National Education Association is expected to blacklist the district. It threatened to impose sanctions if last week's election did not pass. This could mean an exodus of teachers from already short-staffed schools.

HARASSMENT REPORTED

"We've had relatively smooth sailing up to now with a responsible black community," said Dr. Barusch. "But now we're in a critical period. We may well end up as a test case for the whole nation. We had a board that was doing something about integration and for that we were thrown out. And I don't know how much longer the black community will want to integrate with these horrible white trash people who are so full of hate."

Dr. Barusch and two other members on

the board who have supported the integration plan did not seek reelection. Dr. Barusch said he did not believe they stood a chance.

All three had also been plagued by threats, harassment and obscene phone calls during the latter part of their administration.

Superintendent Widel saw the election as "a bellwether." He said it "indicates we are not facing up to some of our important problems, both economic and social. The boys and girls will have to pay the price the adults failed to pay."

To balance its budget, which the district must do under California law, the school administration has to dismiss 180 teachers and other professional staff members—even though there is severe overcrowding in at least 10 elementary schools and 1260 children had no regular teachers this year. It will cut its clerical and maintenance staff by 110—even though broken windows are now covered with plywood because there is not enough maintenance staff. Even broken toilets must at times be neglected.

Summer school will be canceled this year. The high school program will be cut from six to five courses. Class sizes will be increased in the elementary schools and special programs and services will be cut or discontinued—including elementary school music, inter-scholastic athletics, foreign cultural programs, nursing and guidance help.

BUSING, TAX LINKED

There's not much offered in Richmond by way of recreation. One of the popular pastimes is "dragging the main"—riding up and down the main street. The school program cuts will mean more bored and hostile boys and girls out in the streets.

One reason the tax rate failed is that it was tied in voters' minds with the busing plan and Dr. Barusch's policies. Opponents of the present school board were reluctant to give it more money to spend. Also, rumors were circulating that if the board did not get the new tax money, it would have to cancel the busing plan.

Last Wednesday, the night after the election, the school board set a date for another tax-rate increase election July 6, in the hope that voters might approve it if it were separated from the integration issue and they were sure the money would be budgeted by the new board.

The amount proposed this time is \$1.50, too little in the opinion of the Association of Richmond Educators. But even if it passes, the money would come too late to save the schools from further deterioration next fall.

The integration plan, which brought long-simmering racial conflict to the surface, was devised last year in response to a court order.

The Contra Costa Legal Services Foundation had filed suit in behalf of five Negro families claiming their children were getting inferior schooling at Verde Elementary School because it was almost completely black. Nearby Dover and Broadway Schools, the suit pointed out, were almost completely white.

The Superior Court in Martinez ordered the school district to come up with a plan to correct de facto segregation at the three schools. The administration produced a proposal that would integrate all the district's schools with their 44,000 students within three years, with no more than 35 per cent of any school black.

In the first year of the program, the children of Dover, Verde and Broadway were to be integrated through transfers both ways.

VIOLENT REACTION

Dover and Verde are among the poorest elementary schools in the city. Verde has the highest percentage of children from welfare families, low achievement levels and constant trouble keeping teachers. Dover is only slightly better off. The tracks that separate the two have long been a border between two hostile communities.

The reaction among parents of Dover children was violent. They became firm supporters of the antibusing candidates.

The issue was not integration, said Mrs. Donald Remington, president of the Dover P-TA. The issue, she said, was having your children close to home. The tracks were dangerous and the school too far away, about half a mile. But, "frankly," she added, "I wouldn't know of any way to make the plan more acceptable."

Other mothers at the school also spoke of the distance. But the children were more explicit. "I'm not going to Verde because there's niggers there," said one blonde little girl in the school yard. "They beat you up if you get good grades," said a little boy. "I just don't like niggers," said another. "We have a few here but they're good niggers. The ones at Verde are bad."

Near-solid opposition was also expressed by white parents at other schools. Negroes tended to favor integration—but only if the busing worked both ways.

The district has had an open enrollment program for four years and, to relieve overcrowding, also has bused some children from predominantly Negro schools to predominantly white ones. Last year, eleven nearly all-white schools received their first groups of black children.

There had been some trouble. Black children and their parents complain of harassment by whites. However, rumors of trouble far exceeded its actual incidence. The rumors were fanned, school officials believe, by people who wanted to sabotage all efforts at integration.

Last October, school officials asked for FBI help in tracing down rumormongers who have spread false reports of violence—stabblings, beatings and shootings—among both blacks and whites. The rumors died down after announcement of the request for FBI help, but fear continued. The revolt by black militants in nearby high schools and colleges added to those fears. The effects showed themselves in last week's election.

Still, said Dr. Barusch, the integration plan "was the right thing to do," even if it was politically suicidal.

What happens in Richmond next depends on the new school board's willingness to show it is interested in good education for the entire community, some say.

Looking back on the riots in Detroit, Newark and elsewhere during the summer of 1967, the Kerner Commission found the roots of violence in white racism and frustrated hopes. One reason the ghettos exploded, the Commission found, was that blacks had lost hope of effectively "moving the system" through legal and nonviolent means.

Richmond has long been frightened and tense. In 1966, a minor fight between black and white students at Richmond High School escalated into rumors of murder and stabblings and brought the entire city to the brink of a riot. Now, more than ever, the community is a tinderbox.

"The schools mirror the community in which they exist," Dr. Widel said last winter. "If the schools collapse, the community collapses along with the schools."

THE DARKNESS OF ABSOLUTISM: THE ARMY, THE ACLU, AND CHARACTER GUIDANCE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. BRAY. Mr. Speaker, on March 24, 1969, I announced to the House that, under pressure from the American Civil

Liberties Union, the Department of the Army had agreed to "eliminate passages with religious connotations" from manuals used by chaplains for troop character guidance courses. The phrase quoted is the Army's. I wish to make it absolutely clear that the Army's acquiescence was not, as some reports have it, connected merely with making sure there would be no compulsory preaching to the troops of any particular faith. Again, to quote from the Army's letter to the American Civil Liberties Union, the Army promised revisions would be made to make sure the program would be "wholly secular in its approach to training our personnel." Again, to call attention to the word "secular," defined by Webster's New World Dictionary, college edition, as "of or belonging to the world and worldly things, as distinguished from the church and religious affairs."

In other words, a program dealing with ethics, conduct, relation of man to his fellow man, morality, conscience, and uprightness of human character, was to be carried out with a "wholly secular" approach—completely devoid of all religious aspects. This assignment, I dare say, would produce some very interesting results; I cannot imagine how the courses would be phrased. I would like to cite a recent statement by Dr. Will Herberg, graduate professor of philosophy and culture at Drew University, in New Jersey. Writing on the seeming breakdown in morality, and the overall decline in moral standards, Dr. Herberg said:

No human ethic is possible that is not itself grounded in a higher law and a higher reality beyond human manipulation or control. . . . for it is the humanity of man that is at stake. And the humanity of man—our wisdom and our suffering ought to have taught us—is ultimately grounded in that which is above and beyond man.

To realize this profound truth is to realize the full depth and measure of the moral crisis of our time.

James Reston, writing in the New York Times, April 2, 1969; his column for that day dealt with the reverent public response to General Eisenhower's funeral services, and was titled "Faith to Our Fathers, Living Still?":

For believers and unbelievers alike, some facts are plain. The political life and spirit of this country were based on religious convictions. America's view of the individual was grounded on the principle, clearly expressed by the Founding Fathers, that man was a symbol of his Creator, and therefore possessed certain inalienable rights which no temporal authority had the right to violate.

That this conviction helped shape our laws and sustained American men and women in their struggle to discipline themselves and conquer a continent even the most atheistic historian would defend. And this raises a question which cannot be avoided: If religion was so important in the building of the Republic, how could it be irrelevant to the maintenance of the Republic? And if it is irrelevant to the unbelievers, what will they put in its place?

"The liberties we talk about defending today," Walter Lippmann wrote in 1938, "were established by men who took their conception of man from the great central religious tradition of Western civilization, and the liberties we inherit can almost certainly not survive the abandonment of that tradition . . ."

"The decay of decency in the modern age, the rebellion against law and good faith, the treatment of human beings as things, as mere instruments of power and ambition, is without a doubt the consequence of the decay of the belief in man as something more than an animal animated by highly conditioned reflexes and chemical reactions. For unless man is something more than that, he has no rights that anyone is bound to respect, and there are no limitations upon his conduct which he is bound to obey. This is the forgotten foundation of democracy."

What the Eisenhower services suggested, may be ever so vaguely to some and ever so strongly to others, is that the religious foundation of our common life—no matter how much we divide over creeds and sects and their relation to the state—is not "forgotten." It may be ignored or challenged or defied, but it is not lost. We may not believe, but we believe in believing, and the reaction to the old soldier's death dramatized the point.

It is worth noting here that another branch of the Federal Government has a completely different view of the worth of "passages with religious connotations." Postmaster General Winton M. Blount announced in late February that he had ordered revision of the Apollo 8 commemorative stamp, to be issued on May 5 of this year, to include the words "In the beginning God," the first four words of the Bible. The Apollo 8 astronauts had read the first 10 verses of the first chapter of the Book of Genesis during the historic flight orbiting the moon last December; this noble and moving gesture thrilled the world, and the Postmaster General stated it seemed eminently appropriate to put this phrase on the commemorative stamp.

I do not know if the ACLU has formally protested this to the Postmaster General or not; it is certainly "compulsory religion" in that anyone seeing the stamp is involuntarily exposed to the phrase. But I am quite certain that anyone protesting to the Postmaster General would get pretty short shrift.

I was joined in my original protest to the Department of the Army by many of my colleagues. According to several reports, when the news broke around the country, it provoked the heaviest flood of mail so far for the first session of the 91st Congress. I myself received hundreds of letters and wires, as well as phone calls. The overwhelming majority supported my stand but of course there were some who did not.

One letter in particular bears quoting here, in part. I want my colleagues, as well as my constituents and the rest of my fellow Americans, to get absolutely clear beyond the shadow of a doubt just what a certain supercilious minority of the so-called "intelligentsia" really thinks of them, and of their beliefs. This letter came, I might add, from a college professor. Parts of it follow:

The paper says that God is being dropped from Army indoctrination materials. I say it's high time . . . You, of course, 'cannot remotely understand what anyone finds offensive in this concept (of the Creator).' I wonder if you are also one of those who can't understand why anyone would object to prayers in the public schools? I suspect that you do understand (underscoring in original letter), at least remotely, what the opposition is about, but that you just want it clearly understood that you are on God's side.

You are further quoted as follows: "The term Creator means many things to many people, and all but a very tiny minority, no matter what their faith, do acknowledge a 'Creator' in some form." There is a good deal of truth in what you say. The average Hoosier, like the average citizen of most any other state, is, by definition, a superstitious lunkhead who still believes in, or at least pays lip service to a belief in, gods and a future life. . . .

. . . If it is only a minority that rejects the concept of a Creator, that merely proves that only a minority has ever learned to think critically. . . .

. . . In any case, your words will be treasured by the yokels whom you represent. I don't mean by this that your words were uttered merely to curry favor with your constituents, that you are not sincere in your belief. The case is rather, I take it, that Congressmen are not necessarily any brighter than their constituents, and maybe that's the way it must be in a democracy. . . .

Congressmen are presumably like the majority of their constituents; they'd rather stick with their time-honored comfortable superstitions than run the risk of having to change their minds by learning something new.

The answer to such a diatribe as this one was written long ago, by The Psalmist, and he repeated it twice—Psalms XIV, 1 and LIII, 1—for emphasis:

The fool hath said in his heart, There is no God.

THE ANARCHY OF ABSOLUTISM

Thomas Jefferson wrote in a letter to a friend:

The practice of morality being necessary for the well-being of society, the Creator has taken care to impress its precepts so indelibly on our hearts that they shall not be affected by the subtleties of our brain.

Subtleties of our brain can often lead into time-wasting and very unproductive hair-splitting in what seems to be the never-ending search for the absolute answer and solution to various questions. I recall a small fable concerning this absolutist approach:

In the land of Absolute, where everyone and everything is perfect, there is no light at night.

The annals of the Absolutians record that they once discovered the electric light, but as is known, the perfect electric light burns in a perfect vacuum.

Absolute is in the dark.

I first saw this quoted in a speech by the then dean of the Harvard Law School, Erwin N. Griswold, which was delivered at the University of Utah in 1963. Dean Griswold had entitled his speech "Absolute Is in the Dark—a Discussion of the Approach of the Supreme Court to Constitutional Questions" and the balance of his remarks were devoted to the most literate and devastating dissent ever delivered to the Court's decision of 1962, Engel against Vitale, the New York school prayer case.

The original text of the letter from the American Civil Liberties Union addressed to then Under Secretary of the Army, David E. McGiffert, dated April 15, 1968, will be found, along with other documents pertaining to this matter, at the end of my remarks. As will be noted, the ACLU not only adopts this "absolutist" approach but also to my mind becomes insufferably arrogant in its taking certain Supreme Court decisions, extending them into areas not even touched by

the decisions themselves, affirming their—the ACLU's—correctness of reasoning, then quite literally telling the U.S. Army how to run its internal operations.

For example, from the letter:

Supreme Court decisions interpreting both the Establishment and Free Exercise Clauses of the First Amendment clearly proscribe programs of this kind.

More specifically, decisions such as *Engle v. Vitale* 370 U.S. 421 (1962), and *Abington Township v. Schempp*, 374 U.S. 203 (1963) make it quite clear that the Character Guidance Program is a prohibited establishment of religion.

and the final, concluding paragraph:

In light of the demonstrated invalidity of the Character Guidance Program, as it now operates, we urge that prompt action be undertaken by the Department of the Army to review Army Regulation No. 600-30 with an eye toward eliminating the program or recasting it so as to conform with constitutional requirements, if, indeed, such a recasting is possible. During the period of any such review, operation of the program should be suspended, or at the very least, participation therein should be made voluntary, so that further violation of individual rights may be avoided.

"Clearly proscribe, make it quite clear, demonstrated invalidity," the height of intellectual arrogance and presumption. The law is my profession; I have been a member of the bar for many years; I was always under the assumption that our judiciary system contained ample and adequate provisions and mechanics for application and subsequent enforcement of Supreme Court rulings. I was also under the assumption that the Supreme Court did not need an outside, nonlegal organization to extend and interpret its original decisions. I was under the assumption that the ACLU, was aware of this; I was under the assumption that most specifically the legal offices of the Department of the Army were aware of it.

I did not think that the decisions of our courts were open to interpretation, extension, and latent attempts at application and enforcement—such interpretation, extension, application, and enforcement then to be considered binding—by a private, nongovernmental body. But that is exactly what happened and it seems I was wrong in assuming what I did. The parallel to this would be for any private citizen or group of citizens to approach a State government, assert that because the Supreme Court struck down residence requirements for welfare—which they did just last week—therefore residence requirements for voting were also null and void, and tell the State it had to repeal them. And, the State would go along with it.

There are ugly implications in the ACLU arrogating to itself this quasi-judicial, quasi-law enforcement role, and there are equally ugly implications in the Army's taking its constitutional law interpretations from such a group. Perhaps most offensive, in the sense of pure offense to the entire precepts of law upon which our Republic is based, is the sheer hypocrisy of the ACLU's letter: dripping with constitutional citations, yet patently and openly, in tone and intent, deliberately circumventing that same Constitution so piously invoked.

Are the courts, in the eyes of the ACLU, only for us lesser mortals? Just what is "civil liberties" in ACLU's name supposed to mean?

Dean Griswold, in the address referred to, spoke of the Supreme Court engaging in "a species of absolutism in its reasoning, which is more likely to lead us into darkness than to light." In 1963, the Court ruled against Bible reading in public schools in Abington Township against Schempp, a case cited in the ACLU's letter. Justices Goldberg and Harlan, in their dissent to the majority decision, spoke of the Court's concept of absolute neutrality in matters of religion, and warned it could lead to results "which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and passive or even active hostility to the religious."

They were more prophetic than they knew. There is, in truth, already abroad in the land, a "brooding and pervasive devotion to the secular and passive" and it is running quite close to the actively hostile that to date has been found only under totalitarian Communist governments. A front-page editorial in the Russian magazine *Soviet Russia*, on March 21, 1969—just 3 days before I told the House of the ACLU's action with regards to chaplain manuals and character guidance courses—denounced celebration of religious holidays and rites, and baptism of children. Said the article:

Such acts are incompatible with the high title of a Communist.

And it concluded with this paragraph—the entire article is attached at the end of my remarks.

The struggle against the religious vestiges of the past demands lively action from all communists. Party organizations are obliged to strictly control the observation of the CPSU statutes by party members. The CPSU demands that there be no compromise with any manifestations of bourgeois ideology and religious prejudices. Every communist is a militant atheist!

ARMY'S ATTITUDE THAT RELIGION DOES NOT BELONG IN CHARACTER GUIDANCE COURSES WRONG: RECENT EXAMPLES SHOW OTHERWISE

The Army has two recent examples to follow as to the part religion has played in helping military personnel stand up under highly adverse conditions, and both are in cases when the men concerned were under the greatest stress of all: captives of a brutal, savage enemy who would do anything to break them down.

Army Special Forces Maj. James N. Rowe, of McAllen, Tex., recently escaped from the Vietcong after 5 long years in captivity. Describing his experiences he said his captors "work on depression. They make you as depressed as possible." He cited one time when he was particularly despondent, and the Vietcong "thought they had me on the ropes." But Major Rowe prayed and found sudden release from tension. When his Vietcong interrogator returned, he found Rowe whistling and, as Rowe stated it, surprised the interrogator so much "that I did not see him for 3 weeks."

Speaking of his 5 years, during which time he was held prisoner in the U Minh

Forest, a swampy Vietcong stronghold in the Mekong Delta, Major Rowe said:

I came face to face with the fact that there is a Supreme Being. There are times when you have no place to turn except to God.

I would also refer the Department of the Army to testimony given the Navy's board of inquiry into the *Pueblo* affair. The crew told the board that their North Korean guards and interrogators constantly taunted them about believing in their country, and in having religious faith. A statement by Communications Technician James R. Kell was particularly interesting:

They tried to tell us that God didn't exist, that they shot Him down with a missile. But any reference to God made them very uneasy, as if they didn't believe in Him but couldn't deny Him, either.

And that of 20-year-old Storekeeper 3c. Ramon Rosales, who told the board that his faith in God had helped him survive the North Koreans' kicking and interrogating the *Pueblo* crew.

We had lectures with a guy we called "Specs" on decaying American democracy and religion. He'd always get mad at me. He'd always say there was no God and I would stand up and tell him there was a God.

He asked me if I saw Him. I told him I saw Him every day in the flowers and trees. I told him that God was life. He got kind of shook up.

A few minutes later, an admiral on the board asked Rosales:

What do you think was the main thing that got you through the 11 months?

Rosales' answer was:

I think it was my faith in God and my country and the decisions of my commanding officer.

I do not know about the ACLU, whose rights are defended by men like these, and I do not know about whoever it was in the Department of the Army who decided that "religious connotations" had no place in troop character guidance courses.

But I do know for myself. I have commanded men in battle, and I would have done everything I could have done to get any one of these three under my command, as an example to the others, and to have them by my side when the going got tough.

And I would have had them help give the character guidance lectures, too.

WE ARE A RELIGIOUS PEOPLE

In the case of Zorach against Clauson, the New York Court of Appeals handed down a decision on July 11, 1951, sustaining the "released time" program in public schools for religious instruction. On appeal the U.S. Supreme Court upheld the decision, 6 to 3. I quote from Mr. Justice Douglas, speaking for the majority:

We are a religious people whose institutions presuppose a Supreme Being. . . . We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma. When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it

then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do not believe . . . we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence.

The Court here spoke of "the best of our traditions"—which began with, probably, the Mayflower compact on November 11, 1620, whose first words are "In the name of God, Amen." The conclusion to the Declaration of Independence says:

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.

The preamble to every State constitution carries a statement regarding the faith in God of the people of their State. This faith is shown in inscriptions in the Chamber of the U.S. House of Representatives; in the Capitol Prayer Room; in our national motto; in the Supreme Court Building, where each session begins with the words, in the form of a prayer delivered by the Marshal of the Court: "God save the United States and this honorable Court"; in the White House, the Library of Congress, the Lincoln Memorial and on the Tomb of the Unknown Soldier at Arlington.

I wish to repeat here a statement by the Department of the Army concerning the aim of the character guidance program itself:

To instill into all the members of the Army a sense of individual moral responsibility and moral principles that sustain the philosophy of American freedom. . . .

"The philosophy of American freedom." We speak of tradition here; a tradition eloquently described in the following words from a speech I have read:

First, as to the long tradition. Is it not clear as a matter of historical fact that this was a Christian nation? Are the Mayflower Compact, Ann Hutchinson, Cotton Mather, Jonathan Edwards and William Penn, and many others, no part of our history? . . . It is perfectly true that the first amendment forbade Congress to pass any law "respecting an establishment of religion or prohibiting the free exercise thereof." These are great provisions, of great sweep and basic importance. But to say that they require that all trace of religion be kept out of any sort of public activity is sheer invention. Our history is full of these traces: Chaplains in Congress and in the Armed Forces, chapels in prisons, "In God We Trust" on our money, to mention only a few. . . . This is a Christian country, in origin, history, tradition and culture. It was out of Christian doctrine and ethics, I think it can be said, that it developed its notion of toleration.

Before the Department of the Army made its ill-advised agreement to change "all the materials in question to eliminate passages with religious connotations" they should have not only read the statement but also consulted the man who wrote it, and gave it as a speech.

He would have been very easy to find, as his office is just across the river from the Pentagon. He delivered this speech in February 1963, when he gave the

William H. Leary Lecture at the University of Utah Law School, and he spoke in his capacity at that time as dean of the Harvard Law School.

And since October 1967, Dean Erwin N. Griswold has held, in the Department of Justice, the post of Solicitor General of the United States.

I would suggest the Department of the Army, in the future, take its legal interpretations and rulings from duly appointed and qualified Federal Government legal officials and authorities—and I do hope they consult Solicitor General Griswold—rather than being in such a hurry to do the bidding of the ACLU.

On March 28, 1969, 4 days after my initial remarks on this matter, Secretary of Defense Melvin R. Laird ordered a high-level review. The General Counsel of the Department of the Army told me that orders removing "passages with religious connotations" would be held up until the review was completed.

On April 3, 1969, the Secretary of Defense released a formal statement. My original protest had been on the action of removing these "passages with religious connotations," and as to this, the Secretary said:

With regard to the Character Guidance Programs within the Military Departments I want to state that there will be no prohibition against the use of "God," "Supreme Being," "Creator," "faith," "spiritual values," or similar words. References to these terms are appropriate for inclusion in the Character Guidance Program.

The review ordered by Secretary Laird has not yet been completed. I am hopeful that those charged with the responsibility for reevaluating this entire matter cannot be ignored, and which I have will bear in mind some salient facts that tried to illustrate in my preceding remarks.

We all realize that misapplication and misinterpretation of terms such as "faith," "religion," or "spiritual values" can do great harm. However, deeply ingrained in our religious spirit, "the best of our traditions," is also a firm belief in and commitment to tolerance, which serves as an effective counterbalance to the overeager and the less tolerant.

At the end of my remarks I include some pertinent documents which I am sure will be of great interest to all who have followed this matter. They are the original ACLU letter to the Department of the Army, of April 15, 1968; my statement of March 24, 1969; a Department of the Defense press release of March 28, 1969; an article from the New York Times of March 29, 1969; a Department of Defense press release of April 3, 1969; and the article from the Russian magazine Soviet Russia, of March 21, 1969.

The greatest danger to our Republic, by far, comes from what Justices Harlan and Goldberg warned us about in 1963: this "brooding and pervasive devotion to the secular and passive" that can lead to "even active hostility to the religious." Our religious faith, heritage and tradition threatens no one. Indeed, it is our main bulwark against that darkness of absolutism that at times threatens to engulf us all.

The material follows:

AMERICAN CIVIL LIBERTIES UNION,

Washington, D.C., April 15, 1969.

Hon. DAVID E. MCGIFFERT,
Under Secretary of the Army,
Department of the Army,
The Pentagon.

DEAR DAVID: It has come to our attention that all U.S. Army personnel are required to participate in a "Character Guidance Program," pursuant to Army Regulation No. 600-30. While we recognize the legitimacy of the Army's interest in the conduct of its personnel, it is our view that the program as currently conceived and conducted raises problems under the First Amendment to the Constitution of such a substantial nature as to make its continuation highly improper.

The Regulation governing this program states that its aim is "to strengthen in the individual those basic moral, spiritual and historical truths which motivate the patriot and which undergird the Code of Conduct." Although the program is said to be a command responsibility, it is specifically provided that "the chaplain normally will be the instructor for all Character Training," and that "training materials related to the objectives, and especially the moral aspects, of the Character Guidance Program will be prepared by the Chief of Chaplains." All personnel are required to receive Character Guidance instruction in amounts which vary with their enlisted or officer status and grade level. Our objection is not to the concept of a character guidance program as such, but to the religious flavor of that program as reported to us, and to the control and implementation of that program by the Corps of Chaplains.

Supreme Court decisions interpreting both the Establishment and Free Exercise Clauses of the First Amendment clearly proscribe programs of this kind. Moral and spiritual truths are matters about which men may greatly differ. A pluralistic society encourages and protects these differences and a free society allows all individuals to choose for themselves the religious views to which they will be exposed as well as those to which they will adhere. It is no part of the business of the government to interfere with or influence that choice. As the Court pointed out in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), "... no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion."

More specifically, decisions such as *Engle v. Vitale*, 370 U.S. 421 (1962), and *Abington Township v. Schempp*, 374 U.S. 203 (1963) make it quite clear that the Character Guidance Program is a prohibited establishment of religion. Essentially it is a program under which Army personnel are compelled to attend lectures conducted by ordained ministers, dealing with subjects traditionally within the scope of the religious functions of such ministers. We are told that religious references and the use of Biblical texts as a part of these lectures is frequent. Even absent these sectarian materials or references, however, it is difficult to conceive of a program conducted by ordained ministers as embracing the aim of strengthening "moral and spiritual truth" which can be other than religious in nature. The *Schempp* case in which the daily reading, without comment, of Biblical verses in the public schools was forbidden, makes it plain that state sponsored activities of a religious nature are proscribed even absent the compulsory participation which is present in the Character Guidance Program.

A proper secular purpose underlying the Army Regulation would not vitiate the impropriety of the program. In one of the cases involved in the *Schempp* decision, the State's purposes, which were "the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of

our institutions, and the teaching of literature," were not questioned. Nevertheless, Justice Brennan in his concurring opinion said, "... the State acts unconstitutionally if it ... uses religious means to serve secular ends where secular means would suffice." Furthermore, even if the Army could be said to have a greater concern with the character of its members than the government ordinarily has with individual character, it would be insufficient justification for so significant an infringement upon First Amendment freedoms. "The war power does not remove constitutional limitations safeguarding essential liberties." *Home Building & Loan Assn. v. Blaisdell*, 290 U.S. 398; *United States v. Robel*, 389 U.S. 258 (1967).

In light of the demonstrated invalidity of the Character Guidance Program, as it now operates, we urge that prompt action be undertaken by the Department of the Army to review Army Regulation No. 600-30 with an eye toward eliminating the program or recasting it so as to conform with constitutional requirements, if, indeed, such a recasting is possible. During the period of any such review, operation of the program should be suspended, or at the very least, participation therein should be made voluntary, so that further violation of individual rights may be avoided.

Sincerely yours,

LAWRENCE SPEISER,
Director, Washington Office.

JUST WHO RUNS THE OFFICE OF THE CHIEF OF CHAPLAINS?

(Speech delivered by WILLIAM G. BRAY in the House of Representatives, Monday, Mar. 24, 1969)

Mr. Speaker, at the time of the U.S. Supreme Court's school prayer decision, the point was made that one of several possible logical extensions of such a ruling would be banning or at the very least sharply restricting activities of Armed Forces chaplains.

The Supreme Court has not moved in this direction but a private, non-governmental organization has. It has come to my attention that the American Civil Liberties Union, finding fault with certain phrases in instruction manuals for the military's Character Guidance Program, has pressured the Pentagon to make the manuals conform to what the ACLU deems fitting and proper.

The Character Guidance Program, for all enlisted military personnel, is customarily conducted by chaplains who use material prepared by the Office of the Chief of Chaplains. Materials issued to those who conduct the course states, in part, that aim of the program is "to instill into all the members of the Army a sense of individual moral responsibility and moral principles that sustain the philosophy of American freedom. ... That philosophy regards man as a creature of God. As such, every soldier is responsible and accountable to his Creator for the way he performs his civic and military duty. ..."

I cannot remotely understand what anyone finds offensive in this concept. The term "Creator" means many things to many people, and all but a very tiny minority, no matter what their faith, do acknowledge a "Creator" in some form. And, I might add, I was also under the impression that practically everyone, believer or atheist, admitted existence of individual moral responsibility in varying degrees.

I understand the ACLU's original complaint was made about a year ago, and that recently the ACLU has been assured by the Pentagon that "we are revising all the materials in question to eliminate passages with religious connotations."

It should be noted here that Postmaster-General Winton M. Blount takes a somewhat

different view about the worth of "passages with religious connotations." It was announced in late February that he had ordered revision of the Apollo 8 commemorative stamp to include the words "In the beginning God . . ." which were spoken by Lieutenant-Colonel William A. Anders when he read from the Book of Genesis during the historic flight orbiting the moon. The Postmaster-General stated that it seemed eminently appropriate that this introductory phrase should appear on the stamp that commemorates one of the most significant and dramatic events of our time.

I imagine the ACLU will protest this, as well, but the ACLU is not the Supreme Court. Furthermore, I do not think the ACLU or any other organization, for that matter, is especially qualified to arbitrarily prescribe what goes into military troop guidance courses. It seems this incident is a prime example of outright minority dictation, and if the ACLU can do it today, another organization can do it somewhere else tomorrow.

I am making an official request for an explanation of this incident. Aside from the fact that I see no reason for the Office of the Chief of Chaplains to knuckle under to what seems to be little more than unjustified meddling on the part of the ACLU, I believe it set an extremely poor precedent and I would like to know just what factors were taken into consideration in the Pentagon's eventual decision.

NEWS RELEASE FROM OFFICE OF ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Secretary of Defense Melvin R. Laird today issued the following statement:

"I have just learned that certain preliminary actions were taken late last year by the Army to revise its character guidance program. I have determined that since this is a matter which affects all the Services, it should be reviewed by the Assistant Secretary of Defense (Manpower and Reserve Affairs) and the General Counsel of the Department of Defense.

"As Secretary of Defense I will insure that this Department abides by the law at all times. At the same time, I wish to emphasize that our commanders have a special obligation to present an inspiring program of character guidance to members of the Armed Forces, particularly to the thousands of young men and women who enter the Service each year."

[From the New York Times, Mar. 29, 1969]
PENTAGON CURBS RELIGIOUS TALKS—CONGRESSIONAL ANGER THEN PROMPTS REVIEW BY LAIRD

WASHINGTON, March 28.—Secretary of Defense Melvin R. Laird ordered today a high-level Pentagon review of Army plans to eliminate references to God and religious philosophy in character guidance courses that are given to soldiers.

The new Army policy, drawn up after a complaint last year by the American Civil Liberties Union, angered some members of Congress.

The liberties union contended that the mandatory lectures, which are intended to instill a sense of moral responsibility in soldiers, were being used as religious indoctrination.

Mr. Laird issued a statement today saying that he had just learned about the Army's planned revisions in the character guidance program and that he wanted the matter examined more clearly.

He assigned the Assistant Secretary of Defense for Manpower, Roger T. Kelley, and the Pentagon's general counsel to review the situation "since this is a matter which affects all the services."

"As Secretary of Defense I will insure that this department abides by the law at all times," Mr. Laird declared.

"At the same time, I wish to emphasize

that our commanders have a special obligation to present an inspiring program of character guidance to members of the armed forces, particularly to the thousands of young men and women who enter the service each year."

An Army spokesman said that orders to chaplains to stop referring to God and religious philosophy in the lectures had not yet been sent out and that the new policy would not be implemented until the Pentagon review was completed.

The Navy and Air Force were also said to be considering similar steps when Mr. Laird acted.

OBJECTED TO PASSAGE

The liberties union objected to several passages in character guidance training manuals, including one that told members of the Women's Army Corps that they should do their jobs well, "not for reward . . . but simply because it is obviously the will of God."

The character guidance manual, in use by the Army for many years, states:

"Every soldier is responsible and accountable to his Creator for the way he performs his civic and military duty, for the maintaining of his own and his nation's honor, and for the quality of service he renders to his country as a soldier."

"I cannot remotely understand what anyone finds offensive in this concept," said Republican William G. Bray, of Indiana. "The term Creator means many things to many people, and all but a very tiny minority do not matter what their faith, do acknowledge a 'Creator' in some form."

An Army spokesman said that the basic objectives of the program remained unchanged. He said that the main consideration in ordering the change was a soldier's constitutional rights of freedom of religion.

"It was not believed proper to have soldiers attending mandatory classes with religious overtones," he said. "Soldiers, as always, are fully encouraged to attend religious services of their respective faiths."

The Army explained that, while the character guidance courses were usually prepared and given by chaplains, the program was directed by the Army's personnel division.

Four hours of the subject are required in basic training and one hour is given each month to all soldiers.

The Army decision drew strong support from a number of the nation's religious leaders.

One of them, saying that the order conformed with the basic American doctrine separating church and state, saw it, as sparking "another confrontation on the nature of democracy."

Other spokesmen, however, saw the order as a further attempt to take God out of American life.

"I am obviously not for a godless military force for our country," said the Rev. Dr. Sterling W. Brown, president of the National Council of Christians and Jews. "I do, however, support this decision, which I believe is in conformity with the basic American doctrine of separating definite efforts to promote a particular religion from all areas of national government."

UNFORTUNATE TREND SEEN

Dr. James Nash, a Methodist minister who is director of social relations for the Massachusetts Council of Churches, said, "I think there has been an unfortunate tendency to associate the deity with acts of government. To my mind, this is a valuable effort to prevent this kind of propaganda."

"I'm not really too surprised," said the Rev. Charles Allen, associate pastor of the Second Ponce de Leon Baptist Church in Atlanta, Ga. "Again, this is another stab at the heart of America to take the name of God out of everything we hold dear."

Roman Catholic Archbishop Thomas A. Donnellan of Atlanta said that he was not familiar with chaplains' procedures, but

added, "As a clergyman, I don't know how you could lecture about character guidance and moral responsibility without responsibility to God."

NEWS RELEASE FROM OFFICE OF ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Secretary of Defense Melvin R. Laird today made the following statement:

"Certain misunderstandings have arisen regarding the Department of the Army's actions taken last year with respect to its Character Guidance Program. I believe it is appropriate and important to clarify this matter and to report the preliminary results of a study which I ordered when I learned of the previous actions.

"The Army in December 1968, made certain changes in its Character Guidance Program in order to clarify its purpose. The purpose of the Character Guidance Program in the Army, and comparable programs in the Navy, Air Force and Marine Corps, is to instill and strengthen patriotism and a sense of individual moral responsibility in members of the Armed Forces. These programs are sponsored by commanders in the field and are separate and apart from the religious programs conducted by chaplains of the Military Departments.

"The actions by the Department of the Army were concerned solely with its Character Guidance Program and in no way affect or otherwise interfere with the religious programs. All military chaplains have a continuing responsibility without restriction, to conduct worship services, to provide religious instruction and counseling to interested personnel and their families and to sponsor church related activities.

"With regard to Character Guidance Programs within the Military Departments I want to state that there will be no prohibition against the use of 'God,' 'Supreme Being,' 'Creator,' 'faith,' 'spiritual values' or similar words. References to these terms are appropriate for inclusion in the Character Guidance Program. However, all three Military Departments consistently have adhered to the position that espousal of religious dogmas or particular sectarian beliefs is not the purpose and has no place in the Character Guidance Program.

"The Assistant Secretary of Defense (M&RA) met yesterday with senior representatives of the Chaplain Corps and representatives of the Military Departments and the General Counsel of the Department of Defense concerning the review which I have directed be conducted. Upon its completion, recommendations will be made to me."

[From Soviet Russia, Mar. 21, 1969]

MILITANT ATHEISTS

The CPSU statutes are the law for every communist. The statutes embody Lenin's organizational principles and norms of intraparty life and, define precisely the rights and obligations of members and candidate members.

Our party's members strictly observe the demands of the CPSU statutes, hold dear the title of communist, and devote all their efforts to strengthening the unity and monolithic character of the party.

Communists set an example in production and in everyday life, in their selfless service to the motherland, in the struggle to implement party policy, and in fulfilling national economic plans. They speak out vigorously against any deviations from the CPSU's general line and against opportunism and imperialist ideology. The public and labor activity of communists strengthens the might of the party, promotes a growth in the CPSU's authority, and strengthens its influence over the masses.

Unfortunately, however, there are individual members and candidate members who have a careless attitude toward their obligations and who do not fulfill all the statutes'

requirements, in particular by not fighting against religious prejudices. Moreover, there are instances when communists observe religious feastdays and rites. Such acts are incompatible with the high title of communist. To use K. Marx's vivid expression, religion is the opium of the people and a reactionary force because it stupefies the masses and hampers social development.

Those party organizations are incorrect that have a compromising attitude toward those who infringe CPSU regulations, do not give the necessary appraisal, avoid these facts, and display a lack of principle. Thus, in the Liskinskiy Rayon of Voronezh Oblast there have been several instances of communists baptizing their children. Not one of these instances has been examined by the party system and none of the guilty parties has been made to answer to the party organization for his action. Indifference toward this kind of phenomenon leads to a position where what was originally a small concession to the religious has now become a departure by individual party members from a materialist world outlook.

V. I. Lenin wrote: "We must fight against religion. This is the ABC of all materialism, and consequently of Marxism. Religion is a kind of spiritual brandy in which the slaves of capital drown their human form and their demands for the dignity of human life." Lenin's demand to fight tirelessly against religion was topical not only when the Soviet state was being established. A vigorous struggle against religion is of even greater significance today, when our country has become powerful and mighty and when a third of mankind follows its example along the road of socialism. Communists always have been, are, and always will, be militant atheists.

Experience shows that greater success in antireligious work is achieved by those party organizations that combine atheistic propaganda with the introduction of new civic rites and rituals. They give a broad social character to such events in the people's lives as the birth of a child, marriage, birthdays, and others.

For example, in the Pervomayskiy District of Novosibirsk, Komsomol weddings in the palace of weddings and the solemn registration of newly born children is widely practiced. The party organization at Velsk in Arkhangelsk Oblast has displayed fine initiative. Many religious feastdays used to be observed here. Now that is all in the past. Velsk now celebrates regional holidays with song, music, and dance.

However, new socialist rites are still being introduced slowly into people's everyday life, especially in rural areas. And in a number of places no thought is given to these rites and they are uninteresting. As a result they do not become further developed. There are many cases where Soviet holidays and rites are monotonous and boring like the trite rites established long ago.

Life teaches us that the new is born out of a sharp struggle with the old. Accordingly, only something that seems to be better cannot replace the old. And this can be achieved only when there is a creative approach and use is made of the best things that have been accumulated over the years of Soviet power, and when habits and customs that do not stand up to our ideals are rooted out more decisively.

The old habits and traditions that have grown up over the centuries are extraordinarily persistent and vital and they can be exercised only as the result of a stubborn struggle and their gradual replacement with new forms that would satisfy socialist social relationships and communist morals.

Many party organizations have gleaned a great deal of experience in antireligious activity. In particular, in Moscow and Leningrad the registration of births and marriages has for a long time been conducted in a solemn atmosphere in the presence of representatives of the public. The experience of the Muscovites and the people of Leningrad deserves support and dissemination everywhere.

In atheistic work there is unlimited scope for activity by propagandists, agitators, and political information workers who should daily explain the harm of religion and make wider use of the achievements of the natural sciences. Here it is opportune to give lectures and hold debates on atheistic themes, show popular scientific movies, conduct individual work among the local inhabitants, and carry out various other forms of antireligious propaganda.

The struggle against the religious vestiges of the past demands lively action from all communists. Party organizations are obliged to strictly control the observation of the CPSU statutes by party members. The CPSU demands that there be no compromise with any manifestations of bourgeois ideology and religious prejudices. Every communist is a militant atheist!

THE ROTC PROGRAM

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1969

Mr. LIPSCOMB. Mr. Speaker, our ROTC represents a vital element in our country's continuing efforts to provide adequately for our national security.

Recent demonstrations on college campuses have directed attention to the ROTC program and as a result people are interested in knowing more about the program and how well it is doing, whether the demonstrations are having a detrimental effect on ROTC, and what the future of the ROTC program might be.

Secretary of Defense Laird on April 29 issued a statement on the ROTC which answers many of the inquiries people have expressed about ROTC and concerns they have felt about its future.

It is encouraging to say that according to the statement by the Secretary of Defense the ROTC program is fully supported as an essential element to our total national security effort. Furthermore, it is to be strengthened, not downgraded.

Under leave to extend my remarks, I submit Secretary Laird's statement on ROTC for inclusion in the Record:

SECRETARY LAIRD STATEMENT ON ROTC, APRIL 29, 1969

I believe it is particularly important at this time for the American public to understand the viewpoint of the Department of Defense toward Reserve Officer Training Corps (ROTC) activities at more than 350 colleges and universities throughout the United States.

The nation has a need to structure our officer corps so that it represents a broad blend from various sources, including the Service Academies, ROTC programs, college graduate Officer Training Schools, and men and women commissioned from enlisted ranks. We can, thereby, not only make leadership opportunities available to a significant percentage of our youth but also provide added assurance for sound, responsible, and representative military leadership in the future.

As a part of this broad base, the ROTC system has proven of great value to our nation. The ROTC program combines the outstanding resources and sound traditions of our colleges and universities with those of the military services. This vital interplay of civilian university and military training is the essence of the ROTC program.

The total ROTC enrollment at schools where recent demonstrations have occurred represent a very small portion of the approximately 200,000 young men now enrolled in ROTC. Last year we had more than 21,000 ROTC graduates, the highest in our history. I am also advised that the quality of those graduates was better than ever before.

We believe the ROTC programs are better than ever before. Just as the civilian schools continually adjust curriculum and teaching methods to improve the quality and scope of education, so do we in the Department of Defense make similar adjustments in the ROTC program. We have worked with, and hope to continue working with, all schools affiliated with the ROTC to insure the best possible education for our officer corps.

In recent weeks there have been demonstrations on college campuses, caused in part by opposition to ROTC. Such issues as curriculum content, teaching methods, and faculty status we can address and resolve jointly with the schools involved. The issues on those few campuses where opposition to ROTC has been manifested go further, however. Those schools are threatened by denial of the opportunity to provide a portion of our future national leadership. The nation, and the Military Services, would suffer a loss if any part of the civilian academic community declined that opportunity.

At my direction Assistant Secretary of Defense (M&RA) Roger T. Kelley has been holding meetings with academic leaders. These meetings have resulted in an information exchange of views.

The Department of Defense continues to believe that ROTC is an important element of our total national security effort. We want to see its value, both to students and to the nation, strengthened. We are prepared to consider changes which would improve this program at individual schools. We are not prepared to see the ROTC program degraded in any way.

I am confident that the Administration, faculty and students of the vast majority of our colleges and universities where ROTC is conducted share this viewpoint.