EXTENSIONS OF REMARKS

HON. HENRY B. GONZALEZ

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. WRIGHT. Mr. Speaker, the San Antonio Express and News on Sunday, April 27, published a very perceptive front page column by Paul Thompson concerning our extremely able and highly respected colleague, Hon. HENRY B. GONZALEZ.

In reviewing the Gonzalez record from the days when our colleague served on the San Antonio City Council, Mr. Thompson reveals the steady sense of fairness and the consistency of conviction which those of us here in Congress have come to recognize as hallmarks of the Gonzalez character and career.

HENRY GONZALEZ is universally respected by his colleagues, and I know many will enjoy reading this splendid column which I include herewith under leave to extend my remarks:

Back in 1953, when he left the county juvenile office to try his hand at politics, Henry B. Gonzalez used to say that he aimed to represent "all the people of San Antonio" and would never allow himself to be categorized as a purely Mexican-American candidate.

As a city councilman for three years (he resigned to run for the Texas Senate), Gonzalez used to tell Mexican-Americans who appeared in the council chamber and addressed their remarks solely to him: "Look, talk to these other eight men too. We all represent you."

This was regarded as quite proper and even edifying by leaders of the Mexican-American community at that time, including men like Albert A. Pena Jr., the county commissioner, but it fell rather quaintly on the ear of conservative elements on the north side of town, particularly the so-called "pure Anglos" among them.

To put it mildly, they didn't believe Gonzalez.

And when he staged a record-breaking filibuster in behalf of Mexican-American civil rights as one of his first acts upon election of the State Senate, these conservatives felt justified in their suspicion that Gonzalez was a mere publicity seeker who wanted to be a hero on the West Side of San Antonio and was trying to kid everybody else with his repeated declaration, "I represent all the people."

It soon became clear, however, that Gonzalez was a senator who recognized needs of the business community and who would not back legislative bills of an impractical nature simply because somebody said they would do the Mexican-Americans a lot of good.

In brief, State Senator Gonzalez turned out to be pretty much of a legislative hard-nose—liberal in the area of civil rights and conservatively disposed when it came to questions of how the taxpayers' money ought to be spent.

While supporting any workable program that would help the poor, he didn't believe in heaving petty cash around like the Aga Khan on a shopping tour. He described himself at the time with the neologism, "I am a consiberal."

The business community and a whole heap of Anglo-Americans on the north side of San Antonio came to believe that Gonzalez was in fact a "consiberal" with ability to see both sides of every question. That's why he was able to muster enough support to defeat a massive Republican campaign highlighted by barnstorming here of the late Dwight D. Eisenhower in 1961 to become the first Mexican-American ever to be elected congressman from Bexar County.

And Gonzalez since then has stayed elected by pursuing the policies that won him the job in the first place.

His liberal voting record in Congress is almost perfect with regard to civil rights and social reform and wage legislation. But he has also labored unstintingly for state and local business projects and any bill needed to put them over. And from being a candidate who squeaked by in 1961, he now has such all-pervading community support that not even his worst political enemies would dream of running against him.

But today Congressman Gonzalez finds that he hasn't been liberal enough to suit the aforementioned County Com. Pena, State Sen. Joe J. Bernal and other "Viva La Raza" types who want Henry B. to say, in effect, "I am no longer a 'consiberal' who represents all the people. I have reformed. From now on, I am representing the Mexicanos."

Does any sensible Mexican-American here really believe that this would be a good move for Henry B. Gonzalez? Or for anyone else?

SENATOR ROBERT C. BYRD STRESSES INTERDEPENDENCE OF WATER SYSTEMS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 14, 1969

Mr. RANDOLPH. Mr. President, on April 18, 1969, my colleague from West Virginia (Mr. BYRD), addressed an audience of civic and business leaders in Pittsburgh, Pa. He discussed that area's mutuality of interest with farflung river valley communities from the Gulf Coast to the headwaters of the Mississippi and Missouri and the Ohio Valley in water resource development for pollution abatement, flood control, water supply, and navigation.

Senator BYRD's effective remarks were centered on Pittsburgh at the headwaters of the Ohio, but they have a profound relevance for all other river communities in their graphic delineation of the unity of the river systems and of the interdependence of water resource development programs.

The Nation is afflicted with disastrous floods; the pollution of our lakes and rivers threatens public health; our needs for water for communities and industries are rapidly mounting; our navigation system is inadequate for the growing requirements of commerce.

Senator BYRD's emphasis on the widespread mutuality of interests involved in water resource development serves to encourage the broad public support and cooperative effort needed for an accelerated program urgently required in the national interest.

Mr. President, I ask unanimous consent that Senator BYRD's remarks on this important subject be printed in the RECORD.

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

Mankind's development from the beginning has followed the course of rivers. From the earliest civilization, cradled between the Tigris and the Euphrates, to the present, commerce and trade have moved along the major waterways and in their valleys. Economic and cultural growth has been the almost inevitable result.

Today some two and one-half million people live in the Pittsburgh Metropolitan Area. This is more population than in any one of 22 states of this country. And these two and one-half million people earn a higher level of income than do those of many of the states. How do the Pittsburgh people do it, compacted as they are into so limited an area? And why are all these people congregated here at this particular spot on the map?

Pittsburgh is preeminently a river city. Like the tree by the waters, of which the prophet Jeremiah spoke, the city has spread out her roots by the river, and her leaf has been green as a result, and she shall not cease from yielding fruit.

Pittsburgh has grown here to these majestic proportions because she is at the headwaters of the Ohio-Mississippi River system, and because for over two centuries, the site of this city has been the historic gateway between the Atlantic Coast and the waterway connections leading southward to the Gulf of Mexico, westward half way to the Rockies, and north to the Canadian border.

The geographic and historic underpinning of Pittsburgh's vitality has been her mutuality of interest with the other waterway communities to which she is linked over hundreds, and even thousands, of miles by her river connections: Huntington, Cincinnati, Louisville, St. Louis, New Orleans—and Kansas City, Omaha, and innumerable other cities, when one thinks, for example, of the Mississippi and Missouri Rivers.

The Mississippi-Missouri is the third longest river system in the world, exceeded only by the Nile and the Amazon, and longer than either the Yangtze or the Congo.

Including all of the developed tributaries, such as the Monongahela, the Knawha, the Arkansas, and so on, the Mississippi comprises the longest navigable waterway system in the world.

As a major member of this great inland river community, then, Pittsburgh shares with these distant cities the common opportunities and problems of her waterway linkages, those of water supply, navigation development, pollution and flood control. Pittsburgh has held a position of leadership in the extensive pollution control program of the Ohio Valley. Acting under authority of the eight-state compact of 1948 and under standards of the Ohio River Valley Water Sanitation Commission (commonly known as ORSANCO), the city of Pittsburgh, in association with 68 adjacent communities established one of the earliest, and the largest, municipal water quality control works of the Ohio Valley program. This facility was dedicated in 1956.

Industry has joined with government in the extensive anti-pollution efforts that have been made, and substantial progress has resulted. But much still remains to be done, according to the Federal Water Pollution Control Administration, which keeps a close check on the Ohio Valley situation.

In this connection, I noted that the *Wall Street Journal* had an article on March 17

dealing with the Ohio pollution problem. It said the river is still polluted, despite years of effort to clean it up. Cities and factories continue to dump raw sewage—or insufficiently treated sewage—and industrial wastes into the river, the paper said. Politics and the high costs of clean-up combine to keep the anti-pollution progress slow.

Most experts agree, the article said, that the Ohio is cleaner today than it was in the 1930's. But the amount of filth that still pours into the river appalls pollution fighters. Thus far nearly a billion dollars has been spent in the anti-pollution drive.

This, I think, underlines the fact that pollution control is a continuing task, and I wish to emphasize that it is a total river—basin task, intercity and interstate. I am glad to note that Pittsburgh has been a leader, as well as a participant, in the anti-pollution fight.

But, if Pittsburgh has been a leader in efforts to improve her waterways, she has also been a beneficiary. In the Monongahela Valley, my home state of West Virginia is upstream from Pittsburgh. The Monongahela River, in its natural state, has an extreme variation in flow from season to season, at times pouring savage floods down upon the valley communities, at other times virtually drying up. The Monongahela fluctuates between deluge and desert. The President's Water Resources Policy Commission stated in 1950 that the ratio of maximum flow to the minimum monthly average at Pittsburgh is 400 to 1. For one gallon of trickle in the dried-up bed in one season, the river delivers 400 gallons into the city streets in the flood season. Only by means of upstream works in southwestern Pennsylvania and northern West Virginia has this hydrological maniac been tamed.

Navigation structures have made an important contribution. These big dams on the Monongahela, in addition to their primary navigation function, maintain a constant depth of water, permitting uninterrupted supply for water intakes of municipalities and industries which otherwise would be above the surface in the low water season. Two structures, long in service, the Morgantown and Hildebrand locks and dams, plus the new Opekiska installation, all three within West Virginia, team up with the downstream Pennsylvania structures in this contribution to water supply in the Pittsburgh District.

Reservoirs in the upstream tributaries above the head of navigation are major contributors both to water supply and to flood control. In the wet season, when the melting snows and the rains in the mountains pour their floods into the valley, these reservoirs catch and hold the waters which otherwise would flood the downstream communities. During the following dry seasons, controlled releases from the reservoirs maintain, not only the quantity of water available to communities and industries, but, in addition, a movement of current to flush out wastes and provide aeration. Tygart Lake, a man-made body of water in West Virginia performs this vital function for the entire downstream valley of the Monongahela to Pittsburgh and into the main stream of the Ohio River.

But, this job is only begun. The danger of floods in the Pittsburgh area persists, and much improvement remains to be accomplished in dry season water supply. Two new projects in West Virginia on the upstream tributaries of the Monongahela have been designed to meet this need and await congressional action towards their construction. One is the Rowlesburg Lake project on the Cheat River, which is to be a very large body of water, indeed, with a flood-control storage capacity of 300,000 acre-feet and about 523,000 acre-feet for water quality control and recreation. The other is Stonewall Jackson Lake on the West Fork River with a projected gross storage capacity of 75,200 acre-feet. The waters which these man-made lakes will eventually hold for controlled release in the dry season, represent a serious potential flood hazard for the Pittsburgh area and other communities in the wet season. The water would be wasted then and eventually lost in the Gulf of Mexico. Although these projects are some distance away and in another state, they are of vital concern to the Pittsburgh community.

Thus, in these great undertakings with respect to water supply, flood control, and pollution abatement, Pittsburgh has common cause with far-flung river valley regions, both upstream in West Virginia and downstream into states and communities hundreds or thousands of miles away. The waters of the Cheat, the Monongahela, and the Ohio become, as well, the waters of the Mississippi, and, intermingled with the drainage of the Missouri, the Upper Mississippi, and the Illinois Basins, these waters from states as far away as Colorado and Montana join with those from West Virginia and Pennsylvania to wash the docks of Baton Rouge and New Orleans.

The rivers thus are one. I think, with respect to pollution control. Pittsburgh has demonstrated an awareness of this unity at least as penetrating as any river community in the country, and the entire Mississippi Valley owes tribute to Pittsburgh for this vision. In the field of river navigation, the facts justify a similar awareness and initiative.

Pittsburgh is one of the nation's leading ports. In 1966, over 15 million tons of waterborne cargo were loaded and unloaded in the Pittsburgh-Aliquippa area. As a measure of magnitude, this tonnage was equivalent to 52 percent of all the United States tonnage moved that year through the St. Lawrence Seaway.

Pittsburgh's waterborne commerce provides, at low cost, the fuels and materials for her basic industries. It provides low-cost outlets for Pittsburgh products to distant markets. The jobs and incomes of countless Pittsburgh families rest directly upon this water transport foundation.

Through the re-spending of these household incomes by employees, executives, and investors in the water-based industries, the revenues of local industries, retail store, and professional services are sustained. Pittsburgh's waterborne commerce in the latest year reported (1966) amounted to more than 24 tons for each and every household in the Pittsburgh Metropolitan Area—a 24-ton foundation for the rising standard of living of that household.

When you look out your office window in Pittsburgh and see a great tow of barges moving some 10,000 tons of industrial materials and products on the Monongahela or the Allegheny River, I am sure you recognize that this traffic is playing a vital role in the foundations of Pittsburgh's livelihood.

But, what would you say if you saw a tow of barges over a thousand miles away while you were vacationing on the Gulf Coast, perhaps at Destrehan, Louisiana, or Beaumont, Texas? Would you feel that this distant commerce had much to do with the economy of Pittsburgh? You well might. You would say, I think, at times, that this tow of barges, shadowed by the palm trees of the Gulf Coast, is just as much a part of the economy of Pittsburgh as though it were in the shadow of Mount Washington. For, on numerous occasions, it would, indeed, be exactly the same tow of barges—only a few days later than when you saw it in Pittsburgh. And a few days still later you may see that tow in Pittsburgh again. For much of the waterborne traffic moving under the bridges of Pittsburgh moves, also, under the bridges of Huntington and Cincinnati, and some of this, also, moves under the bridges of Memphis and New Orleans. An ever-growing portion of Pittsburgh's river commerce is long-haul traffic, reaching to the extremes of the Mississippi River system.

In a few years, action will have to be taken to enlarge the lockage capacity in the Upper Ohio River. Traffic growth will soon be crowding the old locks at Emsworth, Dashields, Montogomery Island, and, farther downstream, at Gallipolis. These locks are of mounting concern to Pittsburgh industry.

For many years one of the basic strengths of the Pittsburgh steel industry has been its supply of metallurgical coal near at hand. This coal has been brought in, principally via the Monongahela River, from origins a short distance upstream in southwestern Pennsylvania. But, this is getting less true than it used to be. For efficient operation of coke ovens, the Pittsburgh steel industry must bring in a growing tonnage of low volatile coal from southern West Virginia, principally from District 7. This coal originates at the mine by rail and is transshipped at West Virginia ports to barges for carriage upstream on the Ohio River to Pittsburgh and Monongahela River coke ovens. In 1961, waterborne coal shipments from the Huntington, West Virginia, district of the Ohio River into the Pittsburgh District and the Monongahela River amounted to about 4 million tons. In 1966, this had risen to 7.3 million tons, and in 1969, it may well exceed 8 million.

I say all of that to say this: The traditional long-time reliance of Pittsburgh coke ovens on short-haul coal transportation on the Monongahela must now be reinforced, to a growing degree, by a comparably low-cost reliance on longer-haul carriage on the Ohio. And, this longer-haul movement must get through the aging locks of Gallipolis, Montgomery Island, Dashields, and Emsworth. The eventual modernization of these locks is thus of rising consequence to the Pittsburgh economy.

Even on the Monongahela, the haul is getting longer. Coal on the Monongahela is a big growth movement, having risen from 19.8 million tons in 1962 to 27.9 million in 1966. While much of this increase has originated in Pennsylvania, a growing portion comes from farther upstream in northern West Virginia. In 1955, the portion of Monongahela River coal moved into the Pittsburgh District from West Virginia was only 12 percent. In 1966, this was up to 30 percent. At one time, the navigation facilities in the upstream reaches of the Monongahela were of only secondary concern to Pittsburgh industry. But they are rising to a higher level of importance.

There is also much that is of importance to Pittsburgh in the lower Ohio River, for just above where it empties into the Mississippi, a major traffic crisis is developing. In 1955, about 15 million tons of cargo were carried through this gateway. Ten years later, it had doubled to 30 million tons. In 1968, the traffic reached 39 million tons.

Under production and shipping contracts for electric utility coal already concluded, about 45 million tons will be seeking passage in another two or three years.

The Corps of Engineers estimates the capacity of the four old locks at the Ohio-Mississippi gateway at about 40 million tons. More than that simply cannot be accommodated.

The Corps, however, is ready with construction plans for a new high-lift installation, known as the Smithland Locks and Dam, to replace two of the old structures, and is expected to be ready, probably next year, to start construction of a second new one at Mound City, Illinois, to replace the other two. Only upon the completion of these two facilities will capacity again become adequate for the enormously rising volume of cargo carried between the Ohio and the Mississippi Rivers. Smithland is 918 miles from Pittsburgh, but the bottleneck there can hurt the economy here.

The lower Ohio River gateway has long performed a function of particular meaning to the Pittsburgh steel industry. As you know, to utilize its steel-making capacity

adequately, the Pittsburgh District must deliver steel to markets which are closer to competitive steel-making centers than Pittsburgh is. This means that low cost, long-hauling transportation is of distinctive importance to the Pittsburgh steel industry.

Barge transportation on the rivers has performed an important function in meeting this problem. In 1966, for example, slightly over one million tons of Pittsburgh District steel moved through the lower Ohio River gateway to Mississippi Valley and Gulf Coast destinations. Of this total, about 50 percent was pipe and tubing of high value. It may be estimated that the total sales value of this steel in Pittsburgh, at published prices, was about $160 million and that its production yielded about $55 million in local payroll incomes.

Pittsburgh shares with other domestic steelmaking districts the problem of foreign competition, and this competition, of course, hits hardest on the coasts. On the Gulf Coast, Pittsburgh steel meets this competition by barging its product down the rivers. Of the one million tons of Pittsburgh District steel barged through the lower river bottleneck into the Mississippi in 1966, 660,000 tons were carried down the Mississippi to Gulf Coast markets.

As an illustration, 228,000 tons of Pittsburgh District steel were delivered by barge at Galveston Bay, whereas imported steel at Galveston Bay amounted to 1.2 million tons. I believe it is reasonable to say that Pittsburgh stays in the Gulf market only by virtue of low-cost, long-haul barge transportation. And this barge transportation has to move through the lower Ohio River bottleneck to get there. Relief of this bottleneck, 918 miles away, is thus of considerable importance to Pittsburgh.

Steel shipments are only one illustration. In addition, large quantities of petroleum and petroleum products are brought from Gulf Coast and Mississippi Valley origins through the lower Ohio River to Pittsburgh consumers. Fuel oil and gasoline are especially worthy of mention. The 1.5 million barrels of residual fuel oil so moved in 1966, large as this quantity is, constitutes only a partial measure of its importance. The availability of waterborne fuel oil to Pittsburgh tends to set a ceiling price on this fuel delivered from other origins and by other means of transportation, so that the beneficial effect on the area's economy extends to far larger quantities than those actually carried by water.

The gateway of the lower Ohio carries very large quantities of gasoline from Gulf Coast and Mississippi and Ohio Valley refineries to the Pittsburgh area. Waterborne gasoline received in this port area from these distant origins amounted in 1966 to 266.9 million gallons, enough to move every automobile registered in Allegheny County a distance of 7,500 miles. The river thus constitutes a major source of fuel supply for motorists, trucking companies, and other consumers in the Pittsburgh area.

Other examples could be cited, notably the large and growing movement of chemicals. In view of the rising use of petrochemicals, Pittsburgh's connection with the Gulf Coast and other points is of increasing importance for the receipt of feed stocks and intermediates.

Pittsburgh is probably unique among American cities in being served by three great rivers. Its very existence arises from the fact that the Allegheny and the Monongahela—within sight of this room—flow together here to form the Ohio. Pittsburgh's fortunes, from the first, have inextricably been bound up with the three rivers—which are really one. The future of the city is likewise one wih the continued development of the waterway system of which its rivers are a part.

ADDRESS BY LAWRENCE M. GELB

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. HALPERN. Mr. Speaker, in these troubled times it is not difficult for one to fall into a mood of gloom and despair. Over and over we are reminded of all the problems—the war, the cities, the dissatisfied youth, and minority groups. Several evenings past a man spoke of a new outlook on our unsettled society. In all the chaos and unrest he saw hope—something few are brave enough to mention these days. He spoke, with a level head and a clear eye, of seeing beyond the turmoil to the true message of those who are in conflict and whose voices are raised. He asked us to listen more closely, not to the harsh words, but to the minorities' new aspirations and feeling of dignity, and to the songs of love and friendship sung by the young in search of a new sense of human values. He spoke of the ability of the individual to make a positive contribution to better things.

Mr. Speaker, I should like to place into the RECORD, and commend to all in search of a new response to our problems, the speech of Mr. Lawrence M. Gelb, chairman of the board of Clairol, at the dinner in his honor given by the Anti-Defamation League at the Waldorf-Astoria in New York on March 31, 1969:

ADDRESS BY LAWRENCE M. GELB, ANTI-DEFAMATION LEAGUE DINNER, MARCH 31, 1969

You've heard a lot about the problems our country faces. You'll hear a lot more tonight. But I, for one, refuse to look at them despairingly.

I trust you will not regard me as a blind optimist when I say to you . . . let's look at the bright side.

Let's remember that much of the unrest in our nation is due to the desire for achievement and opportunity. For the first time, minorities are beginning to see some real light up ahead. That's why they are trying so much harder to reach that light.

We should feel re-assured that people, who have been denied so much, can still hope and work for a chance to determine their own fate. And we should recognize how important it is to protect their rights and interests as well as our own.

For we know what every doctor knows: For the body to be truly healthy, every one of its parts must be sound. If our nation neglects the rights and needs of any one group of citizens, we will have a sick society.

It matters not whether they are unemployed farmers . . . disenfranchised voters . . . deprived schoolchildren . . . or qualified professionals who are banned from equal opportunity because of their religion or their color. If one minority is overlooked in the equitable distribution of opportunity in our society, then we are all in trouble.

If we keep this thought in mind, I suggest we might find a new way of listening to the voices of all minorities in our country.

The truth is that the basic message of the underprivileged is neither threatening nor frightening. It is, instead, a fervent appeal . . . sometimes militant—sometimes conciliatory . . . for self-determination and dignity. Doesn't this demand our fullest respect, attention, and above all . . . action?

Therefore . . . in our dialogue with minorities . . . we must develop an acute sense of hearing. We must learn to listen to things we may not wish to hear . . . to things that may embarrass us . . . that even generate feelings of guilt among us.

But, by listening, we can learn. And we can use whatever power we have to help do what has to be done.

Listen, for example, to what black people are saying, and you will hear a cry . . . a plea . . . for the opportunity to share in this Nation's bounty . . . a respectable job, a decent home, a good education and the chance to do better.

Today there are new powerful voices . . . the voices of our young people . . . and, by the way, I'm afraid there are more of them than there are of us . . . and they too ask to be heard.

Listen to the dropouts—to the protesters—to the doubters and the bewildered, who are trying so hard to find their way. Listen also to the songs our young people are singing. They sing of love . . . and friendship . . . and yes, they sing about brotherhood. They are all trying to tell us the same thing—that maybe we older people have lost some of our sense of human values.

Whether that is true or not, one thing is certain. We must pay heed and respond to their message. Because, if we cannot communicate our values by the quality of our everyday actions, then perhaps we really have lost them.

But when the raucous voices of the extremists of any race, color, or creed shout hate and engender fear, let us not be stampeded. Let us react courageously and listen fearlessly . . . and understandingly . . . patiently.

And if we do, the message will come in loud and clear . . . the message that we are being asked to find a new way to look at the concept of equality.

It is a fact that equal treatment, as we have known it, is meaningless to people who have been treated unequally for generations. What is needed is not so much equality as equity. Our task is to discover equitable means by which minority groups can share in the unprecedented opportunities that America offers.

Those of us who are working in that direction know that much has been accomplished. And we know how rewarding it can be. But our successess must not breed complacency. For there is a never-ending amount of work to be done!

Like the walls of Jericho, the barriers of discrimination and prejudice are beginning to tumble. In our businesses . . . in practically every walk of life . . . we have found a new way of looking at these things.

We must vow . . . each of us . . . in our everyday dealings . . . to treat every man . . . in business . . . in our social lives . . . and in our political involvements . . . only on the basis of his true individual worth.

If we can do this, we can really harness the genius and drive of decent people everywhere, to the challenge of helping all groups in our country become happy, proud, and productive . . . and we will have taken a giant step forward!

If we can apply our capacity for facing realities and making tough decisions, as well as our knack for communicating ideas to the problems of individual prejudices, we will get brotherhood rolling . . . and fast!

It is time . . . right now . . . to stop wringing our hands and start linking our arms . . . . to address ourselves to rights rather than to rifts . . . to work to bridge the gap that separates people . . . to find fulfillment in the knowledge that such of us—one man at a time—one day at a time—has made some meaningful contribution to better human understanding.

Ladies and Gentlemen . . . if we make this effort . . . we will build—unquestionably—a far better world for ourselves and for those who follow us. Thank you.

ADMIRAL RICKOVER URGES A STRONG NATIONAL DEFENSE

HON. JOHN O. PASTORE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, May 14, 1969

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Report From Washington," written by Walter Trohan, and published in the Chicago Tribune of Friday, May 9, 1969.

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

[From the Chicago Tribune, May 9, 1969]

REPORT FROM WASHINGTON

(By Walter Trohan)

WASHINGTON, May 8.—A powerful case for a strong national defense was made recently by Adm. Hyman G. Rickover, father of the nuclear navy, at the request of Sen. John O. Pastore [D., R.I.], chairman of the joint committee on atomic energy.

The case, put by a responsible and learned citizen, deserves the earnest study of every American in view of the fight being waged against a strong defense, as highlighted by the campaign being waged against development of missile defenses. The opponents are not public servants charged with responsibility to secure the country against foreign conquest, but private individuals not in the least responsible or accountable for the consequences of their opinions.

The opponents abhor war, but so do the military who are charged with awesome responsibility of security. The opponents argue that military spending should be ended so we can assume unmet domestic needs in a war on poverty. Some would argue that war is so horrible it is better to suffer defeat than fight, even tho the cost of preparedness is 8.8 per cent of the gross national product, which is what it was 10 years ago, excluding the cost of the war in Viet Nam, of course.

HITLER'S THREAT WAS ALSO IGNORED

"The Soviets have frequently announced their intent to be the preeminent world power," Rickover wrote Pastore. "Why do we not believe them?"

"Hitler, in 'Mein Kampf,' plainly announced his intent to dominate the world. We did not believe him, either—until it was nearly too late.

"Adm. Gorshkov, commander in chief of the soviet navy, and recently: 'The flag of the soviet navy now flies proudly over the oceans of the world. Sooner or later, the U.S. will have to understand that it no longer has mastery of the seas.'

"And just a few days ago the Russians announced a projected 50 per cent increase in the size of their merchant fleet. These facts should be weighed when assessing the judgment of those who argue for a reduction of American military power while the soviet military power is rapidly expanding.

"The bearer of bad news is always punished. In ancient times, he might be put to death. Today he becomes 'controversial' and unpopular. But if there is one subject on which the American people must know the truth, however unpalatable, it is our military position vis-a-vis the soviets."

SEA MASTERY BOLSTERS WORLD RACE

In his letter, Rickover emphasized that the soviets are just as adept in research and development as is the United States, observing they have already proved this by progress in space, in missiles, in aviation, in military equipment, and in nuclear submarines.

Britain was the world's foremost power when she ruled the waves. That leadership passed to the United States when we became the foremost naval power. Now Russia has set her sights on dominating the seven seas in order to achieve her long-announced goal of world domination.

DIALECTICS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. BUSH. Mr. Speaker, Dr. Jack G. Elam, editor of the newsletter of the Society of Independent Professional Earth Scientists—SIPES—offered an incisive analysis of the oil depletion issue in the September 1968 issue of his publication, entitled "Dialectics." As Dr. Elam's particular approach to the topic is one I found uniquely refreshing, I thought it might be of interest to Members of the House, especially in consideration of the tax reform proposals now being studied by the Ways and Means Committee. The article is as follows:

DIALECTICS

(By Jack G. Elam)

It might seem strange to discuss dialectics in the Newsletter but the mineral industries are critically affected by the affairs of state and SIPES members should never forget this.

Dialetics, as defined in Webster's Collegiate Dictionary is "that branch of logic which teaches the art of disputation and of discriminating truth from error". The unabridged dictionary is much more definite however, and the word has different meanings as applied to Socrates, Kant, Hagel, and Marx, for example. The latter two have really supplied the modern definition. They propose that "a given state of affairs (the 'thesis') generates contrary forces (the 'antithesis') which, when they accumulate sufficiently, causes a reordering of things into a new state (the 'synthesis')." This means little to those of us not trained in philosophy. However, if we examine the political scene carefully, we will find that those who do understand the philosophy have been able to achieve many otherwise unattainable objectives. Therein lies the danger to earth scientists and the laws which permit them to discover the natural resources required for a viable economy.

Most associate dialetics or dialectic materialism with the communists, although a branch of logic need not be restricted to a single economic system. As one prominent writer put it, if you hit a man on the head with a hammer once you will make him mad, but if you hit him on the head for an extended period of time and then promise to start hitting him on the head less hard, or to let up entirely, he will then start thanking you for your generosity.

A classic example of this is evident in Russia. Stalin was a terrible despot who was responsible for millions of deaths by starvation and in slave labor camps. Yet, his tyranny provided the cement which has allowed Russian communism to survive. Now the Russian people think only of the fact that, compared to his reign of terror, they are extremely well off.

Many of our leading intellectuals point with pride to the recent tremendous rate of growth supplied by the communist system, forgetting that for many years the productive capacity of the Soviet Union actually decreased from pre-revolutionary days. The rate of economic growth in Russia from 1900–1917 was actually higher than for the period 1917–1967.

It is alarming that in recent years the dialectic technique has been used in the United States with increasing success. It is most evident in the current political campaign.

I would like to show how this technique is being used to eliminate the depletion allowance and, with it, the domestic petroleum industry. If the depletion allowance and intangible drilling costs provisions are eliminated, for all practical purposes, exploration will cease unless there is a severalfold increase in the price of oil. We all know what happens to an industry which attempts to raise prices, even modestly, in order to maintain profits. We can also imagine the political furor which would be created if the rig count dropped to zero. Obviously, no politician really would want to be identified with either alternative. However, this does not prevent them from advocating it.

The depletion allowance (the "thesis") generates the contrary forces (abolition—the "antithesis") which, when they accumulate sufficiently, causes a reordering of things into a new state (reduction—the "synthesis"). As soon as the reduction is accomplished, the same attack starts anew; 27½% becomes 23½% which then becomes 17½% and on ad infinitum. At no single instance can the public say the reduction killed domestic exploration but, in the long run, the objective will have been achieved. So what if gasoline is rationed! (Note that there are still only a few gasoline stations in all of Moscow.)

When one of the leading economic advisors for the Democratic party comes out with the statement that the depletion allowance costs the Federal government $4,000,000,000 per year in taxes and the nation receives absolutely nothing in return, don't think he is so stupid that he can't even understand elementary economics. Realize that he understands dialectics!

ROTC PROGRAM

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. MONTGOMERY. Mr. Speaker, since my sponsorship of H.R. 10136, concerning campus unrest, and my testimony before the House Education and Labor Subcommittee on Campus Unrest, with particular emphasis of the ROTC aspect of this problem, I have received widespread indication of the interest of the people of America have in this problem. Even from people outside my congressional district such as the following letter from Mrs. Evelyn Floyd, of Miami, Fla., which I commend to my colleagues:

MAY 8, 1969.

Congressman G. V. MONTGOMERY,
Cannon House Office Building,
Washington, D.C.

DEAR SIR: Thank God for a man like you who will speak out. My husband and I adopted two boys years ago out of an orphanage and raised these boys and worked hard—I on one job for 33 years and Mr. Floyd for 30 years on one job. We sent them to college and they took R.O.T.C. Thank God, it really made fine men out of both of them. They both "joined"—not drafted—and served their country and now are both back working for the same company their father works for. We are both still working—him at 69 and me at 60. Our boys have never given us one bit of trouble. We stayed home with our boys when they were growing up. Keep after this R.O.T.C. matter. My father was born in Batesville, Mississippi.

Mrs. EVELYN MEEKS FLOYD.

WHERE ARE WE GOING IN TITLE III ESEA?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. LANDGREBE. Mr. Speaker, I would like to bring to the attention of my colleagues in the House some facts and figures about title III of the Elementary and Secondary Education Act, which provides for supplemental education centers and services, and particularly to acknowledge the program and accomplishments of the Wabash Valley Education Center, in West Lafayette, Ind.

As the costs of education are increasing at an enormous rate—about 10 percent a year as opposed to the increase in our GNP which is about 5 percent or less—we must endeavor to find ways to provide lower costs and yet continue to develop better instructional methods.

The Wabash Valley Education Center, a center funded under title III of ESEA, has taken some significant steps in this regard. According to Mr. William Floyd, its director, the center has developed a new instructional system that makes elementary education more relevant to the child and, at the same time, eases the burden on the teacher. "The system is oriented toward the audio-tutorial mode of instruction . . . Our experience to date, dealing with hundreds of children and dozens of teachers, indicates to us and other educators that it has a great deal of promise pedologically as well as toward reducing the costs of instruction."

I would urge my colleagues to carefully study the following article which appeared in Challenge and Change, January–February 1969, a newsletter of the center, and which will be of interest and importance to all who are concerned about our educational needs and programs:

WHERE ARE WE GOING IN TITLE III ESEA?

The Title III ESEA projects in Indiana are too numerous to describe each one in any great detail. For those of you who may not be familiar with the activities of these projects, some of the types of assistance which schools in Indiana are receiving through Title III ESEA funds include: several supplementary centers which *supplement* but do not *supplant* the regular school programs; curricum assistance; consulative services; new materials and teaching procedures; guidance and counseling assistance; psychological services; assistance for children with behavioral and learning disabilities; the use of paraprofessionals in remedial reading; speech and hearing laboratories; aerospace education; an outdoor education center, in-service training for teachers; assistance to center-city schools; and other types of assistance.

Prior to relinquishing control of the program, the United States Office of Education obligated the major portion of the Hoosier allocation and only a minimal amount of the $3.8 million funding for Fiscal Year 1969 is available for programs which are deemed to meet priorities in Indiana.

Currently, five of Indiana's thirty-two operative grants have established service centers for the purpose of planning, coordinating and utilizing resources to provide educational programs in groups of communities related either by location or by the programs they offer. The centers assume a variety of forms and focus on many targets such as team teaching, individualized instruction, in-service training for teachers, leadership development for administrators, pupil personnel services, curriculum development, consultant services, the collection and preparation of instructional media; and diagnosis, prescription, and treatment of reading difficulties.

A second major group of approved Indiana projects is aimed at expanding, developing and demonstrating new techniques in specific subjects at specific grade levels or for specific groups of pupils. This includes the planning and operation of an exemplary elementary school, creation of a mobile art center and art gallery for children, and implementation and demonstration of vocational opportunities.

State	Number of title III projects	Scope of areas
Ohio	45	From transportation to creativity.
Illinois	32	From language development of preschoolers to a demonstration laboratory school.
Kentucky	7	From innovation to improvement of management and administration.
Michigan	48	From special services to leadership programs in the language arts.
Indiana	32	From outdoor education to supplementary center (WVEC).

Surveying the states adjacent to Indiana, one readily sees that large amounts of federal money are being invested in educational improvement. Taxpayers have been accustomed in the past to feel pride in their individual share in the space program, in advanced weaponry, in the federal research on drugs. With the advent of Title III of ESEA Public Law 89–10, the means are being provided for the taxpayer to feel pride and a sense of accomplishment in the educational output of America. Research in education, and by this is meant practical research which is of direct and immediate benefit in helping the student learn and the teacher teach better, has traditionally lagged far behind that of medicine or industry. But the end products in medicine, well persons, and in industry, greater profits, are easily identifiable and it is no difficult matter to determine whether the research has achieved its goal or not. In education, this is a much more difficult task. Indeed, it is sometimes impossible to get educators to agree on what education's end product should be.

Public Law 89–10 with special reference to Title III ESEA, represents a massive national attack on education's oldest bugaboos: lack of money for research; lack of trained professionals to conduct it; and perhaps the oldest bugaboo and certainly the most fearsome, the reluctance to admit failure and the concomitant unwillingness to undertake action which entails a high risk.

To a large extent, the risk factor has been nullified. Educators who may not have wished being put in the position of explaining or justifying the failure of an educational experiment to their boards and patrons, no longer have to do so.

The very figures cited at the beginning of this article are indicative of the concern Indiana and its neighboring states have in improving the quality of their educational system on every level.

And they are not alone in their interest. Across the 50 states and in U.S. territories, similar projects in comparable quantities are being instigated and operated.

In addition to comprehensive centers like ours, ESEA funds are available for single-concept programs of a highly specialized nature which are tailor-made for a local problem. An example of this in Indiana is the multiservice center built around remedial reading in Valparaiso.

Funds are also available for a teacher who may wish to initiate a new experimental program in the classroom.

The Wabash Valley Education Center is just one piece of a comprehensive whole whose main thrust is to help local school systems improve themselves. Their collective goal is to give every child within the responsibility of the federal government the best education possible whatever life he may choose to lead.

WABASH VALLEY EDUCATION CENTER

An educational cooperative, it serves 200 schools in twelve counties (twenty-nine corporations), 4,000 teachers, 250 administrators, 80,000 children. It is funded partly through local funds, partly U.S. Office of Education Title III ESEA funds.

Local director: William Floyd.

ORGANIZATIONAL BODIES

The Governing Board, composed of the superintendent of each school corporation; the staff, the Curriculum Advisory, a group of teachers, counselors, and other administrators that studies selected aspects of Center operations and makes recommendations to the Governing Board.

MEDIA SERVICES

This division of the Center is an *educational "filling station"* through which teachers can tank up on educational hardware and services for immediate and tangible use in the classroom. The hardware includes films, filmstrips, slides, realia, multi-media kits on a variety of subjects taught in area schools, tapes, books (geared to the profession of teaching), magazines, and pamphlets. In addition, teachers and other educators may request special audio-visual services which include laminating, tape duplication, and use of a video-tape recorder. A media specialist is available to conduct training workshops in the use and development of any of the equipment offered for loan to schools and teachers by the Media Section. As an example, the video-tape recorder may be used in a classroom so that a teacher may observe his or her own teaching performance. The specialist will instruct the teacher in the operation of the VTR.

CONSULTANT SERVICES

(1) *Social studies,* (2) *language arts,* (3) *remedial reading,* (4) *curriculum,* (5) *special education,* (6) *elementary science, and* (7) *high school physics. (A media specialist who conducts workshops on the development and use of audio-visual materials is listed under the next section.)*

The first four consultants listed above each organize and conduct workshops and seminars in their respective fields. The workshops are organized around plans laid by the participant and are tailored to specific needs. They are usually, but not exclusively, planned for specific grade levels, elementary, intermediate, or secondary. Some of the consultant services are performed at the requesting school, some at a central location in the area, some at the Center. All offer new methods and materials as well as new ways to work out old problems. The latter numbers mentioned, 6 and 7, offer a special program or programs in their respective area. Each is audio-tutorial in concept, each has been or is in the process of being, thoroughly tested for optimum performance.

For two teaching areas not directly served by Center consultants, *teacher organizations* have been initiated through which teachers may share ideas and problems.

The Wabash Valley Mathematics Teachers Association offers monthly meetings for area *math teachers* with talks and discussion by authorities in the field. In the organizational stages is a similar organization of and for *science teachers* in the Center area.

SPECIAL SERVICES

A *delivery system* of four vans makes two trips to each school each week school is in session. It brings to your school all the materials, equipment, and media you have ordered, except consultants. You must call them and they come under their own power.

Printing services are offered to schools at cost. With an offset press, mimeograph and folding facilities, the program for your class play or your study guides, etc. may look more professional and cost less if they are done by means of this Center service.

PARTICIPATION

While teachers may be aware of the services just listed not all are fully cognizant of how they might become involved. The organizations and services are open to any teacher in an appropriate subject area with few limitations. Because of the intensive nature of the workshop/seminar services, it has been necessary to limit enrollment to two teachers and one administrator for each school corporation. But while the participants were chosen at first, to provide an initial supply of trained teachers, any teacher may now ask to participate. A call or letter to the consultant concerned will reserve your space in the course. However, if when you call the participant roster if filled, a special workshop may easily be designed for you and other teachers in or near your geographical location. For a listing of topics under discussion in seminar workshops through the rest of the year, call or write the Center, 500 By Pass 52–West, West Lafayette, Indiana 47906. Mark your letter to the attention of the consultant by subject area.

We of the Wabash Valley Education Center hope that this article will be widely read by teachers and administrators. For if it is read and understood, the Center will be a long way toward creating an atmosphere for educational betterment of which understanding and utilization are key concepts. The Center belongs to area schools and can only serve by serving. By your understanding and utilization, you will help the Center do just that.

NEW ALLTIME HIGH IN ATTENDANCE AT ARMY ENGINEER RECREATION AREAS

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. FALLON. Mr. Speaker, as chairman of the Committee on Public Works, I am proud to note the contribution to the Nation's outdoor water recreation opportunities which has resulted from the water resource development projects of the Army Corps of Engineers—projects which the committee has recommended and which the Congress has authorized. These projects have created vast expanses of water areas and many miles of shoreline. Corps of Engineers' reservoirs alone store nearly one-quarter billion acre-feet of water, which provide an enormous potential for outdoor recreation.

At this point I would like to insert in the RECORD a release concerning attendance at corps recreation areas recently put out by the Chief of Engineers:

NEW ALLTIME HIGH IN ATTENDANCE AT ARMY ENGINEER RECREATION AREAS

As the Army's Corps of Engineers readies itself for the summer's throngs of recreation seekers at its man-made lakes, recently compiled figures show that attendance last year reached the record-breaking total of 227.5 million visits—23.5 million more than the previous all-time high registered in 1967.

These figures include only the attendance at major lakes. Recreational use of small-boat harbors, marinas, canals, and other waterways provided by the Corps of Engineers has not been estimated, but is believed to be at least equally great.

The enthusiastic manner in which the American people have utilized the recreation facilities which the Congress of the United States has authorized as part of Corps of Engineers reservoir projects is indicated by the substantial year-by-year increases in attendance figures:

	Million
1960	109
1961	120
1962	127
1963	147
1964	156
1965	169
1966	194
1967	204
1968	227.5

Visits in excess of one million were recorded at 74 projects last year. The top attraction, Lake Sidney Lanier in Georgia, is now nearing the ten million mark in attendance. The ten projects with the highest attendance in 1968 are:

1. Lake Sidney Lanier (Buford Dam), Chattahoochee River, Georgia	9,324,800
2. Lake Texoma (Denison Dam), Red River, Oklahoma and Texas	8,793,600
3. Allatoona Reservoir, Etowah River, Georgia	5,692,400
4. Old Hickory Lock and Dam, Cumberland River, Tennessee and Kentucky	5,607,700
5. Lake Cumberland (Wolf Creek Dam), Cumberland River, Kentucky	4,930,700
6. Lake O' the Pines (Ferrells Bridge Dam), Texas	4,594,000
7. Hartwell Reservoir, Savannah River, Georgia and South Carolina	4,227,100
8. Table Rock Reservoir, White River, Missouri and Arkansas	3,931,800
9. Clark Hill Reservoir, Savannah River, South Carolina and Georgia	3,368,200
10. Whitney Reservoir, Brazos River, Texas	3,119,900

Parks and water-related recreation facilities are available at 267 man-made lakes operated by the Army Corps of Engineers throughout the United States. Available to the public are picnic grounds, camp grounds, tent and transient trailer spaces, parking areas, swimming beaches, boat-launching lanes, sanitary facilities, foot trails, and rental boats. Roads, parking areas, water supply and other basic facilities are generally provided by the Federal Government, while State and local governments and private concessionaires are encouraged to further develop the areas for use by the general public. As an over-all average, non-Federal interests in the past have invested more than $2 for every $1 of Federal investment in park and recreation facilities.

POSTAL WORKERS' PAY PLEA

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. NIX. Mr. Speaker, I was extremely interested in the column of May 9 of the very competent reporter for the Washington Star, Joe Young.

His article is an analysis of the postal pay bill, H.R. 10000, sponsored by my good friend, the gentleman from Montana, ARNOLD OLSEN. Through H.R. 10000, the loyal and dedicated postal employees would receive a wage and benefits befitting their skills. I hope each of you will read Mr. Young's column and give serious thought to cosponsoring this excellent legislation. The column follows:

POSTAL WORKERS' PAY PLEA SUPPORTED BY U.S. DATA

Many people, including administration officials, profess great horror at the thought of giving postal workers an annual starting salary of $7,500, and $10,000 a year at the end of five years' service.

But the federal government, by its own figures, shows that most letter carriers and postal clerks can't live on their present salaries.

According to latest Labor Department figures, a family of four in an urban area needs an income of at least $9,728 a year to maintain a "modest but adequate" standard of living. For those living in cities with populations of more than 50,000, the necessary annual income is $10,036 a year.

Compare these figures with the present postal starting salary of $5,938 a year and the top pay of $8,094 a year after 21 years of service.

Most postal clerks and letter carriers are family men. Their average pay is less than $7,000 a year, a sizeable cut below the Labor Department's "modest but adequate" standards.

The cost of the bill sponsored by Rep. Arnold Olsen, D-Mont., that would provide a $7,500 to $10,000 pay range for clerks and carriers, plus some modest increase for supervisors and managerial personnel, would be $1.5 billion.

This cost is nothing to sneeze at but in the long run it could be a bargain for the American taxpayer in the form of dramatically improved mail service.

It's no secret that one of the major problems in the postal service is the poor quality of many employes recruited in recent years. With most high school graduates in these affluent times able to get truck-driving and other jobs paying them at least $7,500 a year to start, who wants to become a postal worker at $5,938 a year and have to wait another 21 years to get the munificent pay of $8,094?

The result is that the quality of recent hirees has been poor in many instances, and the turnover is great.

No one disputes that a drastic reorganization of the postal service is necessary. But until you get the proper personnel, no reorganization by itself will do much good.

And since we live in a materialistic society, until you offer proper pay that assures, in the words of the Labor Department, "a modest but adequate" standard of living, you just aren't going to get the kind of employes you need.

During the depression years, pay wasn't an important factor. Any job, no matter how little it paid, was a bonanza, and consequently the postal service had no trouble attracting very able people. But this group, which still is the backbone of the postal service, is about ready for retirement, and when they are gone the need for able people to take their places will be even more acute.

Congress and the administration should wake up to the fact that this is 1969, not 1932.

HARVARD VOICE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. DEVINE. Mr. Speaker, the May 6 Wall Street Journal carried an article by J. C. Helms, described as a 4th-year graduate student and teaching fellow of

classics at Harvard. His views are worthy of consideration, since not much is heard from the "good guys."

The article follows:

HARVARD: THE VOICE OF A NONSTRIKER

(By J. C. Helms)

The problem at Harvard is not SDS. The problem is not the use of police, nor is it the student strike. The problem is the Harvard faculty: Its leniency, its blindness and its cowardice.

On April 9 several hundred students seized University Hall by force. They came armed with crowbars for smashing windows and chains to secure the doors once they were inside. They evicted nine deans, dragging some of them through the halls: One was even carried out, slung over a student's shoulder. They physically beat an undergraduate in University Hall who was not in sympathy with their action: He was alone, and five of them held his arms and his hands while two others beat him. They rifled the faculty files and published the private letters of the dean. And the next morning one of their leaders urged a mob of many hundreds to pelt President Pusey's house with rocks.

The community was startled.

But how can it surprise us that such an incident occurs, when two years ago Robert McNamara was humiliated and subjected to mob coercion, and the university did next to nothing? How can it surprise us that such an incident occurs, when last year a mob of students held an interviewer from Dow Chemical Co. prisoner for seven hours, and the university did next to nothing? Will the faculty never see that it is only reaping the reward of leniency and indecision in the past?

GRASPING AT THE UNTRIED

Yet this time, too, our faculty has failed to take swift action. Instead of bringing the matter before the administrative board, a body established to deal with problems of discipline, the faculty has thought it wise to abandon, in the middle of a crisis, proven and equitable procedures and to grasp at the untried compromise of an elected punishing committee of ten professors and five students.

And so they add confusion to confusion. Or do they suppose that elections held on one day's notice at a time of high emotion are going to select the best jury to pass judgment on the offenders? It is a travesty of justice, whatever the decision of this jury. But in any case that decision will most probably be lenient, for the watchwords of today are popularity and license, not rightness and order.

Can our faculty not see the damage that will surely come to this university if it is not made crystal clear that lawless force can never be permitted here? Or is the faculty always blinded by the argument that these militant moralists are fighting in a good cause?

I think it's time somebody called nonsense nonsense. I think it's time somebody calls nuts nuts. Isn't this the generation that wants to tell it like it is? Why, then, is everyone mincing words? The students who occupied University Hall are violent people, they do not belong here. Their wrongdoing is not just youthful restlessness, it is not just misdirected idealism: It is a crime, and those who committed this crime should be expelled immediately and never allowed to return.

Why, then, does our faculty hesitate? Is it because it recognizes a certain validity in the demands of SDS? So what? All thinking men at Harvard grant that these demands are not without some merit, but there is still no justifying SDS' use of force and violence. Not even a comparison with the civil rights movement can justify these tactics. It is true that in the civil rights movement just ends were attained by illegal means, but this achievement set a dangerous, very dangerous precedent, because such action opens wide the door to all sorts of selfish people who are only too willing to circumvent the law in order to attain their ends—ends that they invariably call good, but which are all too often bad.

Just several days ago one of SDS' members told me in The Yard that if by killing one, specific person, he could end the war in Vietnam, he would kill that person. How about two persons? How about 10? How about Robert Kennedy or Martin Luther King? Nobody likes the war in Vietnam, but how far will they go to achieve a goal that they're convinced is good?

But let there be no doubt about it: What has happened here has not been good. Or do you think we should be thankful to the students who have caused this mess? Do you think the mass-meetings and the television cameras and the bull-horns have made us better? It is loathesome to men of good sense to listen and listen and listen to people who talk about peace in Vietnam and make war here. It is loathesome to men of good sense to see these faceless mobs and committees and organizations all marching behind one banner, all wearing one ribbon, all chanting one song, all shouting one word: Strike, Strike, Strike. Where are the individuals I hoped to find at Harvard? Where are their individual thoughts? Where are the careful distinctions? Where are the subtle refinements?

They have been swept away by passions, by crude and simple passions, that are usually covered for our common welfare by the merciful veneer of civilization. But this veneer is very thin, and those who expose themselves to the abrasive activity of revolution will see it quickly stripped away. It is an unfortunate inequity that thousands of years are required to make men civilized, while only one generation can reduce us to beasts. We swim against a current of barbarity: It takes great effort to hold our own, and superhuman effort to advance, but if we give up for a single moment, we are swept back into darkness.

A CARNIVAL ON CAMPUS

The noise and the chaos and the violence have not been good, yet there are some who feel that we have gained in recompense a new sense of community. That is not surprising: For 10 days there was a carnival on campus and we saw our friends and watched the light show in The Yard and listened to the rock bands and let the orators entertain us in the stadium, and we had bull-sessions all night long. If this is "community" and this is what we want, then let's go on with it all year. But let's not fool ourselves by calling it a university.

A bull-session can be a good thing, but it is not a substitute for thought, and a party is certainly pleasant, but it is not a substitute for learning. Learning is difficult. It can also give great pleasure, but it is not the pleasure of a carnival: It is a pleasure that is hard-won, it demands sacrifice and discipline and is attained by few.

The sit-ins and the be-ins and the mill-ins are communal, they are cozy, they are fun. But their coziness does not develop leaders, for leadership is lonely. And that is why this campus has always been a lonely place. Perhaps some day Harvard will be on big happy tribe, but on that day Harvard will no longer be significant, for she will have lost the courage to accept the loneliness of leadership.

But the issue is not only Harvard. At stake is more. At stake is American education. At stake is the survival of a vision in our young that there is goodness which transcends the many and obvious evils of the "real world." It is a vision of gentleness and decency and order, of nobleness and generosity and justice. A naive vision, but a good one.

And it is a vision that can be strengthened by the teachers in our universities, for teachers are not mere conveyers of facts or masters of scholarly method. They are spiritual leaders. They stand before the young whose minds are plastic and receptive, and they have a power greater than kings, for they have the power to shape the character of men who will live and think and act for another 50 years. This shaping is done by example and by lesson. But what lesson do we want our young to learn? That might is right?

Yet this is what we have learned at Harvard recently, for our faculty has yielded to force. Out of fear of student anger it has instituted student participation in the punishment of colleagues, out of fear of violence it has reconsidered an earlier decision on the ROTC. These new decisions may be sound in substance, but they were not made on the merits of the issues, and the students know it. Need we ask, then, why our faculty is hesitating to expel the radicals who seized University Hall and threw our campus into chaos? It hesitates because it is afraid, afraid that if the punishment is severe, there would be a serious student reaction. And perhaps there would be.

So what?

THE TIME HAS COME

It is time to call an end to playing politics with students. It is time to call an end to appeasement. It is time to call an end to making all decisions out of expediency. If there is one, large group in our society apart from organized religion that can and must still show the world that principles are preferable to politics, it is the teachers. For if they do not show us, who will?

We need change at Harvard, much change. We must free ourselves from outside control; the students should play a more active role in university affairs; Harvard must show greater concern for the community around her. All this is true. Moral sensitivity and an eagerness to make reforms are admirable, necessary and rare, and must not be discouraged.

But there are dangers in untempered zeal, and we need courage as well as change, perception as well as compassion. If the faculty fails to perceive the long-term effects of its decisions, if the faculty loses its courage in the face of student disorder, if Harvard does not deal swiftly and severely with people who are bent on destroying American universities as a prelude to destroying all of American society, then Harvard is through.

TENNESSEE VALLEY AUTHORITY SPEARHEADS PROGRESS IN VALLEY, DIVERSIFIES ASSISTANCE PROGRAMS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. EVINS of Tennessee. Mr. Speaker, hearings were held recently in our Subcommittee on Public Works Appropriations on the projected budget for the Tennessee Valley Authority for fiscal 1970.

Testimony at these hearings outlined the pattern of progress achieved in our area with the assistance of TVA, and in this connection I place herewith in the RECORD, my newsletter, Capitol Comments, which discusses TVA's diversified assistance and its role in the growth and progress of our area.

The newsletter follows:

TVA BROADENS ITS SCOPE OF OPERATIONS INTO MUNICIPAL ASSISTANCE AND EDUCATION

Chairman Aubrey Wagner and Directors Frank Smith and Don McBride of the Ten-

nessee Valley Authority this week outlined the Agency's program for next year and summarized accomplishments in testimony before our Subcommittee on Public Works Appropriations.

As TVA observes its 35th anniversary, the pattern of growth and progress the Agency has helped to develop in the Tennessee Valley is clearly evident, with per capita income tripling, manufacturing jobs up by a half-million employees, industry booming along TVA waterways, and out-migration severely reduced. Although TVA's basic concept was keyed to multi-purpose dams with flood control, power production and navigation functions, the Agency has now expanded its concept and role to include such activities as municipal planning, conservation instruction, agricultural assistance, studies in air and water pollution and strip mine reclamation, among others.

Perhaps the most innovative proposal in the budget for next year is participation in a multi-county educational project with the State of Tennessee and the Appalachian Regional Commission to demonstrate how to improve and upgrade the educational systems in Bledsoe and Sequatchie Counties. This program includes improvement of elementary and secondary education, development of basic vocational and technical education for adults and improved guidance, counseling and health services. The general purpose of the program is to upgrade the education systems in these counties to the quality level of nearby Chattanooga. TVA officials said the justification for TVA involvement in an educational project was in its general mission of assisting in the economic growth of our area.

In the area of direct assistance to cities, as contrasted with resource development, TVA has established a municipal assistance program called "Operation Townlift" which provides planning, technical assistance, program coordination and other service to smaller cities. Oliver Springs in Roane and Anderson Counties has become the showcase project under this program with TVA joining forces with other Federal, state and local agencies to develop a general plan for community improvement. TVA will be primarily concerned with channel improvement and flood control in the area.

Improvements planned include a new major highway, expansion of sewer and water systems, public housing and improvement and expansion of the business district, among others.

In the area of pollution, TVA is making preliminary studies in Roane County in an industrial area between Rockwood and Harriman to determine the feasibility of curbing air and water pollution.

In the area of conservation, the Land Between the Lakes project in West Tennessee is the showcase. Here TVA literally brings the classroom to the forest, with students working directly from school notebooks and materials in the Youth Stadium, Education Farm, and related facilities.

TVA's mainline programs continue, of course, with the waterway system carrying more than 21 million tons of shipping annually, the flood control program saving millions annually in damages—$355 million in savings to date—with hydroelectric power production expanding and TVA's tributary development program continues to bring benefits to the area.

TVA's proposed appropriations budget for next year of $55,750,000 was reduced by $6 million in the new Administration's budget recommendations to the Congress. Efforts will be made to restore some of these cuts.

The overall TVA budget from all sources for next year is recommended at a level of $709.7 million, including power proceeds. Dividends and repayment of the Federal investment to the Treasury will total $68 million which is $18 million more than Congress is requested to appropriate, attesting to the financial soundness and integrity of this dynamic demonstration of democracy in action for our people.

ABM NONEXPERTS SHOULD HEED PHYSICIST

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. MICHEL. Mr. Speaker, there has been a considerable flap in recent days over the release of a study commissioned by a Member of the other body which, unsurprisingly, conforms to that Member's expressed opposition to the Safeguard ABM system.

An article in the Washington Evening Star edition of May 12, 1969, written by Mr. Richard Wilson raises the interesting question as to why Congress and the country are expected to listen to these nonnuclear experts such as the Senator referred to above, as well as the former Vice President, Mr. Humphrey, who has become quite vocal on the issue since leaving public office, and at the same time ignore expert scientific opinion on the other side of the issue.

In any event, Mr. Wilson's column sets forth the views of Prof. Eugene Wigner, of Princeton University, Nobel Prize winner and the only, repeat, the only, physicist to have been awarded the four highest honors a physicist can receive. I recommend very strongly that my colleagues read these views which relate to one of the most significant and critical issues upon which we will be casting our votes this year. I include the column in the RECORD at this point:

ABM "NONEXPERTS" SHOULD HEED PHYSICIST

(By Richard Wilson)

It is puzzling why Congress and the country listen to nuclear non-experts like Sen. Edward M. Kennedy and Hubert H. Humphrey on the ABM issue and pay no attention to a very substantial body of expert opinion on the other side.

By all indicators the country is quite exercised on this issue, equating the ABM with the Vietnam war as a disgraceful manifestation of American militarism which is outraging world opinion and robbing the nation of desired social gains. Therefore, it should do no harm to know that there are very able men, equally as "involved" as Kennedy's team of scientists, who firmly state views exactly opposite and vigorously support deployment of the Safeguard system.

One of them is a Nobel prize winner and the only physicist to have been awarded the four highest honors a physicist can receive: the Nobel prize for physics, the National Medal of Science, the Fermi Award, and the Atoms for Peace award. He is Prof. Eugene Wigner of Princeton University.

Recently in Washington Dr. Wigner engaged in a debate with Prof. Hans A. Bethe, Nobel laureate of Cornell University, and Prof. George Rathjens, former director of the weapons system evaluation division, Institute for Defense Analysis, Massachusetts Institute of Technology, Dr. Donald Brennan of the Hudson Institute also took part in the symposium on the same side of the issue as Dr. Wigner. Dr. Wigner devoted part of his presentation to demolishing Dr. Bethe's arguments as scientifically erroneous, which saddened him because of his regard for Dr. Bethe.

Dr. Wigner also recalled another painful incident some years ago in which the distinguished sceintist, Nils Bohr, had convinced most of his audience that a nuclear chain reaction could not be established and had very sound reasons for this view which have, of course, been proved entirely erroneous.

Dr. Wigner might have noted also, but did not, that Dr. Robert Oppenheimer, the "father" of the atomic bomb, did not believe in the feasibility of the thermonuclear reaction of the hydrogen bomb largely because in his heart he hoped it could not be made to work.

The Princeton physicist could have recalled also, but he did not, that a large part of the scientific community saw no sense in the Russian development of the fantastically destructive 50 megaton warhead. But the utility of that warhead is now seen in its capability of destroying American Minuteman missile sites.

Dr. Wigner's arguments were profound and well beyond the comprehension of the average layman or the average congressman. But he made two very strong points which can readily be understood.

First, the Soviet Union is overtaking us in general nuclear capability, not withstanding the soporific statements of two Democratic secretaries of defense, Robert S. McNamara and Clark M. Clifford. Russia is moving into that range of nuclear capability which could cause its more extreme leaders to think that they could win in an all-out nuclear confrontation with the United States. This condition is brought about in large part by its own nuclear defenses, not alone its ABM deployment but its extensive and massive plans and training in civil defense which extend down to the lowest levels in the public school system and which are unknown in this country.

Second, the assumption that the deployment of a defensive system by the United States would serve as a provocation to the Soviet Union is illogical to a dangerous degree and contrary to the official position of the Russian government that defensive measures do not accelerate the arms race.

"One could almost claim," said Dr. Wigner, "that the absence of true defense is considered provocative by the USSR. Doing nothing in the face of the by-now alarming USSR military buildup would give the impression that the leadership of the country does not consider defense to be important."

We have become accustomed in this country to think of ourselves as having nuclear superiority over the Russians. This is thought of as our ultimate protection. All that has changed during the period since Stalin's death when every American president, dating back to 1953, has sought a new era in Russian relations. The nuclear balance has shifted toward the Russian side during this period and now we are faced by new and ominous conditions.

A 66-YEAR-OLD LIVESTOCK ASSOCIATION PASSES RESOLUTIONS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. ZWACH. Mr. Speaker, the oldest livestock association in Minnesota held their annual meeting March 19, 1969, and passed a very sound set of resolutions affecting agriculture and our national economy. The Minnesota Livestock Breeders Association is composed of cattlefeeders, dairymen, hog producers and feeders, and allied interests in

the marketing of livestock. A very close relationship is maintained with this group and the Institute of Agriculture at the University of Minnesota.

I am including those resolutions dealing with Federal issues here so that we may benefit from the thinking of these men on some of the vital issues affecting agriculture:

POLLUTION CONTROL

We fully recognize that the livestock and meat industry has a responsibility to control its pollutants, but we feel just as strongly that livestock breeders and feeders should have a voice in how this can best be done. Impractical, technically faulty, and unwise regulations and directives might jeopardize the production of vitally needed food and fiber, including the products of animal agriculture. Therefore, to facilitate the control of water, soil and air pollution, we strongly recommend that agriculture be granted proper representation on State and Federal pollution control agencies, and that the issuance of regulations, directives, and restrictions be withheld until such time as sound, comprehensive research has been completed.

MEAT, WOOL, AND DAIRY PRODUCTS

Imports of red meats and meat products from foreign countries are increasing at an alarming rate. Further, with the United States in mind as a market, exporting countries are "tooling up" to substantially increase their production of meat and other livestock products. New ways are being found to circumvent the few weak and ineffective regulations currently in existence to prevent excessive and damaging red meat imports. The 1964 Meat Import law is inadequate in that only fresh, frozen and chilled beef, veal, mutton and goat, are included in the law. Quotas increase in direct proportion to the increase in our own domestic production of these same meats. Quantities of these meats allowed to enter are far too liberal before import restrictions are required. Further, these quotas must be exceeded by 10 percent before Presidential action would be triggered or import quotas imposed. Offshore purchases of meats for the military are not included in the quota. Pork, lamb, canned, smoked and processed meats of all kinds are not included in the present law.

Excessive imports of cheaply produced, foreign woolen textiles are liquidating and destroying our only customer for domestically produced wool—the American textile industry. This situation represents another serious threat to the survival of our United States sheep industry, producer of wool, a strategic commodity.

Dairymen of America are faced with the same serious threat to their prosperity because of potential foreign imports of dairy products, should temporary restrictions be modified, evaded, or abandoned.

We urge livestock producers and feeders to contact their Representatives in Congress and ask that they recognize the requests of farmers, ranchers, and farm organizations, and present a united front and an intensified effort to enact legislation that will provide more adequate protection from excessive importations that pose a serious threat, not only to the livestock industry, but to our entire economy.

PACKER FEEDING OF LIVESTOCK

Packer feeding of cattle and lambs is definitely on the increase. This rapidly developing form of "backward" integration poses a serious and dangerous threat to livestock producers and feeders. Packer feeding represents a transfer of proprietorship of livestock feeding out of agriculture. Further, recent government studies indicated that packers can use livestock out of their own feed lots to suppress competition in our price-determining markets and to depress livestock prices. The monopolistic control and use by packers and chain stores of their own livestock is not in keeping with a program to preserve free enterprise and seriously threatens to weaken, undermine, and destroy our pricemaking mechanism. Therefore, we strongly urge, without reservation, the bi-partisan support of the enactment in this session of Congress, of a bill to amend the Packers and Stockyards Act, 1921, to prohibit the feeding of livestock by meat packers and chain stores.

INTEREST RATES AND THE FARM CREDIT ADMINISTRATION

We deplore the continued drift in interest rates on borrowed money to higher and higher levels. This is one of the biggest increases in cost of production—further handicapping farmers. Government policies need to be reviewed and reformed to prevent further rises in interest rates. We recall that most farm depressions for the past have been signaled by a tightening of credit, advancing interest rates, and a failure on the part of public officials to note these signals of danger promptly. We recognize, with appreciation, the excellent service which the district and central banks for cooperatives have provided to farmer-owned cooperatives. We appreciate that the whole Farm Credit System and the Farmers Home Administration have been of great value in helping farmers. We urge the continued support by Congress of the program of the Farmers Home Administration. We urge Congress to pass the Nelson Bill to provide long-term, low-interest credit to young men starting farming. There is a desperate need to provide opportunity for able young farmers.

CONSTRUCTIVE STEPS TOWARD IMPROVED MARITIME COLLECTIVE BARGAINING

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mrs. SULLIVAN. Mr. Speaker, collective bargaining between unions and employers has evolved as the standard process in the United States for determining the pay and conditions of work for wage earners. It is the policy of the Federal Government to support and encourage this process. All of us have a stake in the successful operation of the collective bargaining process.

As ranking member of the House Merchant Marine and Fisheries Committee, I have been particularly conversant with collective bargaining in our country's vitally important maritime industry. The men and women of the merchant marine have derived very substantial benefits from the give-and-take of labor-management negotiations. It has been recognized for many years, however, that the complexity of that industry—involving such factors as Government interest and subsidies, corporate structures, and a multiplicity of unions—has led to frequent criticism of the collective bargaining process in the maritime industry.

The situation is complicated by the fact that, on the Atlantic coast for example, the majority of people employed on shipping lines subsidized by the Federal Government belong to four principal unions. In the past, differences among these unions concerning their collective bargaining objectives have complicated the negotiating process. Indeed, employers have sometimes complained that they were in effect being "whipsawed" by the various unions—that no sooner had they acceded to a proposal advanced by one union than all the others would ask for the same benefit.

In those years we heard complaints from many employers that it was becoming increasingly difficult to determine costs and liabilities; that fact in turn made settlements more difficult of achievement; and at its worst the uncertainty, bitterness and divisions produced by this chain of events threatened to undermine the collective bargaining process and destroy its effectiveness as a method for reaching agreement on the terms and conditions of work.

It is no secret, I believe, that as a result of this background of labor-management relationships, a number of us who have a strong sense of concern for the American merchant marine felt a considerable degree of concern about this year's contract negotiations.

Thus, I have been greatly heartened by the fact that three of the leading maritime unions have recognized these dangers and have taken steps to unify and simplify the collective bargaining process involving the subsidized ship operators this year.

The National Marine Engineers' Beneficial Association; the American Radio Association; and the National Maritime Union have proposed joint negotiations with the employers. They have, in addition, agreed that all three unions will negotiate with the employers on the same general set of proposals for pay and benefit improvements. Finally, and perhaps most important, under the agreement suggested there are no open ends for the duration of the contract. Under this proposal, there would be no possibility of "leapfrogging" and no interminable escalation or whipsawing among them.

At this early stage in the negotiations, I do not believe it would be appropriate to comment on the substance of the unions' proposals or on the companies' counteroffers. The present agreements do not terminate until June 15, and it would be best for the parties to seek the basis of settlement without the intrusion at this time of the Government.

I do feel, however, that the proposal by the three unions—the MEBA, the ARA, and he NMU—is a welcome display of wisdom and concern. It offers, indeed, the one great hope for a speedy settlement between the parties. It offers the employees the promise of fair improvements in their conditions, and it offers the employers a measurable limit to their increased financial obligations. These elements provide a basis, it seems to me, for effective collective bargaining.

I hope the parties can proceed from this point in such a manner that this Nation and the maritime industry will not be tragically strangled by a walkout next month.

I have great faith in the good will and the sense of responsibility of men on both the management and labor sides of the table.

Opportunity does not present itself every day. It is essential that when opportunity knocks, the door be promptly opened.

THE INNOCENTS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. BOLLING. Mr. Speaker, Kenneth Crawford, whom I regard as one of the most sensible, level-headed correspondents in Washington, discussed the motivation of students in their seizures and sackings of college buildings. His column appeared in the May 19, 1969, issue of Newsweek. Mr. Crawford's remarks provide a useful insight and understanding of the problem. The column follows:

THE INNOCENTS

(By Kenneth Crawford)

The innocent, endearing kid who piped that the emperor wore no clothes probably spent much of his childhood pulling the wings off flies. That is the way of endearing innocents. They speak the truth without regard for consequences, indeed without knowing what consequences are likely to flow from their honesty. Even if they knew, they wouldn't care. Childish innocence is cruel, heedless and free of the hypocrisies in which adults indulge to make life endurable and societies viable.

These attributes of childhood account in some degree for the campus disturbances now so much in the headlines. Ability to grow a beard is not necessarily proof of maturity. Neither, it develops, is ability to hold down a teaching job in an institution of higher learning. There seems to be something in today's academic atmosphere that retards the normal process of maturation in some adults as well as in many youths. The miseries of childhood and youth command sympathy, as everybody knows, because everybody has experienced them, but there must be some limit to tolerance.

BLOCK PARTY

It is now accepted that the war in Vietnam, the draft, the disorientation of black students, the nuclear menace and the unsatisfactory state of U.S. society are to blame for violence on the campuses. But whether these are more reasons than excuses is questionable. The nation is no stranger to troubles comparable with those it is now having. The Depression was more traumatic. Yet students in other times have managed to kick up their heels in the spring without recourse to the torch. What is different now may be more what is inside the students, put there by prosperity and lack of discipline, than by what is outside them in the environment. That and the preoccupation of the pervasive communications industry with the cult of youth.

The variety of professed reasons for sitins, riots and all the rest suggests that almost any excuse is enough. At Wisconsin an exuberant block party in violation of a local ordinance brought the cops and created a case against police repression. At Dartmouth and Harvard opposition to the ROTC was a more respectable cause because it could be related to Vietnam. At Cornell and several other universities demands for black studies and a measure of black autonomy were even more plausible, given the blacks' problem of adjustment, but they scarcely excused the armed mobilization. In Indiana, increased tuition became a crass, nonideological justification for outrage.

ORIGINAL HEROES

Gradually, Students for a Democratic Society, the revolutionary organization that pioneered campus uprisings at Berkeley and Columbia, seems to be losing influence. Moderates have become impatient with its nihilism and its tactics. Like all revolutions, this one is consuming its original heroes. Sen. William Fulbright, once a paragon to students because of his opposition to the war, is now busy denying that he favors unilateral disarmament, a position unacceptable to the pure in heart. Sen. Eugene McCarthy, once a pied piper, now says he has never favored premature withdrawal from Vietnam, which in some quarters is almost treasonable desertion of the true faith.

Prof. George Wald of Harvard, a Nobel Prize winner in Medicine, is the latest craze not only of students but of certain publications, congressmen and worried citizens. His thesis is that students are justifiably upset because they see no future for themselves in a world of nuclear terror and overpopulation. Get rid of nuclear weapons, abolish the draft, pull out of Vietnam and the students will happily return to their books, he says. All war is criminal. How do we get out of Vietnam? By leaving—in ships.

Everything Wald says about the world predicament is a kind of truth—the uncomplicated, unhypocritical truth as innocents and children see it. But it is cruel truth. Withdrawal from Vietnam in ships, no questions asked, would leave South Vietnam at the mercy of the same Ho Chi Minh who executed some 50,000 of his fellow countrymen and sent another 100,000 into forced labor because he considered them politically unreliable when he took control of North Vietnam. Not to have committed the crime of war a quarter century ago would have left Europe at the mercy of Hitler. To forswear nuclear weapons now would be to open the world to Soviet leaders who seem to be reverting to Stalinism. These are also truths—the truths hypocritical, responsible, unchildlike officials have to see.

OLSEN URGES REINSTATEMENT OF UMPIRES SALERNO AND VALENTINE

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. OLSEN. Mr. Speaker, due largely to the efforts of our distinguished colleague, the gentleman from New York (Mr. PIRNIE) the attention of Congress has been focused recently on the archaic labor practices followed by the President of the American League, Joe Cronin. Last September Mr. Cronin summarily dismissed Umpires Al Salerno and Bill Valentine, allegedly for incompetence. However, by charging incompetence, Mr. Cronin has created a credibility gap that most of us are unable to bridge, try as we may. Why, if the two umpires are incompetent, did it take the American League so long to discover the fact? It took the league 7 years in Mr. Salerno's case and 6 years in Mr. Valentine's. Why, if these men are so incompetent, has no one else echoed Mr. Cronin's claim? As a matter of fact the opposite has happened. Fellow umpires, players, and managers have all rallied to the defense of the banished umpires with statements attesting to their skills. While baseball officialdom is sheepishly backing Mr. Cronin in this affair, no one seems to be parroting his charge of incompetence. The commissioner's office is staying out of it, resorting to the old favorite reply that it is a "league matter."

Perhaps the one action most damning to Mr. Cronin's allegation was withdrawing his own support from himself. This he managed to do by offering Mr. Salerno another position in the American League after his dismissal. The new position called for Mr. Salerno to scout the minor leagues and to evaluate the umpires working in those leagues. Presumably the incompetent Mr. Salerno would recommend certain men and they would then be promoted to the major leagues. In essence Mr. Cronin has doubted his earlier evaluation and is now supporting Salerno and Valentine against Mr. Cronin. This appears rather ludicrous but apparently this is what has happened.

If the charge of incompetence lacks substance why then did Mr. Cronin dismiss two experienced umpires for no apparent reason? The answer to that came to light when it was revealed that Salerno and Valentine were actively attempting to organize their fellow American League umpires into a union similar to the one that has existed for the benefit of National League umpires since 1963.

Of course, one may ask, is the goal of collective bargaining for higher salaries and better fringe benefits so radical as to warrant immediate dismissal? Does such activity constitute anarchy? Are Salerno and Valentine to be confused with Sacco and Vanzetti? Obviously the answer to all these questions is, "No." Yet Mr. Cronin reacted as if the answer to those questions was, "Yes." I am certain that had he put the matter aside until season's end his reaction would have been reasonable. However, he did not and we now have a situation where, on one hand, baseball stands adamantly by Mr. Cronin in his refusal to reinstate the two umpires and, on the other hand, a concerned Congress is discussing plans to investigate baseball's exemption from the Antitrust Act.

Congress is always reluctant to interfere with the baseball operation. It is the sentiment of Congress generally that baseball should run its own shop and police its own activities. It is only when baseball completely disregards the rights of its members, such as has happened in this instance, that Congress concerns itself with the activities of baseball. The revocation of its exemption from the Antitrust Act is not being held over baseball as if it were a weapon to force baseball to do the will of Congress. Rather it is a reminder to baseball that it enjoys a special status in this country, and should it persist in riding roughshod over the rights of others it could find that special status gone up in smoke.

I urge Commissioner Kuhn and American League President Cronin to reconsider their present stands and take the necessary steps to reinstate Umpires Salerno and Valentine.

CONGRESSMAN JACK EDWARDS TELLS IT LIKE IT IS ON CAMPUS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. DICKINSON. Mr. Speaker, many of our colleagues, along with commentators in the news media, and others, have made remarks recently on the current wave of disorder on the college campus.

But none, in my opinion, have reached the effectiveness of an address made this week by Congressman JACK EDWARDS at Mobile, Ala.

His address to the Spring Hill College commencement on May 12 is so outstanding that I hope it will be seen and read by many of our colleagues as well as others.

The address follows:

ADDRESS BY CONGRESSMAN JACK EDWARDS TO SPRING HILL COLLEGE COMMENCEMENT, MOBILE, ALA., MAY 12, 1969

Graduating seniors, students of Spring Hill College, Father Rimes, members of the faculty, parents, ladies and gentlemen; I appreciate very much the opportunity to be here with you today to participate in your commencement exercise. To be able to share this great day with you gives me a real thrill, because I've been down this old road before. I know that this day didn't just happen; that it is the result of a lot of blood, sweat and tears on the part of 202 wonderful young people. I also know that it has been a lot of fun.

Over the last 4½ years, I have had several opportunities to visit on campus and exchange views with many of you. The truth of the matter is that I have probably gained more from these visits than you have. But this two-way communication is very necessary if our colleges are going to adequately serve the local community as well as the nation.

This is the kind of two-way communication in which Spring Hill excels—drawing together representatives of business, industry, education and government for support and a genuine free exchange of ideas. There is a direct link with relevancy involved in this communication, and the College should be commended for it. Industry and government leaders should be proud of it, and students should be thankful for it. The end result of this relationship, in my opinion, is a more balanced perspective on the part of the student—a tempering of idealism with realism, a matching of what *ought* to be with what *is*—and a solid base of preparation for the old world out there.

And it is about this time in the speech that a commencement speaker is supposed to tell graduating seniors about going out into the world.

Bob Hope did this one time. He said, "The world is too full of trouble. Don't go."

Of course, Bob Hope was kidding. Graduating from college does not automatically put you in another world. You have already gone out into the world in many respects. The world you already know is not so much different from the world you are going to find tomorrow. You are going to have some success and some failure just as you already have experienced in college. The whole idea from this point onward is to take advantage of your college experience, and to build on the knowledge which you have acquired.

Each one of us, every day, is exposed to literally millions of impressions—impressions of sight, sound, smell, touch, and taste; all of which have a direct effect on our perspective of a rapidly changing world.

Change comes so fast that today's college age people have grown up in circumstances far different from any other before them.

Have you ever thought about the fact that you are the first generation weaned on television? You have experienced in your living room an incredibly broad range of events, from orbiting the moon, to heart transplants, from monstrous science-fiction violence to deadly combat in Asian jungles, all in living color.

Problems of the world have been neatly packaged for you in 5 or 15-minute wrap-ups just before such things as special reports on starvation in Biafra, or just after a documentary on unemployment in the large cities. The ills of the world have been interpreted in honeytoned voices which, in some cases, have become more familiar than those of your parents. Who can say on what basis these interpretations are prepared.

Scientific advancement has been awesomely fast in the past 15 years, far faster than anyone's moral judgment can match.

Broadcast and printed advertisements have promised instant solutions for all kinds of maladies, both real and imagined.

Furthermore, Government has been guilty of engaging irresponsibly in promising easy solutions to immense problems. Total reliance on Government has been encouraged while individual and family reliance has been discouraged.

We are in the midst of an unpopular war which has been badly handled and poorly explained.

Permissiveness has been the order of the day across the land.

And into this atmosphere rushes the student of today, morally sensitive, impatient, sophisticated, and filled with the feeling that the world is such a mess that about any course of action he devises would have to provide improvement. Well, we do have something of a mess and the student should be encouraged to consider and put forward positive, constructive ideas. But I am firmly convinced that your ideas today are far superior to those that you thought were so important four years ago when you entered this fine institution. Four years of maturity, study, contemplation, and patience during the learning process at Spring Hill College stand you in good stead now when perspective is so important.

But with some, their impatience exceeds and distorts their perspective. They seek instant answers, prompt assurances, and they cannot understand why change is not immediate.

THE SERIOUS STUDENTS

The majority of today's students are aware, morally sensitive, intelligent people who retain their perspective. What they want is simply to pursue their education.

These serious students, white and black alike, probably do not give full approval to their college administration in most cases, anymore than I did when I was in college. But they are responsible, energetic, capable, and most important, they understand that an education will provide them with immense opportunity.

They sense, and rightly so, I think, that while nobody owes them a living, their opportunities for an education are very valuable, and that *with* an education their prospects for pleasant and productive lives are virtually unlimited. They want change on the campus to be constructive, not destructive.

It is unthinkable that these serious students would not be accorded the full right to pursue their education free of disruption engineered by radical malcontents.

To say that a handful of students can rightfully close down a college or university when the majority wishes to learn, and to do this under the camouflage of social justice, is blatant hypocrisy.

THE COLLEGES

Now what about the colleges? Do they need improvement? Well, of course they do. Many of them provide only very impersonal, computerized contact between the student and the college administration.

I know at least one university where each student's primary identification is his Social Security number, for example.

And it may be that in the social sciences, education and humanities, there are tendencies to drift away from the kind of study material today's students would consider most useful.

There is probably a core of legitimacy to many of the major complaints heard on the campus today. I could never argue that we can be satisfied with our educational system as it is. It can always be improved. This is especially the case at the larger colleges and universities where the administrators are often unreachable, the grade system is mechanized, classes are far too large, and the content of some courses is entirely unrelated to the needs of the students.

But we should never lose sight of the fact that our system of higher education must be doing something right, or we would not find our economic, scientific, industrial, and, yes, our cultural achievements at the highest level of attainment they have ever reached.

Our universities and colleges must be doing something right or U.S. higher education, in terms of its overall quality, and availability, would not be the immense envy of almost every nation of the world today.

To suggest that dissent has been stifled on college campuses in this country is absolute tommyrot. There is no place at any time in world history where opportunities for student expression of opinion have been greater than on the American campus today.

The militants, black and white alike, are as phony as they can be when they use the shibboleth of "dissent" as a tool with which to organize student mob action.

They do not want improvement of the educational system, they clearly want its destruction.

They do not want reform, but closing of the classrooms.

They don't even want dissent if by that is meant dissent from their own views.

The right to dissent does not include the right to destroy property or to prevent by obstruction, noise, or physical violence, the vast majority of the students from going about their business of getting an education.

Students do not lose their rights as individuals when they enter a college or university, but neither do they shed their obligation to obey the law.

Concerned students must come to draw the distinction between constructive improvement and destructive emotionalism; between those who really want an education and those who seek to manipulate others as a weapon for bringing down the social, educational and cultural fabric of the Nation. The very survival of our educational system is at stake.

But while students are attempting to sift through the right and wrong of all that is transpiring on the campuses, I perceive a very solemn duty on the part of the college administrators and faculty members to assure that their education is not interrupted.

Dissent and protest are as American as apple pie. But when student action goes beyond this and infringes on the rights of others, then college administrators should, in my view, be quick to eject from the campus those individuals who show such utter contempt for their fellow students. Some have done this, but others have panicked. It is time they bow up their collective backs and support the great majority of students instead of yielding to the force of a few radicals.

CLEARING THE AIR

It seems evident that what we need on the college campus today is a clearing of the air. It is time students, faculty, administrators and parents understand that those students who rifle files in the Dean's office, or carry rifles in the President's office, are not the least bit interested in the future of the college. Those who seize the administration building or prevent others from attending classes could care less about the free pursuit of knowledge.

These organizers claim to champion the cause of free expression, non-conformity, and participatory democracy, but they really are working to produce anarchy which would be followed by the tightest authoritarian government. They understand this. The internal fight that is going on this very day within SDS is whether they will follow Chinese or

Russian oriented leaders. The end result would be suppression of freedom, rigid conformity, and a police state. Is this what the average student wants? I don't believe it! ! !

An important key to the behavior of these people is that they indulge themselves in the easy act of negativism, centering on criticism of what exists, but they have no real answers other than the old cliches.

They say they need to be afforded a greater measure or responsibility in their own lives and a louder voice in the administration of colleges, but one of their first demands is to be granted the assurance that they will not be held responsible for their disorderly activity. This is absurd!

They talk first about the need for open discussion of their grievances, but end up by presenting demands they say are "non-negotiable."

It is rather clear that these organizers are not really opposed to power and the establishment. On the contrary, they simply want to *be* the establishment and to have the power *themselves.*

They are not libertarian, but authoritarian.

They do not want free individuals, but individuals subserviant to them.

They do not want free inquiry, but rather a closing off of debate and discussion, enforced by their own decree and their own power.

Well, a wave of public revulsion is sweeping this nation. The people are fed up; parents are freightened; serious students are concerned; the extreme action of the campus radicals is breeding extreme reaction, and the colleges and universities of this great nation will be the worse for it. The end result could be the loss of academic freedom altogether. Great demands are now being heard for the federal government to move in and throw its weight around. This may yet be necessary, but it is not the answer.

It is time for the passive majority of students to assert itself, to speak up and say, "We have come to school for an education."

It is also time for the professors so say, "We have come here to *teach,* and we will not be bullied, harassed or threatened."

And yes, it is time for the administrators to wake up to the fact that education must be relevant; it must satisfy inquiring minds; it must come into the 20th Century with an eye to the 21st. And above all educational standards must not be compromised.

And it is also time for campus administrators to remember that lawlessness is lawlessness, *wherever* they find it—on a downtown street or on a college campus—and that it cannot be tolerated.

If the campus turmoil is a real problem, and it is, it is in many ways indicative of the problems and turmoil that have beset our great nation and world. And in the final analysis the question before the House is whether you are ready to become a part of the solution to these problems.

Well, I know this institution from which you are graduating. You have dedicated professors. Father Rimes and his staff are able administrators, and you have applied yourselves to the task or you wouldn't be sitting here.

So now you go into a world where your challenge is great. But your opportunity for good is even greater. It won't be long before the torch of leadership of this nation is passed into your hands. It will be your responsibility to act wisely, to protect the right of dissent, to find the elusive key to peace, to provide for quality education, to guarantee equal opportunity and freedom for all, to cure the ills of this country and the world.

These are issues which very properly concern all college students. But you must understand that generations down through the ages have had the same or similar concerns.

Much progress *has* been made, but history marches on and what is progress today is the antique of tomorrow. Change comes so rapidly that yesterday's ideas are out of date today, and today's solutions have little relevance to the next generation.

And so I pray that you and your generation will have the wisdom, the compassion, the foresight, and the ability to wrestle with and perhaps even conquer at least some of these problems.

If you are successful, you will surely have your place in history.

I wish you Godspeed.

FEDERAL SALARIES

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. BROTZMAN. Mr. Speaker, during the 90th Congress a bill came to the floor which proposed what seemed to be an orderly and businesslike method for appraising and adjusting the salaries within the three branches of the Federal Government.

These adjustments were, in many cases, long overdue, and under the plan a Commission on Executive, Legislative, and Judicial Salaries would be set up to recommend specific adjustments. However, the way the bill was drafted the recommendations would be automatically adopted unless specifically rescinded by Congress.

This legislation was adopted, and in due course the Commission recommended very large increases for members of the Cabinet, Supreme Court Justices and other judges, and Congressmen and Senators.

Despite the fact there was substantial objection from many Members of this body—myself included—on the grounds the increases were excessive, legislation necessary to stop the raises never got out of committee.

Today, Mr. Speaker, I am introducing a bill which would abolish this Commission. I do not do this out of any sense of personal pique with members of the Commission. I believe they made recommendations which they honestly believed were reasonable.

The fault, in my opinion, lies with the fact that the Commission should have been given advisory powers only. Their recommendations should have been subject to a direct vote by Congress. In practice the mechanisms which we set in motion in the 90th Congress have been unfortunate.

The Commission still exists and will, in 4 years, conduct another study of Federal salaries. Thus, it is important that we set aside the legislation now.

It is my feeling that a factfinding commission may, indeed, be a useful tool for future adjustment of Federal salaries. But we should make certain that its powers are not tantamount to those of a lawmaking body.

THE SEARCH FOR PEACE

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. ESHLEMAN. Mr. Speaker, I think it is mandatory for the Congress and the Nation to support the Nixon administration's obvious attempt to develop a coordinated program for peace in Vietnam, a program which seeks to sort out and effectively execute the steps, both political and military, needed to resolve the conflict in a manner which promises future stability in Southeast Asia and serves those limited national interests which originally lead to our involvement. This effort is the first priority of the administration. It should be and must be for the ramifications of the Vietnam war extend into nearly all areas of our foreign and domestic policy.

Surely, we all recognize that patience is required of responsible Americans during this period of formulating and implementing new directions toward peace. Time is required to undo and correct those mistakes of the past which contributed so greatly to the present dilemma. The Nixon team has had but 4 months to begin reversal of the policies which failed the cause of peace during the past 8 years. Yet, indications are that the reversal is underway, the hopeful sign that we have all awaited.

Certainly, the quickie solutions to the war proposed by some would not serve the long range interests of the United States. Easy answers have no place in a frustrating situation which is a fact, not a theoretical problem to be bantied about in a manner befitting preparation of a high school debating society topic. Opinions of every citizen should be welcomed in the quest for peace, but the final settlement will require the hard choices which can only be made by those who can determine the options available after taking command of all of the facts and after recognizing all the future meaning their course of action will have for American world leadership.

The fundamental consideration in the settlement of any war is human life, and this is particularly true in the case of the Vietnam conflict. We are most concerned with the lives of American soldiers and therefore pray that involvement of our young men in the fighting can be ended at the earliest possible date. I am confident that we are now acting upon, not merely talking about, creating a condition conducive to beginning a withdrawal of substantial numbers of U.S. military personnel from Vietnam. We are in the process of correcting the great mistake of the past which Americanized the war to the extent of disregarding South Vietnamese self-reliance as an uppermost consideration.

But, within the moral arguments regarding Vietnam which we hear so much of today, the lives of thousands of Asians cannot be totally ignored. The outcome of the application of a "quickie" solution to the war such as a complete, unilateral, nonreciprocated withdrawal of American troops would leave thousands of South Vietnamese citizens without the kind of protection from Communist terrorism which we have helped encourage them to expect. The South Vietnamese Government today is not prepared to assume the entire burden of protecting all of its citizens, particularly without an assured withdrawal of North Vietnamese forces from the South. Yet, the Communist terrorists have shown them-

selves to be perfectly capable and quite willing to carry out mass slaughter of innocent persons. Perhaps some are willing to write off the possibility of such senseless murders as a purely internal Vietnamese problem, but I believe that such an occurrence as the finale of a struggle which has cost so many American lives would have intense reverberations throughout the United States.

Since the critics of President Nixon's attempts to find an honorable settlement in Vietnam have been so profuse with their conjectures, let me conjecture a little on the meaning that I believe a failure to disengage honorably from this war might hold for the United States. Mass murder by Communist intimidators throughout South Vietnam following a precipitous U.S. pullout likely would receive the same extensive press coverage which has helped make the war itself so difficult to accept for many Americans. Such coverage could prove so revolting to the majority of our citizens that new political pressures could result. The observance of the obvious failure of our Nation to follow through on its commitment and the knowledge that tens of thousands of American lives had been lost for no purpose would surely affect future policy choices. Foreign affairs could be reduced to a matter of satisfying intense mass emotionalism. Public pressure could demand involvement and follow through on every brushfire conflict. And I think it is reasonable to assume that this type of conflict would become widespread if the revolutionaries of the world observed an American capitulation in Vietnam. In other words, public opinion might push us toward the undesirable and seemingly impractical position of attempting policing duties around the globe. While I am sure that many would disagree that this sequence of events is within the realm of probability, it is interesting that we have not given much thought to this kind of possibility when talking in terms of mere conjecture.

Prolonged involvement of U.S. forces in Vietnam is not a viable course of action for the future nor is precipitous pullout of our military personnel. A reasoned program for peace must balance our disengagement from the conflict with a host of humanitarian considerations and political realities. The hints of progress toward peace to date indicate that the Nixon administration is in the process of developing just such a program. If real progress is to follow the first glimmers of hope, the national interest will not be served by those who frustrate policy options by holding forth false hopes to opposition belligerents at the bargaining table in Paris. A display of public patience will be helpful in producing an early, honorable settlement to the war. Correcting past mistakes to assure future advances on the peace front requires time. Given the present indications that we are at last moving toward a point when our soldiers can be brought home from Vietnam having insured self-determination for the South Vietnamese people, I believe we should be willing to grant the time and patience necessary to make that point the earliest possible date. My impression is that remarkable progress can be shown within the year if the Nation stands behind the Nixon administration's fervent search for peace.

THE FORTAS CONTROVERSY: THE SENATE'S ROLE OF ADVICE AND CONSENT TO JUDICIAL NOMINATIONS

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. HARVEY. Mr. Speaker, the April 1969, issue of Prospectus: A Journal of Law Reform, includes articles by Michigan's two distinguished Senators, PHILIP A. HART and ROBERT P. GRIFFIN.

Prospectus is a relatively new student law journal published by the University of Michigan Law School. Needless to say, the publication of these thoughtful and timely articles is a fine tribute to the editorial excellence of Prospectus.

Mr. Speaker, I ask unanimous consent that these articles on "The Fortas Controversy: The Senate's Role of Advice and Consent to Judicial Nominations" be printed at this point in the RECORD:

THE FORTAS CONTROVERSY: THE SENATE'S ROLE OF ADVICE AND CONSENT TO JUDICIAL NOMINATIONS

THE BROAD ROLE, BY HON. ROBERT P. GRIFFIN

THE DISCRIMINATING ROLE, BY HON. PHILIP A. HART

". . . and [the President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the Supreme Court. . . ."

United States Constitution, art. II, sec. 2:

In June 1968, President Lyndon Johnson nominated Mr. Justice Abe Fortas to be Chief Justice of the Supreme Court of the United States and Federal Circuit Judge Homer Thornberry of the Court of Appeals for the Fifth Circuit to fill Fortas' position as Associate Justice. On October 1, 1968, after four days of debate, the United States Senate voted not to invoke cloture, thereby effectively refusing to confirm the nominations. The controversy over the nominations, which developed during the summer months, involved disparate elements ranging from the circumstances surrounding the resignation of incumbent Chief Justice Earl Warren to the tenor of recent Court decisions on a wide variety of subjects.

Central to the final outcome was this question: what is the nature and extent of the constitutional role of the Senate to advise and consent to judicial nominations of the President? The Senators from the State of Michigan, Philip A. Hart and Robert P. Griffin, reached different conclusions on what should be required of the Senate and what the Senate should require of a nominee. Each became a respected representative of his position in this controversy.

Senator Griffin challenges the Senate role which characterized the immediate pre-Fortas years by propounding a relatively simple, broad rule that the Senate must always go beyond the qualifications to examine the quality of the nominee. Senator Hart suggests that many questions relating both to the standards that govern nominee qualifications and to those that govern the evaluation process remain unanswered. Therefore, the Senator suggests that the Senate's role should be discriminating, which implies some selectivity in going beyond the qualifications of a nominee and expressly insists on responsibility in the use of tactics available to the Senate in its evaluation process. In soliciting an expression of their reflections here, we asked the Michigan Senators to focus the thinking of the legal profession on means of clarifying the Senate's role of advice and consent. Their articles are intended to generate thoughtful consideration rather than provide a completely researched and documented solution to the problem. We believe they serve this purpose well, and we express our deep appreciation to both men.

THE BROAD ROLE

(By Hon. ROBERT P. GRIFFIN) *

Alexis de Tocqueville, Democracy in America:

"The President, who exercises a limited power, may err without causing great mischief in the State. Congress may decide amiss without destroying the Union, because the electoral body in which Congress originates may cause it to retract its decision by changing its members. But if the Supreme Court is ever composed of imprudent men or bad citizens, the Union may be plunged into anarchy or civil war."

The debate in the United States Senate over the nomination of Mr. Justice Abe Fortas to the highest judicial post in our country culminated in a motion of cloture on October 1, 1968. This motion was intended to deny those opposed to Senate confirmation an opportunity to continue discussion. The controversy surrounding the cloture motion and in a broader sense surrounding the entire debate centers on one question: what is the duty of the Senate to "advise and consent" to nominations by the President for judges of the Supreme Court under the U.S. Constitution, article II, section 2? The Senate answered this question by refusing to shut off debate and simply rubber-stamp the President's nominee. Significantly, a majority of those voting, and those on record but not voting, supported further debate.[1] Therefore, the Senate reaffirmed the broad and purposive obligation to scrutinize not only the qualifications but also the quality of nominees to the high court: an obligation which precedent and the very structure of our government have entrusted to that chamber. The course of the actual debate, which lasted only four days prior to the cloture vote, indicates that the proponents of this broad and purposive interpretation of the Senate's duty pursued the central question honestly and diligently without the dilatory irrelevancies of a "filibuster." The same concerns which I had expressed at the time incumbent Chief Jus-

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*United States Senator from Michigan. The source material for this article is drawn primarily from *Hearings on the Nomination of Abe Fortas, of Tennessee, to be Chief Justice of the United States, and the Nomination of Homer Thornberry, of Texas, to be Associate Justice of the Supreme Court of the United States, Before the Senate Comm. on the Judiciary*, 90th Cong., 2d Sess., pts. 1 & 2 (1968) and from several speeches given by Sen. Griffin and reprinted in the *Congressional Record:* 114 CONG. REC. E5977 (daily ed. June 28, 1968); *Id.* at S8504, (daily ed. July 11, 1968); *The Fortas–Thornberry Issue*, an address to the National Press Club, Washington, D.C., July 30, 1968, *reprinted in* 114 CONG. REC. S9848 (daily ed. July 31, 1968); *Id.* at S10717 (daily ed. Sept. 13, 1968); *Id* at S11012 (daily ed. Sept. 18, 1968); *Id.* at S11337 (daily ed. Sept. 25, 1968); *Id.* at S11684 (daily ed. Oct. 1, 1968); *Id.* at S11856 (daily ed. Oct. 2, 1968).

[1] The recorded vote was forty-five for cloture and forty-three against. Adding the recorded preferences of Senators not voting, the outcome would be forty-seven for cloture and forty-eight against, with five absent senators not indicating a preference. 114 CONG. REC. S11856 (daily ed. Oct. 2, 1968).

tice Earl Warren indicated his desire to resign in June of 1968, were raised and weighed in the September debate:

"If an appropriate balance is to be maintained among the branches of our government, there are times in the course of history when the United States Senate must draw a line and stand up.

"I am convinced that this is such a time.

"Positions on the Supreme Court of the United States cannot be regarded as ordinary political plums. Such deviations as may have been condoned in the past cannot serve as a guide for the present or the future.

"The importance of the Supreme Court as an institution cannot be over-emphasized. Its decisions reach out and touch the lives of every American every day.

"It was the intention of our founding fathers that an appointment to the Supreme Court should represent the pinnacle of achievement and recognition in the field of law.

"At the very least, nominations to the Supreme Court should never be based on cronyism. If and when they are, the Senate's responsibility is clear.

"I reject the view that the Senate should rubber-stamp its approval of every Presidential appointment simply because a nominee doesn't beat his wife. The responsibility of the Senate must be of a higher order, particularly with respect to the Supreme Court of the United States.

"At the present time, the American people are in the process of choosing a new government. By their votes in November the people will designate new leadership and new direction for our nation.

"Of course, a 'lame duck' President has the Constitutional power to submit nominations for the Supreme Court. But the Senate need not confirm them—and, in this case, should not do so.

"The maneuvering to deny the people and the next President their choice in this instance is wrong in principle—and everybody knows it.

"The appointments announced yesterday smack of 'cronyism' at its worst—and everybody knows it."

Although other elements came into consideration as further evidence was brought out in the hearings of the Senate Judiciary Committee, that summary indicates the basic reason for opposing the nomination of Abe Fortas. This article will expand on two major points: first, the nature of the higher responsibility which the Senate owes to considerations of judicial nominations; and second, the factors generally influencing nonconsent in the Fortas case. The purpose is not to reopen a discussion of the particularities of Justice Abe Fortas' *quality* for appointment as Chief Justice of the United States. Rather we will be concerned only with the types of factors influencing a Senate determination.

THE HISTORICAL CONTEXT FOR ADVICE AND CONSENT

Much of the controversy revolves around the appropriate functions of the President and of the Senate in the circumstances of a nomination to the Supreme Court. There are some who suggest that the Senate's role is limited merely to ascertaining whether a nominee is "qualified" in the sense that he possesses some minimum measure of academic background or experience. It should be emphasized at the outset that any such view of the Senate's function with respect to nominations for the separate judicial branch of the government is wrong and simply does not square with the precedents or with the intention of those who conferred the "advice and consent" power upon the Senate.

I am firmly convinced that approval by the confirming authority of a nomination to the third highest post in our land, the highest judicial post, on the basis of the record before the Senate in the Fortas case, would have been a disservice to the nation and would have constituted an abdication of the "advice and consent" power of the Senate. To assure the independence of the judiciary as a separate and coordinate branch, then, it is important to recognize that this power of the Senate with respect to the judiciary is not only real, but it is at least as important as the power of the President to nominate.

No one denies the constitutional power of the President to make an appointment to the Supreme Court, technically even at a time when he is only a few months from leaving office. But, of course, that is *not* the point. Some have not understood, or will not recognize, that under our Constitution the power of any President to nominate constitutes only *one-half* of the appointing process. The *other half* of the appointing process lies the solemn obligation to determine whether within the jurisdiction of the Senate, which has not only the constitutional power but to confirm such a nomination. Because the Senate has not used its power of "advice and consent," there is a widespread belief that it is almost a rubber-stamp.

However, against the backdrop of history, we must recognize that the Senate has not only the right but the responsibility to consider more than the mere qualifications of a nominee to the Supreme Court of the United States, the highest tribunal in a separate, independent and coordinate branch of the government. The Senate has a duty to look beyond the question: "Is he qualified?" The Senate must not be satisfied with anything less than application of the highest standards, not only as to professional competence but also as to such necessary qualities of character as a sense of restraint and propriety. A distinguished former colleague, Senator Paul Douglas of Illinois, put it this way:

"The 'advice and consent' of the Senate required by the Constitution for such appointments (to the Judiciary) was intended to be *real*, and *not* nominal. A large proportion of the members of the (Constitutional) Convention were fearful that if judges owed their appointments solely to the President the Judiciary, even with life tenure, would then become dependent upon the executive and the powers of the latter would become overweening. By requiring *joint* action of the legislature and the executive, it is believed that the Judiciary would be made more independent."

Illuminating the appropriateness of these views is the clear history of the formulation of constitutional obligations built into the structure of our government to realize such objectives as an independent judiciary and checks and balances on respective centers of power. In the Federalist Papers, Alexander Hamilton wrote that the requirement of Senate approval in the appointing process would . . . be *an excellent check upon a spirit of favoritism of the President*, and would tend greatly to prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachments, or from a view to popularity.

In the Constitutional Convention of 1787, James Madison generally favored the creation of a strong executive; he advocated giving the President an absolute power of appointment within the executive branch of the government. Madison stood with Alexander Hamilton against Benjamin Franklin and others who were concerned about granting the President such power on the ground that it might tend toward a monarchy. While he argued for the power of the President to appoint within the executive branch, it is very important to note that Madison drew a sharp distinction with respect to appointments to the Supreme Court, the judicial branch. Madison did not believe that judges should be appointed by the President; he was inclined to give this power to "a senatorial branch as numerous enough to be confided in—and not so numerous as to be governed by the motives of the other branch; as being sufficiently stable and independent to follow clear, deliberate judgments."

At one point during the convention, after considerable debate and delay, the Committee on Detail reported a draft which provided for the appointment of judges of the Supreme Court by the Senate. Gouverneur Morris and others would not agree, and the matter was put aside. It was not finally resolved until the next to last day of the Constitutional Convention. The compromise language agreed upon provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint judges of the Supreme Court and all other officers of the United States." Clearly, the compromise language neither confers upon the President an unlimited power to appoint within the executive branch nor confers upon the Senate a similar power of appointment with respect to the judiciary. Significantly, however, we have moved in actual practice over the years toward those original objectives of Madison. It is a fact, though sometimes deplored by political scientists, that judges of the lower federal courts are actually "nominated" by Senators while the President exercises nothing more than a veto authority. On the other hand, the Senate has generally accorded the widest latitude to the President in the selection of the members of his cabinet. It is recognized that unless he is given a free hand in the choice of these associates, he cannot be held accountable for the administration of the executive branch of government.

I believe that history demonstrates that the Senate has generally viewed the appointment of a cabinet official in a different light than an appointment of a Supreme Court Justice. The general attitude of the Senate over the years with respect to cabinet nominations was expressed by Senator Guy Gillette of Iowa in these words:

"One of the last men on earth I would want in my cabinet is Harry Hopkins. However, the President wants him. He is entitled to him . . . I shall vote for the confirmation of Harry Hopkins. . . ."

Throughout our history, only eight out of 564 cabinet nominations have failed to win Senate confirmation.

The reasons for a limited Senate role with respect to executive branch appointments, however, do *not* apply when the nomination is for a *lifetime* position on the Supreme Court, the highest tribunal in the *independent*, third branch of government.[2] No less a

[2] In this context, it is interesting to take note of the Senate's approach toward nominations for regulatory boards and commissions—agencies which are "neither fish nor fowl" in the scheme of government and perform quasi-executive functions and quasi-judicial functions. For example, in 1949, President Truman nominated Leland Olds for a third term as a member of the Federal Power Commission. Since Olds had served on the Commission for ten years, it was difficult to argue that he lacked qualifications. The Senate finally voted to reject the nomination. Afterward, there was general comment in the press that the real issue had nothing to do with the nominee's qualifications but everything to do with regulation of the price of natural gas.

In considering such nominations, it has not been unusual for the Senate to focus on the charge of "cronyism." That was the issue in 1946 when President Truman nominated a close personal friend, George Allen, not to a lifetime position on the Supreme Court, but to be a member of the Reconstruction Finance Corporation. Not only did such columnists as David Lawrence react sharply, but the New York Times opposed the nomination as well. Senator Taft led the opposition declaring that Allen was one of three

spokesman than former Justice Felix Frankfurter has emphasized one of the chief reasons for the higher responsibility of the Senate to look beyond mere qualifications in the case of a Supreme Court nominee:

"The meaning of 'due process' and the content of terms like 'liberty' are not revealed by the Constitution. It is the Justices who make the meaning. They read into the neutral language of the Constitution their own economic and social views . . . Let us face the fact that five justices of the Supreme Court are the molders of policy rather than the impersonal vehicles of revealed truth."

In an oft-quoted statement Chief Justice Charles Evans Hughes noted wryly: "We are under a Constitution, but the Constitution is what the judges say it is."

Thus, when the Senate considers a nomination to one of the nine lifetime positions on the Supreme Court of the United States, particularly a nomination to the position of Chief Justice, the importance of its determination cannot be compared in any sense to the consideration of a bill for enactment into law. If Congress makes a mistake in the enactment of legislation, it can always return at a later date to correct the error. But once the Senate gives its "advice and consent" to a lifetime appointment to the Supreme Court, there is no such convenient way to correct an error since the nominee is not answerable thereafter to either the Senate or to the American people.

Throughout our history as a nation, until the pending nominations were submitted, one hundred and twenty-five persons have been nominated as Justices of the Supreme Court. Of that number, twenty-one, or one-sixth, failed to receive confirmation by the Senate. The question of qualifications or fitness was an issue on only four of these twenty-one occasions. In debating nominations for the Supreme Court, the Senate has never hesitated to take into account a nominee's political views, philosophy, writings, and attitude on particular issues.

The Senate's responsibility to weigh these factors is not diminished by the fact that such professional organizations as the American Bar Association limits their own inquiries. The ABA committee on the federal judiciary has acknowledged limitations on its role. For example, letters from the chairman of the committee, Albert E. Jenner, to Senator James Eastland which transmitted the committee's recommendation with respect to the nominations of Abe Fortas and Homer Thornberry contained this statement:

". . . [O]ur responsibility [is] to express our opinion *only on the question of professional qualification*, which includes, of course, consideration of age and health, and of such matters as temperament, integrity, trial and other experience, education and demonstrated legal ability. *It is our practice to express no opinion at any time with regard to any other consideration not related to such professional qualifications which may properly be considered by the appointing or confirming authority.*" [Emphasis added.]

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who were nominated "only because they are personal friends of the President. Such appointments as these are a public affront."

In 1949, the Washington Post severely criticized the nomination by President Truman of Mon C. Wallgren, not to a lifetime position on the Supreme Court, but to be a member of the National Security Resources Board. A former Governor and Senator, the nominee had become a close friend of President Truman when the two served together on the Truman committee. The Washington Post characterized this nomination as a "revival of government by crony which we thought went out of fashion with Warren G. Harding." The Senate Committee which considered Wallgren's nomination voted seven to six against confirmation and the matter never reached the Senate floor.

FACTORS AFFECTING QUALITY IN A NOMINATION AND A NOMINEE

Only the broader and more purposive interpretation of the Senate's duty to "advise and consent" to judicial nominations to the highest court can insure that the quality of those nine influential public servants will remain worthy of the reputation established in the past. Even before the current controversy erupted, public confidence in the Supreme Court, regretfully, had fallen to an all-time low. The Gallup poll survey in June 1968 reported before this controversy arose that sixty per cent of the American people did not have a favorable opinion of the Supreme Court. Undoubtedly, much of this disfavor can be attributed to widespread dissatisfaction with some of the more controversial rulings of the Court in various fields, but the prestige of the Supreme Court does not hinge solely on the results it may reach in particular cases. There are other even more compelling influences; the same Gallup poll, for example, reported that sixty-one per cent of the people favored a change in the method of selecting Supreme Court Justices. This strongly suggests that the circumstances which surround the appointment of a Justice profoundly affect the capacity of the Court to merit public confidence. Therefore, a part of the Senate's responsibility must be to guarantee that under the present method of selection these circumstances are unimpeachably correct.

At the beginning of this crusade before Mr. Fortas and Mr. Thornberry were even named, I made it clear that I would vote against confirmation of any nominee by President Johnson to be Chief Justice—whether he named a Republican or Democrat, a liberal, conservative or a moderate. The circumstances surrounding the resignation of the incumbent indicated, first, that the outgoing President should not attempt to fill the vacancy and, second, that a "retractable retirement" was being used to pressure the Senate into accepting a particular nominee. I took the position that, in view of these circumstances, public confidence in the Court could be strengthened if the next Chief Justice were named to fill a real vacancy by the new President after the people had an opportunity to vote in November.

With regard to the retractable resignation, *The New Republic* magazine commented:

"Executive officers serve under the direction and at the pleasure of the President. It is unobjectionable, and right, that they should make their resignations effective at his pleasure . . . But judicial officers are independent of the President . . .

"It is perhaps a small, symbolic point only, but the symbols of judicial independence are not trivial; they are an important source of judicial power and effectiveness.

"The point, moreover, goes beyond the symbolic, as Chief Justice Warren himself ingeniously emphasized at his press conference on July 5. He was still in office, said the Chief Justice, and would return to preside in the fall if the Senate fails to confirm Abe Fortas, of whom he thinks well.

"That may not have been intended as a form of pressure, but it looked like it. The pressure was, in any event, implicit in the manner of Chief Justice Warren's retirement . . . Retirements which are effective on a date which is certain and irrevocable ensure that a replacement will be considered on his own merits, and not as a choice between himself and his predecessor.

"The practice of retiring or resigning, as Chief Justice Warren did, effective upon the qualification of a successor, is unprecedented in the Supreme Court. It seems to have grown up among lower federal judges. It has nothing to commend it."

Apart from this unfortunate pressure tactic, the "vacancy" so created was to be filled by an outgoing President. The nation in 1968 was seething with unrest and calling for change. A new generation demanded to be heard and given a voice in charting the future of America. Particularly at such a point in our history the Senate would have been most unwise to put its stamp of approval on a cynical effort to thwart the orderly processes of change.

In addition to this responsibility to guarantee quality in the circumstances of nomination, the Senate must evaluate the quality of the nominee himself. Since the duty to "advise and consent" requires more than a cursory glance at the nominee's credentials, various factors may legitimately concern the Senate. I do not intend to evaluate once again the merits of the controversy surrounding the nomination of Mr. Justice Fortas. However, I will use the facts of that situation to illustrate some of the factors that indicate quality or lack of it in a presidential nomination to the Supreme Court.

To be quite candid, I suspect that I might have been a lonely figure standing in the Senate opposing *any* nominees solely on the ground that they were appointed under "lame-duck" circumstances. In submitting the particular nominations that he did, however, President Johnson provided in a most accommodating way several additional reasons to oppose his candidates.

Mr. Fortas and Mr. Thornberry were selected primarily because they were close and long standing personal friends of President Johnson, not because they were among the best qualified in the nation to fill the particular positions. The charge of "cronyism" is not new in Senate confirmation debates, but it is highly unusual for any President to subject himself to that charge with respect to a nomination for the Supreme Court of the United States. Never before in history has any President been so bold as to subject himself to the charge of "cronyism" with respect to *two* Supreme Court nominations at the same time.

Some have said that if a person, even though nominated because he is a "crony", is still "qualified", he should be approved. I reject this view because it diminishes public respect for the Supreme Court. In 1968 there was clearly manifested a desperate need to restore respect for law and order, as well as respect for the institutions which bear responsibility for maintaining law and order. This need was not met by nominations to the highest court which could be legitimately branded as "cronyism".

Similarly the public must be expected to respond with the utmost skepticism to the acceptance by a Supreme Justice of a fee for seminar teaching which exceeded by a ratio of nearly seven to one the usual compensation for such a course and which, more importantly, was privately raised by a former law partner from businessmen previously unconnected with the university through which the fee was paid. Such an action is clearly wrong in principle and violates the canons of judicial ethics. While it may not violate any law, the Senate has the responsibility nevertheless to weigh such conduct in measuring the sense of discrimination, propriety and judgment of a nominee.

Notwithstanding the grave concern raised by the propriety of the "Seminar fund", I believe the factor that gave rise to the most disagreement in the Fortas case concerned the Justice's extrajudicial involvement. I am confident that the public did not approve of the admitted telephone call made by Mr. Justice Fortas to a business friend, criticizing a public statement that Vietnam war costs would run $5 billion higher than Administration estimates. I am also confident that the public did not condone the fact that Mr. Justice Fortas admittedly participated in the decision-making process of the executive branch of government on such matters as the Vietam war and the Detroit riots.

However, perhaps most disturbing was the fact that the nominee stated to the Senate Judiciary Committee that he was proud of

his extrajudicial activities and that he "did not see anything wrong" with them. When it became apparent that the Senate was far more deeply concerned with these extrajudicial activities than he himself was, the nominee declined to appear on a second occasion before the Judiciary Committee. I have never questioned the right of Mr. Justice Fortas to refuse to answer questions concerning decisions in which he has participated.[3] My concern goes to his refusal to answer questions concerning his participation in extrajudicial matters as to which he could not possibly assert immunity under the doctrine of the separation of powers. As he came to the committee at one time to discuss these subjects voluntarily, he was simply without justification in refusing to answer further questions in this regard.[4]

SCRUTINIZING ONE FACTOR: INVOLVEMENT WITH THE EXECUTIVE

Each of these aspects in the record before the Senate generated serious questions as to the *quality* of the nominee, if not as to his qualifications. Perhaps the most crucial aspect deserves an extended examination: the involvement of a Justice in the executive branch of the government.

The doctrine of separation of powers is the most fundamental concept embodied in our Constitution, and yet separation of powers was not even a unique invention of the delegates assembled at Philadelphia in 1787. Even before the Constitutional Convention, every state constitution drafted or revised during the Revolutionary period embodied the doctrine of separation of powers as the very starting point, creating in each instance separate and distinct executive, judicial, and legislative branches. As James Madison told the convention, separation of powers is "a fundamental principle of free government." Only when power is divided under a system of checks and balances can we expect to find government limited, responsible, and free. But if the doctrine of separate powers is important, what constitutional justification is there for a member of the judicial branch while serving on the bench to participate actively in decisions of the executive branch on a regular, undisclosed basis?

The answer has been clear since 1793, when Secretary of State Thomas Jefferson, acting on behalf of President George Washington, sought the advice of the Justices of the Supreme Court on twenty-nine controversial matters. Jefferson asked the Justices "whether the public may, with propriety, be availed of their advice on these questions." The Supreme Court firmly declined to give its opinion to the executive branch, saying in part:

"We have considered the previous question stated . . . regarding the lines of separation, drawn by the Constitution between the three departments of government. These being in certain respects checks upon each other, and our being Judges of a Court in the last resort, are considerations which afford strong arguments against the *propriety* of our extrajudicially deciding the questions alluded to, especially as the power given by the Constitution to the President, of calling on the heads of departments for opinions, seems to have been *purposely* as well as expressly united in the *Executive* departments." [Emphasis added].

This same principle has been reinforced through time. In 1942, President Franklin D. Roosevelt called upon Chief Justice Stone for assistance in arriving at executive decisions in connection with wartime rubber problems. In response to the President's request Chief Justice Stone replied as follows:

"I have your letter of the 17th. . . . Personal and patriotic considerations alike afford powerful incentives for my wish to comply with your request that I assist you in arriving at some solution of the pending rubber problem. But most anxious, not to say painful, reflection has led me to the conclusion that I cannot rightly yield to my desire to render for you a service which as a private citizen I should not only feel bound to do but one which I should undertake with zeal and enthusiasm . . .

"A judge, and especially the Chief Justice, cannot engage in political debate or make public defense of his acts. When his action is judicial he may always rely upon the support of the defined record upon which his action is based and of the opinion in which he and his associates unite as stating the ground of decision. But when he participates in the action of the executive or legislative departments of government he is without those supports. He exposes himself to attack and indeed invites it, which because of his peculiar situation inevitably impairs his value as a judge and the appropriate influence of his office."

I do not suggest that a Justice of the Supreme Court should have no contact whatever with the President or with members of the legislative branch while he sits on the bench. However, the people have a right to expect that such contacts will not breach the constitutional line which necessarily separates the branches of our government and that such contacts will be characterized by the restraints customarily observed by members of the judiciary.

In his testimony, Mr. Justice Fortas acknowledged that he had participated in White House deliberations concerning the policy of the executive branch with respect to Vietnam and the Detroit riots while sitting on the Supreme Court. In seeking to explain this to the committee, Mr. Fortas said:

". . . I have, on occasion, been asked to come to the White House to participate in conferences on critical matters having nothing whatever to do with any legal situation or with anything before the Court or that might come before the Court."

At another point the nominee assured the Judiciary Committee:

"There was nothing involved in the conferences, the consultations, or the issues that were discussed in which the Court might possibly become involved."

Acceptance of such assurances would certainly have been misplaced, for it is evident that cases have already reached the Court pertaining to executive matters in which Mr. Fortas participated while sitting as a Justice of the Supreme Court. In *United States v. O'Brien*,[5] a case arising out of the burning of a draft card on protest to the Vietnam war. Justice Douglas stated in dissent:

"The Court states that the constitutional power of Congress to raise and support armies is 'broad and sweeping' and that Congress' power 'to classify and conscript manpower for military service is 'beyond question.' This is undoubtedly true in times when, by declaration of Congress, the Nation is in a state of war. The underlying and basic problem in this case, however, is whether conscription is permissible in the absence of a declaration of war. That question has not been briefed nor was it presented in oral argument; but it is, I submit, a question upon which the litigants and the country are entitled to a ruling. . . . This case should be put down for reargument and heard with *Holmes v. United States* and with *Hart v. United States, post,* p. 956, in which the Court today denies certiorari.

"The rule that this Court will not consider issues not raised by the parties is not inflexible and yields in 'exceptional cases' (*Duignan v. United States,* 274 U.S. 195, 200) to the need correctly to decide the case before the court. E.g., *Erie R. Co. v. Tompkins,* 304 U.S. 64; *Terminiello v. Chicago,* 337 U.S. 1.

"In such a case it is not unusual to ask for reargument (*Sherman v. United States,* 356 U.S. 369, 379, n. 2, Frankfurter, J. concurring) even on a constitutional question not raised by the parties. . . . [case citations and discussion omitted] . . .

"These precedents demonstrate the appropriateness of restoring the instant case to the calendar for reargument on the question of the constitutionality of a peacetime draft and having it heard with *Holmes v. United States* and *Hart v. United States.*" [6]

Thus, although the issue was not directly presented, Justice Douglas dissented from the Court's opinion and raised the question whether the Supreme Court should hear argument on the constitutionality of the draft absent a declaration of war by Congress in the Vietnam war. The issue was, therefore, before the Court because the Justices had to decide whether to hear argument which they ultimately decided not to invite.

In *Holmes* v. *United States* [7] and *Hart* v. *United States,*[8] Justice Stewart as well as Justice Douglas indicated that the Court should consider questions concerning the war in Vietnam. In *Holmes* Justice Stewart stated in a memorandum:

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[3] There is serious question whether the nominee preserved his right, however. Senator Ervin of North Carolina questioned Mr. Fortas on many of his decisions, and Mr. Fortas refused to answer those questions. The nominee was quite consistent in that decision until he recalled a case that was in his favor, and suddenly he felt free to discuss a decision in which he had participated:

"For example—may I mention one, I wonder, without breaching my constitutional responsibility as I see it—just one. For example, I think that one of the most important decisions that we made in my three years on the Court in the field of criminal law is a case that has received no attention, a case called *Warden v. Hayden* [387 U.S. 294 (1967)]. In that case we did overrule a precedent. We overruled the case of *Gouled v. United States* [255 U.S. 298] decided in 1921 by a unanimous Court. Holmes and Brandeis were on the court . . . *"See Hearings, supra* note *, pt 1 at 170.

It might be argued that at that point the nominee waived his immunity from discussing other decisions of the Court as well.

[4] In addition two officials of the Johnson administration refused to appear and give testimony before the Committee on Judiciary concerning reports that Justice Abe Fortas had helped the White House in drafting legislation in 1968. In letters to the committee, Treasury Undersecretary Joseph W. Barr and W. DeVier Pierson, associate special counsel to the President, based their refusal on the claim of "executive privilege."

Yet in a letter dated March 7, 1962, to Chairman John Moss of the Special Government Information Subcommittee of the House Committee on Government Operations, President John F. Kennedy wrote:

"As you know, this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. This is the basic policy of this Administration, and it will continue to be so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.*" [Emphasis added].

Further, in a letter of April 2, 1965, to Representative Moss, President Johnson wrote:

"Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with the subject. *Thus, the claim of "executive privilege" will continue to be made only by the President.*" [Emphasis added].

To my knowledge, the refusal by Messrs. Barr and Pierson was the first outright violation of that sound policy.

[5] 391 U.S. 367 (1968).

[6] 391 U.S. at 389–91.

[7] 391 U.S. 936 (1968).

[8] 391 U.S. 956 (1968).

"This case, like *Hart* v. *United States*, No. 1044, Misc., *post*, p. 956, involves the power of Congress, when no war has been declared, to enact a law providing for a limited period of compulsory military training and service, with an alternative of compulsory domestic civilian service under certain circumstances. It does not involve the power, in the absence of a declaration of war, to compel military service in armed international conflict overseas. If the latter question were presented, I would join Mr. Justice Douglas in voting to grant the writ of certiorari." [9]

Although his opinion was somewhat more limited than that of Justice Douglas, Justice Stewart in these cases also believed that the questions pertaining to the validity of the war in Vietnam should have been heard by the Court. Justice Fortas did not disqualify himself, but rather, as far as the record shows, he participated on the Court in these three decisions. Moreover, it would not sufficiently protect the public interest for a Justice who had engaged in executive consultations merely to disqualify himself from judicial consideration of any resulting litigation. If one or two Justices were allowed to participate in executive decisions on such a basis, then surely all nine Justices could do so and then there would be no Court to decide the controversy. Even if this ultimate breakdown were not likely to occur frequently, the number of Justices available in each case would probably be reduced, thus decreasing the interaction of human minds which was envisioned by those who set the number by law.

In response to questions concerning his participation in the actual drafting of legislation within the executive branch, the nominee responded at one point very flatly: "It is not true that I have ever helped to frame a measure since I have been a Justice of the Court." Yet less than two months earlier Justice Fortas was involved in the preparation of an amendment to the Treasury Department's appropriation bill, pertaining to the security and protection of presidential candidates. The testimony of Senator Gordon Allott of Colorado on May 27, 1968, revealed that Under Secretary of the Treasury Joseph Barr had informed him in substantially the following terms:

". . . [T]his is the amendment [referring to the Secret Service protection amendment] they want at the White House. It has been gone over by De Vier Pierson and Abe Fortas, and they have cleared it and they can live with it."

Obviously, Senator Allott's testimony raised serious question concerning the weight which could have been accorded by the Senate to Mr. Fortas' earlier testimony. As has already been pointed out, even more disturbing than this apparent contradiction was the refusal by Mr. Fortas after his discrepancy came to light to return to the committee in order to clear it up.

After acknowledging participation in White House conferences concerning the Vietnam war and the Detroit riots, Mr. Fortas testified, "I guess I have made full disclosure now." Senator Allott's testimony is a direct challenge to that statement: a challenge which stands uncontradicted saying to the Senate and to the nation that the nominee did not make a full disclosure of his activities in the executive branch while serving as a Justice of the Supreme Court.

Mr. Fortas admitted under questioning that he had called a friend, Ralph Lazarus, to criticize a statement made on behalf of the business council of Hot Springs, Virginia, concerning the cost of the Vietnam war. It had been reported in the June 4, 1967, issue of the New York Times that Justice Fortas had made this call to transmit President Johnson's ire to the business council over the statement. However, when he was questioned further concerning a report in the New York Times of July 18, 1968, that business executives at the meeting said that Lazarus reported that Fortas told him that the President was upset, Justice Fortas replied: "Senator, I could not say in one say or the other about that. I just do not remember."

Thus, whether we look to the testimony of Senator Allott, or to the testimony of the nominee himself, or to the other uncontradicted reports, one cannot avoid the conclusion that serious doubts existed as to whether Mr. Fortas did in fact make a full disclosure of his activities in the executive branch. Both the questions which were left unanswered and the responses that were in fact made suggested less than the minimum level of to the problem of involvement with the executive branch.

It is well to remember that the problem does involve propriety and discretion because existing law does not provide adequate rules of conduct for involvement of a judge in executive affairs. On the contrary, the propriety of taking men from the bench to fill executive posts is governed almost wholly by judicial ethics and public policy.[10] The practice of a federal judge acting in some other governmental capacity without resigning his office is restricted statutorily only by the Dual Compensation Act of 1964 [11] which repealed and updated the prior Act of July 31, 1894.[12] The Act of 1894, when in effect, had been narrowly circumscribed by rulings such as those which construed "office" to apply only to "constitutional" offices, creating a broad field of non-judicial posts where a judge could serve unhampered by legal restrictions. Neither the Act of 1894 nor the present law applies to the situation where the non-judicial post carries no compensation.

When the practice of using federal judges beyond the judiciary arose in the early period of our country's history, men like Jefferson, Madison and Pinckney were opposed because it tended to make the bench an "annex" of a political party and an "auxiliary" to the executive branch. In the words of the Senate Judiciary Committee in 1947:

"Where the practice is infrequent, it may well be reasoned that the situation will take care of itself; but where there is an increasing tendency to draft members of the judiciary for executive and nonjudicial duties, as is the case in modern times, the propriety of the practice should be examined anew if the integrity of the judiciary in American life is to be preserved.

What may happen to judges in the exercise of their judicial functions if the tendency increases to appoint them to Executive offices? Will it not be difficult for them to maintain the integrity and independence of the judicial office if the practice becomes common of selecting them for executive positions carrying exceptional privileges and prestige? Would not the suspicion be ever present that the President might gain desired ends by favoring judges in Executive appointments? Ill motives need not be charged at all; they will be present as a matter of course where the situation, by its very nature, carries the seeds of suspicion."

With respect to the acknowledged fact that a judge may not be compelled to perform nonjudicial duties, the Senate Judiciary Committee has warned of other pressures which may become equally coercive:

"Elements other than statutory are present. Public opinion is a compelling factor. It is difficult for a judge to refuse the Executive when the request is placed on the plane of patriotism in time of war. Even without the compelling argument of war a judge is embarrassed in refusing an appointment when urged to serve on the grounds of indispensability even though the doctrine of the indispensable man has no real place in American public life.

"Personal motives may easily join with the urgent call to duty in exerting strong pressure on the judge to accept nonjudicial appointments. Ambition is a wholesome human trait and judges are human. If it becomes common to expect Executive appointments, judges may slip into that frame of mind which seeks promotional opportunity at the hand of the Executive and the quality of the judicial character may be impaired. This could take on an ugly political tinge if judges came to see in the Executive appointment a chance to advance themselves politically or a chance to aid the Chief Executive politically."

The American Bar Association's Committee on Professional Ethics and Grievances has ruled on whether a judge might also properly hold an office in another branch of the government. The committee concluded that this was clearly improper, since it "might easily involve conflicting obligations." The Canons of Judicial Ethics of the American Bar Association themselves admonish against this practice. Canon 24 precludes acceptance of "inconsistent duties". Canon 34 insists that the judge's "conduct should be above reproach". Canon 31 precludes the judge's practice of law, though it allows acting as an arbitrator, author, lecturer or instructor of law and accepting compensation *provided* "such course does not interfere with the due performance of his judicial duties." The same conclusions were summed up in the 1947 Senate Judiciary Committee report:

"A judge who embarks upon official nonjudicial activities in another branch of the Government lays himself open to the charge that he is undertaking "conflicting obligations" or "inconsistent duties", that in spirit he is violating the doctrine of the separation of powers, and that in discharging his nonjudicial duties he is neglecting the proper performance of the judicial ones." [Footnotes omitted].

Since statutory law is inadequate to govern such a practice and control the dangers inherent in it, a heavy burden of discretion must rest with the President who would suggest non-judicial missions. The obligation of the Senate is equally important, for it can contribute a means of control through close scrutiny of the propriety of judicial nominees who have during their term participated in executive affairs. The conclusion of the Senate Judiciary Committee in 1947 was clear:

"The Committee on the Judiciary of the United States Senate declares that the practice of using Federal judges for nonjudicial activities is undesirable. The practice holds great danger of working a diminution of the prestige of the judiciary. It is a determent to the proper functioning of the judicial branch of the Government."

This same conclusion governed the determination of the Senate with respect not only to the non-judicial activities of Justice Fortas in the executive branch, but also with respect to the other factors which retracted from the level of quality in that nomination, I am convinced that due to the Senate vote on October 1, 1968, rejecting cloture of debate on the presidential nomination of Abe Fortas, future Presidents will take more care in submitting nominations, particularly those for the Supreme Court. I believe there will be hope again that judges approaching the stature of Learned Hand or Benjamin Cardozo will be appointed to the Supreme Court: not for personal or political reward, but simply because they are among the best qualified in the land. If this hope is realized, there will be a sounder foundation upon which to build confidence and to restore public respect for the Supreme Court as an institution.

[9] 391 U.S. at 936.

[10] *Report of the Senate Committee on the Judiciary, Independence of Judges: Should They be used for Nonjudicial Work?, reprinted in* 33 A.B.A.J. 792 (1947).

[11] Dual Compensation Act, § 301, 5 U.S.C. § 5533 (1964).

[12] 5 U.S.C. § 62.

THE DISCRIMINATING ROLE

(By PHILIP A. HART) *

The controversy which arose in the summer of 1968 over the nomination of Mr. Justice Abe Fortas to be Chief Justice of the United States has raised serious questions about the proper role of the Senate in advising and consenting to such nominations. That my remarks may be read in perspective, it should be mentioned that I supported strongly the nomination of Mr. Fortas. I believe that were it not for the unique circumstances of last summer—the erosion of the power of the President with the approach of a political campaign, the nearness of the end of the legislative session, and the opportunity the nomination afforded for political attacks on the Court and the President—the nomination would have been endorsed by a majority of my colleagues. If my view is correct, then the nomination procedure established by the Constitution was thwarted by a minority of the Senate who turned events to their advantage and were indifferent to the support given the nominee by the bar, by the academic community, by businessmen who recognized his perceptive handling of their problems and by the deprived members of our society who felt his concern for them.

The Fortas controversy raised additional questions about the role of the Senate and that of an individual member in confirming judicial appointments. To what extent, as a member of the Judiciary Committee and as an individual Senator, was I to take into account my philosophical agreement or disagreement with the nominee? Should a sitting Justice, subjected to the confirmation process just three years earlier, be required to appear before us again at all? Was it proper for me in committee to probe the nominee's prior judicial record or to seek to defend or challenge particular opinions? What weight was I to give the nominee's relationship to the President or to his writing, speaking and teaching activities outside the Court?

These questions do not exhaust the possibilities. Many of my colleagues thought, and have frequently proposed, that the Senate should do more than simply say "yea" and "nay" to nominees of the President. Some for example, would attempt to restrict the President in the selection process, requiring him to choose Supreme Court Justices from among sitting federal or state judges or from lists of people drawn up by bar associations or other supposedly elite groups. Others would settle for attempting to pin a nominee down as to his views on particular issues, whether they be matters of obscenity, civil rights, or the relationship of government to business. Some would attempt to assess a nominee's relative hardness or softness on crime, as though that were a sufficient test of judicial fitness.

From my experience I have little faith in any of these mechanical solutions, nor does history give me any cause for optimism. Consider the difficulties in attempting, either by legislation or by more informal means, to define in advance the categories from which a President may nominate a Justice. The history of the Supreme Court abundantly demonstrates that great Justices and mediocre ones have come from extremely disparate settings. State supreme courts, for example, have supplied great Justices, including Holmes from Massachusetts and Cardozo from New York. These courts have also supplied mediocrities whose names are better left unremembered. Moreover, for a variety of reasons many state courts have today become relative backwaters in the law. While this is not true of all state courts and there are state judges today who certainly would grace the Supreme Court, how does one define in advance a category which would limit the President to the "great" state judges and rule out the mediocrities and the political wheelhorses? The same can be said for the federal bench; there are great federal appellate and trial judges and there are less distinguished ones.

A survey of the Court's history suggests that any effort to define categories from which Justices may be selected will neither guarantee greatness nor preclude mediocrity. Chief Justice Marshall, considered by many the greatest man ever to sit on the Court, had virtually no legal education and little experience as a lawyer. He was a soldier, state assemblyman, Congressman, diplomat (accused by historians of attempting to bribe the French), and Secretary of State. Those who propose to restrict the scope of the President in selecting nominees would certainly bar a man like Marshall. Or consider Brandeis, a successful corporate lawyer who had become a controversial social reformer and presidential confidante. The legal establishment of this country, including all then living former presidents of the American Bar Association and the heads of leading universities, fought the appointment of Brandeis as a Supreme Court Justice with a venom unprecedented in our history. Think how much poorer this nation and its judicial heritage would have been had they prevailed. Should we exclude professors, and close the Court to such different men as Story, Rutledge, Frankfurter or Douglas? Or should we preclude the selection of attorney generals, knowing that that category has supplied such different men as Chief Justice Taney, the reactionary McReynolds, the liberal Murphy of Michigan, or Stone and Jackson? What of prosecutors? On the present Court the most experienced prosecutor is Chief Justice Warren, hardly a hero to those who believe the Court lacks prosecutorial zeal. Are corporate lawyers to be excluded, although that class has contributed Hughes and Harlan? And what about country lawyers like Jackson and Black, the one by way of the Justice Department and the other by way of the Senate? If anything, history teaches that no door should be closed and that diversity is the goal.

How deeply should we probe the background of a nominee? Cardozo's father was a Tammany Hall judge, yet his son became one of the saintlies figures in Anglo-American law. Stone was a rebel both as a college student and later as a law teacher. He was also a successful Wall Street lawyer, an Attorney General, and a great justice. Into which category does he fit?

The more I read, the less confidence I have, not only in mechanical devices, but in any kind of prediction. In the 1920's, for example, Senate liberals engineered the defeat of the nomination to the Court of federal judge John Parker. Parker was alleged to have made an anti-Negro slur in a speech and organized labor was angry at his decision in a labor case. Parker became one of our great federal appellate judges. The man the Senate accepted in his place had been a vigorous prosecutor of the Teapot Dome crowd, but on the bench Justice Roberts cast the key vote in the early decision defeating major New Deal proposals favored by the very men who had achieved his nomination.

TOWARD CLARIFICATION OF THE SENATE'S ROLE

I appear to be advocating that the Senate continues to muddle along as it has done in the past: approving most appointments, but occasionally being cantankerous. But this does not mean that there are not lessons to be learned and to be applied arising out of our experience last session with the Fortas nomination.

First, it is the unmistakable teaching of the recent controversy that use of the filibuster, an anti-democratic device in the legislative process, is intolerable in the process whereby the Senate advises and consents to a nomination to the Court. Were it not for the filibuster, Mr. Justice Fortas would now be Chief Justice. He had the support of a majority of the Senate. In the hands of a well-organized but small band of men, however, the filibuster frustrated the will of the majority. To allow this to happen again would be to threaten every judge in the land: if he wishes promotion within the federal court system, he had better trim his sails and decide cases not according to the Constitution and the laws of the land but with an eye to the prejudices of an unrepresentative group of Senators. Such a concept is destructive of the separation of powers laid down by the Constitution, and it is outrageous that this doctrine should become part of the banner of men who proclaim to be strict constitutionalists. As the Fortas experience demonstrates, the time has come to extricate the filibuster from the Senate, root and branch.

Second, the Fortas controversy revealed to me both my own and our society's uncertainty about the role of a Justice. Do we want men appointed to the Court to sever all ties with the forces which brought them to the Court? Is it appropriate, for example, for a Chief Justice Marshall to continue to serve as Secretary of State after his entry into service on the Court? I suppose this question is academic today, but there is no law which forbids such overlapping functions, and Marshall did fill the two chairs for some six months. Do we want to erect a complete barrier between a Brandeis and a Wilson, a Stone and a Hoover, a Frankfurter and a Roosevelt? Would these Presidents have appointed these great Justices had they known that in so doing they would deprive themselves of the advice of men whose counsel they valued, perhaps more than any others? Do we want to prevent a Story from almost single-handedly creating American legal education; or can we say to a Douglas or a Black or a Fortas, "you must not write for publication, or speak your views, or teach youngsters"? Shall we say that they may do so, but may not receive compensation as do Senators,[1] Congressmen and other public officials? Do we want a firm rule at all? Can we not honor both those Justices and judges who devote themselves single-mindedly to their judicial work and those who enrich the potential of other departments of public service? Or is the risk of diverting judicial energies into other areas and perhaps enveloping the Court in political controversy too great?

The time has come for the Senate, for the bar, and especially for the law schools to focus on these problems. I doubt that the answer will be found in legislation. However, trenchant and fair-minded analysis of these issues, raised above the recent controversy, could influence future Presidents and the Senate, in addition to furnishing a guide to members of the Court. What must be done is to create a consensus as to what judicial propriety requires: None now exists.

The third lesson to be learned from the recent experience is that the prior judicial record of a nominee, like his prior legal career, is at best an uncertain guide with limited utility in determining whether his nomination should be confirmed and dangerously susceptible to misuse and abuse. I believe it is totally unrealistic and, indeed, foolish to hold that the Senate cannot properly consider a nominee's prior record, including judicial opinions he may have written. At the same time, I greatly doubt either the value or the wisdom of having a sitting Justice, whose opinions speak for themselves, personally testify before the Judiciary Committee. So long as the Senate has the power to say "no," those who wish to say "no" will avail themselves of whatever weapons are at hand. When the nominee is already a judge, these weapons will include his prior opinions.

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*United States Senator from Michigan.

[1] The writer does not accept "honorariums" or pay for lectures or speeches. But it is a widely practiced and presumably approved pattern.

Indeed, a Senator who is asked to assess the fitness of the candidate cannot decline to see what he has written and how he has voted.

What struck me, especially during Judiciary Committee sessions on the recent nomination, was the danger of irresponsible use of a nominee's prior record. Some examples will illustrate the magnitude of this danger. One of the chief issues which arose last year concerned Mr. Justice Fortas' position on the terribly complex subject of obscenity. Here was an opportunity for critics of the present Court, well organized and well financed, to use a controversial subject to punish a sitting Justice and thereby threaten every other judge in the country. The record gave these forces very little support. Mr. Justice Fortas had in fact contributed the deciding vote which sustained the conviction of Ralph Ginzburg.[2] Until he came to the Court, no obscenity conviction had been sustained on the merits for more than a decade. Moreover, although Mr. Justice Fortas had not himself written an opinion for the Court in any obscenity case, one of his separate opinions made clear his view that the states had ample power under the Constitution to protect children from obscene materials and to protect the public at large from panderers. But those who opposed his nomination totally overlooked his role in these cases, choosing instead to fasten upon his votes in a number of minor obscenity cases decided by the Court without opinion. I deny anyone to draw any intelligent conclusion with respect to the Justice's position on the law of obscenity from these cases. The cases, as former Dean O'Meara of the Notre Dame Law School has pointed out, bristle with alternative grounds for decision relating to both procedural and substantive issues. Some cases involved genuine efforts at artistic expression, however misguided, while others involved no more than hard core pandering. Critics of the Justice did not make these distinctions. They used little more than case names as sticks with which to pummel him. The same tactics characterized the attacks on the nominee's role in such sensitive areas of the law as criminal procedure and civil rights.

How unfair these tactics are! Even when a Justice has written a majority opinion for the Court or has written a dissent, one cannot rightfully assume that one knows his entire position. It is impossible for Senators carefully to examine the records of thousands of cases which come before the Court, much less the records on which a nominee from a state or lower federal court has acted. Nor do we know, and it would he highly improper for a nominee to tell us, what alternatives faced him and had an influence on his vote. Did he vote for a position with which he did not fully agree in order to stave off an even more distasteful result? Did he vote out of concern for the effect of this case upon another case, or upon another area of the law? Surely the fact that a Justice joins the opinion of one of his brethren does not establish that he agrees with every word, or that he would not have written the opinion differently, or even that he would not have come out the other way if he had the votes.

Even more disturbing, indeed frightening, were the inquiries of some Senators as to the identity of clients the nominees had represented as an attorney. It was improper to require Mr. Justice Fortas to justify the pursuit of his professional duty in defending victims of political hysteria when that was decidedly unfashionable.

In short, our recent experience demonstrates to me the need for far greater responsibility in the use of the ammunition provided by a nominee's prior opinions. Of course, the same is true when a state or federal judge is appointed either to the Supreme Court or to a federal appellate bench. It is totally unfair for the Senate to attempt to second guess opinions written in the heat of work or votes necessarily cast with little or no explanation. One might counter that part of the fault lies with the judges who have a duty to explain carefully and accurately what they are doing. One might hope that this responsibility were truly reciprocal: the courts would show legislative handwork sympathetic understanding of the factors affecting the writing of legislation and Congress would give the same consideration to a judicial nominee's written opinions.

The fact of the matter is that, if we are to continue selecting our judges in the present way, the treatment accorded prior judicial opinions and legal background must be made more responsible. In an age when professors and students, particularly law professors and law students, are so vocal on so many issues, one might have expected these groups to have addressed themselves to these matters last summer, as many did with respect to the use of the filibuster. But few bothered to cry out when Mr. Justice Fortas was being pilloried for the *Mallory*[3] and *McNabb*[4] decisions which were decided long before he came to the Court and in which the Court relied not on constitutional interpretation but on the Federal Rules, an area in which Congress has always had power to act. Only a few joined Dean O'Meara in his brave effort to clear the air on the obscenity issue. In my judgment a certain shame attached to this general silence.

But that is spilled milk. The profession, and especially those who teach and write, ought now to correct those errors of omission and help define for us some guidelines in dealing with the problems I have discussed. To arms! *i.e.*, to thought!

[2] Ginzburg v. United States, 383 U.S. 463 (1966).

[3] Mallory v. United States, 354 U.S. 449 (1957).

[4] McNabb v. United States, 318 U.S. 332 (1943).

OLIVER SPRINGS, TENN., DRAWS NATIONAL ATTENTION FOR SELF-IMPROVEMENT PROJECT WITH TVA ASSISTANCE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. EVINS of Tennessee. Mr. Speaker, Oliver Springs, Tenn., located in the Fourth Congressional District of Tennessee, which I am honored to represent in the Congress, has drawn national attention because of its program of progress.

The program grew out of a disaster when a flood severely damaged much of the city. The Tennessee Valley Authority stepped in to provide assistance as did other Federal agencies and, in cooperation with local and State officials, Oliver Springs is well on the way toward a new era of growth and progress.

I want to commend and congratulate Mayor J. H. Burney and other local leaders for their leadership and initiative in the matter. It has been my pleasure to work with Mayor Burney in the matter of securing approval of applications for assistance from the Department of Housing and Urban Development and other Federal agencies and departments.

In this connection and because of the interest of my colleagues and the American people in community progress, I place in the RECORD herewith an article by the national columnist, Marquis Childs, which tells the Oliver Springs story. The article follows:

[From the Washington (D.C.) Post, May 14, 1969]

LESSON OF TVA IS IGNORED BY FLOOD RAVAGED STATES

(By Marquis Childs)

The rivulets, the small streams, the great rivers run brown with the precious soil that each spring is lost forever. This is a heedless waste of the capital of a land ravaged by the quick-buck builders and the highway promoters who will not be satisfied until the whole country is covered with concrete.

It has been going on for a long time. As predictable as the first crocus, appeals come to Washington for help under the Federal disaster act to repair flood damage. The total so far this year is $12,750,000 which is little enough alongside the vast sums this capital deals in.

Yet, as a measure of the cost of putting back bridges, restoring roads and sewage plants and providing temporary homes for the homeless, this says a lot about the cost of years of neglect and indifference. Of the total, California, where the builders have stripped steep hillsides and perched houses and apartments on perilous slopes, got $8-million. The balance went to Minnesota, North Dakota, South Dakota, and Iowa. While last January's prolonged rainfall on the West Coast and the heavy snows in the Midwest increased the likelihood of serious flooding, there is no reason to believe that the same thing will not happen next year and the year after that ad infinitum, with the same demands on Washington to pay for a patching job again.

On a recent tour of the Tennessee Valley this reporter saw an example of the work of the Tennessee Valley Authority that has gone a long way toward eliminating floods and restoring the health of the land in that region. The contrast showing what can be achieved by no shying away from that scare word, planning, is striking.

Oliver Springs, Tenn., a town of 3600 had a severe flood in July, 1967. It was in the nature of a flash flood, as storm water roared down Indian Creek which runs through the town. Oliver Springs has had 16 major floods since 1905, 11 occurring after the construction of nearby highways.

As the town surveyed the devastation to schools, roads and homes in the steamy aftermath of the flood, TVA came in. They did not say, "Okay, we're going to put in some dams and fix things up for you." The first move in accord with long-established policy was to enlist support from the townspeople themselves. They were asked by TVA representatives, "Do you want to join in a common effort to rebuild the town and try to insure that there will be no more flooding? If you do, we're prepared to help."

Mayor J. H. Burney, a quiet-spoken Tennesseean who is a guard at the nearby Oak Ridge atomic plant, saw what an opportunity this was. He started in at once to get understanding and support for a comprehensive plan to which local citizens contributed ideas. Cooperating with Burney was Jim Point, a part-time TVA consultant working for a graduate degree in city planning at the University of Tennessee. Point showed remarkable skill in beating a path through the jungle of Washington agencies involved in one way or another with the project and pulling them together.

The result was a redevelopment program that will cost $5,700,000. TVA will spend $1,920,000 including the share to be put up by Oliver Springs. The balance is from the gaggle of Federal agencies—Housing and Urban Development, the Water Pollution Control Administration, the Appalachian Regional Commission—that have a finger in

the pie. When the work is completed total benefits on an average annual basis are put at $1,344,600. This is broken down in flood prevention, the enhancement of land values, public housing, recreation and the savings in transportation as a result of rerouting highways.

Nothing could better illustrate TVA's primary goal—to build up the region so that people will want to stay rather than migrate to the cities. With seven Southern and border states in the region, including Mississippi and Alabama, TVA claims the rate of migration for Negroes has been cut in half over the past three decades. At the start of the experiment in reconstructing a whole area two-thirds of employment was in agriculture, with 12 per cent in manufacturing. This is reversed today, with 30 per cent in industry and 12 per cent on the farms.

Strict conservationists grouse over some TVA decisions where favorite trout streams and a bucolic setting are the issue. But TVA has built 22 major lakes that are a source of pleasure and profit to hundreds of thousands not only in the area but for visiting vacationers.

Denounced as socialism at its inception, TVA by the year 2009 will have repaid the Government all money invested in power facilities through appropriations, and the properties will still be Government-owned. Today Federal expenditures in the area are only 60 per cent of the national average and that includes Oak Ridge and the space installation in Alabama. While the TVA pattern might not fit another region, the lessons are there to be learned as America's rivers elsewhere run brown with irreplaceable topsoil.

THE CENSUS, NOW AS THEN

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. OLSEN. Mr. Speaker, I am compelled once again to speak out in behalf of one of the Nation's oldest institutions—the decennial census.

It does seem incongruous for a Member of this body to feel obliged to defend a truly democratic process, established by our Founding Fathers and honored by each succeeding generation. But I cannot stand by when this hallmark of our heritage continues to be subjected to unwarranted, unfounded allegations. I cannot be indifferent when the historic role of the census in our life as a nation is obscured by misinformation and misunderstanding.

I want to do my part to correct these misconceptions. I am especially concerned, for, as a member of the Subcommittee on Census and Statistics for 8 years, I came to appreciate fully the importance of the census and the value of the information that only the census can obtain.

Unfortunately, many of us have a tendency to forget—almost to the point of being unable to recall that we participated in a census less than 10 years ago, just as all Americans have taken part in this survey of population and progress once a decade since 1790. And as I look back to each preceding census, I am forced to ask myself what all the current commotion is about.

We hear that planners of the 1970 census have overstepped their bounds, that they have devised an excessively personal and burdensome questionnaire that goes far beyond the census as we used to know it. This, of course, is not so.

Let us go back a century, to the late 1800's. In those years there was no Bureau of the Census to bear the credit or the blame. The Congress itself determined what questions were to be asked. And every question was asked of every person. There was no sampling of the sort which next year will make it possible to limit to a bare minimum the number of questions for the great majority of citizens and still collect sufficiently useful information from the remainder.

In 1870, 100 years ago, Americans were asked by direction of the Congress whether they were able to read or write, and whether they were deaf, dumb, blind, insane, or idiotic. In 1880, the household acknowledging a mentally defective member was asked:

> Is this person restrained by a strap, straitjacket, etc.? Is this person kept in a cell or other apartment under lock and key? What is the size of his head (large, small or natural)?

In 1890 the same questions were included, and more were added. The census takers, instructed by Congress to do so, asked each citizen whether he was suffering from an acute or chronic disease—and what disease it was. They noted whether he was a prisoner, convict, homeless child, or pauper. And there were supplemental questionnaires for such persons as the inmates of soldiers' homes or benevolent institutions. The number of different inquiries rose that year to a peak unequaled before or since. The better part of a decade was required to complete and total up the census. Its objectives was being smothered in details.

So, to anyone who has been led to believe the 1970 census is the product of an increasingly overzealous Government, I would suggest that he contrast the censuses of a century ago with those of more recent years. The scope of the census has, since 1940, been broadened to cover housing as well as population. The world and its problems are more complex. The pressures of time are more demanding. The Congress is called upon to consider many more complicated questions of public policy. Yet, the census questionnaires are more compact and the inquiries more tightly drawn.

In 1970 the number of questions will be just about the same as in 1960 and 1950. There will be fewer than were asked in 1940. As a matter of fact, the average in 1970 will be less than in any census for more than 100 years.

Only five questions dealing with population will be asked of each person in four households out of five. The longer form which goes to one household in five, under the sampling procedure recently announced by Secretary of Commerce Stans, will include 23 additional population questions. Eleven of these are limited to persons over 14 years of age. Even on the longer form there will be only 23 housing questions, including the 13 that appear on the short form. I do not consider this burdensome in any circumstance, particularly when compared with prior censuses. All in all, the census has been trimmed enough. We cannot afford any further cutback.

None of the intended questions, I assure my colleagues, is frivolous. Not one is an unnecessary, busy, nose-poking inquiry, as some would have us believe. Each is of broad public interest and serves a clear governmental purpose. And taken together, the questions on people, on employment, and on housing are interrelated, one with another.

For example, the replies to questions on years of schooling, on income, employment, quality of housing, and other items can be cross-tabulated to show the relationship between education and environment, between levels of schooling and occupation, success in other areas of life, and so forth. The kind of data that can be obtained is as varied as it is useful.

Many more questions could be asked. Much more data could be compiled. As a matter of fact, hundreds of inquiries are proposed for each census but must be rejected after careful review and evaluation by professionals in the Census Bureau. Questions are accepted only when they meet the Census Bureau's rigorous criteria.

I will have more to say on later occasions about other aspects of the census which have been misinterpreted or misrepresented. So that I will not be misunderstood, I want to reassert now my firm belief that the Congress has a vital interest in the development of the census. And I support a more extensive study of how that interest can best be exercised.

For the moment, let me repeat that the census planned for 1970 in no way constitutes an undue burden on the individual citizen. It does not abuse the citizen's right to privacy. But it will provide valuable information that can be put to effective use for every citizen.

THE DEVELOPMENT OF LATIN AMERICA AND MEXICO WITHIN THE ALLIANCE FOR PROGRESS

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. DE LA GARZA. Mr. Speaker, we have been very fortunate in the past that our sister Republic of Mexico has always honored our country by sending its ablest and most illustrious statesmen to serve as ambassadors to the White House. The present Ambassador, His Excellency Hugo B. Margain, continues in every sense this precedent, for he represents his country with honor and distinction, and yet is a cordial friend and a perfect gentleman to all who know him—indeed the true mark of a great diplomat. Recently, Ambassador Margain delivered a most interesting lecture to the Mexican Chamber of Commerce of the United States. He did so in his usual scholarly masterful way. It contains some quite interesting data about our

friends to the south and should be of great interest to the Members. I, therefore, very respectfully submit the same for your consideration:

THE DEVELOPMENT OF LATIN AMERICA AND MEXICO WITHIN THE ALLIANCE FOR PROGRESS

It is a pleasure for me to be with you in New York and to participate in the annual luncheon-meeting of the Mexican Chamber of Commerce of the United States. The special envoy of President Richard M. Nixon, Governor Nelson Rockefeller will arrive on the 11th of this month in Mexico. He will also visit other countries of Latin America for the purpose of listening to what we may have to say and to study what can be done to meet the goals of the Alliance for Progress. This is a timely subject, and several excellent studies have appeared regarding the results obtained up to the present time, during the existence of the Alliance for Progress signed at Punta del Este in 1961. One of those studies has just been submitted to the House of Representatives of the United States, last March, entitled "A Review of Alliance for Progress Goals" ("A Report by the Bureau for Latin America, Agency for International Development"). An evaluation of development in Latin America is made in this review, and a comparison is made of the results of different countries, in connection with each one of the goals outlined at Punta del Este. I will be referring to Mexico as one of the countries in this vast continental extension, highlighting what has been done in my country, as reported in the study mentioned, in comparison with what has been done in the other countries, so that we may put Mexico in the place it deserves. I will take the statistical data from the research presented to the Congressmen of the United States, carried out by experts in international studies, and divorced from any partial inclination. I will not mention any Mexican statistics, and when my source of information is different from the study referred to, I shall so indicate.

The member countries of the Alliance for Progress were in agreement in setting as a goal an economic increase of 2.5% growth rate per capita per year. This indicator of growth per inhabitant combines the gross national product and the population increase. It was considered that the 2.5% mentioned as a minimum was pertinent, due to the fact that the income per person could be double in 28 years. This measuring stick has also served as a pattern to measure the governmental efficiency or incompetence, and although this isolated data should not be used to make comparisons between different countries, because the purchasing power varies in each of them, and although it tells us little of the due redistribution of income, it is nevertheless one of the mose efficient instruments at our disposal now, for measuring the progress of nations, as it brings together consumption, investments and exports, on which the growth and the social welfare depend.

During the existence of the Alliance for Progress (1961–1968), Latin America reached a growth of 4.5% per year of the total gross national product of member countries. During the same period, the average growth in the United States has been higher, having reached the figure of 5.1%.

Let us compare the Latin American growth with that obtained in other areas of the world during this same period. The countries of the OECD had a growth of 4.3% and the underdeveloped region of Southern Asia, in which India, Pakistan and Ceylon are considered, reached the figure of 4.2%, while Africa showed an increase of 4%.

Now then, since Latin America has one of the highest percentages of population growth, it requires a constant increase of at least 5.5% in order to reach the goal of 2.5% per capita. Therefore, in having reached a growth of only 4.5% it means that the region did not reach the minimum stipulated in the Charter of the Alliance for Progress. From 1961 to 1967 the growth per capita of the 18 Republics who signed the Alliance for Progress, was of 1.5%

Let us now move to analyzing the situation in the different countries of the region, studying the increase per capita obtained in each one of them.

In 1967, Panama obtained 4.7%. Bolivia 3.4%, in third place Mexico with 3.1% and an estimated 3.3% for 1968. Panama has a population of 1,329,000 inhabitants and Bolivia 3,800,000, and Mexico with 45,671,000 inhabitants is the most highly populated Spanish speaking country. Peru with 12,385,000 inhabitants reached 2.6%. Chile with 8,925,000 inhabitants obtained 1.8%; Venezuela with 9,352,000 inhabitants reached 1.5%. Colombia with 19,215,000 inhabitants, 1.1%; Brazil with 85,655,000 inhabitants had 0.9%. Argentina with 23,031,000 inhabitants had 0.4%.

It is hoped that in 1968 the minimum goal of 2.5% per capita was reached in the Latin American region, due to the economic recovery of Brazil, Argentina and Colombia, and the high rate of growth of Mexico and Venezuela.

Productivity per person in Mexico was $507.00 Dollars, one of the highest in the region.

Let us now analyze this subject of the total growth in Dollars and the per capita income in Dollars of the more highly populated and more extensive countries of Latin America. Brazil had in 1960 a total gross national product of 20,080 million and in 1967 it reached the 27,100 million, which allowed it to pass from $286.00 per capita to $316.00 during the years mentioned.

In Argentina in 1960 the gross national product was of $13,780 million and in 1967 it rose to 16,550 million. During the two years mentioned it passed from $667.00 per capita, to 718.00.

During the same period the growth of the gross national product in Mexico was more dynamic, having reached the figure of 15,150 million in 1960, and 23,160 million in 1967, meaning that we gained 8,010 million while the gain in Brazil was of 7,020 million and in Argentina 2,770 million. As a result of the efforts carried out, the per capita income in Mexico climbed from $420.00 in 1960, to $507.00 in 1967.

Venezuela has had an important economic growth. In 1960 it had 6,060 million of G.N.P. and in 1967 it reached the sum of 8,340 million, which, with the population of less than 10 million inhabitants in 1967, it has the highest per capita income in Latin America—$823.00 in 1960 and $892.00 in 1967. Venezuela is in 1967 at the head of the list of the income per capita; Argentina following with $718.00; in third place Panama with $568.00; Chile in fourth place with $563.00; Uruguay in fifth place with $547.00; and Mexico in sixth place with $507.00.

As it was stated before, mere statistics of the economic progress and of the per capita income reveal nothing about a greater equity in the distribution of wealth, which is a fundamental goal in countries where there is a tremendous difference of wealth and a tendency for the concentration of wealth in a few hands within a general framework of poverty. The growth of the so-called middle class, fundamentally absorbing part of the population of low income until these social strata are liquidated, is one of the most ambitious goals to be reached in Latin America.

An economic commission of the United Nations, which was created to study in 1967 the economic structure of the distribution of wealth in Latin America found out the following data: In Argentina, as well as in Brazil and in Mexico, 10% of the population receives approximately 40% of the total income, while 40% of the population of lowest income receive from 10 to 14% of the total income, a situation that has remained unchanged since the early part of 1960, according to the document mentioned.

It is evident in the light of the foregoing information that we have to activate all of the instruments of redistribution that we have at our disposal, in order to prevent such a marked disparity in income—the ferment of all social tensions that can erupt into violence. We must give special attention to the income of the rural areas, which constitute the part of the population that suffers more hardships and limitations.

The earnings of foreign exchange of the countries of the area is indispensable to accelerate progress. The countries that depend on a limited number of exportable products, even when they have them in great quantities and if they produce foreign exchange for them, are at a great disadvantage. Any fluctuation of prices in the international market, almost always of a downard trend, can produce an internal crisis. Consequently, the greatest diversification in exports is conducive to greater stability in income from abroad, thus preventing violent political-social upheavals.

The increase of exports for the purpose of accelerating the progress of our countries is not sufficient; it is also necessary to send to the international markets, not only raw materials subject to variations in their prices, but also manufactured products, that aside from maintaining a relative stability in their prices, they signify an increase in the income of each country, because of the fact that they are products of a greater economic content. Giving one single example, let me refer to cotton: Each kilogram of baled cotton that Mexico exports, produces 7.00 Pesos (U.S. $0.56); if it transforms it into yarn then the price doubles and even triples itself from 15.00 to 22.00 Pesos (U.S. $1.20 to $1.76) per kilogram; if the industrial transformation of the fiber goes as far as crude textiles, the price reaches an average of 30.00 to 35.00 Pesos (U.S. $2.40 to $2.80), and in finished products it can go as high as 80.00 Pesos per kilogram (U.S. $6.40), that is to say that in montary terms, if we transform bale cotton, the raw material, into a finished product, the income from this source would increase more than 10 times.

The industrial transformation also means the establishment of new factories, where employment is offered to laborers, skilled laborers, technicians and scientists; factories absorb the products of the country, they generate taxes; they activate the means of transportation and communication, and in one word, it means industrialization—the final stage in the economic progress of the countries. When we speak of a wealthy nation, we are speaking of a highly industrialized country.

Precisely, the Latin American zone is not an industrialized region; we are, in general terms, beginning the basis of industrialization, which will allow us to meet our national needs, doing away with costly imports from the wealthy nations and on a second stage trying to export the goods produced in industries of the region in competition in the international markets, in order to obtain the highest possible incomes indispensable for the economic social progress of our countries.

As to the objectives outlined: diversification of exports and the export of manufactured goods, Mexico, according to the document mentioned before, has met these goals in an outstanding manner.

Let us examine the corresponding figures. During the years 1962 to 1966, of the total

Mexican exports, an average of 22.6% were manufactured goods, the highest of the whole region, and therefore the study concludes that "manufactured goods were the principal factor of the general growth of the gross national product in Mexico within this period".

In the study mentioned, there is a comparative table between the exports of Argentina, Brazil and Mexico, with the following results: The total exports in 1962 were the following: Argentina 1,216 million Dollars; Brazil 1,214 million Dollars; Mexico, 899 million dollars. Of that total in that year, Argentina exported 42 million in manufactured goods (3.5% of the total; Brazil 37 million (3.1% of the total); Mexico 208 million (23.1% of the total).

From 1962 to 1966, according to the same comparative table, Argentina exported manufactured goods for a total of 411 millions of Dollars. Brazil, during the same period, 407 millions of Dollars; and Mexico, 1,157 millions of Dollars.

This fact that we have just analyzed illustrates the industrial capacity of Mexico, which we have achieved during the last four decades, thanks to the investments in infrastructure carried out by the State; to the capacity and organization of the laborers; to the activity of the technicians and the scientists; to the technical assistance received from abroad; and to the new empresario who has social conscience in his activities. We all know the difficulties that we had to face in order to place 1,157 millions of dollars in manufactured goods within a period of five years.

This is the result of a collective effort carried out in an admirable form. We have been able to compete in the international markets, where one may enter only when the quality of the product is good and the prices can compete with those of the highly industrialized countries. Furthermore, since Mexico is a country that is only beginning its exports of manufactured goods, it has to overcome innumerable barriers and difficulties in the international markets, always full of unpleasant suprises for those countries that enter these markets for the first time.

We have been able to forge ahead in this field, thanks to a sustained internal effort and to a determined battle to open markets for our products in the centers of high consumption, which always correspond to the highly integrated countries, who quite naturally are reluctant to give up their markets to the developing countries, in detriment to their own interests. The revolutionary movement which started in 1910 clearly showed us that in order to accelerate the economic-social progress of Mexico, it was necessary to break with our situation of economic serfdom, which shackled us to produce and export only raw materials and to be consumers of the great centers. With the view of liberating ourselves economically, atfer we had gone through the cruel period of the fight, the process of industrialization was begun, having to overcome great difficulties of an internal order in order to project ourselves abroad, having to surmount different and greater difficulties, which are always present in the exports to the international markets.

The desired goal in trying to industrialize the Latin American area is twofold: the production of goods on the one hand, and therefore the creation of wealth, and on the other hand that of providing opportunities for productive and well-remunerated labor to the population. In trying to establish industrial complexes in the underdeveloped countries, this has sometimes been done in detriment of agricultural progress or that of education; and thusly a wise policy is that which finds a balance between progress in the farm, industrial integration and the education of the people, which basically are complementary. Mexico, according to the opinion of Dr. Theodore W. Schultz, has been able to balance its development in both fields, the agricultural and the industrial. In his treatise "Economic Growth Theory and Profit in Latin American Farming," this professor of the University of Chicago states, "In achieving this success in agriculture, Mexico has not neglected her industry. Instead, economic incentives have been such that both industry and agriculture have been growing rapidly." ("Agricultural Development in Latin America: The Next Decade," Inter-American Development Bank, page 176.)

The indicators of the industrial growth in each country, however, give only a very general idea of the economic progress. This index, for example, does not show whether the industrial investments are the adequate ones and if in other fields the money employed could have been more productive. With these limitations we can establish, following the study mentioned, that in the Latin American area manufactured goods contributed with one fourth of the gross domestic product, while agriculture, the exploitation of forests and fisheries contributed with one fifth. In the generality of the countries the industrial growth from 1960 to 1966 was of 40%. In Panama and in El Salvador it grew more or less 50%, and there was an increase of 66% in Peru and in Mexico. As we can see, Mexico was located in the study in question, together with Peru, among the countries who most increased the production of their manufactures in this decade.

Another interesting indicator in relation to industrialization is the production of electric energy. According to the report, the production of electric energy in the area rose from 69 billion kilowatt-hours in 1961, to 100 billion in 1966 and it is estimated at 106 billion for 1967. Two thirds of this electric power were produced in Brazil, Mexico, and Argentina. The report to the House of Representatives concludes with the following figures: "the relative increase in these countries was: Brazil, 34%; Mexico, 62%, and Argentina, 33%.

Agricultural productivity by area is subjected to examination in the study presented before Congress. Of the 18 countries studied, 12 have increased their productivity in the 5 principal crops of each country in the years 1961 to 1966, and the increase goes from 0.8% in Paraguay, to 24.3% in Mexico, which is the country that has achieved the highest productivity. Chile follows with 18.8%. Agricultural development in Mexico is the most important of Latin America, according to professor Theodore W. Schultz, who in his treatise already mentioned underlines the fact that the success obtained in Mexico is due to the agricultural research centers and to the use of modern fertilizers at a low price. Dr. Schultz says: "Although too many of the countries of Latin America have done badly in agriculture, the success of Mexico is most instructive. It has no equal in Latin America in view of the more than 5 per cent compound rate of growth in agricultural production between 1940 and 1962 and the further more than 8 per cent of increase in crop output between 1963 and 1965". The agricultural development of Mexico is presented by Schultz as an example of what the use of fertilizers and insecticides and the research programs can do for a country. "We can learn much from Mexico on this score", he says, and adds, "Hopefully, Latin Americans, will be increasingly disposed to take this lesson to heart".

As we can see, in Mexico industry has developed in such a manner that it is the country that exports more manufactured goods of the Latin American countries, and on the other hand it is also the one with the greatest relative development in the field of agriculture. The efforts that Mexico has made in the field of irrigation are really remarkable because nature has not been prodigal in this aspect. Another contributing factor to the success we have had, and a major one has been the agrarian policy of the distribution of land, together with the modernization of agriculture and the granting of credits for farming. Public education has been of prime importance in our development, although we have not done away with illiteracy, which has gone down according to BID to 22.5% of the population in 1968. In other countries of the area, the index of illiteracy is much less, such as in Argentina, 8%; Chile, 10%; Costa Rica, 15%; Uruguay, 9%; and Trinidad and Tobago, 11%. Nevertheless, the effort put forth by my country in this respect has been impressive. For example, the number of secondary school professors employed in Mexico in 1960 were 51,830. Brazil had 58,296, and Argentina 22,753. In 1967 the number increased in Mexico to 138,069, which placed it at the head of all the countries of the area; Brazil follows with 114,997 and Argentina with 29,093.

In the study presented to Congress, Mexico is considered in the first group of Latin American countries with greater stability of prices. The data presented in the report on this subject reveal that from 1961 to 1967, Mexico has had a total of 16.3% increase in the cost of living, while Argentina experienced an increase of 325.4% and Brazil an increase of 1,413.2%. Venezuela had a lesser increase along these lines with only 2%; Panama with 5%; Guatemala 2%; El Salvador 4.1% and the Dominican Republic with 10.6%.

As to gross investment, Mexico occupies first place; in 1960 Brazil was leading with 3,569 million of dollars; in second place Argentina with 3,207 million of dollars; and in third place, Mexico with 3,020 million of dollars. This situation varies and since 1964 to 1967, Mexico is in first place in gross investments. I shall give only the figures for 1966: Mexico, 4,570 million of dollars; Brazil 3,723 million of dollars; and Argentina 2,900 million of dollars. In the study in question, it is estimated that for 1967, gross investments were: Mexico, 4,940 million of dollars; Brazil, 4,065 million of dollars; and Argentina, 3,240 million of dollars. In conclusion, in this point of capital importance, according to the study presented to the American Congress, from 1960 to 1963 Brazil carried out a gross investment of 15,661 million of dollars; in this same period Argentina occupied second place with 12,384 million of dollars, and Mexico third place with 11,460 million of dollars. From 1964 to 1967 the situation was as follows: Mexico in first place with 17,810 million of dollars; Brazil in second place with 14,941 million of dollars, and Argentina in third place with 12,285 million of dollars.

As a result of the development attained in my country, based on agricultural development and industrial integration; as a result of the increase of the internal and international market, and of the greater purchasing power of the masses, the gross national product of Mexico in 1968 reached first place according to statistics of the International Monetary Fund. As a matter of fact, at 1964 prices, in 1968 Mexico had a gross national product of 21,983 million of dollars; Brazil was in second place with 20,591 million of dollars, and Argentina in third place with 17,589 million of dollars.

As a result of the economic development that has taken place in Venezuela and in Mexico, and of the constant increase in their monetary reserves and the consequent firm monetary parity with the dollar, there has been a tendency in the Inter-American Development Bank not to authorize soft loans ear-marked for social ends, while this type of a loan is authorized for the rest of the countries in Latin America. This attitude of discrimination was vigorously attacked by the Secretary of Finance and Public Credit of my country, during the last meeting of the IADB in Guatemala. It is not justifiable that as a consequence of such a meritorious

effort put forth by Mexico and Venezuela, we be denied loans at the longest term and with a low rate of interest. In Mexico we need to rescue from poverty and ignorance, large segments of the population, who have not yet participated in the benefits of the relative progress achieved. We hope with confidence, that this situation will be modified as soon as possible.

In international trade the rule of strict reciprocity has varied. Since the 1st. and the 2nd. meetings of UNCTAD there have been discussions and it has been accepted that the highly developed countries should grant preferences to developing countries, that should be of a universal type, non-discriminatory, and not reciprocal, in order to correct the effects of international trade, which constantly accumulates wealth in the larger centers, so that the abysm that separates these two groups of countries is widened from day to day. This is an important year in this respect. The Commission on Preferences, of UNCTAD in Geneva is working to formulate a list of semi-manufactured and manufactured products, over which the large centers are in agreement in allowing preferences to the developing countries. Since the Governments of the Latin American countries were worried by the abstention of the United States in presenting a list of these products to the Commission in Geneva, in accordance with the approved calendar (March 1st and April 28), they gave instructions to their Ambassadors accredited before the White House, to present a collective note to the United States on this transcendental matter. In this respect we are certain that the Unied States will honor its commitments and that in 1970 the treatment of non-reciprocal preferences of a general type will begin.

However, out of this general thesis my country is willing to study concrete cases in the United States, in which there can be reciprocity: I refer concretely to the duty-free importation of Mexican alcoholic beverages, which was recently reduced from one gallon per tourist, to one fifth of a gallon. Mexico has proposed that the amount of alcoholic beverages that can be brought to this country duty-free by tourist be increased, and on the other hand we will afford the same treatment to American alcoholic beverages that tourists from both countries can take to Mexico duty-free.

We must not lose sight of the fact that the increase in the interchange of trade between Mexico and the United States is beneficial to both countries. As a result of our industrialization, we require a constant and increasing purchase of machinery in this country, so that we live with a constant deficit in our balance of trade. This phenomenom has actually become more acute, and in 1968, for each dollar that Mexico sold to the United States, we acquired merchandise in the United States for $1.58. In the measure that the dollar income in Mexico from any concept is increased, Mexico immediately increases its imports from the United States. For this reason any restriction to the increase in our economic relations cannot be beneficial. Such restrictions harm us very seriously, and although to a lesser degree, they also affect the United States. Consequently, the more trade there is between our two countries, the more progress there will be for both.

THE LATE FRED HARTLEY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. FISHER. Mr. Speaker, the untimely death of Fred Hartley of New Jersey took from the American scene a man of great distinction. He made a mark on history which will be recognized and appreciated for generations yet to come.

Fred Hartley served in the House of Representatives for 20 years— from 1929 to 1949, when he voluntarily retired. He became chairman of the Labor Committee in 1947, at a time when labor unions were operating at the peak of irresponsibility. Excesses and abuse of power, under the sanction of the old and discredited Wagner Act, were commonplace. As history has recorded, many of the union leaders were pampered and wet-nursed by politicians, to the extent that the Nation had become groggy from a long series of ill-advised and wholly unjustified strikes. Big name labor leaders had become spoiled by overattention and excessive power granted by the Congress. The time was overdue for reform.

It was in that setting that Fred Hartley became chairman. Fortunately for the Nation he had the courage, intelligence, and sense of responsibility which was needed and was put to good use. I was a member of that committee and attended every session of the hearings on proposed changes in the Wagner Act. The chairman was fair and objective as hearings continued for weeks and scores of witnesses were heard.

Unfortunately, the heads of the big unions did not choose to cooperate. A virtual boycott on their part ensued despite constant urging that they come forth with constructive suggestions. Some of them grudgingly appeared, but offered no usable ideas.

Under Hartley's able leadership the committee reported a measure which was both progressive and constructive. The accent was on the public interest to be served, and both labor and management were treated fairly. The Hartley bill was approved in the House, and although weakened and watered down considerably in the other body, it was enacted and became known as the Taft-Hartley Act, finally approved over a veto by President Truman.

Mr. Speaker, the late Fred Hartley is entitled to much credit for that historic accomplishment. He was guided by a deep sense of duty to the American people, and he never faltered in advancing that reform in the highly controversial field of labor legislation.

It is of interest to note that serving on the Labor Committee during that Congress were two freshmen both of whom were destined to later become Presidents of the United States—the late and lamented John F. Kennedy and Richard Nixon. I recall that although their views often differed they were both quite active throughout the hearings.

A number of others who were on that committee were equally as interested. Of the 25 who were on that group only three are still in the House—myself, the gentleman from Indiana, Mr. MADDEN, and the gentleman from New York, Mr. POWELL. Others who were particularly active, as I recall it, included such distinguished members as Wint Smith of Kansas; himself a tower of strength; the indomitable Wingate Lucas of Texas; Graham Barden of North Carolina, who later became chairman, himself an extremely able member; the late Ralph Gwinn of New York; the late Sam McConnell, Jr. of Pennsylvania; the late Clare Hoffman of Michigan; Carroll Kearns, also of Pennsylvania; and others too numerous to mention. All of them, without exception, respected the fairness and the dedication of Fred Hartley.

Mr. Speaker, Fred Hartley was a great patriot. He spent time and money in aiding and encouraging youngsters to seek the better life. He was a prominent sponsor of the Golden Gloves tournaments in Washington, and for years the Fred Hartley Award was much sought after by contestants.

Always surrounded by friends, Hartley's company was much sought after. He was affable and sincere, always anxious to help the worthy and deserving. I regarded him as a personal friend. The American people owe Fred Hartley an everlasting debt of gratitude.

To Mrs. Hartley and other members of his family, I extend my deepest sympathy in their bereavement.

DR. VIRGINIUS D. MATTIA HONORED

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. MINISH. Mr. Speaker, it was my privilege to be among the 2,000 guests who attended the 125th anniversary dinner of the B'nai B'rith in the Waldorf Astoria Hotel in New York City on May 7. The felicitious choice for the 1969 Humanitarian Award conferred at this notable event was Dr. Virginius D. Mattia, president of Hoffmann-LaRoche, Inc., of Nutley, N.J.

In honoring Dr. Mattia, B'nai B'rith did justice to the noble principles that have guided this great organization over the past century and a quarter of its illustrious service to humanity.

Few men are endowed with the intellectual capacity, business acumen, enormous energy and wide-ranging interests that have made Dr. Mattia a commanding figure in his profession and industry. Rarer still is his combination of the practical and idealistic—his belief that in this life God's work must truly be our own—as evidenced by his sponsorship of free medicine for the indigent from his company, jobs for the disadvantaged through the National Alliance of Businessmen and his innumerable other acts of charity and compassion for suffering humanity. He has set an inspiring example of enlightened business leadership that realizes that our free enterprise system must be motivated by more than simple economic self-interest.

Mr. Speaker, in a perceptive editorial of May 7, the Newark Star Ledger paid fitting tribute to the qualities that prompted B'nai B'rith to select Dr. Mattia for this 1969 Humanitarian Award. The editorial follows in full:

[From the Star-Ledger, May 7, 1969]

HUMANITARIAN

In an affluent era, where an imbalanced, premium value is placed on materialism, the

thread of humanitarianism too often becomes obscured in our social fabric. But a profound, abiding concern for one's less fortunate fellow man is the distinguishing mark of mortality, the imprint more indelibly impressed than any notable achievement in public or corporate service.

There are some men and women—unfortunately the number is small in comparison with contemporary human suffering and deprivation—who have been able to retain a fulfilling sense of social responsibility, even in a system where the profit factor is an obsessive symbol of the fierce competitiveness of the free enterprise system.

In precise, human terms, it is a difficult role to fill.

But it has been filled, in full compassionate dimension, by the president of a major, Jersey-based drug firm, Dr. V. D. Mattia, who is being given tonight the 1969 Humanitarian Award by the worldwide B'nai B'rith organization for his "service to humanity . . . personal beneficence . . . leadership in causes which promote brotherhood."

"Barney" Mattia is a rugged individualist in an industry that has been censured and railed against for profiteering and price-fixing (which three of its members tacitly admitted with their agreement to refund $120 million to purchasers who felt they had been overcharged). Dr. Mattia declined to jointly underwrite a massive promotional campaign to cosmeticize the industry's down-at-the-mouth image, but his firm each year gives away $1.4 million worth of pills to needy persons selected by physicians.

It is a social program that is an amalgam of humanity and corporate acuity, and the latter does not diminish the spiritual and material worth of the act of helping those in difficult circumstances. The motivation can be gleaned from the man's own words: "I came to the conclusion a long time ago that a man can reap the benefits of this great society for only so long before he's in debt to it."

Barney Mattia has been amortizing that debt, paying it off in impressive human installments.

AMERICAN PATRIOTISM

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. MILLER of Ohio. Mr. Speaker, at a time when our great patriotic traditions are under almost constant attack by those who reject true American values, it is refreshing to read an editorial entitled "Can We Wave the Flag Too Much?" that recently appeared in the Caldwell Journal and Noble County Leader—one of the outstanding newspapers in southeastern Ohio. I submit this editorial for reprinting in the RECORD, as follows:

CAN WE WAVE THE FLAG TOO MUCH?

Is it possible to wave the flag too much? Provided, of course, that you wave it with integrity? Is it possible to study Lincoln or Shakespeare too much? Is it possible to read the Bible too much?

The great, the good, the true, are inexhaustible for inspiration, example and strength. I believe that we are not waving our flag enough, not nearly enough.

It seems to me that we are developing a tendency to be timid or even apologetic about waving the stars and stripes. Walk up and down the streets on July 4th and count the flags. It is our nation's birthday, a sacred day in world history, the most important day of America. Why isn't the flag flying on every rooftop and from every home and building? This complacent attitude is strong evidence of cancerous patriotic decay. The flag is a symbol of our national unity. It is the spirit of our undying devotion to our country. It stands for the best that is in us . . . for loyalty, character, and faith in democracy.

Isn't our flag a synonym of the United States of America? Does it not represent man's greatest, noblest, most sublime dream? Is it not the zenith of achievement, the goal to which generations have aspired?

Ladies and gentlemen, I believe it is time for us . . . for the mad rushing, Twentieth Century American . . . to stop for a moment and think. Let us arrest our near reverential admiration of material success and return to the spiritual and ethical values. Let us imbue and rekindle in ourselves and our children the so-called old-fashioned way of patriotism, a burning devotion to the principles and ideals upon which our country was founded.

Should not every home own and proudly display the colors on holidays and other such occasions? Isn't the flag Patrick Henry, Jefferson, Franklin, Washington, Nathan Hale, Gettysburg and Valley Forge, Paul Revere, Jackson and other great men and women who have given us our heritage. When you look at the flag can't you see the Alamo, Corregidor, Pearl Harbor, The Monitor, The Merrimac, Wake Island, and Korea? Lest we forget, isn't the flag Flanders Field, Bataan, Iwo Jima, Normandy, Babe Ruth and Davy Crockett? The great events of our past and present are wrapped up in our flag.

It is a symbol of this blessed nation, a giant in industry, education and commerce. Millions of fertile square miles, wheatlands, coal mines, steel plants. Our great republic, the chosen infant destined to be man's last and remaining hope for suffering humanity, a shining beacon of light, noble and glorious, the haven for the oppressed and persecuted and truly God's gift to mankind.

MORTON URGES AUTHORIZATION TO CONSOLIDATE FEDERAL GRANTS

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. MORTON. Mr. Speaker, the President has asked Congress to give him authority to consolidate certain Federal grant-in-aid programs, subject to a congressional veto.

In his message to Congress on April 30, the President pointed out, and I completely agree with him, that with more than 500 Federal aid programs now in existence, the time has come to simplify and coordinate the operation.

States, cities, and other recipients find themselves increasingly faced with a welter of overlapping programs often involving multiple agencies and diverse criteria. As the President stated:

This results in confusion at the local level, in the waste of time, energy and resources, and often in frustration of the intent of Congress.

The President has taken a bold and long overdue step. A recent editorial in the Philadelphia Inquirer commended him for his action. For the information of my colleagues, in include that editorial:

[From the Philadelphia Inquirer, May 1, 1969]

CONSOLIDATING FEDERAL AID

According to the 1962 Census of Governments, there were in this country more than 90,000 identifiable units of state and local governance. There are probably more than that by now. And every one of them is influenced, if not assisted with grants, subsidies or loans, by the federal government—which seems at times to have a matching "identifiable unit" of its own for every one out in the country at large.

The scramble for federal assistance, then, well deserves the understated term "tangle" which President Nixon used in asking Congress for authority to consolidate aid programs. These programs, to which Philadelphia is no stranger, nor the State of Pennsylvania, either, handle billions upon billions of the taxpayers' dollars every year.

The potential for waste, overlapping and empire-building by bureaucrats, which we may be sure has been fully exploited at every turn, is almost infinite. So is the exasperation and frustration of local government officials who have to go to Washington for help, only to be referred and deferred and passed along from one red tape depository to another for months or years.

The President now seeks authority to put scattered pieces of the jigsaw puzzle together—for efficiency, savings and common sense. There is sure to be controversy over the proposal if only because a lot of timeservers are serving their time in sheltered nooks where there is little work and less responsibility and they all have wives and families and, probably, cousins by the dozens who all vote.

But it has been a long, long while since anybody even made the effort. We are delighted that Mr. Nixon is willing to try.

WASHINGTON STAR COLUMNIST WARNS OF THREAT TO BLUE COLLAR PAY ADJUSTMENT SYSTEM

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. VAN DEERLIN. Mr. Speaker, 2 days ago I addressed the House on the subject of an impassé which has blocked pay increases due some 13,000 blue collar workers in the San Diego area, and which is threatening to destroy the system for awarding raises to all 800,000 of the Government's Wage Board employees.

The dilemma of these employees was explored in a recent article by Joseph Young, veteran civil service columnist for the Washington Star. Since the problem has nationwide implications, I feel that Mr. Young's report will be of interest to many of our colleagues, and I am, therefore, including it at this point with my remarks:

DATA IMPASSE THREATENS BLUE COLLAR PAY SYSTEM

(By Joseph Young)

The government's wage-setting program for its more than 800,000 per diem (blue-collar) employes is in danger of collapse because of the refusal of many big companies to supply the salary data needed for wage-comparison purposes.

The pay of government blue collar work-

ers is determined by prevailing industry rates in the locality where they are employed.

Until this year industry cooperated with government on a voluntary basis in furnishing salary and payroll information for comparison purposes.

But last year a new federal wage board system went into effect, under which for the first time government employe unions were represented on the wage-survey teams that compare federal blue collar pay with that of industry.

Most of the government unions represented on the federal wage survey teams are AFL–CIO affiliates and many firms hesitate to furnish them the information, apparently fearful that this data subsequently would be turned over to the AFL–CIO unions with which they deal in negotiating contracts involving their own employes.

The companies apparently feel that the confidential pay data, including classification of jobs and ranges of salaries, could be used to advantage by the unions in their plants.

Non-union companies have a more compelling reason for being wary about giving out wage and job information. The information, if conveyed to interested unions, could encourage organization attempts, and provide the unions with ammunition when such attempts are made.

As a result of companies refusing to cooperate, pay raises for federal blue-collar workers in San Diego, Salt Lake City and Denver have been held up. And the situation is spreading to all parts of the country.

It's sufficiently serious for the House Manpower and Civil Service subcommittee headed by Rep. David Henderson, D-N.C., to schedule hearings within the next few weeks to see what can be done.

The Defense Department, the government's largest employer of blue-collar workers, is also very much concerned. Defense officials say that unless industry cooperates the pay-setting system for blue-collar workers will collapse and some other type of pay system will be necessary.

One alternative being discussed is to have the pay data collected by the Bureau of Labor Statistics. But the government employe unions are not happy about this either, because they fought for many years to have official representatives on surveys comparing government blue-collar and industry wages.

SMALL BUSINESS WEEK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. CONTE. Mr. Speaker, in my first year as ranking Republican on the Select Committee on Small Business, I am pleased to acknowledge that the Nation is currently observing Small Business Week; and add my tribute to that given earlier this week by the distinguished chairman of our committee, Mr. EVINS of Tennessee.

Since 1964 I have had the pleasure of serving on the Small Business Committee, and in the position, I have increasingly come to appreciate both the vital contribution made by our Nation's 5 million small businessmen and the necessity of their interests being fully and adequately represented in the councils of Government.

And so, of course, I commend this annual celebration and recognition of the Nation's small businessmen, since it provides an excellent opportunity for all of us to reconsider both the debt we all owe to the independent entrepreneur as the foundation of our free enterprise system, and what measures can be taken to insure the continuing vitality of this vital segment of our Nation.

The trend toward the centralization of economic power in the hands of a decreasing number of corporate giants poses a real threat to the continued existence of many of our smaller businesses. Partly because of this threat, a Small Business Subcontracting Conference and Workshop is being held today to consider a report on the small businessman's position in Government subcontracting. That report was prepared in response to a recommendation of our committee.

One of the great opportunities before this Government today is to assist the economic development of minority communities. This is an area about which President Nixon has often expressed great concern. As the President himself so well stated in his proclamation designating this week as Small Business Week:

A society which opens constructive business opportunities to all of its citizens can liberate and uplift the isolated minorities at the bottom.

I am grateful for this opportunity to take note of this important observance and to renew my pledge to do my utmost to preserve and strengthen the independence of America's small businessman.

CHEMICAL AND BIOLOGICAL WEAPONS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. KASTENMEIER. Mr. Speaker, I have been encouraged by the increasing public attention being given to the implications of our Nation's chemical and biological weapons programs. I first raised the issue of our policy with respect to the use of these terrible weapons almost 10 years ago in this House. At that time, I called upon the U.S. Government to renounce publicly the use of chemical and biological warfare except in retaliation against such an attack. While the Congress failed to act upon this request, President Eisenhower's public statement on nonfirst use by the United States appeared to answer this inquiry.

Public attention was focused on another vital aspect of this whole issue in early 1968, with the death of over 6,000 sheep near the Dugway Proving Ground in Utah, as a result of a testing error, only belatedly, and still not fully, admitted by the Army. More recently, congressional concern has forced the disclosure of additional information as to our Government's expenditures for CBW development and stockpiling which was hithertofore largely concealed in our huge military budget.

Most recently, we have learned of the Army's intention to ship some 27,000 tons of deadly nerve gas by rail from Colorado for disposal at sea. The hazard of such an operation to the public is both real and obvious, and I am pleased that the shipment is to be delayed pending further study of the dangers involved. What appears to me to be a sensible alternative to this questionable method of disposal has been offered by a scientist at the University of Wisconsin. Professor Orme-Johnson of the institute for enzyme research, in a letter to Defense Secretary Laird with a copy addressed to me, offers the suggestion that chemical means be used to render the gas harmless prior to its ultimate disposal. I hope that the Defense Department will give due consideration to this professional opinion, and to all available means to protect the public from further CBW accidents. I, therefore, include this letter in the RECORD at this time.

I would also like to call my colleagues' attention to the observations on this problem made by Columnist Laurence Stern in the Washington Post. I fully agree with his conclusion that—

It would be the height of folly not to have a national policy on an issue so politically charged and close to the horizon as CBW.

The important issues raised by our CBW programs have been concealed from the Congress and from the public far too long. I include Mr. Stern's column also in the RECORD at this time.

The above-mentioned material follows:

MAY 9, 1969.

HON. MELVIN LAIRD,
Secretary of Defense,
The Pentagon,
Arlington, Va.

DEAR MR. LAIRD: A story in the Milwaukee Journal of May 8 states that the Army intends to dispose of 27,000 tons of obsolete CW gas by sinking tanks of it in the ocean. This may well be inadvisable for the following reasons:

(a) Fifty-four million pounds of any organic compound represents a considerable financial investment. In the chemical process industry anything produced in excess of a million pounds a year is considered an important undertaking. One wonders whether a chemical processor could not be found who would utilize the material in question, with a guaranteed supply of fifty-four million pounds, to produce something more useful.

(b) If it is determined that there is no commercial use for the gas, then disposing of it could be handled in better ways than by dumping it in the ocean. Although diluting 27,000 tons of anything into the North Atlantic would in effect cause it to vanish, this is not in practice what will be done. The accidental release of a tankful, broken on the ocean bottom, could cause a great deal of misery in a small area before the gas dispersed. Poison gases, at least as they are known in the open literature, fall into two general classes. The older vessiccant type are chemically very reactive, and could be inactivated by procedures such as mixing with hot alkali. The modern acetyl cholinesterase inhibitors might have to be inactivated by more complicated reactions. In any case, the most complete destruction would be assured if the gas, an organic compound, were burned after mixing with oxygen perhaps in the presence of a catalyst. These means of disposal would require special equipment installed preferably where the gas is stored, but the fate of the gas, ending up an non-toxic products, would be absolutely certain.

Please understand that the case of a poisonous substance is entirely different from that of disposing of unwanted radioactive materials. In the case of radioactive materials, one essentially can't do anything about them but wait until the radioactivity decays, and it may be justifiable to bury or sink carefully sealed containers of such wastes.

With chemical rubbish, particularly when in a concentrated form such as a cylinder of CW gas, it is on the other hand always possible to remove the danger by combustion or a milder chemical transformation.

Any dealings with such substances involve expense and precautions, but one feels that for the price of the transport and handling proposed presently, one could come up with a much safer final disposition of the surplus poison gas.

The letter represents my personal but professional opinion, based on the facts as reported in the press.

Yours truly,

W. H. ORME-JOHNSON,
Assistant Professor, Institute for Enzyme Research

[From the Washington (D.C.) Post, May 7, 1969]

REVELATIONS ON CHEMICAL ARMS SURFACE AT A CRUCIAL TIME

(By Laurence Stern)

Early in March a group of Congressmen met in executive session with Army officials and received a series of grisly revelations on the Nation's highly-secret chemical and biological warfare stockpile.

Their little excursion into the thicket of the unthinkable may spark the next round in Congress of the battle between the Pentagon and its critics.

Without going into the classified information reviewed at the March session, it has been asserted that the destructive power of newly developed nerve gases and biological agents approaches that of the thermonuclear bomb. These same materials are stored in quantities of overkill far surpassing the numbers of potential targets.

One widely circulated statistic in the CBW debate is that the United States has in storage at an arsenal near Denver 100 million lethal doses of nerve gas. Rep. Richard D. McCarthy (D-N.Y.), who has opened up the issue for debate in the House, cited Army testimony that a one-quart bomb of nerve gas could destroy all life within a mile.

One of the apocalyptic truths in the secrecy-shrouded technology of chemical and biological warfare is that there is now the capability to create worldwide epidemics of such ancient scourges as plague and anthrax with a few strategically-placed bombs and sprays.

There are certain democratic virtues to CBW weapons. They can be produced cheaply and quietly—far more so than nuclear weapons. They can be delivered without bombers or missiles. The dangers of proliferation are, therefore, more immediate and pervasive than the spread of the bomb.

One of the most gruesome aspects of the CBW program is its well-demonstrated susceptibility to accidents. The most publicized case recently was the killing of 6400 sheep by a wayward whiff of nerve gas near Dugway Proving Grounds in Utah 14 months ago. (Though the Army has refused to acknowledge that the mass poisonings were caused by nerve gas the Government has awarded half a million dollars in damages.)

But there is far less awareness of such facts as the 3300 accidents at Fort Detrick, the Army's principal biological warfare research center at Frederick, Md., over a span of eight years. Rep. McCarthy's research recalled the prolonged episode at Rocky Mountain Arsenal during the 1950s when leakage of poison gas defoliated crops and slaughtered farm animals until the Army decided to drill deep disposal wells.

The two-and-a-half mile deep wells were dug along a geological fault ridge and in the five year period from 1962 to 1967 there were 1500 measurable earthquakes in the Denver area after 80 years without a tremor. The quakes stopped when the wells were plugged.

The surfacing of concern over chemical and biological weapons programs in Congress and the academies comes at a propitious moment. Both in Washington and in Moscow there has been publicly-expressed interest in putting CBW talks on the agenda of the 18-nation disarmament meeting in Geneva.

There is a universal abhorrence against the use of poison gas in warfare. This is attested to by the fact that the 1925 Geneva protocol against poison gas has been honored more in the observance than the breach, unlike most international conventions.

Since the signing of the protocol, from which the United States abstained, there have been only four widely-reported instances of chemical warfare: in Ethiopia by Italy, in China by the Japanese, in Yemen by the United Arab Republic and, currently, in Vietnam by the United States.

Although this country takes the position that tear gas attacks used to flush suspected enemy forces in Vietnam are non-lethal, their purpose is to render the foe more vulnerable to lethal B–52 bombing attacks. The use of herbicides to destroy the food supply of the South Vietnamese insurgents has also raised the question of whether American compliance with the Geneva agreement is real or merely professed.

McCarthy and other critics of the CBW program have proposed that President Nixon resubmit the 1925 Geneva protocol to the Senate for ratification. More drastic is Britain's proposal to the Geneva disarmament conference that all biological warfare research be banned.

The Administration's views are not yet visible if, in fact, they have as yet been formulated. But it would be the height of folly not to have a national policy on an issue so politically charged and close to the horizon as CBW.

INCREASE PAY FOR POSTAL ESTABLISHMENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. REID of New York. Mr. Speaker, today I am introducing, along with several of my colleagues from New York, a bill identical to H.R. 10000. This legislation, which was originally introduced by the gentleman from Montana (Mr. OLSEN), would establish wage comparability for the lowest paid employees in the postal establishment—those who occupy levels 1 through 7 in the pay structure. It would also correct inequities in supervisory pay scales.

Under the terms of this legislation, all employees in levels 1–6 will be elevated to the next higher level; letter carriers, in level 5, will have a starting pay of $7,500; and there would be a $500 salary increase for each of the first 5 years of service. In addition, the bill contains provisions regarding longevity pay, night differential, and rural carrier pay which have been recommended by the National Association of Letter Carriers.

Mr. Speaker, our letter carriers are justifiably dissatisfied with their present salary scales. A beginning letter carrier earns a salary of $5,938 per year, compared with the $8,200 to $10,000 per year being offered beginning patrolmen and firemen in some cities in our country. Even after 21 years of service, the letter carrier will still be earning only $8,094 annually. The 4.1-percent raise which postal workers will receive July 1 will not go far toward alleviating this problem.

If we are to make progress toward making postal salaries truly comparable to those received by employees in private industry, and in other Federal agencies, I believe we must give careful consideration to H.R. 10000. While members may not agree with all aspects of the pay and benefit package, the clear principles it incorporates are worthy of serious study. It is my understanding that the President will shortly submit a postal reform package to the Congress, and I would hope that he will propose salary increases commensurate with the needs and responsibilities of our postal workers.

BEFORE YOU BUY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. DORN. Mr. Speaker, a very timely and superb article by Margaret Dana recently appeared in the Boston Herald Traveler. I commend this outstanding article "The Consumer Deserves Say on Imports," to the attention of my colleagues in the Congress and to the American people:

BEFORE YOU BUY

(By Margaret Dana)

We hear a good deal these days, against a political background, of what must be done to help consumers. Curiously enough, many who talk about helping or protecting consumers do not understand much about consumers and their attitudes, nor really much about the theory and practice of intelligent buying.

Too often I detect a tone of "papa knows best" in the projects or programs announced or discussed by groups—from Congress to the State Department and from educators to labor leaders. In effect, they tend to pat the consumer on the head and tell us to run along and not bother ourselves about important decisions best left to experts.

But judging by the thoughtful and well-informed letters which come in to me each week, consumers—both men and women—everywhere are beginning to question whether consumers should be left out of the "big" decisions, which affect not only buying but our economic system.

Take, for instance, a battle which has been going on for several years: how much to limit or invite the increasing avalanche of imported goods coming in to our country each year. In all the debates and off-the-cuff discussions I find little real consideration of the actual consumer interest. Each industry, of course, wants to do what is best for that industry; each section of government, from State Department to Congress, talks about the national and international interest. But seldom does the question come up as to what the actual consumer interest is in this country.

We are at present importing an enormous amount of goods. Except for the quota set to limit certain cotton imports, there is no

limit as to what we can import in textiles and textile products, and the current figures may startle you. In the two years ending in 1966 imports of wool textiles rose 35 per cent, cotton textiles 72 per cent, and man-made fiber textiles 146 per cent. And in 1967 three billion square yards of textiles and textile products (meaning garments, furnishings, etc.) were imported.

Note that any product is made up of material, labor and design, or technical engineering. Labor that goes into a product is employment. If we import products in which the labor content is high and export products in which the design or technical engineering value is high and the labor low, we are bound to decrease employment in this country, because more of the work is done abroad.

This is what the foreign trade director of the American Textile Manufacturers Institute said, at a Congressional hearing last year, is actually happening. For every 15,000 yards of that three billion yards we imported and unloaded last year, one American job was lost. This does not mean exclusively in textiles. It touches many industries from truck-driving to typewriter-ribbon manufacturing.

It is cheaper to make things in foreign countries. The average woman apparel production worker in Hong Kong was paid 17 cents an hour in 1965, while similar workers in this country were paid $1.83, plus about 30 cents an hour in benefits. But if this means consumers here can buy goods that are cheaper in cost, it is really in the consumer interest to invite an overwhelming import while jobs are lost, companies are forced to cut production schedules, and in some cases inferior products are offered without any means of the consumer's understanding the difference?

Does it make sense to consumers that as we reduce more and more our own cotton acreage we import more and more cotton textiles from other countries? Does it make sense that more and more dairy farms must go out of business for lack of a market when we import an increasing amount of milk and milk products? Does it make sense that while the cast-iron soil pipe industry is struggling to meet the challenge of a changing world by inventing and designing new consumer use improvements we should be actually importing quantities of cast-iron pipe to compete with them?

None of these facts means that we should not have solid and increasing trade with other countries. As consumers, and as part of our economic system, we need and want this. But a common-sense demand for orderly marketing, geared to our own production, and to employment, quality standards and maintenance of our own standards of living, is not "protectionism." It is merely a realistic understanding of the consumer interest.

THE INTEGRITY OF OUR JUDICIAL AND POLITICAL SYSTEM IS AT STAKE

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. RIEGLE. Mr. Speaker, any public official, whether elected or appointed, has an obligation to the people not only of acting in perfect honesty according to the public interest and the dictates of his own conscience, but also of avoiding any inference that his actions could be otherwise motivated. Nowhere is this more compelling than in respect to our judiciary system.

Over 350 years ago, Sir Francis Bacon wrote:

> The place of justice is a hallowed place; and therefore not only the bench, but the foot-pace and precincts and purpose thereof, ought to be preserved without scandal and corruption.

Like many other private citizens and Members of Congress, I have been deeply disturbed by the recent article in Life magazine which has cast doubt upon the propriety of the action of Justice Fortas in accepting a check for $20,000 from the Wolfson Family Foundation at a time when Louis Wolfson was under investigation by the Security and Exchange Commission on charges of stock manipulation that later led to his conviction and imprisonment.

Mr. Speaker, the implications of this article have become even more sinister by the most recent revelation made by the Attorney General that there is still more damaging material in the Fortas file which may yet come to light. At a time when all authority is under attack, these disclosures strike a severe blow not only at the country's most hallowed place of justice but at the whole concept of Federal authority itself.

Mr. Speaker, both public and congressional reaction has been swift. A variety of courses of action have been proposed by the legislative branch. Senator KENNEDY has suggested that Justice Fortas might wish to explain himself to the Judiciary Committee; Senator MONDALE and others have urged his resignation; Senator SCOTT has proposed that the question be turned over to investigation by an ad hoc panel of past presidents of the American Bar Association who would recommend appropriate action to the Court; Representative GROSS has stated that he has already drafted an impeachment resolution—the first such action against a member of the tribunal in the past 165 years—which he will introduce if the Justice does not resign his seat on the bench.

I do not, as yet, share in the most drastic of these proposals. And, I base my position on one of our most commonly held precepts of justice—that a man is "innocent until proven guilty." I am most primarily concerned, however, that while reaction from all other sources has been swift, there has been no significant reaction on the part of the one person most concerned—Justice Fortas himself.

Mr. Speaker, the people of my State share my misgivings on this point and their concern is reflected in the introduction last week by Michigan's Senator GRIFFIN and Congressman GERALD FORD of a bill which would require Federal judges, who are appointed for life and do not regularly answer to the electorate, to make public disclosures concerning their outside income and financial affairs. This proposed legislation, which I am introducing today, is, I feel, a proper avenue for enabling members of the judiciary to establish that their conduct is free both from impropriety and the appearance of impropriety. I also believe that this bill is a logical extension to the existing laws which require the President, Cabinet members, Senators, and Congressmen to reveal their outside sources of income.

As Senator GRIFFIN pointed out when he submitted this legislation, he was prompted to do so by his concern for the weakening of the public's confidence in our judiciary system, of which individual and independent judges form the foundation. This legislation itself, however, will not provide an immediate remedy to the case now under consideration; only a voluntary and full explanation by Justice Fortas himself can do that. As of now, Mr. Fortas has been unwilling to take such action. He must, apparently be convinced that such action on his part is the best course to follow.

The framers of our Constitution created a system of a free and independent judiciary which entailed with it an implicit responsibility on the part of each and every member of that judiciary system. As Chief Justice Marshall once observed, a Justice must be—"perfectly and completely independent, with nothing to influence and control him but God and his conscience."

It is now incumbent upon Justice Fortas to remove any doubts as to his adherence to these earlier but still valid principles and to assist in restoring public confidence to the now tarnished image of our most hallowed hall of justice.

RECOMPUTATION OF MILITARY RETIRED PAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. BOB WILSON. Mr. Speaker, I recently introduced legislation to provide 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 rise 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 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 that 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.

The language of the bill is as follows:

H.R. 10764

A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 71 of title 10, United States code, is amended—

(1) by inserting immediately before the period at the end of the first sentence of section 1401a(a) the following: "; except that the retired pay of any member or former member who was on active duty or in an active status before April 1, 1958, for a period of not less than ten years, and who became or will become entitled to receive retired pay based upon age, length of service, or physical disability under the provisions of the Career Compensation Act of 1949, shall be computed at current active duty pay rates and increased to reflect later changes in applicable pay rates; and retired pay so computed shall not be increased in the manner provided for in subsection (b) of this section";

(2) by amending the catchline of such section 1401a to read as follows:

"§ 1401a. ADJUSTMENTS TO RETIRED PAY AND RETAINER PAY";

and

(3) by amending the table of sections at the beginning of such chapter 71 by striking out:

"1401a. Adjustment of retired pay and retainer pay to reflect changes in Consumer Price Index."

and inserting in lieu thereof the following:

"1401a. Adjustments to retired and retainer pay."

SEC. 2. The enactment of this Act shall not create any retroactive entitlement to additional retired pay.

(3) by amending the table of sections at the begin-retired pay or retainer pay to which a member or former member was entitled on the day before the effective date of this Act.

SEC. 4. This Act takes effect on the first day of the first calendar month beginning after the date of its enactment.

RESOLUTION BY HAWAII STATE LEGISLATURE REQUESTING THE PRESIDENT TO EXEMPT HAWAII FROM MANDATORY OIL IMPORT PROGRAM

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. MATSUNAGA. Mr. Speaker, it is a well-known fact that Hawaii, because of its geologic origin, does not have indigenous sources of energy. Our island State, separated from the west coast by some 2,200 miles, must depend almost wholly upon foreign oil for its energy requirements.

The mandatory oil import control program, established by Presidential Proclamation No. 3279 on March 10, 1959, has only served to sharply delineate Hawaii's unique geographic position and the inequity resulting from her inclusion in the program. Established to safeguard our Nation's security by providing special incentives for exploration and discovery of new oil reserves in the continental United States, the program, and its stated objectives are clearly meaningless to insular Hawaii.

Mr. Speaker, on May 1, 1969, I, therefore, cosponsored legislation which would eliminate the mandatory oil import control program over a 10-year period. My support of this legislation follows my numerous appearances over a period of years before administrative bodies and House committees urging that action be taken to exempt Hawaii from the program, or at least to accord Hawaii the same privileges that are granted to Puerto Rico, another island community.

I am considerably encouraged in my efforts to know that the members of the Hawaii State Legislature are fully in agreement with my views. As evidence of this I submit for inclusion in the CONGRESSIONAL RECORD a copy of house concurrent resolution 16, the fifth Legislature of the State of Hawaii, which was adopted by the house on March 20, 1969, and by the senate on May 9, 1969:

HOUSE CONCURRENT RESOLUTION 16

Whereas, Hawaii is unique among the fifty states of the Union in that, being 2,200 miles from the mainland United States, it does not have readily available to its economy such energy sources as coal, natural gas, or hydroelectric power; and

Whereas, Hawaii is dependent upon imports of foreign oil for the energy to turn the wheels of its industries, generate its electricity, make its synthetic gas, and drive its trucks, automobiles, and agricultural machines; and to supply the ships and aircraft which take its products to market and bring necessary supplies from overseas; and

Whereas, Presidential Proclamation No. 3279 established a mandatory oil import quota program to safeguard our national security by providing special incentives for exploration and discovery of new oil reserves in the United States; and

Whereas, the foreign oil import quota program does not serve any national defense purpose in Hawaii since the program does not result in the use of crude oil or crude oil products from the continental United States, and there is no indigenous oil supply, nor is any supply expected from the volcanic substances which make up the Hawaiian Islands; and

Whereas, the effect of the quota program has been to lessen the normal forces of competition among oil companies in Hawaii; and

Whereas, prices charged by the oil companies in Hawaii for oil products refined from low-cost foreign crude oil are generally as high or higher than prices charged on the West Coast for products refined from the higher-cost west coast crude oil; and

Whereas, the present high cost of oil is detrimental to the entire economy of Hawaii; and

Whereas, there is presently in Hawaii no feasible alternative source of energy to oil; now, therefore,

Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1969, the Senate concurring, that the President of the United States is requested to review the effects of the foreign oil import quota program in Hawaii, reevaluate Hawaii's unique geographic and economic situation, and provide relief by exempting Hawaii from the program with respect to oil and oil products consumed in Hawaii or exported to foreign countries; and

Be is further resolved that Hawaii's delegation to the Congress of the United States be and they are hereby requested to use their best efforts to secure relief for Hawaii by convincing the President of the United States that Hawaii should be exempted from the Oil Import Quota program; and

Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to President Richard M. Nixon, Secretary Walter J. Hickel of the Department of Interior, Senator Hiram L. Fong, Senator Daniel K. Inouye, Congressman Spark M. Matsunaga, and Congresswoman Patsy T. Mink.

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: March 20, 1969.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1969.

TADAO BEPPU,
Speaker, House of Representatives.
SHIGETO KANEMOTO,
Clerk, House of Representatives.

THE SENATE OF THE STATE OF HAWAII

Date: May 9, 1969.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1969.

DAVID C. MCCLUNG,
President of the Senate.
SEICHI HIRAI,
Clerk of the Senate.

MORTON BACKS PROPOSALS AGAINST OBSCENITY IN THE MAILS

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. MORTON. Mr. Speaker, on May 2, the President took a long-needed step to cut down the volume of sex-oriented mail that is bombarding American homes.

He asked the Attorney General and the Postmaster General to submit to Congress new legislative proposals to attack the rain of pornography and smut.

In asking Congress to make it a Federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age, material dealing with a sexual subject in a manner unsuitable for young people, the President has taken a step which has been needed for a long time.

I commend the President for his action. His proposed legislation will meet with a broad base of support in Congress and I look for early passage of this important measure.

HAZARDS OF DANGEROUS TOYS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. EILBERG. Mr. Speaker, on March 6, 1969, I introduced the Child Protection Act of 1969 which asks broader safeguards for children from the hazards of dangerous toys.

My bill would amend and extend the protections of the Federal Hazardous Substances Act, as amended in 1969, to protect youngsters against hazards associated with sharp or protruding edges, fragmentation, explosion, stangulation, suffocation, asphyxiation, electric shock, and electrocution, heated surfaces and fire.

Ample evidence has been uncovered by the National Commission on Product Safety that an unsuspecting parent can, and often does, buy a child a toy which later kills or permanently maims the youngster.

The existing legislation now protects children against chemical hazards—mostly toxic, corrosive, irritating and sensitizing. In hearings last year, the Product Safety Commission proved that these safeguards are clearly not enough.

Hearings have been scheduled for next week on my bill, H.R. 8377, before the Interstate and Foreign Commerce Committee by its distinguished chairman, the Honorable HARLEY STAGGERS, of West Virginia.

Mr. STAGGERS also has scheduled hearings on another bill I have introduced, H.R. 10012, which would extend the life of the National Commission on Product Safety. The Department of Commerce has favorably reported on this measure.

There is keen interest in the Child Protection Act in my home city, Philadelphia. Recently, WCAU–TV, channel 10, the Columbia Broadcasting System affiliate endorsed this legislation. For the RECORD I insert that editorial, as follows:

THE CHILD PROTECTION ACT OF 1969

(Presented by Peter W. Duncan, WCAU–TV, editorial director)

A wide-eyed child touring a toy store is something to behold. But some of the items on the shelves may be potentially dangerous to youngsters. You perhaps remember not too long ago when some stuffed animals were found to be harboring a highly volatile substance which, if brought into contact with flame or even just a hot cigarette ash, could flare up violently. When called to their attention, store owners took them off the shelves to avert possible tragedy.

Even though store owners are cooperative when hazardous items are discovered, they can't possibly check out each and every item inside and outside to see if it's potentially dangerous. This determination should be made by the manufacturer before the item is marketed.

Hearings going on in Washington have displayed, for example, a child's oven that builds up to an excessive heat—enough to burn severely. There have been other toys with long spikes inside holding them together, plus other examples.

Any manufacturer should look for potential dangers and eliminate it before it goes on the shelves. Hopefully, most do.

But, we are a trusting people—at times trusting to a fault. Too many of us go on the assumption that if it's for sale, it must be okay. (Past investigations into other areas like meat standards and other food and drugs should show us how naive we are. Government regulation now protects us in those areas.)

Shouldn't children be assured protection? Shouldn't the parents have the peace of mind to know that an item is safe when they purchase it for their child?

Philadelphia Congressman Joshua Eilberg has introduced the Child Protection Act of 1969 which would provide protection. It would extend existing legislation to cover items which present any real electrical, mechanical, or thermal hazard to a child.

The legislation opens the way for the federal regulating agency to get an injunction. This would halt the manufacture and marketing of any toy which was regarded as hazardous under the terms of the legislation.

WCAU–TV supports the Child Protection Act of 1969. The bill (introduced by Philadelphian Joshua Eilberg) deserves the support of lawmakers throughout the Delaware Valley.

GENERAL EISENHOWER

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, the Senate of the State of Pennsylvania has recently adopted a resolution honoring the late Dwight David Eisenhower. A letter from the senate secretary, Mark Gruell, Jr., and the resolution follow:

SENATE OF PENNSYLVANIA,
May 13, 1969.

HON. JAMES G. FULTON,
House Office Building,
Washington, D.C.

GOOD MORNING CONGRESSMAN FULTON: At its session on May 6, 1969, the Senate of Pennsylvania unanimously adopted the enclosed Resolution.

In accordance with the directions contained therein, I am forwarding a certified copy to you.

Sincerely,

MARK GRUELL, Jr.

RESOLUTION

Dwight David Eisenhower, thirty-fourth President, was the embodiment of patriotism both as a military man and as a statesman. His ethical code of behavior and fear of God was expressed in his every action.

The Commonwealth of Pennsylvania was honored for many years by the presence of the Eisenhower family while living near Gettysburg; therefore be it

Resolved, That this Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to adopt the proposed commemorative stamp honoring Dwight D. Eisenhower, depicting the Civil War monument and United States flag in Center Square, Easton, Pennsylvania; and be it further

Resolved, That a copy of this resolution be transmitted to the presiding officer of each House of Congress of the United States, and to each Senator and Representative from Pennsylvania serving in the Congress of the United States.

I certify that the foregoing is a true and correct copy of Senate Resolution Serial No. 28 introduced by Senator Jeanette F. Reibman and adopted by the Senate of Pennsylvania the sixth day of May, one thousand nine hundred and sixty-nine.

MARK GRUELL, Jr.,
Secretary, Senate of Pennsylvania.

VIEW ON CAMPUS LIBERTY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. CAREY. Mr. Speaker, on February 22, 1969, a distinguished resident of my congressional district, Dr. James B. Donovan, delivered an important address entitled "The Limits of Campus Liberty." The occasion for his talk was the 21st annual University Women's Forum. Mr. Donovan is nationally recognized as a "defender of unpopular causes." He is the author of a book called "Challenges" which contains some of his best essays, and a book and film account of his famous transfer of the Russian spy, Rudolph Abel, in exchange for the American U–2 pilot, Gary Powers. The latter work is entitled "Strangers at the Bridge."

I have asked permission at this time to insert the text of his address on the important matter of campus liberty, since Mr. Donovan has established himself as an authority on education in his capacity of former president of the New York City Board of Education, and now president of Pratt Institute, Brooklyn, N.Y.

Many of the views expressed in the text of Mr. Donovan's speech are both unusual and innovative. In the insertion of this speech I do not wish to indicate that I am prepared to support the concept of national conscription as he advocates. I do, however, believe Dr. Donovan's thoughts are significant and enlightening, and I commend the speech to the attention of my colleagues:

THE LIMITS OF CAMPUS LIBERTY

(By James B. Donovan)

May I express my pleasure in being with you at the Twenty-First Annual University Women's Forum. Meetings such as this, with representatives of our greatest centers of learning, have a significance today possibly greater than at any time in our national past. This is not only because of the sheer numbers of young Americans in higher education have grown so tremendously during the last twenty years, but also because most in this audience necessarily are concerned every day with what we all recognize to be a deeply disturbed youth population.

We of the older generation must accept a large measure of responsibility for the unsettled and at times chaotic world into which our young have been thrust. They are part of a society fearful of nuclear warfare and racked by domestic civil disorders; they are unwilling to accept poverty in the midst of plenty or the racial discrimination imbedded in our social fabric; they resent having no clear voice in shaping the educational and social institutions in which they must live and learn; their young lives are being disrupted by the draft—and sometimes lost in combat—in American military adventures increasingly difficult to justify or sanction.

All our understanding, however, is virtually wasted if we do not devote ourselves to the education of the majority of our students, who sincerely seek the values of learning. We must recognize as a small minority those who come to our institutions only to indulge in so-called freedom of expression for a few years and who resent the primary obligation of every student to be educated by those who have earned the right to teach. These self-alienated youths are not so much misunderstood as they are unwilling to be understood, perhaps because they do not understand themselves. To a point they should be welcomed on a campus, but the outer limit of toleration is reached the moment they interfere with the rights of others to learn or to teach in the academic community. Such "students" are entitled to be told in advance the bounds of freedom but they also should be given explicit notice that they will not be permitted to exceed those limits for one day, if a university is to serve the very purposes for which it exists. The overwhelming majority of those on the campus also have rights which must be respected and protected.

University disorders have reached a crisis point in the United States which menances the very foundation of our academic system. It would appear that today there is a general consensus among realistic university administrators with respect to recognizing tremendous latitude in student liberty, without permitting that liberty to degenerate into license. So great is this consensus that in the limited time permitted today I thought it best to speak briefly on a possible national solution to the problems of our youth; some such solution must be found if peace and order are to be assured on our streets as well as on the campus, with due regard to the civil liberties of all.

Radical problems require radical solutions. It is my proposal today that in the near future the academic community take the leadership in making radical proposals to our national political structure with respect to a basic re-evaluation of existing codes of education and conduct applicable to American youth. It is a necessity that we strive toward a dramatic creation of a new national unity which emphasizes among our young a deeper sense of national pride and awareness of their own responsibilities to this nation. Otherwise the United States will not survive for long as the leader of the free world.

My proposal is that the present Selective Service system, now applicable only to military duty, be abolished and that instead the United States, recognizing the international and domestic crises which we face, institute National Conscription to be applicable to all our youth at age 17 or 18 for a period of perhaps two years. When I say "all our youth" I mean women as well as men, wealthy as well as poor. For the two-year period those seeking experience in any branch of our armed forces could voluntarily make that election; for those seeking work in trainee positions in the Peace Corps or similar organizations overseas, this path also could be voluntarily selected; for those motivated to work as assistants in counseling, guidance and other capacities in domestic anti-poverty organizations such as Vista or Operation Headstart, these duties could be voluntarily chosen. There also are infinite needs in the fields of public health and the preservation of natural resources in which battalions of our youth could serve to bring us closer to the achievement of a better society in America. With proper safeguards of academic standards, certain credits for those who later pursue higher education could be granted for such national service experience.

This proposal at first may appear to be drastic but I believe that our country must embark on some comparable program if we are to meet our foreign and domestic responsibilities. We also should be developing matured youth better prepared and better motivated to absorb the benefits of college. Our young today are asking for activist programs that give them an opportunity to fulfill idealistic aspirations to aid in our domestic social problems and to assist less fortunate peoples throughout the world.

As I said at the outset, the time limitation of my remarks prevents presentation of a more detailed blueprint as to what could emerge if we seek to explore such a basic concept.

The proposal is not wholly unprecedented. May I point out to you that because of the grave national emergencies which threaten the State of Israel, universal conscription is now in effect in that tiny country for both young men and women. While their programs are primarily aimed at military defense for survival, they also embrace civic service in the kibbutz community patterns throughout the land.

Israel has taken these steps because in a very real sense it is constantly at war. We in the United States must realize that today and probably throughout our generation, the United States is and will be compelled to defend itself. We are threatened abroad by powerful enemies intent upon the destruction of our way of life. At home we are in the midst of grave civil strife, basically created by the underprivileged demanding some hope of a better life for their children at a time when they live in and observe social behavior in a nation whose affluence is at an unprecedented high.

Because so many aspects of this proposal would vitally affect the future of higher education, I suggest that the academic community not sit back and wait for political leadership to dictate answers to these problems. We should come forward with concrete proposals. These proposals should be in the national interest of the United States and specifically incorporate sound educational values in the broadest sense of that term, often unfortunately limited in a pedantic way.

Our proposal should be aimed to develop in American youth a deep sense of national responsibility as younger citizens of our country, while giving them an opportunity to express their idealism in meaningful action beneficial not only to themselves but also to future American generations.

BRITISHERS CALL CALIFORNIA OIL DAMAGE EXAGGERATED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. BOB WILSON. Mr. Speaker, there have been more gallons of crocodile tears shed over the unfortunate Santa Barbara oil leak than there were gallons of oil washed onto the beaches. It was a most unfortunate accident and some sea and birdlife suffered as a result, but it was not the disastrous event that many would have us believe. In the future, necessary precautions must and will be taken. Nonetheless, we will have other such accidents and many other natural disasters such as mudslides, floods, tornadoes, and so forth, that will wreak far more damage.

The following article from the April 20 Washington Star puts the Santa Barbara tragedy into clearer focus with respect to the effects of earlier and larger oil mishaps, such as the wreck of the tanker *Torrey Canyon* off the Cornish coast in 1967, and outlines the thinking of British marine biologists with regard to the extent of permanent damage caused.

The article follows:

BRITISHERS CALL CALIFORNIA OIL DAMAGE EXAGGERATED

(By Smith Hempstone)

PLYMOUTH, CORNWALL.—The worst fears of permanent damage to the Southern California coast and its ecology by pollution from the Union Oil Company's leaking offshore rig in February may have been exaggerated.

This is the view of British marine biologists familiar with both the Santa Barbara underwater gusher and the 1967 wreck of the tanker Torrey Canyon off the Cornish coast in 1967 (the tanker, paradoxically, was on permanent charter to the Union Oil Co.).

The hopeful view of the scientists is substantiated by one reporter's recent inspection of this rock-girt coast.

The first fact to be kept in mind is that the Torrey Canyon disaster was on a much greater scale than the Santa Barbara tragedy.

WILDLIFE RECOVERS

The tanker was carrying 118,000 tons of crude when she piled onto Seven Stones Reef two years ago. Pounding waves broke her into three sections and RAF bombers sent her broken wreckage to the bottom, spewing vast quantities of oil into the sea.

Roughly 13,000 tons of oil drifted ashore in Cornwall, while about 15,000 tons reached the Breton coast of France. In contrast, only about 1,000 tons apparently fouled the Southern California beaches.

Despite the magnitude of the Torrey Canyon disaster, only negligible traces of oil are in evidence here, and the flora and fauna of Cornwall appear to have made an almost complete recovery.

The most heart-rending (because it was the most obvious) loss of life from Torrey Canyon pollution, as was the case in California, involved the deaths of many thousands of birds.

Of the 8,000 sea birds treated for oil pollution in Cornwall, the British were able to save less than 80.

Oiling clogs a bird's feathers and allows water to get between them, destroying the

insulating layer of down and air which coats the skin. If the bird remains in the water it is drowned or killed by the cold; if it leaves the sea, it dies of hunger.

Trying to wash the oil off, the British concluded, can have a deleterious effect, since it frightens the birds when they already are in a state of shock. The less than 1 percent survival rate for treated birds suggested that the most humane action is to destroy badly oiled birds immediately.

The rocky, much-indented coast of Cornwall is such that the entire area affected by the Torrey Canyon was not equally polluted by oil or by the 1,000,000 gallons of detergents which the British dumped on land and sea in an attempt to destroy the oil.

Thus pockets of flora and fauna survived all along the cost. As evaporation and currents reduced the level of pollution, these pockets gradually expanded, according to Dr. J. E. Smith, director of the Marine Biological Laboratory here.

The spraying of rocks with detergents initially caused a heavy loss of life among small animals such as limpets and periwinkles. But even these have now recovered, Smith said.

The French had even greater success in protecting the ecology of Brittany because they refused to use detergents, preferring to sink the oil at sea with sawdust or scoop it from the beaches manually or mechanically.

FISH UNAFFECTED

The danger to the Santa Barbara Channel fishing grounds, which in 1967 yielded 27 million pounds of fish, also may be less serious than originally thought. British authorities flatly assert that fish are "virtually unaffected by floating oil," although they can become tainted if caught in contaminated nets or landed on polluted beaches.

Smith reported that the abalones of the Santa Barbara Channel now seem to be thriving on a diet which contains a rich mixture of oil.

After another oil pollution incident in Britain's Tay estuary last year, the official report concluded that "there has been no evidence so far of any damage to fisheries from the oil or from detergent spraying."

Dr. Quentin Bone of the Plymouth Marine Biological Laboratory, who had the opportunity to observe the aftermath of both the Torrey Canyon and the Santa Barbara incidents, credited the American authorities with a "quite impressive" job of cleaning the California beaches.

DETERGENTS DAMAGING

Bone felt that the U.S., like France, was right not to use great quantities of detergents in fighting the oil. Toxic detergents, he said, almost always are more damaging to the ecology of an area than the oil itself.

In any event, detergents are effective only on rock. On sand, they simply sink into the beach.

Bone said dire predictions of the premanent end of animal life in the Santa Barbara area were "a bit of a stunt." Nor was he particularly alarmed by the residual leak near the Union Oil Company's rig, which was discharging about 500 gallons a day long after the 11-day main gusher had been capped.

"There are many charted natural leaks of that size all over the sea bottom off Southern California," he asserted.

Smith and Bone agreed that, as long as industry's appetite for oil remains unslaked, pollution will become a growing problem. What is needed, they asserted, is a central agency to deal with the problem, strong international regulations on pollution control, and regional organizations equipped to deal with accidents as soon as they take place.

AFRICA'S INDIANS: NEW "APARTHEID"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. DERWINSKI. Mr. Speaker, there is an obvious lack of objective coverage of problems on the African continent and, in addition, too few reporters covering that area.

Therefore, I feel that an article by Richard Pattee, carried May 9 in the New World is of special significance since he dares to discuss an unfortunate problem that has been deliberately ignored in both governmental and private circles. The article follows:

AFRICA'S INDIANS: NEW "APARTHEID"

(By Richard Pattee)

This is not going to be a learned disquisition on the status of rights of minorities over the world.

Nor do I intend to deal in the least with the efforts of minorities in the United States and elsewhere to attain an "identity" or achieve an equality with the majority.

The problem that leads to this week's considerations is the tragic and not much publicized exodus of Indians from Uganda, Kenya and the other East African countries where they have lived sometimes for generations.

At the time of independence, they were given the option of becoming citizens or of retaining their British citizenship, to which they had full right. A large number opted for British citizenship.

As every reader of the daily press knows, the Kenyan government has begun a concerted movement against the Indians and thousands sought refuge in the United Kingdom. But in Britain they are now being refused admission.

This is not a question of whether Britain is right or wrong in not wanting thousands of Indian refugees on its soil who will only make the economic and social situation that much worse.

The main points that come to mind in this case are these:

That the holder of a genuine passport of a given country is refused admission into his own country (his own in the legal and technical sense at least);

That the Kenyan government, of Jomo Kenyatta, which is African, should continue to proclaim its love for mankind and faith in people regardless of color and yet take these dramatic steps against a long established community;

That India, which from the days of Pandit Nehru—more than that, from the days of Mahatma Gandhi—has screamed bloody murder every time an Indian has been insulted or mistreated in Britain, South Africa or Australia, is not interested in the matter.

My knowledge of international law is sketchy in the extreme. Yet I am certain that an individual holding the legitimate passport of a country, and not a criminal or on the run or wanted for any offense within the land, cannot be denied the right to reenter his own country.

I know that passports can be lifted from people—as the United States does to those who visit Cuba. A passport can be denied a person so that he cannot leave the country.

But I wonder under what statute or practice, an individual, who falls in none of these categories and holds a proper passport of the country he proposes to enter, can be denied such entrance?

It is an extraordinary development in the whole problem of the movement of persons. We may find that any one of us with his passport in order and nothing against him may one day find that he cannot get into his own country for reasons that will be most obscure to him.

The second point is that the Kenya government is practicing discrimination on the basis of race. The Indian is hounded and expelled. Why is there no outcry, no protest, no comment on this?

Why do the numerous commissions of the U.N., that have nothing better to do than make plans to rule South West Africa and bring down apartheid, pay no attention to the plight of the Indians in Kenya?

In the third place, the attitude of India is even more perplexing. Madame Gandhi has washed her hands of the whole thing. These Indians are no longer her concern, which is true from the legal angle. But, heretofore, India has been extraordinarily sensitive about the treatment of her peoples everywhere in the world.

A tremendous storm was kicked up some years ago and Gandhi made a name for himself in protesting the treatment of Indians in the province of Natal in South Africa.

In the Kenya case, India not only will not admit the Indians to their former homes; the government will not even intervene on their behalf in an active manner.

It is all very strange. If the government of Kenya were white, what would be the world's reaction?

OBSERVATIONS ON CAMPUS DISORDERS

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. BLACKBURN. Mr. Speaker, the disorders which have been disrupting the major college campuses throughout the Nation have been a source of concern to myself and many other Members of this body.

The American university system, considered to be the finest in the world, is providing higher education for more of our citizens than any other such similar system in any other country of the world now provides. Our system is now under violent attack and is threatened with possible destruction. After a long and hard struggle, our university system has developed the academic freedom of today which assures students the right to learn and professors the right to teach all subject matter which they consider pertinent to a proper education. We now find that revolutionary forces are trying to suppress this evolvement.

Recently, Congressman THOMAS J. MESKILL delivered a speech to the Connecticut Broadcasters Association at Wesleyan University in Middletown, Conn. In his address, Congressman MESKILL pointed out four important facts which should be remembered by all persons concerned with agitation on campuses.

First, and foremost, he feels very strongly that this present generation of college students is extremely idealistic and has not had the opportunity to com-

pare our society and our system of government with others which exist throughout the world. Second, our colleges and universities, in their policies toward dissenters are acting from a sense of guilt and maybe even liberal masochism. Third, today in our society, the idea that everyone should have a college education has gained widespread acceptance. This has put many students into the academic community who do not really desire to attend college. Fourth, and most importantly, the disruptions which are occurring on our college campuses are being caused by small well-trained revolutionary cadres who, through their extremely well-organized techniques, are able to immobilize a university against the wishes of the students who desire to receive an education.

For the interest of my colleagues, I hereby insert Congressman MESKILL's speech into the RECORD:

OBSERVATIONS ON CAMPUS DISORDERS

(A speech before the Connecticut Broadcasters Association by the Honorable THOMAS J. MESKILL, Wesleyan University, Middletown, Conn., May 8, 1969)

I would like to give you my thoughts on the subject of campus disorders. I claim no expertise in this field, I am merely one more observer on the national scene who has watched matters go from bad to worse and wondered what to do about it.

I believe the campus disorders are caused by many things, all of which seem to be surfacing at the same time.

First of all, it is almost a truism to note that every generation of college students is idealistic. And we can be glad for this. Let us look at a typical college boy. He is on the threshold of manhood, full of high ideals and great hope for his own future. He sees about him imperfections in our institutions and in our society, in our laws and in our government. He is critical of the lack of perfection, and he is impatient to do something about it.

Unfortunately, growing up in this country during a period of affluence, he has nothing with which to compare life in this country of ours. And thus, he cannot appreciate how much better things are in America than anywhere else on earth. This is element number one.

Secondly, in recent years we have seen our colleges and universities, motivated by a sense of guilt, eagerly seek out young people from minority groups to become members of the student body.

In many cases it has been done out of a desire to atone for past wrongs to the minorities of this country.

In other cases it has been done to give demonstrable evidence that this particular college or university is truly "liberal" and does not discriminate on the basis of race in its admissions policies.

In their eagerness, Admissions officers have in many cases closed their eyes to inadequate preparation for college when the applicant comes from a minority group. This has been a serious mistake.

In a sincere effort to help young blacks, our colleges and universities have put them in competition with students who were fortunate to have had the benefit of superior secondary educational backgrounds. Sadly, this is a competition with which most of these underprivileged students cannot cope. These young people have soon become discouraged and disgruntled, making demands for "meaningful" courses; that is, black studies programs. Often, what they are really seeking is an easier curriculum which they can master. Our schools of higher learning have been naturally and rightly reluctant to lower their academic standards, and this has been a source of great controversy.

Negro civil rights strategist, Bayard Rustin, recently addressed himself to this very problem. He said that blacks were "ill prepared for college education," and he called on college officials to "stop capitulating to the stupid demands of Negro students" and to see that "they get the remedial training that they need."

Rustin went on to say, "What the hell are soul courses worth in the real world? In the real world, no one gives a damn if you've taken soul courses. They want to know if you can do mathematics and write a correct sentence." I think blacks and whites alike would do well to listen to Mr. Rustin's admonition.

The third element in this scenario is fostered by the "over thirty" portion of our society. Our adult population has an "everybody should have a college education" syndrome. As a result, many young people from all economic and cultural backgrounds are being pushed into our colleges and universities because "it's expected of them" by their relatives and friends.

Many of these young people would be happier and more successful if they were to enter vocational and technical schools.

The need for technicians in this country has never been greater.

These misplaced, unhappy college students are often borderline failures. They resent the faculty because of their intellectual achievements; they resent the school administration because of the restrictions on college campus life.

A great deal of the blame for the chaos on the campus must be accepted by the parents of the students involved. Any young man or woman who has not been taught to respect the rights and property of others in his own home cannot be expected to learn it on the campus. We can only hope that parents of youngsters will take note of this and better prepare their children for the responsibilities of adulthood.

This brings us to the catalyst. On the campuses across the country, there is a small group of well-organized, well-financed, well-trained revolutionaries whose sole purpose in entering our universities is the destruction of the institution and our national way of life.

They will, and they have, seized every opportunity to capitalize on dissatisfaction, discord and resentment.

The Students for a Democratic Society, The Black Panthers, whatever they choose to call themselves, are dedicated to an ideology completely foreign to our great nation. They have provided the spark and organization which have ignited the fires of disruption across the country. They have been sowing their seeds in fertile fields.

As long as this country is involved in a very unpopular war in Southeast Asia, we will continue to have discontent on our campuses. Students will protest against the war; they will try to oust ROTC; they will hold rallies against the draft; and they will picket recruiters from the Armed Services and corporations which do business with the Defense Department.

With all of these factors working together to create unrest on our campuses, there are still other factors which work against an easy solution. Most of our college presidents have enjoyed, up until a few years ago, a rather ideal existence. They have lived and worked with young people in an ivy-covered, tree-lined campus environment. Their lives have been intellectually stimulating but politically tranquil. Their concern was in promoting scholarship, not politics.

Now they find themselves in unfamiliar territory. They have little or no training for the type of decisions they now must make.

To make matters worse, many members of the faculty who have been teaching and influencing our young people feel a commitment to them and to their behavior. They are unable to extricate themselves, and consequently, find themselves siding with the students and against the administration. No demonstration has succeeded without the support of faculty members.

In many instances this has influenced and substantially weakened the position of the administrators and has resulted in a capitulation to unreasonable demands of the college students.

The administrators are reluctant to call in the police when things get out of hand. In their thinking, to do so would be to admit that they have lost control. Local government is reluctant to intercede without being asked.

The Federal Government is reluctant to intervene for fear of being accused of interfering with the freedom of education.

One thing is certain—we cannot continue to go on much longer. What we thought was a fad has turned out to be a nightmare!

The initial responsibility must rest with the administration of the college. If the President of a university has neither the intention nor the ability to administer the affairs of his institution in a manner which guarantees that all students of that institution, who wish to attend classes and complete their education have the opportunity to do so, then that administrator should resign or be fired. The trustees must not shirk their responsibilities either. Recently, a number of administrators have indicated their intentions to retire or resign. College presidents must insist on the support of the members of their faculty, as President Kingman Brewster has done at Yale.

College administrators must keep the avenues of communication open to legitimate student requests. Dissent is normal and healthy and should not be discouraged. It is the responsibility of the college, however, to provide a forum for discussion in order to keep this dissent in proper bounds, keeping in mind that the students are not always wrong.

But, when certain militant students violate the law by interfering with the individual rights of other students or by destroying school property, the college administrators must call on our law enforcement officers to bring the lawbreakers to justice. They must put saving education ahead of saving face.

To do less is an open invitation to more lawlessness. Violations of the law which are not tolerated on our streets should not be tolerated on our campuses. Membership in an academic institution does not grant immunity from prosecution.

Members of the alumni of non-tax supported schools can and should use their influence on college administrators. This is a delicate area, however, because refusal to furnish financial support to the institution punishes the innocent student as well as the guilty.

The same caviate applies to Federal intervention. For the Federal Government to withhold assistance to universities because of campus disorders, hurts many students who are not involved in the disorders themselves. I do support, however, any reasonable restriction on individual aid to students involved in disruptive activities on the campuses.

According to the Attorney General of the United States, we do have confirmed information that a number of the university disturbances reported have been incited by a small cadre of professional militants who travel from campus to campus across the country. They are trained in turning peaceful and natural dissatisfaction and frustration into ugly, violent confrontation. Where this is the case, I support the application of the anti-riot provisions of the 1968 Civil Rights Act which make it a Federal crime to travel across state lines to incite a riot. It must

be clear that we will not tolerate professional revolutionaries who seek to exploit our serious students. Where their tactics violate the law, they must be prosecuted if justice is to triumph.

But the final solution really rests with our young people in college. As Sir Edmund Burke said in a speech before the House of Commons, "All that is necessary for the forces of evil to win in the world is for enough good men to do nothing." If the great majority of our students, who are not involved in these disorders, sit idly by and allow a small cadre of anarchists to disrupt and destroy their institutions, they too must share in the blame. It is time for them to stand up in support of their institutions. They must speak out, and they must exert leadership. Their incentive should be that they have so much to lose by the destruction of their institution.

Recently, elections on college campuses have dealt severe blows to the prestige of SDS and other radical groups.

This should serve as a message to the student body that the small group of anarchists do not speak for the majority. They do not speak for the freedom of education; they do not speak for the impoverished people in our country; they do not speak for the long-suffering minorities; they speak only for those who are dedicated to the destruction of everything that our founding fathers fought for and our gallant war dead died for.

Let them be reminded of Newton's Law that "For every action there is an equal and opposite reaction." If these young people would study their history, instead of their handbooks for revolution, they would know that nihilism and anarchy lead only to authoritarianism and suppression. For as the philosopher, Santayana said, "Those who do not remember the past are condemned to repeat it." If calm does not return to the campuses, I am afraid we may see a battle line drawn down the center of the classroom—on the one side the radical right, on the other, the radical left. The loser in this conflict will surely be the student who truly wants and needs an education.

Let us all hope that we have the sense and the wisdom to avert such a calamity before it is too late. Time is running out.

KITTY GENOVESE TRAGEDY RECALLED

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. DELANEY. Mr. Speaker, law enforcement officials are growing increasingly concerned about the apathy of citizens in assisting in the apprehension and conviction of criminals. In this connection, I would like to call to my colleagues' attention an interesting article on this subject written by the Honorable Thomas J. Mackell, district attorney of Queens County, N.Y., in which my district is located. The article, which follows, appeared in the May 1, 1969, issue of the New York Law Journal:

KITTY GENOVESE TRAGEDY RECALLED

(By Thomas J. Mackell)

At about 3 A.M. on March 13, 1964, Kitty Genovese parked her automobile near her home in Kew Gardens after driving alone from work. Winston Moseley had been cruising the streets of Queens for an hour looking for a woman alone, contemplating murder, rape and robbery. He had been following Kitty Genovese. He parked his car at a bus stop and alighted. Kitty saw him and ran. Moseley overtook her and stabbed her twice in the back.

Her screams shattered the stillness of a courtyard area, reverberating from the surrounding apartment house brick walls. At least thirty-eight neighbors of this woman in peril heard her cries. Not a single one took the trouble to pick up a telephone and call police.

One neighbor on the seventh floor of a dwelling heard the kneeling victim's repeated cries, "Help me, help me." His only response was a shout from his window, "Hey, get out of there."

Even this half-hearted assistance had its effect. Moseley was frightened, left his victim, jumped into his automobile and backed it into an adjoining street. Kitty Genovese was able to remove herself from the scene of the attack around the corner to the vestibule of an apartment house adjoining her residence.

It is fairly reasonable to assume that if anyone awakened by her screams had taken the trouble to call the police, Kitty Genovese might have escaped death. Moseley waited almost fifteen minutes before resuming his enterprise of mayhem and murder. He did so, he later testified, because he did not think that the person who yelled would come down to help. And he was right!

After minutes spent searching the area for his wounded prey, Moseley discovered her lying in the vestibule. He proceeded at once to stab her in the throat when she began to scream again. All told, a total of thirteen stab wounds were inflicted, four in the back and nine in the front of Kitty Genovese's body. Yet the victim was still alive more than an hour later when she was placed in an ambulance, and died only upon arrival at the hospital (see People v. Moseley, 20 N.Y. 2d 64, 1967).

The tragedy of Kitty Genovese was her brutal killing. The greater tragedy was the advertent omission of community response that might easily have prevented her death. The significance of the higher tragedy for law makers and administrators is that such callous failure to assist is neither criminal nor in any other way unlawful.

Nothing in Anglo-American law makes criminal intentional omission to save life. This is so even when assistance could be rendered without personal danger or measurable risk of pecuniary loss or degree of personal inconvenience.

"A man," Justice Holmes has said, "has a perfect right to stand by and see his neighbor's property destroyed, or, for the matter of that, to watch his neighbor perish for the want of his help, . . ." (*The Common Law*, 228). Only the imposition by law of a duty to act makes omission criminal, and such duties are imposed only in a handful of interpersonal relationships.

When William the Conqueror brought his Normans to England a thousand years before the tragedy of Kitty Genovese, so far from being "perfect," no "right to stand by" existed at all. Over most of England, all persons, unless excused by rank or property or other cause had to be enrolled in a tithing—a group of ten men presided over by a tithingman. If one of the tithing committed an offense, the other nine men produced him for trial. If they could not produce him, they had to make good the damage caused by the defaulter and pay a fine.

Gradually, the tithing become synonymous with the territorial unit of a township. With the coming of William the Conqueror, the need for communal responsibility for crime was increased since the Normans were fewer than the Anglo-Saxons. Under the Normans, if anyone were murdered and could not be proved English, he was presumed to be Norman. The Hundred or Group of Ten tithings was liable to pay a murder fine. Of course, the township or tithing would have to contribute its quota. It was logical then to make each member of the tithing personally responsible for the criminal behavior of his fellow-townsmen.

One of the most interesting examples of the imposition of such police duties was the requirement of hue and cry. If, for example, anyone found a dead body and omitted to raise the hue, he committed an amerceable offense, besides laying himself open to ugly suspicions.

The proper hue was "out! out!" Neighbors were then expected to turn out with bows, arrows and knives, which they were required to have on hand. Besides much shouting, horns were blown so that the hue was horned from village to village. Incidentally, if a man was overtaken by hue and cry while he still had about him the signs of his crime, he was dealt with quite summarily. If the thief had about him any of the stolen goods, he was promptly hanged, beheaded or precipitated from a cliff.

The responsibility imposed upon the community to prevent crime is also deeply imbedded in the Anglo-American history of the jury system. The original juries that replaced trial by battle, ordeal and compurgation, were actually neighborhood witnesses to the crimes that were presented or tried before them. They acted upon their own private information as recognitors.

For many centuries, no witnesses could be produced at trial by the prisoner. As late as 1670, Chief Justice Vaughn could rule that "the evidence in court is not binding evidence to a jury" (Bushell's Case, Vaughan's Rep., at p. 152). When later witnesses were permitted, they could not be sworn. Not until 1816 in England, did jurors cease to be witnesses and become independent triers of fact.

Modern penal laws are stripped of sanctions upon non-action of community members in the face of crime with a few vestigial reminders of the past. It is misprision of felony under federal jurisdiction for anyone who, "having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals and does not as soon as may be disclosed and make known the same to some one of the judges or other persons in civil or military authority under the United States, shall be fined not more than $500, or imprisoned not more than three years, or both" (18 U.S.C., sec. 261). This statute has been partially assimilated in New York under "Hindering Prosecution" (Penal Law, secs. 205.45–205.65), but, under both, affirmative action is necessary for criminality.

A curious survival of "hue and cry" still persists in making criminal unreasonable failure or refusal to aid a policeman in making an arrest (Penal Law, sec. 195.10), and also for restricted medical personnel in failure to report gunshot wounds (id., sec. 265.25).

Modern withdrawal of numerous sanctions upon willful omission to assist ought not to be considered legislative approbation of Cain's question, "Am I my brother's keeper?" (Gen. iv).

The Anglo-American criminal law machinery—unlike Continental ministries of justice—cannot even begin to function without community assistance, no matter how many skilled professionals are provided for its operation. Lay participation—in the form of complainants, witnesses and others with information and leads, as well as the cross-section of the community to serve as grand and petit jurors, are indispensable.

The so-called "code" that makes us deplore "stoolpigeons," and persons who "blow the whistle" or "yell for the cops" is a spurious guide to the conscience of the community. It is not sufficient merely to spurn an opportunity to engage in criminal conduct; affirmative action to report crime in a moral incident of citizenship in an American community.

One step toward encouraging wider community concern with crime is to encourage

wider community participation in the administration of the criminal law. Such participation has been encouraged by three recent decisions of the Supreme Court disapproving juryless trials for minor offenses (Duncan v. Louisiana, 391 U.S. 145, 1968; Bloom v. Illinois, 391 U.S. 194, 1968; Dyke v. Taylor Implement Mfg. Co., Inc., 391 U.S. 216, 1968).

Such participation would reawaken community awareness of the grave extent and nature of minor crimes that frequently form the basis of subsequent careers in major crime.

GUS HALL WOOS REDS IN LOS ANGELES MAYOR RACE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. FISHER. Mr. Speaker, the news media have been rather generous in publicity given to the current campaign for mayor of the city of Los Angeles. A story which appeared in the May 2 issue of the Los Angeles Herald-Examiner is of interest because it indicates that the Communist Party, under Gus Hall, has injected itself into that campaign. It is noted that the recipient of Hall's solicitude referred to it as being "too absurd" for comment.

Under leave to extend my remarks, I include the article, written by Phil Hanna. It follows:

Communists in Los Angeles recently have been urged by Gus Hall, general secretary of the Communist Party in the United States, to give "total focus" to electing Councilman Thomas Bradley as mayor.

Bradley, on reading Hall's remarks, said today: "It's too absurd to comment."

Hall addressed the party's Southern California district convention here at Larchmont Hall April 5. The meeting opened at the hall, 118 N. Larchmont Blvd., the evening of April 4, and continued April 5.

The Communist Party leader told fellow Communists that party members have a "historic responsibility they must accept" to elect the Negro councilman as mayor of Los Angeles.

Hall told the Communist conclave:

"First let me congratulate you, the movement and working people, for the (primary) election results of last week. I think it is a tremendous achievement. I think it has tremendous significance for the future, of not only Los Angeles, but for the struggle in America.

YOU MUST GIVE TOTAL FOCUS

"I think above all, and among other achievements (it is) a tremendous blow against racism, and I would only urge that we see the full significance and I would suggest that you take seriously the idea that you must, as a party, be able to give total focus—I mean total focus—for the next two months on the election of Bradley.

"I think there is a historic responsibility that you must accept, that no stone will go unturned or untouched in the election of Bradley for mayor."

Bradley, a former Los Angeles police lieutenant, polled high in the April 1 city primary and will meet Mayor Sam Yorty in a run-off election May 27 for the city's highest office.

Hall differed with long-time Southern California Communist Mrs. Dorothy Healey, an arch-rival, as to the focus of the party in the future.

He said Mrs. Healey was taking a "rightist" position in terms of Communist Party strategy.

Hall wants to concentrate Communist recruitment on the entire working class. He claimed, in his Larchmont Hall speech, that the Los Angeles woman wanted to "forget the industrial workers and forget the organized sector of the working class."

URGES TOTAL WORKING CLASS RECRUITMENT

Hall also called for sweeping Communist organizational attempts in the youth sector. He said the party must gather "all types of militants" to form youth organizations, not limit young peoples cadres to "simply Marxists and Leninists."

He said he believed that young people would favor this broad type organization as one which would allow them to accomplish their ends on campuses and elsewhere.

Bradley has denied there are any Communists working for his election.

"Just like (Gov. Ronald) Reagan, I ask people to accept my philosophy, not I theirs," the councilman told a recent meeting.

On the councilman's election staff is an admitted former member of the Communist Party. Don Rothenberg, a campaign aide, has been identified as a Communist Party member before the House Committee on Un-American Activities.

Rothenberg admitted his former Communist Party membership to The Herald-Examiner, but said he resigned several years ago.

Hall wants to remold the party "ideologically, organizationally and politically," he told the district convention.

He called on Southern California Communists to "march under the party banner."

"The struggle of racism," he said, "is the place where the party should spend most of its time in organization and development."

SUPPORT FOR HOUSE RESOLUTION 329 TO INVESTIGATE SIECUS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. RARICK. Mr. Speaker, I was happy to learn that the Public Affairs Luncheon Club of Dallas, Tex., had endorsed by resolution House Resolution 329, my bill to create a select committee to investigate the operations and tax-exempt status of the Sex Information and Education Council of the United States, and like organizations.

I include a copy of their resolution, as follows:

RESOLUTION: CONCERNING THE TEACHING OF SEX IN THE PUBLIC SCHOOLS

The 500 members of the Public Affairs Luncheon Club of Dallas believe that the right of parents to teach their own moral values to their children is inalienable and that sex education is too intimate and personal to be subjected to group study and therapy of the classroom. In a classroom situation, the readiness of each child varies, and perfectly accurate information can be disturbing and damaging if the child is not ready intellectually or emotionally. Indoctrination devoid of moral values encourages permissiveness at a time when our nation is suffering from the effects of a lack of self-discipline.

Biological facts taught in school courses at suitable ages have proved valuable, but to move into the social and behavioral aspects of sex void of moral and human values would serve to destroy and undermine the moral foundations of our children. The curriculum of the public schools should contain nothing that would drive a wedge in the parent-child relationship or that would destroy the family as a basic unit of social organization.

The propelling force behind the teaching of sex in the public schools comes from a privately supported, so-called "health" agency known as the Sex Information and Education Council to the U. S. or SIECUS. Their humanistic materials, which excite the prurient interests of the young, have been made an integral part of sex education, family life, or health courses in various school systems throughout the United States. SIECUS is involved in promoting a multimillion dollar exploitation of sex among the nation's school children. Joining Dr. Mary Calderone, Executive Director, on the SIECUS Board of Directors are five associates who all hold dual positions as members of the Board of Consultants of *Sexology*, a magazine which appeals to salacious and prurient interests and which is helping to create the problems which SIECUS purports to solve.

Resolved that the Public Affairs Luncheon Club supports the teaching of physical hygiene that promotes healthful living and helps establish proper health habits in the public schools but believes that attempts to promote the "new morality" or "situation ethics" approach to sex education involving attitudes regarding sex, intersexual relations, perversions, and birth prevention by SIECUS or any other interrelated organization by any name which uses SIECUS materials or personnel for promotional purposes is not fit for our children and can only serve to weaken the religious faith and morals of a generation of young people; and be it further

Resolved that the Public Affairs Luncheon Club go on record as supporting Congressman John R. Rarick's bill which would establish a special ten-man Committee to conduct a full and complete investigation into the operations and tax-exempt status of SIECUS; and be it further

Resolved that copies of this resolution be sent to the members of the Dallas School Board and surrounding communities and be made a part of the public record.

THE PUBLIC AFFAIRS LUNCHEON CLUB OF DALLAS,
MRS. MILAM B. PHARO,
President.
MRS. PHILIP L. COLLINS,
Chairman, the Resolution Committee.
APRIL 21, 1969.

THE ABM DEBATE CONTINUES—FURTHER DOUBTS RAISED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. BROWN of California. Mr. Speaker, opposition to President Nixon's proposed Safeguard ABM has brought together heretofore divergent groups and individuals—Democrats, Republicans, independents, conservatives, liberals, laborers, students, professionals, scientists, and so on.

In many cases, those who now find themselves expressing severe doubts about the need for ABM never before had occasion to question seriously broad issues of military power in our society.

Over the past months I have had the

opportunity to directly participate in the awakening by citizens who are greatly worried about implications of the ABM system. In March I shared the rostrum at MIT during the "March 4 demonstration" when Dr. George Wald made his superb address on the overriding questions now facing this Nation; later that month I was a sponsor of the Congressional Conference on National Priorities and the Military Budget; last month I was in Fargo, N. Dak., to speak at the initial meeting of the North Dakota Citizens Against the ABM; 2 weeks ago I hosted members of the Union of Concerned Scientists when they came here to Washington to outline their dissent on ABM; and this week I shall travel to Miami, Fla., to a meeting of the Florida Coalition on National Priorities.

Throughout my participation in this "movement" I have noticed one recurring thing—that opposition to ABM was very broadbased, and that wherever the public had been exposed to varying viewpoints about ABM, understanding and opinions were much more clear cut.

Of course, here in Congress the ABM issue still is far from decided. Many Members have yet to come to a final decision on the value of the proposed Safeguard system. I believe it imperative that those Members be given the whole range of arguments on the entire ABM concept, and by this I do not necessarily mean that such exposure be limited only to the technical aspects of ABM.

While the technical problems encountered in any ABM system stand as a telling argument against deployment, the so-called nontechnical—or political—issues must be given as much consideration. The effect that ABM deployment has on arms talks and on further allocation of resources is largely independent of the purely technical side of the debate.

Today I would like to insert in the RECORD what I consider two important contributions in the drive to halt ABM deployment. First is a statement by the National Religious Committee Opposing ABM, a nationwide interdenominational group headed by Dr. Reinhold Niebuhr; and second is a staff study, "On the Issue: ABM," prepared by the National Citizens Committee Concerned About Deployment of the ABM, a group which has on its executive committee such persons as Roswell Gilpatric, Arthur Goldberg, Whitney Young, Jr., and W. Averill Harriman. I include these articles in the RECORD at this point:

STATEMENT OF NATIONAL RELIGIOUS COMMITTEE OPPOSING ABM, TUESDAY, APRIL 29, HOTEL ROOSEVELT, NEW YORK CITY

Our nation has just celebrated the Christian and Jewish Holy Days of Easter and Passover. Both events remind us all of mighty acts of deliverance and fresh hope for despairing peoples. Both events were also challenges to the established political powers of their times. These themes—of deliverance, hope and challenge—are the context out of which we declare ourselves on an issue of ultimate consequence for the agonized people of today's world.

We are disturbed by the increasing dependence of our national government on military might and nuclear weaponry as the means of securing world order. At just the time when a halt in the insane development of weapons of war and destruction must come, our administration and military propose to continue that development by an even greater reliance on nuclear weaponry through the creation of an antiballistic missile system.

We do not believe that an ABM system will really safeguard world peace or increase our nation's security. On the contrary, the proposed plan makes nuclear warfare more likely by permitting the nuclear arms race to proceed. The world will not interpret a decision to deploy ABM as a "defensive" gesture on our part, since it can only force other nations to upgrade their offensive nuclear capabilities in response. We are unconvinced by the argument that the system is designed to discourage China from attacking us, since it has subsequently been promised that if Russia de-escalates we will not need to build the system after all. We are unconvinced by the claim that a "thin" system is what we are asked to approve, for once begun, such projects have an almost irreversible momentum that is increasingly difficult to curb or deflect.

And, we are distressed by the arguments for a missile system used by our administration and military which seem designed to exploit the natural fears and confusions of our people and which appeal to a narrow nationalism at a time when *world concern* should be evidenced.

The administration and military, in short, appear to us to have made an ill-conceived decision and subsequently to have begun a vain search for arguments that would convince a skeptical public. We remain unconvinced.

We *are* convinced that such a missile system can only persuade other nations to increase their offensive capacity in an effort to cancel our defensive advantage, after which we will have to increase our defensive capacity in an effort to cancel their offensive advantage, and so on in a gruesome spiral, until just one small miscalculation is made and the nuclear holocaust is triggered.

We are convinced also that the ABM system would draw resources away from the pressing needs of our decaying cities and our oppressed poor. The cry of the downtrodden poor, the sick, and the hungry in the midst of fabulous affluence makes us all guilty before God and before our fellow man. An investment in ABM would perpetuate the agony of the poor and the guilt of our nation for many years to come. We cannot stand still in the face of an imminent moral disaster.

Somewhere, sometime, a halt must be called to this senseless expansion of military might which can not only kill but can "overkill." *That time is now.* Having developed the ABM system to its present stage, to put it aside would be a powerful symbol of our nation's determination to stop the arms race and proceed on the way of peace. In a time of the celebration of renewed life we must stop our preparation for death. Therefore, we unequivocally oppose the construction of the ABM, and we urge others who feel as we do to join us in making their views known, particularly to members of our Congress since they have the final responsibility for stopping nuclear madness. We call upon church and civic groups to examine thoroughly the moral issues involved in the ABM and then to make known their beliefs.

We call upon the American people to respond in such a way that when men of the future look back to this era of human history they will say, "The defeat of the ABM proposal was the beginning of a great breakthrough, the moment when a major world power demonstrated its willingness to begin a new quest for peace and repented of the old, mad race toward war." Our present warring madness, grievously violates God's promised purpose for man's fulfillment in history. We challenge this madness. Through such a challenge, we believe, the deliverance and hope symbolized for us in Easter and Passover can become new possibilities for the agonized people of today's world.

NATIONAL RELIGIOUS COMMITTEE OPPOSING ABM

Executive committee

Chairman: Dr. Reinhold Niebuhr, Professor Emeritus, Union Theological Seminary, New York, N.Y.

Dr. Robert McAfee Brown, Professor of Religion, Stanford University, Palto Alto, Calif.

Bishop John J. Dougherty, President, Seton Hall University, South Orange, N.J.

Rabbi Abraham Heschel, Professor, Jewish Theological Seminary, New York, N.Y.

Rev. Channing Phillips, Lincoln Memorial Congregational Temple, Washington, D.C.

National committee

Dr. John Bennett, President, Union Theological Seminary, New York, N.Y.

Dr. S. Loren Bowman, General Secretary, General Brotherhood Board of the Church of the Brethren.

Dr. Balfour Brickner, Union of American Hebrew Congregations, N.Y.

Dr. J. Edward Carothers, Associate General-Secretary, United Methodist Board of Missions, New York, N.Y.

Dr. Harvey Cox, Professor of Divinity, Harvard University.

Bishop William Crittenden, Episcopal Bishop of Erie, Pennsylvania.

Bishop Charles F. Golden, Bishop of the San Francisco Area, United Methodist Church.

Dr. Dana McLean Greeley, President, Unitarian-Universalist Association of America.

Bishop Thomas Gumpleton, Auxiliary Bishop, Roman Catholic Archdiocese of Detroit.

Dr. David R. Hunter, Deputy General Secretary, National Council of Churches.

Bishop John Wesley Lord, Bishop of the Washington Area, United Methodist Church.

Dr. Martin Marty, Professor of Church History, University of Chicago.

Bishop James K. Mathews, Bishop of Boston Area, United Methodist Church.

Dr. Patrick McDermott, S.J., Assistant Director of the Division of World Justice and Peace, the U.S. Catholic Conference, Washington, D.C.

Bishop Paul Moore, Suffragan Bishop, The Episcopal Diocese of Washington, D.C.

Rev. Richard John Neuhas, St. John The Evangelist Lutheran Church, New York, N.Y.

Michael Novak, Dean, State University of New York at Old Westbury.

Dr. Culbert G. Rutenber, President, American Baptist Convention, Valley Forge, Penna.

Bishop James Shannon, Auxiliary Bishop, Roman Catholic Archdiocese of St. Paul-Minneapolis.

William P. Thompson, Stated Clerk of the General Assembly, The United Presbyterian Church in the U.S.

Executive Director: Rev. John Boyles, Assistant Chaplain, Yale University.

Liaison to Organizations: Mr. Robert Maurer.

Institutional affiliations for identification only.

ON THE ISSUE: ABM

(Prepared by the staff of the National Citizens Committee Concerned About Deployment of the ABM)

(NOTE.—Responsibility for the contents of this paper, and any mistakes, opinions, or interpretations remains solely with the staff; not with any individual member of the Committee, New York, N.Y., April 1969.)

INTRODUCTION

For the past several months, a furious debate has been raging in the public forums of this country—in the Senate and the House of Representatives, in the media, and among the members of the scientific and military communities—about whether or not the

United States should deploy an anti-ballistic missile system (ABM).

Within the next few months, the bills authorizing and appropriating funds for the Safeguard ABM system will be before the Congress. Ultimately, the Congress may decide whether or not the Safeguard system will be built and deployed at various locations around the United States. These bills will almost certainly pass the House, but the vote in the Senate may be very close. Since no bill can become law unless approved by both houses of Congress,[1] deployment of the ABM can be stopped in the U.S. Senate.

Even before the bills reach the floor of the Senate, the Administration has several options which would enable it to stop or defer deployment. One alternative (suggested by Dr. Killian of the Massachusetts Institute of Technology) would be to appoint a Presidential Commission to review all aspects of the ABM. Another alternative would be to initiate arms control negotiations with the Soviet Union as soon as possible. Secretary of State William Rogers, in recent testimony before the Subcommittee on International Organization and Disarmament Affairs of the Senate Committee on Foreign Relations, indicated that the disarmament talks might in fact be a feasible and desirable alternative to deployment of the ABM. He indicated that such talks might begin this spring or summer.

It is within the power of either the Administration or the Senate to stop the proposed deployment of the Safeguard ABM system. Whether either will do so depends, more than anything else, on expressed public opinion. American public opinion, as indicated in the Gallup Poll of April 5, 1969, is still ill-defined or unformed on the ABM question. According to the survey, only 69 per cent of the people questioned had ever heard of the ABM controversy and only 40 per cent of those questioned had formed an opinion. Unfortunately, that 40 per cent favor the ABM program by a five to three ratio. Our energies must be devoted to explaining the issues to the 60 per cent who either have not heard the issues or have not made up their minds. Through an intensive education program, it is possible to rally the American public against deployment.

The ABM presents a unique set of problems with respect to educating the public. *First*, discussion of the ABM can involve the most esoteric aspects of not one but several sophisticated academic disciplines from Nuclear Physics to Sino-Sovietology. *Second*, the discussion involves the emotional questions of national defense and national security. *Third*, the rationale for the ABM—why we need it—has been changed several times; *e.g.*, President Johnson said it was needed to protect us from the Chinese, while President Nixon claims it is really needed primarily because of the Russian threat.[2] Never has an issue of such subtlety and complexity been debated so widely and openly in the public forums. But never has an issue so widely debated been so little understood by the general public.

The purpose of the National Citizens Committee concerned about deployment of the ABM and the enclosed material is to help you clarify the issues involved in the ABM debate for the man on the street. Although the subject seems complex, it can be easily understood and explained if the issues are analyzed separately and if the military jargon is translated into language comprehensible to the layman. Your job as a spokesman against deployment of the ABM is to present a few effective and understandable points and be prepared to answer, clearly and simply, questions regarding its complexities. Below is a suggested structure of argument against the ABM. The enclosed summaries and reprints of articles should enable you to speak clearly and convincingly on this complicated subject.

I. Arguments against the ABM

The arguments against the ABM can be organized into two general categories: First, why the ABM will not contribute to our national security. Second, how deployment will have detrimental consequences.

A. Why ABM Will not Contribute To Our National Security

1. It will not work: The ABM system cannot really defend the United States in case of an enemy attack because it is technically imperfect.

2. Even if it worked, the ABM defense can easily be penetrated: An enemy can easily overwhelm or confuse the most perfectly operating ABM defense.

3. Even if it worked and even if it could not be penetrated, the ABM is not needed: With our present nuclear arsenal we have sufficient offensive missiles to destroy the Soviet Union as much as eight times over, *even if they attacked us first.*

4. Even if it worked and even if it could not be penetrated, deployment of the ABM will upset the balance of strategic power now existing between the two major nuclear powers.

B. How Deployment of the ABM Will Have Detrimental Consequences

1. The ABM will cost huge amounts of money: Deployment will cost many more billions of dollars than the Administration currently estimates. But even if it cost only the seven billion dollars, this money could be better spent on domestic problems.

2. Deployment will cause the arms race to resume, thereby increasing the chance of nuclear holocaust: Deployment will encourage the Soviet Union to develop penetration aids and increase offensive missile strength to counter the ABM defense. In response, the U.S. will inevitably expand its arsenal.

3. Deployment of the ABM system would make it improbable that the United States will accept a comprehensive test ban treaty until the mid-1970s: Deployment of the ABM will require testing of components such as the nuclear warhead for the Spartan missile, thereby preventing the United States from signing a treaty prohibiting all testing of nuclear weapons.

4. In fact, its desire to perfect the ABM may tempt the U.S. to violate the existing test ban treaty, which prohibits testing of nuclear devices in the atmosphere.

5. In a nuclear war, explosion of ABM's will increase the total amount of radioactivity in the atmosphere.

II. How to counter the administration's rationales for deployment

Secretary of Defense Melvin Laird has stated in recent Senate hearings that the main reason we need the ABM is that our nuclear arsenal is too weak and too small to cope with the Soviet Union's planned increase in offensive missiles. It is imperative that every American understand that not only do we lack information on how many more offensive weapons the Soviets plan to build, but even if they were planning to substantially increase their offensive weapons, our weapons systems are strong enough and numerous enough to deter the Soviets from launching a surprise attack. In advocating the Safeguard ABM as necessary to protect our land-based missiles, the Administration seems to ignore cheaper more reliable methods to improve our defense—methods such as further hardening the silos housing our land-based ICBMs, increasing the number of Polaris submarines, *et cetera.*

The numbers of nuclear weapons we possess are enormous and their destructive power is horrible. And faced with the statistics of the incredible extent of our present weaponry, it becomes nearly impossible to argue that we need more.

THEORY OF DETERRENCE

I. Definition of deterrence

Prevention of war between nations which possess strategic nuclear weapons, such as the United States and the Soviet Union, is based on the principle of deterrence. Quite simply, a nuclear power is deterred from attacking another nuclear power because each knows (or thinks) that even if all the missiles and weapons it fired at its adversary were to hit their targets, the attacked country would have sufficient weapons remaining after the attack to strike back and cause unacceptable damage to the attacker.

II. Mutual deterrence

Mutual deterrence requires that all enemy countries, possessing strategic nuclear weapons, respect each other's "second strike capability," *i.e.*, each country's ability to withstand a "first strike" and effectively retaliate. Country A is deterred from launching a "first strike" at country B because A thinks that B's "second strike" capability is sufficient to assure unacceptable destruction of A's population and productive capacity. Each recognizes that an unstable situation would be created if either side attempted to achieve a "first strike" capability, *i.e.*, the power to annihilate its adversary before the latter can retaliate. It is generally acknowledged that the U.S. and U.S.S.R. have achieved "mutual assured destruction" and that the fear of each other's "second strike" capability has resulted in a strategic stand-off.

In his recent article, *The Future of the Strategic Arms Race: Options for the 1970's*[3] (enclosed), Dr. George W. Rathjens explains how the U.S. and the U.S.S.R. have achieved a "stable deterrent balance" based on destructive potential of the "second strike" capability. He describes in detail how it would be suicidal for either side to launch a first strike against the other *under any circumstances* and analyzes the dynamics of the arms race.

III. Preserving a second strike capability

A country can use a number of methods to preserve a second strike capability, and thus maintain the stable deterrent balance.

First, it may increase its number of offensive weapons to an extent that it would be impossible for enemy first strike weapons to destroy all of them. If the Soviet Union increases its strategic offensive weapons, America could do the same. This action-reaction phenomenon results in an arms race until a balance is reached, *i.e.*, until each side feels it has a second strike capability (from the point of view of the other) to deter a first strike.

With the development of the MIRV (Multiple Independent Re-entry Vehicle), a single missile can now carry three to ten independent warheads. In effect, MIRV now permits a country to increase its offensive capability without increasing the actual number of missiles. Dr. Rathjens explains the relation between ABM and MIRV. He is concerned with the effect on deterrence of both systems, independently or in combination.

Second, a country may protect its strategic offensive weapons so that first strike enemy weapons cannot succeed in destroying enough of the attacked country's strategic weapons to deprive the attacked country of a second strike capability. "Protection" of strategic weapons can be achieved in various ways. The underground sites in which intercontinental ballistic missiles are kept can be hardened so that an enemy missile will have to actually hit the site, or come very close to it, before it can destroy the missile inside.

Third, American strategic intercontinental bombers carrying nuclear warheads (B52s and B58s) are kept on instant alert. As soon as incoming missiles are detected by radar, many of these airplanes can be in the air before being hit by the missiles.

Fourth, strategic missiles carried by submarines constitute a second strike force that

Footnotes at end of article.

is nearly impossible to destroy given the present state of technology. Since it is difficult to detect and track submarines and because submarines can be constantly mobile, it is highly improbable and almost virtually impossible that an enemy's first strike could annihilate the destructive power of a submarine fleet.

IV. How deployment of ABM's might affect an adversary

The advocates of the anti-ballistic missile reason that such a system is needed to protect our strategic offensive Minuteman (land-based) missiles. They argue that the ability of the ABM to destroy incoming enemy missiles before they reach their target will increase the protection of America's strategic land-based offensive Minuteman missiles and thereby increase America's second strike capability.

As explained by Dr. Rathjens, deployment (building) of an ABM system may result in strategic instability and, therefore, either increase the risk of irrational behavior by our adversaries or cause them to increase their offensive weapons.

The deployment of ABMs by country A may cause its adversary, country B, to fear a first strike. Why? Country B may think that A could strike first, using the ABMs to counter B's retaliatory missiles. In other words, country B might reason that country A would be tempted to launch a nuclear attack with the confidence that its ABMs will effectively limit the destructive capability of B's second strike weapons. In this way, the deployment of ABMs could unsettle the current stable deterrent balance by giving one side virtual first strike capability. In turn, this would push its adversary to develop a missile force capable of penetrating the ABM shield.

WHY THE ABM WILL NOT WORK

I. Testing the components

The proposed ABM system is perhaps the most complex undertaking in the history of man. The system is not simply a single weapon but is composed of five intricate and interlocking sub-systems—two distinct missiles, two distinct radars and a highly sophisticated data processing system. Three of these sub-systems still have to undergo a great deal of testing, and one major sub-system is still in the design stage. There is no assurance, as yet, that the components of the Safeguard will work even individually.

II. Testing the complete system

Even if all five sub-systems had been successfully tested individually, there is no assurance that they would function with any degree of reliability as a fully integrated system. Moreover, any test of the integrated system would probably be inadequate. Such a test would involve the interception of a few ICBMs under ideal, experimental conditions. The conditions under which the system would have to function in case of a surprise attack by *hundreds* of enemy missiles and decoys could not be duplicated.

The Pentagon's experience with complex weapons systems of this type is that they rarely can be expected to function adequately the first time. They can only be made effective through successive testing and subsequent modification. In fact, the effectiveness of the total system can never be known until an actual attack. Judging from past experience with complex radar and tracking sub-systems, it is highly probable that the ABM would fail to perform adequately the first time it was actually needed to defend against enemy missiles. Nuclear war does not grant a second chance to an ABM system which has failed the first time.

III. The TFX example

An excellent example of the Pentagon's failures with such systems is the TFX or F–111 fighter-bomber. The F–111 contains a highly sophisticated radar system which is in some ways similar but not nearly as complex as those in the ABM system. All the individual sub-systems of the F–111 functioned perfectly when tested alone. But when the integrated system was put into combat for the first time in Vietnam, five of the eight aircraft crashed, apparently due to technical failures in the operation of the integrated system.

IV. Testing and the Nuclear Test Ban Treaty

Should the United States attempt to simulate conditions of a nuclear attack in order to more fully test the ABM system as a unit, it might be tempted to violate the Nuclear Test Ban Treaty which prohibits the testing of nuclear devices in the atmosphere. Such a violation would aggravate the tension between the U.S. and U.S.S.R. and increase the probability of nuclear confrontation.

In recent testimony before the Subcommittee on International Organization and Disarmament Affairs of the Senate Committee on Foreign Relations, Dr. John Foster, the Pentagon's Director of Defense Research and Engineering, said that because of the need to test the warhead for the Spartan missile of the Safeguard ABM system, the United States would not be able to enter into a *comprehensive* nuclear test ban treaty until at least 1973.

V. Components of the ABM system

The components of the ABM system are described on page 26 of *Newsweek*, March 24, 1969 (reprint enclosed). These are:

A. *PAR—the Perimeter Acquisition Radar*—a long-range radar system which performs the initial tracking of an incoming enemy missile when it is still very far away from its target. This sub-system is still being designed and so testing has, of course, not yet begun.

B. *MSR—the Missile Site Radar*—this is a more accurate radar system than the PAR, but with a shorter range. After the PAR plots an initial estimate of an attacking missile's course, the MSR takes over, continues tracking the incoming missile, and guides the ABM to intercept it. Tests on this sub-system are under way, but have not yet been completed.

C. *Spartan*—this is a long-range anti-ballistic missile which intercepts enemy missiles from 300–500 miles away from the target. Tests of this sub-system are under way, but have not yet been completed.

D. *Sprint*—this is a short-range ABM which intercepts those missiles which get past the Spartan, at a range of 20–50 miles from the target. Most of the testing of this system has been completed.

E. *Data processing equipment*—the ABM requires an intricate computer system to process the information collected by the PAR, transfer it to the MSR, and then coordinate the guidance of the anti-ballistic missile by the MSR. There has been some difficulty encountered in designing computer programs for the exceedingly complex job which the computer equipment must perform.

How much testing is still required by components of the proposed Safeguard ABM system is apparent from the testimony of Deputy Secretary of Defense David Packard before the Subcommittee on International Organization and Disarmament Affairs of the Senate Committee on Foreign Relations, March 21, 1969.

VI. Additional material

The enclosed statement by Dr. Herbert F. York submitted to the Subcommittee on International Organization and Disarmament Affairs of the Senate Committee on Foreign Relations, March 11, 1969, provides an excellent summary of some of the problems inherent in the proposed ABM system as seen by a distinguished scientist.

A recent paper by Richard A. Stubbings,[4] formerly with the Bureau of the Budget, analyzes 13 major Air Force/Navy aircraft and missile programs with sophisticated electronic systems. The programs were initiated since 1955 at a total cost of 40 billion dollars. The paper describes how only 4 to 13 missile and aircraft systems initiated by the Air Force or Navy since 1955 had "satisfactory" performance, *i.e.*, 75 percent or better of predicted reliability:

"Less than 40% of the effort produced systems with acceptable electronic performance—an uninspiring record that loses further lustre when cost overruns and schedule delays are also evaluated. . . .

"Systems of increasing complexity . . . requiring new radars, computers or circuitry experienced cost overruns of 200–300%, schedule delays averaging two years and most importantly, low performance when the operational system was deployed."

His conclusion concerning 11 high risk electronic programs was that average reliability was only 50 percent of predicted reliability; and that in the seven projects with development times of four years or less, performance dropped to an average of 28½ per cent of that predicted.

The weapons systems which Stubbings studied are much less complex than the completely integrated proposed ABM system.

HOW THE ABM DEFENSE CAN BE EASILY PENETRATED

Several inexpensive methods have been developed to aid in penetrating the ABM system and rendering it ineffective:

1. One ABM is needed to intercept each attacking missile (ICBM). Consequently any ABM defense system can be easily overwhelmed if the number of ICBMs fired by the enemy exceed the number of anti-missiles in the ABM system. Even if only a few enemy ICBMs hit their targets, they could cause unacceptable damage.

2. Instead of going to the expense of building more ICBMs than ABMs, the offense can simply and cheaply confuse the defense with decoys. An ICBM can carry many balloons to be released and inflated into the same shape as the real ICBM, as soon as it is within range of the defense's radar. Thus, the offense can overwhelm and penetrate an ABM defensive system at a fraction of the cost at which the defense was constructed.

3. The ABM carries a nuclear warhead to destroy incoming missiles. When this warhead explodes, its radiation causes ionization of the surrounding atmosphere. The ionization blacks out the radar tracking systems upon which the ABM depends. In order to penetrate an ABM defense, the offense needs only to fire one ICBM, followed shortly by another ICBM fired at the same target. Even if the first ICBM is destroyed, the explosion of the ABM warhead will cause ionization of the atmosphere and the ABM radar system would be unable to track the second ICBM.

These and other inexpensive methods of penetrating an ABM system are discussed in greater detail in the enclosed article by Dr. Richard L. Garwin and Nobel Prize winner Dr. Hans Bethe, "Anti-Ballistic Missile System," *Scientific American*, March 1968.

WHY THE ABM IS NOT NEEDED

In announcing his decision on March 14, 1969, President Nixon gave three reasons for deploying the Safeguard ABM system.

I. Protection of our land-based retaliatory forces against a direct attack by the Soviet Union.

II. Defense of the American people against the kind of nuclear attack which Communist China is likely to be able to mount within the decade.

III. Protection against the possibility of accidental attacks from any sources.[5]

1. Do we need to protect our land-based (second strike) capability against a Soviet attack?

The key to preventing nuclear war is "second-strike capability." This is defined as the

Footnotes at end of article.

ability to withstand surprise nuclear attack and still retain weapons to inflict unacceptable damage on the attacker. The Soviets will be deterred from attacking us as long as even after a surprise attack, we would have *enough* nuclear weapons left to devastate them.

The proponents of the ABM allege that not enough of our weapons would survive a Soviet first strike. The final rationale for the ABM system is that it is needed to defend our ICBM missile sites—to assure that enough survive—and so preserve our second strike capability.

However, the United States already possesses so many kinds of nuclear weapons in such quantity, that an ABM system would simply be a needless addition to an overkill capacity already sufficient to destroy the entire world 10 or 15 times over.

In 1968, Secretary McNamara said of our second strike capability that ". . . the most severe threat we must consider in planning our 'Assured Destruction' forces [second strike capability] is a Soviet deployment of a substantial hard target kill capability in the form of highly accurate small ICBMs or MIRVed target ICBMs, together with an extensive, effective ABM defense. A large Soviet ICBM force with a substantial hard target kill capability might be able to destroy a large part of our residual missile warheads, including those carried by submarine-launched missiles. In combination, therefore, these two actions could conceivably seriously degrade our [second strike] capability. . . . even though such a threat is extremely unlikely, we have taken account of the possibility in our longer range force planning.

"Against the massive and highly unlikely combined greater-than-expected offensive and defensive threats, the same forces with Poseidon missiles carrying a full load of *warheads* and with bomber penetration aids . . . could still destroy in a second strike . . . about 18 to 25 per cent of the population and two-thirds to three-quarters of the industrial capacity of the Soviet Union, even after absorbing a surprise attack."[6]

In order to understand Secretary McNamara's statement—why we could sustain an enormous first strike by an enemy and still be able to devastate him—we must examine the components of the American nuclear striking force.

A. Polaris-Poseidon Submarine Missile Force

The United States possesses 41 nuclear submarines. Each of the 41 submarines carries 16 Polaris missiles—656 Polaris missiles in all. At the present time, these submarines are practically invulnerable to Soviet attack. Secretary Laird recently stated that "We have our Polaris fleet of nuclear submarines. This system is today virtually invulnerable. *It cannot be attacked successfully by the Soviet Union*, and it increases the credibility of our deterrent tremendously, as far as our second strike capability is concerned."[7] (emphasis added)

If a Soviet first strike totally destroyed (an impossibility) all our other missile forces, the submarine-carried missiles would remain. If less than one-third (200) were successfully launched, they could immediately destroy over 37 million Russians and 72 per cent of the industrial capacity of the Soviet Union. Another 37 million Russians would probably die within the next days from fallout, injury, shock, and other collateral effects of the nuclear attack.

This overwhelming second-strike capability is to be greatly expanded within the next five years as the Polaris—which has one warhead—is replaced by the Poseidon missile. Each Poseidon is equipped with a system known as MIRV, multiple individually targetable re-entry vehicle or multiple warhead. This means that after the Poseidon is launched, it breaks up into as many as ten independent nuclear warheads. The one Poseidon, in effect, could become ten missiles.

In other words, in our submarines alone, we could soon have over 5,000 warheads which can be fired at the Soviet Union. Each submarine alone could have over 150 warheads and could be capable of destroying millions of Soviets. Thus, even if the Soviets should develop an effective, near-perfect weapons system to launch a surprise attack on nuclear submarines, we would still possess an awesome second-strike capability. For three submarines, equipped with the Poseidon, surviving such an attack, could have about 480 warheads. Even if less than half were launched successfully, they might well be able to inflict unacceptable devastation on the Soviet Union. More than three would almost certainly survive—for no weapons system is ever near-perfect.

B. Minuteman Missile Force

We have land-based forces of 1,000 Minuteman missiles. Each of these missiles, if MIRVed, can be equipped with up to three nuclear warheads. If the Soviet Union launched a surprise attack against these land-based missiles and if only 66 out of 1,000 survived, *i.e.*, if the Soviet attack was 93.3 per cent effective and only 6.7 per cent of our Minuteman missiles survived, those would still be able to inflict at least 37 million fatalities and destroy 72 per cent of the industrial capacity of the Soviets immediately—plus over 37 million more deaths within the few days following the attack due to related causes.

C. Strategic Bomber Force

Besides our missile forces, we have over 650 intercontinental bombers—over four times as many as the Soviet Union—which carry about 1,000 warheads. Each bomber can carry several warheads in the megaton range. Some bombers have been equipped with missiles having nuclear warheads (SRAM) that can be launched while the plane is over 50 miles from the target—that is, before they have come within range of the most intense anti-aircraft fire.

Our reconnaissance satellite over the Soviet Union would provide us with a thirty minute warning, in case of a Soviet attack against the United States. Many of these aircraft are on ready-alert to take off immediately and at least 40 per cent would be off the ground, in case of an attack, before the Soviet missiles struck. Even if a Soviet surprise attack destroyed the 60 per cent of our aircraft which might be still on the ground after a warning, we would still have more than twice as many intercontinental bombers as Russia.

The most optimistic estimate for the effectiveness of an anti-aircraft defense, according to Dr. Jerome Weisner, is ten per cent.[8] Under actual combat conditions, Soviet anti-aircraft missiles in Vietnam have had an effectiveness of only one or two percent against American planes bombing North Vietnam. This is because bombers, like missiles, can employ numerous decoy devices to confuse enemy defenses. In addition, the manned bomber, unlike a missile, can change course or fly in at near-ground level to avoid early detection by radar. Thus, to defend against bombers in the air is in some ways much more difficult than to defend against missiles.

Suppose that a surprise attack destroys all our sea-based and land-based missiles. If we assume an effectiveness ratio for Soviet anti-aircraft defenses double that of the most optimistic estimate (20 per cent) in the event of a surprise attack, 80 of our bombers would still get through to the Soviet Union. One-half that number probably could destroy 37 million Soviet citizens and 72 percent of the Soviet industrial capacity.

D. U.S. Nuclear Forces in Europe

In addition, we have over 7,000 nuclear weapons overseas, many of which could hit the Soviet Union from our bases in Europe and from our aircraft carriers in the Mediterranean and the Pacific. Thus, even if all our bombers, land-based, and submarine-based missiles were destroyed, these overseas warheads would remain sufficient to inflict probable unacceptable damage on the Sovet Union, that is, to preserve our second-strike capability.

In short, the United States possesses not simply one nuclear striking force, but four separate ones, any of which in the event of total destruction of the other three forces—plus severe damage to itself—would still guarantee us a second-strike capability so devastating as to deter the Soviet Union from a first strike. This is overkill with a vengeance. It is difficult to understand why or how American security could be threatened by not increasing this capacity further through deployment of an ABM system which simply is not needed, which probably would not work, and which can be cheaply countered.

E. Soviet SS–9 ICBM's

Defense Secretary Laird testified in March, 1969 before the Senate Committees on Armed Services and Foreign Relations that the Soviets were building an SS–9 ICBM capable of carrying a 20–25 megaton warhead. He implied that these huge warheads were designed to destroy our Minuteman (land-based) missiles and therefore prevent the United States from launching a second strike. Whether the SS–9 is capable of carrying such a large warhead is in dispute. In addition, the larger missiles may be less accurate than smaller missiles. Finally, it would still require at least one SS–9 armed with one warhead, to destroy one Minuteman. Although the information is classified, each of our Minuteman silos are spaced about ten miles apart.[9] If this is true, then it is impossible that a 25 megaton SS–9 warhead could knock out more than one Minuteman missile, because it appears that even a 25 megaton warhead would have to hit within two miles of a hardened Minuteman silo to disable the Minuteman missile. Our Minuteman silos are hardened to withstand at least 100 pounds, but probably up to 200 pounds per square inch of pressure.

The Soviets might put three separate warheads on each SS–9, increasing the number of deliverable warheads and thereby increasing the number of Minuteman silos destroyed by a Russian first strike. In this case, each warhead will probably be no larger than five megatons. Dr. Ralph Lapp, in his recent paper of April 1969, calculates that it would still require more than one warhead (assuming each warhead is five megatons) to disable a Minuteman missile in a silo hardened to withstand pressure of 200 pounds per square inch.

Even were all of our existing Minuteman missiles destroyed by a Soviet first strike, the United States still has its Polaris and Poseidon submarine-carried missiles as well as our strategic bomber force, not to mention well over 7,000 tactical nuclear weapons abroad.

As Secretary of State Rogers stated in response to the question:

"*Question*: Well, in your own mind, are the Soviets or are they not trying for first-strike capability?

"Secretary ROGERS. I have difficulty in believing that the Soviet Union would initiate a first strike. I have difficulty believing that any nation would initiate a first nuclear strike because any leader or leaders of sound mind would know that it probably would result in the destruction of mankind.

* * * * *

"Certainly, it is difficult to understand why the Soviet Union is deploying SS–9's.

* * * * *

Footnotes at end of article.

"But insofar as whether they are doing it with the intention of actually having a first strike, I don't believe that."[10]

II. Defense against Communist China

The second reason for deploying the Safeguard is to protect America against Chinese missiles.

1. This assumes that the Chinese would be irrational enough to attack America, given the fact that in retaliation the United States could devastate China, especially Chinese industrial capacity which is smaller and geographically more concentrated than that of the U.S.

It is expected that by the mid-1970's, Communist China will possess from 30–50 ICBMs which is less than one per cent of the projected American offensive capability by that time. This means that if China should attack the United States in this period, she would be faced with the certainty of nearly total incineration by an overwhelmingly superior American force.

2. China apparently has exploded a thermo-nuclear device, but the Chinese have not even test-fired an ICBM. Secretary Laird is quoted in the *U.S. News & World Report* of April 7, 1969 to the effect that he thought the Chinese *might* test-fire an ICBM within the next 18 months, but that he did not anticipate that the Chinese Communists will have a significant ICBM capability before late 1975.[11]

American and Russian experience with the development of weapons systems indicates that there is usually a substantial time period between the first testing of a system and production.

3. The best deterrent against Chinese nuclear attack is the threat of massive American retaliation. Assuming the Chinese are as irrational as the present Administration seems to believe they are, they could destroy some of our cities by methods other than ICBMs—methods against which an ABM system would offer no protection: bombers equipped with nuclear warheads; weapons smuggled on to a neutral ship; a missile launched from a ship close to American shores. In short, no *adequate* protection can be offered against an *irrational* adversary. It should be pointed out, however, that although her propaganda may be bellicose, to date China's foreign policy has been exceptionally cautious.

III. Protection against accidental missiles

This last justification given for deployment of the Safeguard overlooks several points.

1. An accidental firing is highly unlikely. It should be remembered that a missile in the American ABM system could be fired accidentally or could explode in its silo as readily as an enemy ICBM.

2. An accidentally fired "enemy" missile may not be armed, *i.e.*, the various safety mechanisms that may be in warheads to prevent explosion until it is desired, may be operating even if the missile has been fired. If such is the case, the ABM missiles sent up to intercept an incoming missile may cause more damage than the incoming missile. Should a Sprint missile be used to assure interception, its explosion would have blinding effects on the population which would be more damaging than the landing of an unarmed missile.

3. In the case of an accidentally fired armed missile, it may be equipped with fail-safe mechanisms that permit the country controlling the missile to destroy or disarm it after firing. Because the information is classified, it is not known whether it is possible to disarm a missile once it has been fired. If this cannot be done, at present, perhaps it would be easier and cheaper to develop the ability to disarm accidentally fired missiles than for nations to build complex ABM systems.

Footnotes at end of article.

It may be possible for a country, accidentally firing a missile to change the course of that missile and send it into outer space.

4. The probability of an "enemy" missile firing accidentally should be compared to the probability of an accidental firing—or explosion in a silo—of an ABM missile. To be effective an ABM system must be fully armed at all times, thereby increasing the probability of a warhead exploding by accident. The damage from an accidental explosion of an ABM missile in its silo could be much greater than the damage from an accidentally launched enemy missile.

IV. Appendix—Inventory of nuclear weapons

[Figures as of October 1968]

	United States	U.S.S.R
Intercontinental ballistic missiles (ICBM)	[1] 1,054	900
Sea-launched ballistic missiles (SLBM)	[2] 656	75–80
Intercontinental bombers	[3] 646	150–155

[1] 54 are Titan II liquid fueled. The remainder are solid-fueled Minuteman missiles in hardened silos.

[2] The United States has 41 nuclear submarines, each of which carries 16 Polaris missiles. 31 are to be converted to carry the Poseidon C–3 MIRV missile. Each Poseidon can carry up to 10 independent warheads.

[3] U.S. bombers are capable of carrying 3 to 4 warheads. Soviet bombers are capable of carrying 2 warheads.

Source: Secretary of Defense McNamara, Posture Statement, January 1968, Congressional Record vol. 114, pt. 13, p. 17212, and Rathjens, G. W. "The Dynamics of the Arms Race, Scientific American, April 1969, p. 20.

It is estimated that the Titan II missiles can carry a warhead between 5 and 18 megatons. However, the Titan is considered less accurate than the solid-fueled Minuteman missile.[12]

The Soviets have deployed about 1,200 ICBMs. Of these actually deployed about 225 are SS–9s, about 50 are SS–11s, both of which are liquid fueled.

1. SS–9: liquid-fueled ICBM estimated to be able to carry a warhead of 9 to 25 megatons.

2. SS–11: liquid-fueled ICBM, estimated to be able to carry a warhead exceeding 1 megaton.

3. SS–13: a solid-fueled ICBM which the Soviets have just begun to deploy. It is estimated that it can carry a 1 megaton warhead.[13]

A majority of the Soviet land-based missile force is in the less reliable liquid fueled type. Further, not all of them are in silos.

In its most recent report, released April 1969, the Institute for Strategic Studies (London) states that the Soviets *have deployed* close to 1,000 ICBMs. Some of these are solid fueled. The Institute's report noted that this development was not viewed as bringing a shift in the strategic power balance because superiority in other delivery systems—planes and submarine missiles—would still give the United States a lead in the total number of nuclear weapons.[14]

COST OF THE ABM

I. Official estimated cost

The official estimated cost of the Safeguard system is presently about 7.0 billion dollars. However, this figure is almost certainly an underestimate of the true cost for the development and production of the ABM, for three reasons:

1. The ABM is a very highly intricate and complex weapons system. Because of its intricacy and complexity, there are almost certain to be unforeseen difficulties in producing it. In the past 15 years, such difficulties have raised the price of new weapons of similar complexity from two to seven times their original estimate. Thus, it is realistic to expect that the ABM will at least double in price, simply by the time it reaches the end of the production line, *i.e.*, 14.0 billion dollars would be a *conservative realistic estimate* of its cost. It could go as high as 30.0 billion dollars or more.

2. In addition to production costs, 10 per cent a year should be added for maintenance. Deployment of the ABM is scheduled to begin by 1972 and to continue at least through 1980. So a *conservative realistic estimate* of maintenance costs for the eight year period would be 11.2 billion dollars. This could go as high as 24.0 billion dollars or more.

Adding the figures under paragraphs one and two, we find that our conservative estimate of the cost of the ABM—including development, production, and maintenance, would be 25.2 billion dollars—and could go as high as 54.0 billion dollars or more.

3. Once a "thin" system is approved and deployed, the foot is in the door and pressure increases to "thicken" the system, *i.e.*, to expand it both in terms of the number of missiles deployed and the number of bases. Estimates of the costs of a "thick" system range from 75.0 to 400.0 billion dollars.

Deployment of a "thick" ABM system would probably be accompanied by a massive civil defense program to protect the population and new offensive weapons system. The cost of these programs must also be calculated when estimating the cost of the "thick" system. (It was estimated in 1965 that it would cost at least 38 billion dollars for a shelter system to protect only 75 million of our urban population.)[15]

II. Alternative expenditures

An ABM system costing 10.0 billion dollars represents the annual wages of 2 million families earning $5,000 per year.

The recently completed moderate income housing complex, Co-op City, Bronx, N.Y. which cost about 340.0 million dollars, will house over 60,000 people. On this basis, 7.0 billion dollars could be used to provide new housing for over 1,260,000 people.[16] Alternatively, 7.0 billion dollars could provide low cost housing for nearly 500,000 families.

It is estimated that 1.4 billion dollars could provide job training for nearly 1,000,000 unskilled workers.[17]

For less than one-fifth of one per cent of $10 billion we could innoculate all the children in the world against tuberculosis.

III. Background material

The ABM system involves two categories of expenditures: (1) expenditures for research and development (R&D); (2) expenditures for deployment; which include procuring the components for the system, acquiring the sites for the radars and silos to house the missiles as well as maintenance and personnel costs.

When we refer to stopping the ABM we mean stop deployment, but not research and development.

The present official estimated cost of about 7.0 billion dollars includes neither maintenance and personnel costs nor the cost of continued research and development. Nor does it reflect obsolescence of the system which will require continual updating and modernization to remain functional.

A. Obsolescence

When testifying in behalf of the Sentinel system in 1967, Dr. John S. Foster, Director of Defense Engineering and Research for the Pentagon, stated, in reference to the obsolescence factor of the then proposed Sentinel ABM, that "because of the enormous quantities of equipment involved, and the near rapid rate at which technology charges, to maintain an effective system one would essentially have to turn over the whole system, the whole 20.0 billion dollars every few years."

Secretary McNamara testified in January 1967, that had the Nike-Zeus system been produced and deployed, at an estimated cost of 14.0 billion dollars, most of it would have had to be torn out almost before it became operational, and replaced by new missiles

and radars.[18] For that reason, President Eisenhower refused in 1959 to authorize construction.[19]

It was estimated that it would cost approximately 1.0 billion dollars per year just to maintain the proposed "thin" Sentinel system at today's price levels, not including research and development.[20] There is no reason to believe that the proposed Safeguard will require less.

B. Accuracy of the Estimated Costs

There is no reason to believe that the estimated 7.0 billion dollars for installation of the system represents the final cost. Cost estimates given by defense contractors are, more often than not, substantially underestimated.

For example, former Secretary McNamara stated, in January 1967, that a "thin" ABM system would cost 3.5 billion dollars to deploy. By September 1967, the estimated cost had risen to 5.0 billion dollars (including the defense of Minuteman silos). In January 1968, the estimated cost of the "thin" Sentinel system was still 5.0 billion dollars, but that figure no longer included the defense of Minuteman silos.[21]

On March 2, 1967, when testifying before the House Committee on Armed Services, Secretary McNamara admitted that initial estimates for the "thin" ABM system ". . . may be underestimated by 10 to 100 per cent." [22]

Recently Senator Symington estimated that the "thick" Sentinel ABM system, estimated by the Pentagon to cost about 50.0 billion dollars, could run as high as 400.0 billion dollars. The Senator referred to a recent study by the respected Brookings Institute in Washington, D.C. which stated, in part, that "during the 1950's virtually all large military contracts reflected an acceptance by the military agencies of contractor estimates which proved 'highly optimistic'. Such contracts ultimately involved costs in excess of original contractual estimates from 300 to 700 per cent." [23]

C. Past and Current Costs

The table below indicates approximately how much has been appropriated for ABM systems since 1965 (fiscal year 1966). Since the Federal accounting year ends on June 30 every year, the funds involved are for the fiscal year indicated.

ABM APPROPRIATIONS

[In millions]

Year	Bill	Deployment	R. & D.
1965 (fiscal year 1966)[1]	H.R. 9221		$400.0
1966 (fiscal year 1967)[1]	H.R. 15941	$153.5	431.4
1967 (fiscal year 1968)[1]	H.R. 13606	64.0	
	H.R. 10738	287.6	421.4
1968 (fiscal year 1969)[1]	H.R. 18785	227.3	
	H.R. 18707	342.7	312.9
		44.7	268.0
	H.R. 17903		324.5
Total		1,129.8	2,158.1
Grand total		3,287.9	

[1] No estimates for these years of how much of Atomic Energy Commission appropriations were used directly on R. & D. for the various ABM systems.

It has been estimated that as of 1969, approximately 6.0 billion dollars has been appropriated for ABM systems. Most of this has been for research and development.[24]

For fiscal year 1970 (ending June 30, 1970) the Administration is requesting 905.4 million dollars for procurement and 97.1 million dollars for construction, or a total of $1,002.5 million. Some of this includes funds for R&D.

D. Related Cost Required To Counter the Effects of an ABM System

Not only is the proposed ABM system costly to construct and maintain but as indicated by Secretary McNamara in testimony before the House Committee on Armed Services in 1967 that an opponent can counter the effectiveness of an ABM system up to a certain level as comparatively less cost than required to build the ABM:

"If the Soviets are determined to maintain an assured destruction capability/second strike capability against us, and they believe that our development of an ABM defense would reduce our fatalities . . . they would have no alternative but to increase the second strike potential of their offensive forces. They could do so in several different ways. Shown in the table below are the relative costs to the Soviet Union of responding to U.S. ABM deployment in one of these possible ways.

Level of U.S. fatalities which Soviets believe will provide deterrence[1]:	Cost to the Soviet of offsetting U.S. cost to deploy an ABM:
40,000,000	$1 Soviet cost to $4 U.S. cost.
60,000,000	$1 Soviet cost to $2 U.S. cost.
90,000,000	$1 Soviet cost to $1 U.S. cost.

[1] U.S. fatalities if United States strikes 1st and the Soviets retaliate.

Source: CONGRESSIONAL RECORD, vol. 114, pt. 16, p. 20714.

Finally, if deployment of the Safeguard forces the Soviets—due to fear that America may launch a first strike—to increase their offensive weapons, it is likely that the United States will react by building more ICBMs *et cetera*.

As the arms race spirals, so do the costs and expenditures.

ABM FUNDING REQUESTS, FISCAL YEARS 1969 AND 1970

[In millions of dollars]

Activity	Funds requested		Legislation, fiscal year 1970			
			Authorization		Appropriation	
	Fiscal year 1969, appropriated	Fiscal year 1970, requested	Procurement	Military construction	Procurement	Military construction
I. Sentinel/Safeguard:						
A. Military construction authorization	227.3	(97.1)		97.1		97.1
1. Planning		24.4				
2. Construction		43.6				
3. Access roads		16.4				
4. R. & D construction		12.7				
B. Procurement	342.7	(360.5)	360.5		360.5	
1. Sprint		26.5				
2. Spartan		76.6				
3. Ground support equipment		249.3				
4. Production base support		.8				
5. Spare parts		4.0				
6. Communications		3.3				
C. Operations and maintenance	39.0	23.2			23.2	
D. Manpower	5.7	9.8			9.8	
Subtotal, deployment	641.7	490.6	360.5	97.1	393.5	97.1
E. Research and development, Sentinel/Safeguard	312.9	400.9	400.9		400.9	
Total, Sentinel/Safeguard	927.6	891.5	761.4	97.1	794.4	97.1
II. Other ABM R & D:						
Nike-X	165.0	141.0	141.0		141.0	
"Defender"	130.0					
SABMIS		3.0	3.0		3.0	
Subtotal	268.0	144.0	144.0		144.0	
Grand total	1,195.6	1,035.5	905.4	97.1	938.4	97.1

THE ABM WILL CAUSE THE ARMS RACE TO RESUME, INCREASING THE CHANCE OF NUCLEAR HOLOCAUST

According to the theory of deterrence, each nuclear power must maintain second strike capability in order to deter the other side from a surprise nuclear attack.

I. How might American deployment of the ABM affect Soviet military planners?

Defense planners always base their needs on the worst possible expectations. Although the ABM probably wouldn't work and can be easily penetrated, the Soviets would have to consider the worst possible case in planning their defense needs. The worst possible case, from their point of view, is that the ABM might work and shoot down large numbers of their offensive missiles in order to retain their second-strike capability.

II. Will deployment of the Safeguard make the Soviets feel that America might launch a first strike?

In fact the deployment of the American ABM system may cause the Soviets to fear that America is building the ABM in order to be in a position to launch a first strike at the Soviet Union. Soviet military planners may conjecture that the United States can launch a first strike at Russia, thinking that the ABMs could destroy most, if not all of the missiles launched by the U.S.S.R. in a second strike. This reasoning assumes, of course, that Americans will be confident that the ABM system will work well enough to destroy enough of the Soviet missiles—launched in retaliation to America's first strike—to prevent unacceptable damage to America. Although it is highly probable that our ABM system will not be effective, the Soviets will have no way of knowing this to be true, nor will they probably trust the opinions of American ABM critics.

It is not unreasonable to expect that the Soviets may react this way when the American response to the deployment of the Galosh ABM system around Moscow was to increase the number of offensive weapons. As Secretary McNamara testified on January 2, 1968:

"Now, in the late 1960s, because the Soviet Union might deploy extensive ABM defenses, we are making some very important changes in our strategic missile forces. Instead of a single large warhead, our missiles are now being designed to carry several small warheads and penetration aids, because it is the number of warheads or objects which appear to be warheads to the defender's radars, that will determine the outcome in a contest with an ABM defense." [25]

Footnotes at end of article.

The American response to the Soviet ABM defense was to develop an increased offensive capability such as MIRVs. We probably can expect the Soviets to respond likewise to our deployment of an ABM system. The result is what Dr. George Rathjens describes as the ABM-MIRV action-reaction phenomenon.

The development of the MIRV (Multiple Individually Targetable Re-Entry Vehicle) marks a decisive escalation in the arms race. MIRV is a single missile which can deliver several warheads against a separate target. The deployment of MIRVs would increase the tension between the U.S. and the U.S.S.R. because neither side could be sure of how many warheads each missile carried. Assuming the worst of the other, each country would probably produce their own MIRV force. Since ABM defense would easily be saturated or exhausted by a MIRV attack, American deployment of an ABM makes it inevitable that the Soviet Union would produce MIRVs, or other types of offensive missiles.

With luck, the chain of causation will end there. But it is likely that the deployment of large numbers of extra Soviet offensive missiles, especially MIRVs, in response to our ABM system will not go unnoticed. Pentagon planners will urge that we respond to the Soviet build-up by extending our ABM system even further—or by building more offensive missiles of our own. Nor is it likely that our reaction to the Soviet's reaction would end the cycle.

Each great power would continue to respond to the other by deploying even more weapons as the arms race resumes in an ever-increasing spiral of nuclear weapons.

III. Is the Safeguard ABM provocative?

Apparently the present Administration feels that the Sentinel ABM plan of the Johnson Administration involving ABM sites around the cities was provocative; whereas the present Safeguard proposal is not.

In an interview with *U. S. News & World Report*, April 7, 1969, Secretary Laird stated in response to the following question:

"Q: Why should the Russians want to place their ABM missile sites around Moscow and other cities, while we now want to put our defensive weapons around missile bases and defense installations?

"A: I believe it is rather provocative to put your ABM sites around your cities. In that way, under the program outlined by the previous Administration, it could be said that we were trying to protect our cities from Soviet missile attack and thus be in a position to launch a first strike. What we're trying to do with the Safeguard system, as it relates to the Soviet Union, is to insure the reliability of our second-strike capability. We believe that we can protect our people better in that way."

Although the Administration has emphasized the fact that Safeguard is primarily to protect our Minuteman ICBM's, the only difference between the Safeguard and the Sentinel is that most of the sites will not be near large population centers. Safeguard, as was the proposed Sentinel, is designed, however, to protect all of continental United States.

Deputy Secretary of Defense Packard in a news conference on March 14, 1969 admitted that "the area defense will be very similar (to that of the Sentinel system) and will provide complete coverage (of the continental United States) . . . I think the life saving capability will be comparable . . . the same area defense capability will be provided in this system."

If the same area defense is to be provided by Safeguard, doesn't this mean that the cities will be "protected"? If so, it would seem that the Safeguard is as provocative as the Sentinel.

Footnotes at end of article.

The only argument Deputy Secretary Packard seemed to offer to the conclusion is that the proposed Safeguard does not call for deployment of Sprints (short range missiles) close enough to the cities so they can protect the cities.

But does the fact that Sprints are not deployed near the cities make the Safeguard any less provocative? The primary defense of the cities under the Sentinel plan relied upon the longer ranged Spartan missiles. Because of the range of Spartans, the fact that the sites are moved away from the cities probably does not make the Safeguard less provocative.

WHAT THE ABM WILL DO WHEN IT "PROTECTS" US

The ABM destroys offensive missiles by exploding its own nuclear warhead. The size of the warhead on the Spartan is 2 megatons, and the size of the warhead on the Sprint is 10 kilotons. The nuclear weapon which destroyed Hiroshima was about 20 kilotons. If the missiles of our own ABM system, especially the Sprint, explode their nuclear warheads it will increase the total amount of radiation in the atmosphere. Moreover, the detonation of the Sprint warhead within the earth's atmosphere at an altitude of only 20–50 miles may blind, at least temporarily, if not permanently, anyone who happens to be looking at the time.

On August 1, 1958, a nuclear device called TEAK in the one megaton range was exploded at an altitude of about 50 miles above Johnston Island. It was reported that ". . . it is possible that a high-altitude nuclear explosion in the megaton range could produce effects on the eyes at all distances up to the line of sight permitted by the earth's curvature." [26]

In order to determine the benefits of an ABM, one must weigh the damage the ABM causes by exploding against the damage it prevents. The amount of damage that the ABM prevents depends on the extent to which the ABM is able to reduce the number of enemy missiles which hit us. It is, however, probable that the same number of missiles would strike us, in case of an attack, whether we had the ABM or not. This is so because the Soviets and Chinese are almost certain to match our deployment of an ABM with the increased offensive capability needed to penetrate it—by using decoy devices and extra offensive warheads.

THE SOVIET UNION'S ABM SYSTEMS

The Soviet Union is building an ABM system. If they have one, why doesn't the United States need the Safeguard ABM system?

I. Response

1. The evidence as to whether the Soviets are still proceeding to deploy an ABM system is unclear.

2. Even if the Soviets proceeded with the deployment of an ABM, it would not make any sense for us to build our own. It would be cheaper and simpler to build the decoy devices and additional warheads needed to penetrate their ABM defense.

II. Background material

The Soviet Union has built or is building their defensive missile systems.

A. In 1962, the Soviets began to deploy an ABM system around Leningrad. This system is now considered obsolete.

B. The Tallinn system deployed across the northwest approaches to Soviet territory and in several other places was originally thought to be an ABM system. In February 1968, Secretary of Defense McNamara testified before the Senate Committee on Armed Services that "now I can tell you that the majority of our intelligence community no longer believes that this so-called 'Tallinn system' . . . has any significant ABM capability . . . This system is apparently designed for use within the atmosphere, most likely against our areo-dynamic [airplane] rather than a ballistic missile threat." [27]

C. The Galosh, deployment of which began about 1960, is an ABM system around Moscow only. Although the exact number of missiles already deployed around Moscow is not known, "our intelligence appears to be good enough that we can determine that the Soviets have now deployed about 75 missiles in their ABM defenses around Moscow, and will, when the defense is completed, have about 100 . . . Former Defense Secretary Clifford told us, in fact, that the Soviets had apparently curtailed construction at some of their ABM installations around Moscow." [28]

It now appears that construction of the Galosh has been slowed down if not stopped.

Recently Secretary of Defense Laird stated that the Soviets have ". . . slowed deployment of this system about a year ago, and have been going forward with tests of a more sophisticated ABM system in their test grounds. We think for that reason they probably will not deploy many more of the Galosh missiles around Moscow at this time." [29]

A recent report of the London-based Institute for Strategic Studies states that the Galosh had encounered technical difficulties and rising costs, but does not bear out Laird's thesis that the Soviets are working on a more sophisticated ABM. The report finds that ". . . the dispute at the highest [Soviet] military level over the value of this system has temporarily been settled in favor of the doubters." [30]

Perhaps the U.S. could learn from the Soviet's expensive mistake and avoid investing 7.0 billion dollars (a minimum figure) in a system which will at best be obsolete in a few years and at worst won't work.

HISTORY OF THE ABM

The development of anti-ballistic missiles grew out of the research and development of anti-aircraft missiles, which were designed to protect our cities against attack by Soviet bombers. Built at a cost of over 15.0 billion dollars, the most sophisticated anti-aircraft missile, Nike-Hercules, was described by its proponents as a near-perfect defense against a Soviet bomber attack. In April 1968, Senator Stennis of the Senate Committee on Armed Services stated:

"I remember some 10 years ago when we were putting in the Nike-Hercules that it was testified that they would be able to knock down all of them—all of them—if we would approve and fund the Nike-Hercules. I asked someone else about that, and he said he did not believe they could knock down any of them. That is just history . . . I just do not know. Now you say you would get only (deleted)." [31]

With the advent of the offensive missile race, the Pentagon began to develop anti-missile missiles (ABMs) to protect our cities from a surprise attack by Soviet missiles. Their first model, Nike-Zeus, was rejected by President Eisenhower because the explosion of the ABM within a 20-50 mile range and thus seriously threatened the American population with blindness and increased radioactive fallout. It was acknowledged that deployment of Nike-Zeus would have had to be completed with a massive shelter program conservatively estimated to cost 38.5 billion dollars.[32] Had Nike-Zeus been deployed, 14.0 to 20.0 billion dollars would have been spent on the system alone, and it would have been obsolete before completion.

President Kennedy refused to reverse Eisenhower's decision. Not only was Nike-Zeus permanently shelved, but the improved version, Nike-X, remained on the drawing boards.

During the Johnson Administration, the Pentagon unveiled their third ABM system, the Sentinel (which combined two radar systems with missiles—the Spartan, a long range missile, and the Sprint, a short range missile). For four years, President Johnson,

as had his predecessors, resisted pressure from the military, particularly the Army, to deploy an ABM system. In fact, in the Military Posture Statement for fiscal year 1968, Secretary of Defense McNamara in January 1967 testified against deployment of the Sentinel system. Even when Secretary McNamara later announced the Administration's decision to deploy a "thin" ABM defense, two-thirds of his speech was a powerful argument against deployment of ABM systems. His attempt to justify the "thin" systems while detracting from "thick" systems seemed incongruous since most of the arguments against the latter are applicable to the former.

The Johnson Administration's rationale for deploying a "thin" Sentinel system was the potential Chinese threat. In anticipation of China's developing a nuclear strike force in the early 1970s, the U.S. was to deploy ABMs at 14 sites, many near large cities (see enclosed map). The sites were located to protect the population from an enemy attack.

After much debate in both the Senate and the House during 1968, Congress authorized and appropriated funds to begin deployment of the Sentinel.

During the Senate debate on S. 3293, the procurement authorization bill, Senator Cooper, on April 18, 1968, offered an amendment which provided that none of the funds authorized to be appropriated were to be expended for deployment of the ABM until the Department of Defense certified that such a system was practicable and that the cost could be determined with reasonable accuracy. The amendment was defeated by a vote of 31 to 28.[33]

The proximity of many sites to large population areas raised the danger of an accidental explosion and resulted in a public outcry from the citizens of those cities. Residents of the area feared an accidental explosion of a 2 megaton Spartan warhead which has a blast death radius of about three miles, and a fire radius of about ten miles.

Upon assuming office, President Nixon ordered a complete review of the proposed deployment, and on March 14, 1969, the Administration announced its decision to deploy a modified version renamed Safeguard. The given rationale for the Safeguard is that we need it to protect our "second strike" capability in the event of a Soviet attack.

A new name and new site locations notwithstanding, the Safeguard system is similar to the Johnson Administration's proposed Sentinel system. When announcing the decision to continue plans to deploy the Safeguard, however, the Administration emphasized the need to protect our ICBM Minuteman bases. The Safeguard system will provide area defense for the United States as would have the Sentinel:

"In addition, this new system will provide a defense of the continental United States against an accidental attack and will provide substantial protection against the kind of attacks which the Chinese communists may be capable of launching throughout the 1960's." [34]

Parenthetically, the Safeguard plan proposes 12 sites for Spartan missiles in the continental United States with an option to add two more sites at a later date—one in Hawaii and one in Alaska.[35]

In effect the Safeguard is exactly the same as the Sentinel in that it is an area defense system. The only difference is that the sites will not be constructed near large cities. The most distinct fact about the Safeguard program is the Administration's new rationale. Nixon finds the Soviets *supposed* expansion of its nuclear weaponry more threatening than Chinese missiles.[36]

In a fuller discussion of the Safeguard system see p. 24, *Newsweek,* March 26, 1969. (Reprint enclosed.)

Footnotes at end of article.

LEGISLATION: FUNDING THE DEPLOYMENT OF THE ABM SYSTEM

What role will the Congress play in deciding whether to deploy the Safeguard ABM system? The funds necessary to build the Safeguard system must be authorized *and* appropriated by the Congress. In the two steps process by which each house of Congress allocates funds, an authorization bill defines how the money can be spent and an appropriations bill is needed to legalize the actual expenditure of money. Authorization must always precede appropriation.

Most defense requests are submitted to Congress under two classifications: procurement and construction. There is a procurement authorization bill and a construction authorization bill. After authorization is rereived, there will be a procurement appropriations bill and a construction appropriations bill. The authorization bills, S. 1192 for procurement and S. 779 for construction, are now before the Senate Committee on Armed Services. Similar bills are before the House Committee on Armed Services. Hearings will be held on each bill in this Senate committee and in its counterpart in the House of Representatives before it is debated by the full membership of each house.

There is no separate bill for the Safeguard ABM system. Part of this project will be approved under the procurement bill, others under the construction bill, and still others under the bill for the Atomic Energy Commission which controls the production of nuclear warheads. Some of the funds requested are for research; the balance are for deployment.

The opposition to the ABM system cannot simply vote down (reject) the procurement and construction authorization bills because each bill includes expenditures for numerous defense projects other than the ABM. Those opposed to deployment of the Safeguard system must propose an amendment to each bill withholding authorization of those activities related to deployment of this system.

The House will almost certainly pass the bills, but the Senate vote may be very close.

Hopefully the Executive will see fit to defer deployment of the proposed Safeguard system pending arms negotiations with the Soviet Union. If, however, the Congress is forced to decide this issue, it will probably be decided in the Senate by a vote on an amendment to delete funds for *deployment* of the ABM from either the defense procurement or the defense construction authorization bill. It is expected that either or both bills will reach the Senate floor in late May or early June. If amendments to delete the ABM from the authorization bill fails, the Congress will have the opportunity to delete the funds contained in the subsequent appropriations bills.

FOOTNOTES

[1] If the Senate and the House disagree on certain aspects of a bill, a conferenec committee made up of several members from each body is appointed to reconcile the differences. If agreement is reached in the conference committee, the bill, as reconciled, is reported back to each body which votes upon the recommendations of the conference committee.

[2] When announcing his decision to deploy the Safeguard ABM, President Nixon, on March 14, 1969 stressed the need to protect our land based ICBMs against a surprise Soviet attack.

But in his press conference of April 18, 1969, the President, referring once again to protection against a Soviet attack, seemed to place more emphasis on the Chinese threat to our *cities* that he had in his March 14, announcement. On April 19 he said "the other reason—and I emphasize this strongly—is that the Chinese Communists . . . have not moved as fast recently as they had over the past three to four years but that nevertheless by 1973 or '74 they would have a significant nuclear capability which would make our diplomacy not credible in the Pacific unless we could protect our country against a Chinese attack aimed at our cities.

"The ABM system will do that and the ABM Safeguard system therefore has been adopted for that reason." (*N.Y. Times,* April 19, 1969, p. 14).

[3] Rathjens, G. W., *The Future of the Strategic Arms Race: Options for the 1970's,* Carnegie Endowment For International Peace, New York, 1969.

[4] Stubbings, R. A., *Improving the Acquisition Process for High-Risk Military Electronics Systems,* 1968, on file at the Woodrow Wilson School, Princeton University. Reprinted in *Congressional Record* S 1450 (daily ed., Feb. 7, 1969).

[5] *New York Times,* March 15, 1969.

[6] *Congressional Record* S 7234 (daily ed. June 13, 1968).

[7] *U.S. News & World Report,* April 7, 1969.

[8] *Look,* Nov. 28, 1967.

[9] *New York Times,* March 24, 1969.

[10] Secretary of State, William Rogers, *Press Conference,* April 7, 1969.

[11] On April 18, 1969, President Nixon stated that ". . . the Chinese Communists, according to our intelligence, have not moved as fast recently as they had over the past three to four years but by 1973 or '74 they would have a significant nuclear capacity . . ." *N.Y. Times,* April 19, 1969, p. 14.

[12] *Washington Post,* April 13, 1969.

[13] *N.Y. Times,* March 14, 1969, p. 1.

[14] *N.Y. Times,* April 11, 1969, p. 5.

[15] *Congressional Record,* H 6340 (daily ed., July 11, 1968).

[16] *Congressional Record,* S 3774 (daily ed., April 15, 1969).

[17] *Id.*

[18] Senator McGovern, *Congressional Record* S 4261 (daily ed., April 18, 1968).

[19] Congressman Podell, *Congressional Record,* H 1235 (daily ed., Feb. 26, 1969).

[20] Senator Percy, *Congressional Record* S 1368 (daily ed., Feb. 4, 1969).

[21] Senator Hart, *Congressional Record* S 7632 (daily ed., June 24, 1968).

[22] *Congressional Record* S 4251 (daily ed., April 18, 1968).

[23] *Congressional Record* S 2243 (daily ed., March 4, 1969).

[24] Congressman Tunney, *Congressional Record* H 1220 (daily ed., Feb. 26, 1969).

[25] McNamara, R. S., *Military Posture Statement,* F.Y. 1969. Jan. 22, 1968.

[26] Glasstone, E., ed., *The Effects of Nuclear Weapons,* U.S. Atomic Energy Commission, April 22, 1962.

[27] *Congressional Record,* S 7233 (daily ed., June 13, 1968).

[28] Senator Hart, *Congressional Record,* S 1738 (daily ed., Feb. 18, 1969).

[29] *U.S. News & World Report,* April 1, 1969.

[30] *N.Y. Times,* April 10, 1969.

[31] Hearings before the Preparedness Investigating Subcommittee of the Senate Committee on Armed Services, *Status of U.S. Strategic Power,* April 1968.

[32] *Congressional Record,* H 6340 (daily ed., July 11, 1968).

[33] *Congressional Record,* S 4268 (daily ed., April 18, 1968).

[34] Text of President Nixon's announcement, March 14, 1969.

[35] Secretary Laird, *U.S. News & World Report,* April 7, 1969.

[36] In his press conference of April 18, 1969, the President, referring once again to protection against a Soviet attack, seemed to place more emphasis on the Chinese threat to our *cities* than he had in his March 14 announcement. On April 18 he said:

"The other reason—and I emphasize this strongly—is that the Chinese Communists . . . have not moved as fast recently as they had over the past three to four years but that nevertheless by 1973 or '74 they would have

a significant nuclear capability which would make our diplomacy not credible in the Pacific unless we could protect our country against a Chinese attack aimed at our cities.

"The ABM system will do that and the ABM Safeguard system therefore has been adopted for that reason. (*New York Times*, April 19, 1969, p. 14)"

REDS EXPLOIT "RACISM"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. RARICK. Mr. Speaker, Gus Hall's open endorsement of a political candidate for reason of race can only be interpreted as the CPSUA's exploiting a dupe to secure a springboard to launch one of their vitriolic diatribes.

Gus Hall, general secretary of the Communist Party of the United States, in calling on southern California Communists to "march under the party banner" seized this occasion to reiterate the Communist Party's monomaniac central theme—"racism."

Hall is quoted as saying:

The struggle of racism is the place where the party should spend most of its time and organization in development.

I include an article from the Los Angeles Herald Examiner, as follows:

[From the Los Angeles (Calif.) Herald-Examiner, May 2, 1969]

GUS HALL WOOS REDS FOR BRADLEY

(By Phil Hanna)

Communists in Los Angeles recently have been urged by Gus Hall, general secretary of the Communist Party in the United States, to give "total focus" to electing Councilman Thomas Bradley as mayor.

Hall addressed the party's Southern California district convention here at Larchmont Hall April 5. The meeting opened at the hall, 118 N. Larchmont Blvd., the evening of April 4, and continued April 5.

The Communist Party leader told fellow Communists that party members have a "historic responsibility they must accept" to elect the Negro councilman as mayor of Los Angeles.

Hall told the Communist conclave:

"First let me congratulate you, the movement and working people, for the (primary) election results of last week. I think it is a tremendous achievement. I think it has tremendous significance for the future, of not only Los Angeles, but for the struggle in America.

YOU MUST GIVE TOTAL FOCUS

"I think above all, and among other achievements (it is) a tremendous blow against racism, and I would only urge that we see the full significance and I would suggest that you take seriously the idea that you must, as a party, be able to give total focus—I mean total focus—for the next two months on the election of Bradley.

"I think there is a historic responsibility that you must accept, that no stone will go unturned or untouched in the election of Bradley for mayor."

Bradley, a former Los Angeles police lieutenant, polled high in the April 1 city primary and will meet Mayor Sam Yorty in a run-off election May 27 for the city's highest office.

Hall differed with long-time Southern California Communist Mrs. Dorothy Healey, an arch-rival, as to the focus of the party in the future.

He said Mrs. Healey was taking a "rightist" position in terms of Communist Party strategy.

Hall wants to concentrate Communist recruitment on the entire working class. He claimed, in his Larchmont Hall speech, that the Los Angeles woman wanted to "forget the industrial workers and forget the organized sector of the working class."

URGES TOTAL WORKING CLASS RECRUITMENT

Hall also called for sweeping Communist organizational attempts in the youth sector. He said the party must gather "all types of militants" to form youth organizations, not limit young peoples cadres to "simply Marxists and Leninists."

He said he believed that young people would favor this broad type organization as one which would allow them to accomplish their ends on campuses and elsewhere.

Bradley has denied there are any Communists working for his election.

"Just like (Gov. Ronald) Reagan, I ask people to accept my philosophy, not I theirs," the councilman told a recent meeting.

BRADLEY AIDE ADMITS BEING AN EX-RED

On the councilman's election staff is an admitted former member of the Communist Party. Don Rothenberg, a campaign aide, has been identified as a Communist Party member before the House Committee on Un-American Activities.

Rothenberg admitted his former Communist Party membership to The Herald-Examiner, but said he resigned several years ago.

Hall wants to remold the party "ideologically, organizationally and politically," he told the district convention.

He called on Southern California Communists to "march under the party banner."

"The struggle of racism" he said, "is the place where the party should spend most of its time in organization and development."

SMALL SHIPMENT PROBLEM

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. FRIEDEL. Mr. Speaker, the small shipment problem was vividly set forth as demanding immediate steps for action by Senator VANCE HARTKE in a speech last week to the Freight Forwarders Institute at the Mayflower Hotel, Washington, D.C.

I should like to commend my distinguished friend from Indiana, the chairman of the Senate Subcommittee on Surface Transportation for his thoughtful appraisal of the situation. As chairman of the Subcommittee on Transportation and Aeronautics, I am always interested in the views of those who have given much thought and study to our transportation problems and I think my colleagues will find Senator HARTKE's remarks very helpful.

Therefore, I include his address ir. the RECORD for the information of all interested parties. It is as follows:

OUR TRANSPORTATION SYSTEM AND THE SMALL SHIPPER

(By Senator VANCE HARTKE)

Not long before his death the founder of the Freight Forwarders Institute and one of the great sages of our time, Morris Forgash, presented one of the most eloquent statements on transportation ever delivered.

In his speech, entitled "Transportation—Year 2000" given on October 30, 1964, he said:

"Traditional methods established during a century and a quarter of proud history are are not easily broken, but the railroads are slowly yet surely making their equipment compatible, interchangeable, and versatile. Long before the year 2000 the box car will cease to be the predominant vehicle of carriage. Everything except commodities requiring specialized equipment—grain, ore, lumber—will move in containers that will hardly interrupt their journey as they are transferred swiftly from highway to rail or ship or air for continuous movement from the door of the shipper to the platform of the consignee. One bill of lading and one rate will apply to the movement of anything from anywhere to anywhere else. It is in these areas that the freight forwarder, both foreign and domestic, will play an indispensable role in coordinating the services of the underlying modes of transportation.

Morris Forgash was a brilliant man—few people have understood the problems of transportation in the U.S. as well as he did and fewer still had his capacity for combining heady dreams, unsurpassed knowledge, and tremendous vitality to produce results. He was indeed much more than a visionary. We are now in the throes of a revolution in transportation wrought by the development of containerization. Without Morris Forgash this revolution would have started much later in our history. He was a man who believed that technological development was a most important answer to the survival of transportation by common carrier.

But he also recognized that better coordination among the transport modes is essential to the maintenance of a viable transportation "system." For reasons which will become clear later, I use the term "system" advisedly. In testimony before the Senate subcommittee on surface transportation in 1961, he said: ". . . the regulated common carriers have been fighting each other for so many years that shippers and the public seem to have forgotten that our real business is transportation." He went on to suggest that there ought to be established a "working committee" (as opposed to another talking committee) "composed of executives with power to act, technicians with know-how and researchers to explore and present the facts."

I will not attempt to pass on the merits of Mr. Forgash's proposal except to say that to my knowledge we have yet to see any great improvements in cooperation. As a Senator with millions of constituents who are shippers or users of transportation services and as the chairman of the Senate subcommittee with jurisdiction over the most significant portions of domestic transportation, I am very concerned. I am concerned because service to the shipper, I fear, is not what any of us would like to be nor what it ought to be. Unnecessary intramural, that is, intermodal, combat has contributed to the lack of coordination and the decline in service. Some kind of voluntary cooperation among the modes would help. Improvements in regulatory law might help.

Utilization of advanced technology which Morris Forgash advocated with such conviction has brought a measure of coordination, but it provides only a partial answer. We will need more effort at the governmental level as well as the private level if we are to attain the goal of "one bill of lading and one vote" which will apply to movement of anything from anywhere to anywhere else.

The Congress and the administration formally recognized the need for a coordinated transportation system. By enacting legislation to create the Department of Transportation. It was the expressed purpose of the

Congress to satisfy the need for *development* of national transportation policies and programs. The system, it was agreed, should permit travelers and goods to move conveniently and efficiently from one means of transportation to another. In short, the Congress and the President had recognized that the United States does not have a transportation system. It had and still has a series of uncoordinated railroads, barge lines, airlines, trucking companies, pipeline operators, and motorists. This loose-jointed collection of transportation enterprises served the needs of the country effectively for many years, and what coordination exists has been brought about in no small part by freight forwarders. But we are still very short of attaining the system stage in transportation history.

The railroad company, the airline, the steamship company, the bus and truck carriers no longer operate in a vacuum. They all need each other to perform the best possible service for the customer. It is seldom that the problem of one mode does not have an impact upon at least one, and usually all, the other modes.

To develop an integrated system it would be appropriate and probably essential for the Federal Government to evolve policy guidelines to deal with problems ranging from uniform bills of lading to coordination of various government subsidy and promotional programs.

It was hoped that DOT would be the vehicle, or at least an element in, developing a system. In the next six years this country will have 30 million more people and the economy will generate 50 percent more goods and services than it does now. If transportation is to meet that demand, the capacity of the existing transportation network will have to be doubled within the next 20 years. It seems doubtful that the network will function unless there is developed an integrated system.

Unfortunately progress by DOT has been quite slow. The intermodal battles of course are not confined to private companies—they have their extensions within the Government. Even though DOT has supposedly been programmed to bring about greater coordination, it is common knowledge that very little intermodal communication exists within the department itself. It is conceivable that new leadership in the department can at least eliminate the communication problem, but the chances of soon resolving basic policy questions are rather slim. At least this is true so long as the transportation companies continue to avoid cooperative efforts except where forced to do so. But the department is still very young and the first secretary faced monumental organizational problems which were enough to occupy most of his time and effort. With most of these problems resolved perhaps the Department will get about the business of generating forward looking new policy. But development of policy by DOT certainly does not guarantee its early implementation—for that the modes must be willing to work together as Mr. Forgash indicated.

The freight forwarders thrive on coordination. Industry leadership in this regard often comes from the freight forwarders and today that kind of leadership is needed more than ever before. Innovation and application of technical advances have always been an important part of the freight forwarders arsenal—just as containerization has brought the modes closer to being an integrated system, other innovations could accelerate that movement. Greater cooperation should benefit every mode of transportation—it could, for example, make land-bridge a reality and induce more shippers to ship via common carrier rather than through some other means.

Until these things occur, we will continue treating the symptoms without curing the underlying ills.

One symptom of the total problem which is becoming increasingly serious is the lack of reasonably priced shipping service available to the shipper of small shipments. It is becoming ever more difficult for a mother to find a carrier willing to transport her 100 pound package across country to her son. Large corporations who wish to send small shipments can usually find assistance or if all else fails, can purchase equipment to move the goods themselves. But the housewife and the small businessman do not have these options available. And if they happen to live in a small community it is very likely that their situation will be intolerable. The so-called "small shipment problem"—while it has not yet come to the attention of the general news media—is rapidly becoming one of the most serious flaws in our transportation network.

What can be done to bring about a solution? Recently some shippers have vehemently supported deregulation of shipments under 500 pounds. Others argue that this would benefit the shipper which enjoyed sufficient economic power to negotiate from strength but would still leave the small shipper without a remedy.

There is support for stricter regulation and the ICC has begun to place increased emphasis on the carrier's obligation to small shippers by requiring carriers to perform as their certificates require. In addition, the ICC has once again proposed legislation which would give it the power to impose through routes and joint rates where appropriate.

Legislation is now before the Commerce Committee which would provide shippers with the opportunity for obtaining reasonable attorney's fees when the shipper prevails in a damage suit against a carrier.

I am familiar with the freight forwarder's proposal to repeal statutory prohibitions on the publishing of lower rates for freight forwarders.

Because the problem is becoming so serious I anticipate that the surface transportation subcommittee will give very careful attention to all of these proposals to the extent that additional legislation could provide an answer, I would hope that it will receive congressional approval.

This one problem demonstrates clearly how important industry initiative is in solving transportation problems. It is doubtful that legislation can provide a complete answer—the problem is much too complex for that. All the Congress can really do is provide a framework within which the industry can work effectively.

The freight forwarders are presented by the small shipments problem with an opportunity and a challenge. They are in a unique position to help solve the current dilemma. The gathering together and consolidation of shipments into a single lot would seem to be of prime importance here. The solution in so far as it relates to widely disposed shippers in a low traffic density area may well be found in technological advances—and this is a matter about which freight forwarders in the tradition of Morris Forgash know a good deal.

I have tried to outline briefly what appears to me at this time to be the major failing of transportation in the United States—primarily the lack of a system as such. The small shipments problem is an outstanding example of what is lacking. I intend to do what I can to insure that the Congress and, most particularly the Senate Subcommittee on Surface Transportation will review the various proposals and give very careful consideration to those suggestions which seem to provide the best chance for attaining the goal of better transportation service in the U.S. I hope that the freight forwarders will, as envisaged by Morris Forgash, "play an indispensable role in coordinating the services of the underlying modes of transport."

Before I conclude my remarks there is one further matter upon which I would like to touch briefly—and that is the transportation safety. Freight forwarders may well, and reasonably, consider themselves somewhat disassociated from the various problems involved in enhancing transportation safety in contrast to those carriers in the operating modes.

But transportation safety is a matter which should be of extreme concern to freight forwarders. As a major user of transportation facilities, the forwarder can well understand the tremendous economic loss that results from transportation accidents. There has been a great emphasis upon transportation safety in recent years and I am sure that emphasis will continue and even be strengthened.

As chairman of the Subcommittee on Surface Transportation I shall shortly begin hearings on the proposed Federal Railroad Safety Act of 1969. I have introduced this bill in an effort to lessen the terrible toll taken each year by railroad accidents. And that toll is increasing at an alarming rate. In 1968 there were over 8000 railroad accidents—an increase of 93 percent since 1961. It is almost impossible to calculate the millions upon millions of dollars that have been lost and will be lost in the future because of inadequate safety efforts in the transportation field.

It seems to me that it is just plain good business sense for anyone in the transportation business to support, encourage and enhance safety efforts for every mode at every stage of operation. As freight forwarders you have a unique understanding of the economic loss that is caused by damaged or destroyed cargoes and equipment. Congress is going to try to help ease that situation and I am hopeful that we can count on your support.

CORNELL: WAS THE PRICE OF PEACE TOO HIGH?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. ROBISON. Mr. Speaker, yesterday I had a few remarks to offer about the situation at Cornell University—my alma mater, and the largest educational institution in my congressional district. New dimensions seem to be added to the current campus atmosphere every day since last month's crucial events. One reporter notes:

> The campus is alive as I've never seen it before. The very essence of a university, the concept of academic freedom, is the focal point of some of the most far-reaching and important debate and discussion that can take place on any campus today.

It remains difficult, from this perspective, to determine exactly what is taking place. There are wide differences of opinion. Some observers declare that Cornell University is dying if, indeed, it is not already dead. Others state that, instead, the university is undergoing an essential process of self-renewal—and is about to be "reborn."

Only a few weeks now remain before the current semester is ended. Most, if not all of the factors that precipitated the April confrontation still remain, and

one has to suppose that violence—and disorder—could again break out to an extent beyond the university's remaining control. However, to a Congress pondering what, if anything, it should do in order to "stiffen the backbone" of university authorities, and that is under substantial pressures to do at least "something," this recent summary of the Cornell future by its president, James Perkins, deserves our attention:

If at the end of the semester—

Says Mr. Perkins—

there is not a common, binding, sincere effort on the part of the administration, faculty, and students toward a more progressive, forward-looking institution, then the price we paid was too high. If, on the other hand, the administration, faculty, students and others face the problems and build, then history will treat us more kindly.

President Perkins' remarks are taken from an article about the Cornell problem and ensuing crisis that appeared in the May 5 edition of the National Observer, and under leave so to do it is herewith included in its entirety as a part of these remarks:

CORNELL: A UNIVERSITY IN ANGUISH—SUDDENLY THE PRICE OF PEACE ON CAMPUS SOARS

(By Jerrold K. Footlick)

ITHACA, N.Y.—The agony of the American university is far from over.

That is the lesson of Cornell.

The events at the university here are popularly believed to have added a new dimension to student protest—the presence of guns on campus.

That is a mistake. A shoot-out two years ago at Texas Southern University in Houston took one life; three students were killed last year at South Carolina State College in Orangeburg.

Those are black colleges. The distinction, perhaps, is that Cornell is not and that almost everyone has heard of Cornell.

The issue of race was partly involved in the Berkeley rebellion over four years ago, more closely involved at Columbia last spring and at Harvard a month ago. At Cornell it is pivotal.

Thus two great domestic issues discomforting the land—race protest and student protest—have now been intimately joined.

The critical fusion here began on the morning of Saturday, April 19, when unarmed black students seized the student union building, Willard Straight Hall, dislodging, among others, 30 parents who were staying there for Parents' Weekend. Three hours later, a delegation of white fraternity men broke in; there was a fight, and four students, three of them white, were slightly injured. That night, guns were brought to the blacks in the building.

The next day, Sunday, administration negotiators arranged an agreement to get the blacks out without violence. It included amnesty for this action. It also included a promise to nullify "reprimands" against three black students; these had been voted the evening of April 17 for disturbances last December and were the immediate reason for the seizure. The faculty, which has final authority for all student discipline, at first refused to agree, then reversed itself on Wednesday. Students spent most of the week in mass meetings. There was talk of the "rebirth" of the university.

But if Cornell is reborn, it will have survived a wrench such as it has never known in its 104-year history.

Consider:

The president of the University, James Perkins, generally acknowledged to be one of the outstanding administrators in the nation, has been humiliated by students, castigated by faculty, vilified by friends of Cornell, and roundly denounced by outsiders. At best, his ability to govern the school is seriously compromised.

The faculty is in what historian Donald Kagan calls a "mindless" turmoil. Says political scientist Walter Berns: "There is absolutely no law on this campus." Those two and at least two others among the outstanding members of the faculty already have submitted resignations. Scholarship and teaching are impaired for the rest of this academic year and perhaps longer.

The white students are just as confused. Listen to J. T. Weeker, a senior and a student leader: "The kids who have been the silent center and haven't done anything are in the midst of such guilt complexes that it's amazing. Instead of calling you a Commie or a pinko, you're a racist. If the students don't do something, bring some assurance of academic freedom back to the place, it will go from a great university to a mediocre one at best."

The black students, 250 in a student body of more than 13,000, are, if anything, angrier than ever. This is Ed Whitfield, chairman of the Afro-American Society (AAS), which now has changed its name to Black Liberation Front: "Until black people in this country are liberated, and until black college students are in a position where they can effectively work for that, we won't stop. It is not a question of how far we will go. There are certain things that are wrong. And until these things that are wrong are made right, we won't stop."

The trustees and alumni are furious. The mail to the administration is counted not by individual pieces but by boxes full. It runs at least 5–1 against the administration's position. Meeting in special session last week, the Board of Trustees pledged that "tactics of terror will be met by firm and appropriate response" and that "duress, intimidation, and violence . . . are unacceptable as expressions of dissent."

The public's reaction is mostly sharp and nasty. "I didn't think you could call a Western Union operator and dictate some of the words that were sent to us," says Steven Muller, vice president for public affairs. Aside from the writers of such mail, the calmer people are plainly belligerent. President Nixon seemed to speak for them when he said last week: "When we find situations . . . where students in the name of dissent . . . terrorize other students and faculty members, when they rifle files, when they engage in violence, when they carry guns and knives in the classrooms, then I say it is time for faculties, boards of trustees, and school administrators to have the backbone to stand up. . . ."

This, then, is the setting for the "rebirth" of Cornell. It is the situation facing other colleges and universities, and, indeed, the whole nation. There is a need for a clear understanding of what happened here.

Whatever the cosmic issues, the event that galvanized the public's attention on Cornell, that gave it something of the milestone status of Berkeley and Columbia, was the arming of the black students who had captured what Cornell students call "the Straight." And the single moment that said it all was the black students' carrying their guns high as they walked out after the compromise. The moment was fixed by a photograph that appeared in hundreds of newspapers. "Oh, that picture, that damned picture," moaned a high Cornell official last week.

The administration's settlement drew charges of capitulation and cowardice. "You don't do things for applause," says President Perkins in hindsight. "Our decision was a balancing of lives and property on the one hand and the standards of authority on the other. We would have had it under control but for the guns. That made it a whole new thing."

It is commonplace on campus now to look back and see how events have built toward the present state over several years. Most of them are interpreted differently depending on one's point of view. The only certainty is that the seizure of the Straight was not the beginning of Cornell's trouble.

Professor Berns says that he has been keeping a file over the past two or three years of incidents gone unpunished and issues on which the administration has softly compromised. "It's really incredible," he says, "but not a single item of punishment, except for the wrist slap [the reprimands] a few days ago, has even been handed out."

Professor Berns is among the most bitter members of the faculty. He is not, however, alone. And the faculty is, of course, the heart of an institution like Cornell. Its quality is the reason good students want to come here.

The center of faculty bitterness is Sibley Hall, an ancient, drafty building that smells of disinfectant and houses one of the most impressive groupings of academic talent in the world—the history and government departments of Cornell University.

In Sibley one day last week, three of the brightest luminaries gathered with John Morton of The National Observer to state their positions. They were Allan Sindler, chairman of government; Professor Berns of government; and Professor Kagan of history. All three are leaving. Mr. Kagan already had resigned to accept a position at Yale; if he had not before, he would now, he says. On Professor Berns' desk that day, not long after his resignation was announced, were six telegrams from universities offering him jobs and messages asking him to return calls to several others, among them Harvard and Yale.

EVALUATING ALL THE FACTS

"If you teach history or government," says Professor Kagan, "in a way you are engaging in the very human business of asking why human beings behave as they do and what effects their actions will have and how we should evaluate how they behave. When we here a statement, immediately our minds go 'click' and we say to ourselves, 'Aha! What's on the other side of it, what are the other facts on the issue?' It arms us not to be fools and dupes as other men often are, not because they are stupid but because they have had no training in this kind of evaluation."

To which Professor Berns added: "We are confronted constantly with the consequences of lack of courage."

Professor Sindler identifies the central issue as academic freedom, which he believes was compromised by the administration and students who pressured the faculty into its reversal. "There has been a year and a half's pattern of not setting limits on what is and is not permissable on campus," he says. "There has been no education from the university down to the student on what the limits are."

Mr. Berns: "I am a teacher. I am not willing to become a general of troops. I've been besieged by deputations of students, even crying students, wanting me to stay and fight. I won't. They can if they want, and if they do and if they do win, they will save something I now hold in utter contempt.

"What we are is a bunch of damned New Deal liberals and the difference between us and those others is that we don't have yogurt spines. The only fresh air on this campus is here in the government and history departments. And I'm proud of it."

The pride shows. Professor Sindler noted that both colleagues in the room, as well as Walter F. LaFeber, chairman of the history department who has resigned, and Allan Bloom, a professor of government on the brink of resignation, all have won the annual award as the oustanding teacher on campus for the year. Says Mr. Kagan:

"One element of this is what I call the revolt of the mediocrities. Very few people who are oustanding as students or professors are involved in this. People who can't make it are always rebeling one way or another. Go look up the enrollment figures and see how many students enroll in Walter Berns' classes or LeFeber's classes—they have to turn students away. Compare that with some of those on the other side. What is the test of quality? How is it that men of this quality—quality that the students have recognized—should be in this position? In a way the students have chosen between Berns and LaFeber on the one hand and their opponents on the other. If they think they have made a happy choice, well, God bless them."

Among those on the other side of the faculty quarrel is Walter Slatoff, professor of English, chairman of the faculty-student human-rights organization, and one of the 60-plus faculty members calling themselves "concerned faculty" who worked toward a calm settlement. He has a different response than Professor Sindler to the charge of coercion.

"The resignations and threats of resignation were coercion," says Professor Slatoff. "This was the faculty equivalent of taking over a building." The faculty meetings seemed to him to show an incompetence to deal with realities. "I felt at that point that the faculty was hopeless. They were jeering and shouting at each other.

"The tragedy was that there were so many points at which all of this could have been averted. Nobody ever wanted to suspend the students—there would have been resignations all over the place," says Professor Slatoff. "The faculty became so wrapped up in its judicial machinery that it couldn't make a decision.

"By Tuesday night it was clear that one of two things had to happen. Either an enormous number of police would have to be on campus to maintain order or there would be a granting of black demands, which simply meant nullification [of the reprimands]."

The latter occurred Wednesday, followed by the "Barton Hall spirit"—the mass meetings of students in the university fieldhouse—that demonstrated to Professor Slatoff more responsibility and awareness among the students than in the faculty. "In talking to these kids you find a level of understanding and complexity of positions that you wouldn't believe—better than the faculty." He believes that the students in effect persuaded the faculty to act rationally.

The principal achievement in his view is that violence was averted, thus clearing the way for constructive improvements. "Other schools have tried the police route—Harvard, Columbia—and have shut down. We haven't yet."

Representative of the scores of faculty members in the middle is economist Dennis Mueller. He supported the original faculty decision, then joined in its reversal two days later. He is disturbed that "a lot of students didn't understand" the original decision. He felt the decision was neutral on the merits—that is, not to approve the reprimands but simply not to reverse them under pressure.

"I don't think there are procedures that can be set up to deal with campus incidents like this. If there were procedures I'm sure we wouldn't set them. This would involve line-drawing, which the university is not prepared to do. The university and its faculty are against violence. We are prepared to redraw lines rather than stand behind them and draw violence."

Professor Mueller, whose field is corporate economics, draws a parallel between large universities and large corporations, which continually suffer internal problems. "A university is a bureaucracy just like a corporation or the Pentagon and is subject to loss of communication. The communications problems here are such that it's impossible not to have another crisis."

The student awareness of which Professor Slatoff spoke has been translated into action through what is now known as the Barton Hall Community. The mass meetings finally approved a call for a constituent assembly that would recommend changes in the governing of the university. It would have representatives from the undergraduate student body, graduate schools, and faculty, selected by departments; from the administration; and from special-interest groups. The black students, the white students decided, should be over-represented in relation to their numbers.

The possible changes are now being discussed by drafting committees. Whenever the committees finish, they will report back to a mass meeting. What will happen then—for example, how much authority the faculty will surrender and how the black students will take it—no one can be sure.

The students are excited about what they are doing. And if, as Professor Kagan said, they chose against their best teachers, they seem not to be sorry. Professor Berns said at one point: "Please stress this—there is no antiblack sentiment on this campus." It is hard to find a single student who agrees with him.

Theodore W. Landphair of The National Observer talked to dozens of students; they exhibited a compulsion to confess past inequities toward blacks. In a typical fraternity house—fraternity men are considered by black students to be enemies—there was support for the black position. "One of the reasons the last few days have been so illuminating to me," said one junior, "is they have brought out the fact that there is a racism problem on this campus. It's not a blatant thing. Blacks are treated on the surface as equals, but there are just so many things in society that are inbred in all of us and that have to be brought out sooner or later."

CENTERED ON THE RIGHT ISSUES

The faculty "capitulation" won overwhelming white-student support. From another fraternity man: "The only thing a tough stand would have done—bringing in police or something—would have been to cloud the issues. We would have been in an entirely different atmosphere; police brutality or the administration's toughness would have been the major issues. As it is, the whole discussion has centered on the racism controversy and the restructuring of the university."

Another: "Those people who say 'capitulation' are separating two issues. Blacks for months have been trying to get something done. The seizure was not the first resort; it was a last resort. So how can we separate the action of taking over the building from the racism issue itself. What is more important? That someone seized a building or that we have a chance to destroy some of the vestiges of racism?"

Many of the students seem convinced that outsiders, especially, don't understand the issues. "I called my parents," said one sophomore. "I got in a big argument with my father. I said, 'Look, wait until I get home to make up your mind, so we can discuss things intelligently.' I told him to keep his mind open and his eyes shut. He started hitting me about the gun issue."

A senior added: "I got sort of the classic reaction. My parents told me because I'm a senior with a month to go, stay out of it. I wrote a letter to my summer employer. In the letter he sent back, he said in the last line, 'I hope things are going well at school and that the issues we're reading about in the newspapers aren't touching you.' This is sort of typical of the way people outside feel."

But the students are not surprised at such reactions. "Just two weeks ago," said one, "you would have found most of us a lot less concerned. We saw Harvard and a lot of other places, but we were here and they were there, and you didn't have to question yourself. Right here we became part of it. You didn't have to take a stand, but you had to question."

In one conversation, writer Landphair asked about the possibilities of destroying the university itself. He got this response from an upstate New York junior:

"That's a very interesting comment, that we have a chance now to destroy it, where we couldn't destroy it before. That's why I'm a little ticked off at some of the professors who are leaving, who feel that they can no longer teach without being intimidated. I view the situation as an entire re-evaluation of our system and a re-evaluation of each individual within the system. Something very substantial, very creative can come out providing that everybody has his part. The real issue is whether we can make something viable, something that's going to last, that's going to satisfy the needs of everyone within the community. That's why I feel the professors' leaving is a sorry thing."

The next comment, from a senior: "Especially Professor Berns. There is a true need for somebody on campus who doesn't feel as most people do, to make people substantiate their arguments and to show us we're wrong in certain instances."

Not a few people at Cornell have found out in the last few days that they are wrong, or at least that things aren't what they seemed. One thing is the institution's relations with black students.

AS WHITE AS POSSIBLE

Says poet Don Lee, who joined the faculty last fall as its first black writer in residence: "Schools like Cornell and Harvard bring blacks in and try to assimilate them into the school community—the white community. They try to make them as white as possible so they will fit into the predominantly white society after graduation. But we don't want black men graduating with white faces. Up until now, white people have taught us. Now we are saying, 'Look at the job you've done. We want to do it from now on. Sure, we'll make mistakes, but at least they'll be our mistakes, and we won't have anybody to blame but ourselves.'

"Black students understand that cities—and universities—cannot be pulled down with guns and Molotov cocktails. But they also understand what power—political power—is. They've learned that from white society.

"Up to this point, black students have fallen for the myth that it is good to emulate white standards," Mr. Lee says. "I went through school without being required to read one black author. But now we are looking at our own race, and we are seeing that our people have made a lot of contributions to the world too."

The National Observer's Daniel Greene had to do considerable negotiating himself last week before he was able to speak with Mr. Lee and other black teachers and students. They don't like to speak to the press. They don't trust white men easily. Once Mr. Greene did get to the blacks, he heard angry recountings of a long series of broken promises, racial slurs, and subtle manifestations of bigotry. The blacks have essentially the same list of events that Professor Berns has; they just see it differently. He

sees those events as crime without punishment; they see them as a series of frustrated attempts to make their education more pertinent to their needs.

Cornell has a long history of teaching black students, but always a handful; its costs and standards always have been too high for most. In 1963 the university welcomed eight black freshmen, and a new president, James Perkins. His concern for Negro education led to the founding of COSEP, the Committee on Special Educational Projects. Its main purpose was to recruit black students from ghettos and the rural South whose official credentials were not good enough but who seemed to have what it takes. To direct this task, the university chose a black woman sociologist, Dr. Gloria I. Joseph, who speaks the students' language. Academically, the gamble looks good: The first full COSEP class will graduate this June; before the current trouble, only six of the original 39 students had left the university.

EXPERIMENT IN COOPERATION

For a while the whole experiment of cooperation looked good. In the academic year of 1966–67, after charges of discrimination by fraternities, the Interfraternity Council (IFC) put Phi Delta Theta on social probation for the year; the school paper devoted a supplement to black power; IFC and the newly-formed Afro-American Society cosponsored a "soul of blackness" week.

But tensions grew. In February 1968, the AAS asked for a co-op residence for black women "because of the incredibly hostile atmosphere in the dorms." The demand was granted. That spring, black students charged a visiting professor of economics with racism. When their protests seemed vain, they trapped the department chairman in his office. The special commission that investigated recommended against punishment of the students, concluding: "The local situation cannot be understood apart from the pervasive awareness of students of world and national events in race relations. Especially crucial is the high sensitivity of some black students to any hint of derogation of racial (or, sometimes, cultural) categories."

President Perkins urged the white community to "be sensitive to the possibility that they may unconsciously reflect white racism in forms of speech and behavior to which they are accustomed." Then last fall he announced plans for a black-studies program. It was to be developed by a 17-member committee, with nine black members but a white chairman.

Meanwhile, the concept of the Afro-American Society was changing. Last winter, a group of 50 blacks marched into a black-studies committee meeting and announced it was taking over the program. About the same time, the AAS evicted a small staff of education-department employes with whom they shared a building at 320 Walt Ave. and turned it into their own headquarters. They foraged through the university one night for furnishings; campus police retrieved most of the things. In pressing demands for a separate dining room, they danced on tables in the Straight Cafeteria.

In December the AAS demanded an autonomous Afro-American College, totally controlled by black people. That was refused, but President Perkins did pledge again that a black-studies program would start in the fall with a black director; the Board of Trustees appropriated $225,000 to start it. The president also promised to add a black psychiatrist to the staff. Cornell now has a total of 11 black people on faculty and staff.

From the events of December sprang the changes that culminated in the seizure of the Straight. Six students were charged (one later dropped out of school). The black students protested on three grounds: First, that the 6 were symbols, no more responsible than 40-plus others; second, that the disciplinary body was unrepresentative because there were no blacks on it; finally, that the university judicial machinery had no right to judge a matter in which the protest was against the university.

DECISION—CROSS—SEIZURE

The students refused to appear for a hearing. A decision was postponed several times. Finally, on April 17, the committee decided to try them in abstentia, which it could have under the rules all along. Several hours later came the verdict; two acquittals, three reprimands. Barely an hour after it was announced, a cross was burned at Wari House, the black coeds' co-op. Then the seizure.

"What is really happening," says Mike Thelwell, a militant black writer who joined the faculty as a resident fellow this semester, "is that the whole education system in this country is being attacked by groups that have been traditionally excluded from it. I don't think that minority groups are going to tolerate the way the universities have always functioned—as an adjunct of the ruling class."

Professor Thelwell has his own view, too, of the guns: "This is hunting country. There have always been guns on this campus, guns in the hands of the ROTC, guns in the hands of the white police, guns in the hands of the fraternity boys. Guns on campus is nothing new; what was new, and shocking to the whites, was the sight of guns in the hands of black students.

"The guns served to cool things off," Mr. Thelwell continued. "If the brothers hadn't had guns in there, their heads would have been busted. That's the way this society has traditionally responded to black people who fight for their rights. It meant that the last card, the trump card that the white system has always reserved—that is, the use of violence—was taken away from them. They could have gone ahead and used it anyway; but who knows how many white people would have been killed in the rush?"

If black students are not satisfied with the way that America's educational system is treating them, Mr. Greene inquired, what are they going to college for? Replied Robert Jackson, a slender Harlem youth who is a spokesman for what is now the Black Liberation Front:

"We are here to get certain types of things, technical and intellectual resources, that black people need to struggle for liberation in this country. Traditional education does not address itself to the needs of black people today. What relevance does Shakespeare have for the black community? I've read Shakespeare, but I wish I had spent that time reading Baldwin, Ellison, and Wright."

Adds strapping Ed Whitfield, the Front's chairman, who graduated fifth in a class of 600 from Little Rock Central High School of desegregation fame: "Education for us isn't a nicety. It isn't something you do between high school and whatever else you want to do. It should be aimed toward the liberation of poor black people."

Bob Jackson sets out to explain the black students' attitudes: "The COSEP program was designed to bring black students here, but it didn't address itself, once they were here, to things like living units or the food black people eat—it is different from the food white people eat in this country. When we demonstrated in the Straight last winter, we were trying to show that black people had no place where black people could eat the food that was indigenous to our community and listen to music that was indigenous to our culture. So, since the university had never taken us seriously about an Afro-American studies program, we wanted to bring this to the attention of the university on a different level—through our culture. Our problem is the university seems to be negotiating in good faith, but it doesn't take us seriously. We take our education seriously."

Education has certainly been different at Cornell in the past two weeks—for everybody, including President Perkins.

"We have learned that that level of violence, the presence of guns, is something a university can't handle by itself," says Mr. Perkins. "I would advise any university to check its relatoins with civil authorities. We had, but guns made it all different. We must learn the rules of gun control—what rights we have to bar guns, on campus and off, rights of confiscation, whether this extends to faculty. In this case we must have police; we can't do it by ourselves.

"Second, we must recognize that once you are 'the incident,' whether it be Berkeley, Columbia, Harvard, or Cornell, you are in the grip of the mass media. They report all the events, interview everyone who has a complaint, and sometimes they aren't interested in cooling down the story.

"Third, there ought to be a better understanding on the part of both black and white about the question of whether more blacks should be admitted to the institutions. There are anxieties for blacks, concerns for whites. They are played down, unstated. But they can erupt."

And what is the lesson for Cornell? President Perkins:

"If at the end of the semester, there is not a common, binding, sincere effort on the part of the administration, faculty, and students toward a more progressive, forward-looking institution, then the price we paid was too high. If, on the other hand, the administration, faculty, students and others face the problems and build, then history will treat us more kindly."

REPORT FROM THE MIDEAST

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. BROWN of California. Mr. Speaker, over the past months, residents of the Los Angeles area have been receiving on-the-spot reporting of the current situation in the Middle East from Carol Stevens Kovner, managing editor of Kovner Publications.

In two recent dispatches, Miss Kovner tells of Arab shelling of Eilat and of Israel's 21st birthday. I would like to insert these reports into the RECORD at this point:

THE SHELLING OF EILAT: LOS ANGELES' SISTER CITY IN ISRAEL

(By Carol Stevens Kovner)

The shelling of Los Angeles' Sister City of Eilat by the Jordanian City of Akaba has been expected for months. Ever since a rocket attack in the fall of last year, all building was stopped on the new city square and funds and workmen were concentrated into building deep and strong concrete shelters all over the city for its 12,000 inhabitants. The shelter program was first priority, when I visited Eilat in November, 1968.

But Monday's attack on Eilat occurred at 4 a.m. in the morning when the small city was packed with Israeli tourists for the Passover season. The attack occurred with thousands packing the hotels to capacity and the overflow sleeping in tents on the stony beaches of the resort area.

The news reports of Israel hitting civilians in Akaba in reprisal was the kind of twisted propaganda reports from the Arab public relations service of the terrorist organiza-

tions filling US newspapers these past months with the "heroic" actions of blowing up students shopping on the Sabbath in Jerusalem supermarkets, or shooting Israeli air line passengers in the head while they are strapped to their seats.

The fact that the Jordanians shelled Eilat, a peaceful port town, for the second time since 1967, and in an attempt to kill civilians in their beds is overlooked, it seems.

Eilat is a tourist city. It is not a war depot. It is not a "settlement in Israeli occupied territory" as was reported in a notoriously "accurate" daily newspaper in Los Angeles.

Eilat is Israel's southernmost port. Eilat is Israel's oil pipeline, the life blood of any modern industrial country. The residents of Eilat, a great many of them former Americans who have helped to build the city, say they are the leading pioneering town of Israel, but Eilat has been a part of Israel since the founding of the state in 1948.

It began to grow in 1956 when the Sinai war stopped the fedeyeen raids from Egypt and made possible continuous communication with the rest of Israel. The town of 600 grew to a modern small city with all new American style buildings, some quite beautiful. It has the most modern new hospital in Israel designed, of course, with shelter in mind from the shelling from Jordan.

Half of Eilat's young population, the youngest statistically in Israel, are refugees from Arab and North African countries, mostly Morrocan Jews. They have married the tough sabras who licked the hostile environment and made a liveable place in the desert. At first they didn't have even decent water to drink but now, with a desalinization plant, they have the purest water in Israel.

It is a dynamic little town, conceived with commerce and the tourist business foremost in mind. What interests Eilatese is their shipping, and their most thriving industry, the fabulous jewelry workshops that transform the semi-precious stones from King Solomon's mines into the most beautiful of jewelry, in ancient and modern designs.

Eilat is a town striving with all of its might to be an international resort of Europe. It has no reason to shell or bomb Akaba's citizens. The surprise attack by the Jordanians was a foolish move. The town of Akaba is extremely vulnerable, three miles from Eilat and on a lower plain. It is Jordan's only outlet to the sea lanes of the world.

Akaba is so vulnerable, yet even when King Hussein speaks of his desire for peace on national U.S. TV—and he is sincere in his desires for peace, there is not a doubt that only peace will insure his survival, save his own life and his kingdom—the suicidal attack on Eilat occurs.

When Israel jets bombed Akaba (this is now standard Israeli military procedure in all shellings of Israeli cities and kibbutzes) it was not "retaliatory" in nature, as reported in the U.S. news services.

When Israel hits back hard, it is saying to the world once again, Jews will not be slaughtered like sheep in their own country. When Israel is attacked she will hit back hard and fast, but only when she is attacked.

Coming back by El Al, elaborate precautions were taken to insure the safety of the passengers from terrorist attack. When a country's only airline passengers must be bussed from remote corners of international airports in order to avoid being killed by Arab terrorist bombs, I fail to understand the sympathy shown for the little King's tears in Washington this week. He started it first, man.

In the 1967 war, the Jordanians were told by Nassar the Egyptians were winning the war, giving the Jordanians the incentive to attack Jerusalem, Jewish Jerusalem. Israel would not be in the West Bank at all if King Hussein had just kept his American-made guns to himself in 1967.

In the Negev this week, the same foolish thing happened again, Akaba shelling Eilat. The Israelis are in no mood to trifle with those who kill their civilians. After this winter of terrorist bombing in Jerusalem market places and the shelling of peaceful kibbutzes of the north along the Jordan border, after the attacks on the El Al airline, the Israelis are not in the mood to be gentle.

ISRAEL'S 21ST BIRTHDAY

(By Carol Stevens Kovner)

On the occasion of Israel's 21st birthday on April 23rd, shooting along its borders initiated by its enemies was the background to the celebrations in its streets; not a military parade of tanks and guns and troops—but school children marching in a two-hour parade.

The big event in Jerusalem this year was a four-day march into Jewish, Arab, and Christian history.

Young and old hiked the beautiful hills, terraced with ancient walls, vines and figs bursting into spring growth and olive trees, many dating back to the time of the early Christians. As the march climaxed in Jerusalem, Israel's capital city, this year Arab citizens of Jerusalem stood among the crowd to watch.

Commenting in honor of Israel's birthday in the House of Representatives of the United States, one member said there was no reason to doubt that Israel could do for the entire Middle East what it had already done within its own borders, perform a miracle of development." Israel sits as an island of plenty in a sea of hunger and poverty," he said.

Not true. Half of Israel's population would be considered poverty-level in the United States, although they do not want for health and welfare aid, and free education to age 14, soon to be 16. But they live in below standard housing, slums in too many cases.

Of course, these people were living in unspeakable conditions in Baghdad, Cairo and Damascus. From Yemen especially, the Jews are tiny and fragile, stunted from centuries of undernourishment.

Coming as refugees, thousands only as recently as after 1956, a tiny house or apartment in a development town or agricultural village, or kibbutz, a water heater powered by the sun, food they grow themselves, a sheep or two and they have it made.

It took 21 years to bring these refugees from 70 different countries to this standard, more than one million of them. It is a dream to expect Israel to perform the same miracle for over 100 million Arabs, while struggling still to provide for her own people.

Peace in the Middle East would allow development of the Arab countries by their own people. Effort now wasted in learning Jewish hate propaganda from the first grades through college could go into learning and technology—and the teaching profession, the most needed. Only in this way can Egypt, Jordan and the other Arab neighbors of Israel catch up to its agricultural and industrial development, its miracle.

Israel could share much of her know-how with her neighbors but they can teach much to Israel. The Arabs can offer Israel the richness of her cultural past. The food in Israel is already predominantly Arab, and much of her dancing is Arab-inspired. Half her population are refugees from Arabian and North African countries, with a centuries-long Oriental tradition. Jews are learning the Arab language by the thousands today in Israel, particularly since the Six-day War.

Economically, over 10,000 Arabs from the occupied or administered territories have jobs in Israel, working on roads, in agricultural work and in factories. Ways are being found to help the territories directly by starting factories, helping with the shipping of citrus products from Gaza, and with agricultural assistance. This is being done now, not some time in the future.

There is a meeting ground today between Jew and Arab, but the politics of the powerful nations obscure the issues, overload the parties with weapons for overkill, and interfere to keep the pot boiling.

When Jew can meet Arab as equals across a negotiating table to decide their own fate, instead of America and Russia trying to make a deal to serve their economic interests in the Middle East, then might there be a chance for friendship among the Semites.

EXTORTION AND COMPLICITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1969

Mr. RARICK. Mr. Speaker, constitutional thinking Americans are aghast over the blackmail-type "reparations demands"—including disruption of religious services—by the so-called United Black Appeals.

Many wonder what happened to the freedom of religious worship and separation of church and state under the Bill of Rights. Perhaps these concerned citizens are not aware of what happens to organizations which take Federal funds but apparently the black militants are. The race issue is interpreted by some with purse strings as paramount over all constitutional provisions.

Recently an announcement appeared in a South Carolina paper indicating a church expects to receive $2.5 million in HUD funds to construct housing for the elderly.

And, if the church meets the "reparations demands" who will, in actuality, pay the blackmail but the U.S. taxpayers through Federal funds—in this instance HUD? Any "reparations funds" can be expected to be used, in turn, to further embolden the activists, draw more recruits into their ranks, and further alienate them from society.

I include several recent news clippings, as follows:

[From the New York Daily News, May 14, 1969]

FORMAN MEETS BISHOP, CALLS THE DEMANDS JUST

(By Edward Benes)

James Forman, Negro militant, terms his request for $60 million in "reparations" from the Episcopal Church an amount which "may be unlikely to most people, but not unlikely to me."

He made the statement yesterday after meeting with the Rt. Rev. John E. Hines, presiding bishop of the Episcopal Church in the United States, at the church's national headquarters, 815 Second Ave.

It is part of the campaign waged by Forman, chairman of the United Black Appeal, demanding $500 million from "racist" churches and synagogues for use by the National Black Economic Development Conference as outlined in a Black Manifesto.

CONFER FOR AN HOUR

Forman and his aides met for more than an hour with Bishop Hines and other leaders of the Episcopal Church. The demands had originally been presented at the church's headquarters May 1 when Bishop Hines was out of the country. Hines returned Monday.

A church spokesman said no statement would be made on the meeting, but Forman called it "productive and conducted in a warm, friendly atmosphere."

"I realize that Bishop Hines is not a one-man outfit, he has to consult with others, but I expect some positive results to come from the Episcopal Church," he said.

WANTS 60 PERCENT OF PROFITS

Forman, in a letter presented to the bishop, asked, in addition to the $60 million, 60% of the profits from church-held properties. He demanded a complete listing of all assets of the Episcopal Church in all dioceses. A church spokesman said the church's national budget is about $14 million, with about $3 million earmarked for projects proposed by community groups for use among the poor.

Forman said the $60 million could be raised if "the church would divest itself of it's outside holdings and become purely a religious entity." He likened the Catholic Church to General Motors. "In fact," he said, "the Catholic Church is more powerful."

The black leader said his reparation demand was gaining support and thanked his supporters, including the sit-ins at Union Theological Seminary, 120th St. and Claremont Ave.

OPPOSITION DEVELOPS

However, serious opposition arose among other students at the seminary concerning the sit-ins and the principle of "guilt payments" by churches and synagogues. Opposing students debated the sit-inners at a teach-in conducted by the latter.

The sit-inners, who had been occupying the administration building since Sunday night retreated to the seminary chapel at 11 p.m. Monday. A spokesman for the rebellious students said they would remain in the chapel until the seminary's board of directors meets tomorrow night. The rebels will then present a demand for $1.1 million from the school and its benefactors, to be donated to Forman's group.

[From the Charleston (S.C.) Evening Post, May 9, 1969]

TEXAS FIRM BIDS LOW ON HOUSING UNIT

The Campbell Construction Co. of Texas was the apparent low bidder on the construction of a high-rise apartment building on Market Street. Bids were opened yesterday at South Carolina Episcopal Diocese headquarters.

The company's bid, lowest of five, was $2,548,000, and was approximately $400,000 above the estimated cost, a spokesman for the diocese said.

The 13-story building will be used for the elderly. Facing on Market Street it will be bounded by Archdale, Logan and West streets.

The building is to be constructed with funds made available through a loan by the federal Department of Housing and Urban Development.

Representatives of the diocese and Lyles, Bisetst, Carlisle & Wolff, architects for the building, will go to HUD headquarters in Atlanta next week to study the bids.

The building will contain 204 units especially adapted for the elderly. Rental costs are expected to be $76 to $112 a month.

[From the Washington (D.C.) Post, May 5, 1969]

BLACK'S DEMANDS DISRUPTS COMMUNION

NEW YORK, May 4.—The leader of an organization demanding that churches and synagogues throughout the country pay $500 million as reparations to Negroes today forced a communion service at Riverside Church to be terminated five minutes after it began.

James Forman, director of the National Black Economic Conference, which made the demand April 26, tried to read a list of five demands his group was making on the church just after a hymn opening the 11 a.m. service had concluded.

As Forman began to speak before an estimated 1500 worshippers, Pastor Ernest Campbell interrupted him. When Forman refused to stop speaking, Mr. Campbell led the blue-and-white robed choir out of the church and an organ began to play loudly.

The worshippers began to file out and the organ continued to play for about 10 minutes as Forman remained standing in front of the altar. When the music stopped, with a majority of the congregation still seated or standing at the rear of the church, Forman read his demands, which include:

That the church give 60 per cent of its yearly income from stocks and real estate to the Negro organization.

That the church donate an unspecified proportion of its income from pensions, retirement and investment funds to the group.

That the Negro group be allowed free office space, use of telephones in the church, and the unrestricted use of the church's radio station, WRVR, for 12 hours a day and all day on weekends, except for those times when services are broadcast.

That the church use its influence to raise the $500 million.

[From the Washington (D.C.) Post, May 3, 1967]

A VIEW OF RELIGION: DROP IN GIVING WORRIES EPISCOPALIANS

(By William R. MacKaye)

"The Episcopal Church is in deep trouble," an acquaintance of mine, a staff member of that denomination's national headquarters, said to me the other day in New York.

For evidence he pointed to the shortfall in contributions to his Church's national headquarters that recently required the Episcopal Executive Council to pare its 1969 budget by 8 per cent.

"Furthermore," he continued, "I fully expect our decline in income to continue for several years."

This falling of income is not peculiar to the Episcopalians. Other major religious bodies appear to be suffering similar reverses.

Leaders of the United Presbyterian Church, for example, are currently studying disquieting figures that indicate their members decreased their benevolence giving from $77,397,000 to $72,979,000 between 1967 and 1968. In the same period, by contrast, they increased their contributions for other purposes—mainly local church construction, renovation and operation—from $275,613,000 to $276,478,000.

United Methodists are receiving decidedly mixed first year's reports on the progress of their ambitious four-year, $20-million Fund for Reconciliation.

With reports in from 37 of their Church's 45 episcopal areas, quotas of slightly more than $22 million have been accepted. But only $13,068,000 has actually been pledged by prospective givers, and Bishop Paul Hardin Jr., chairman of the Council on World Service and Finance, disclosed the other day that only $600,000 has actually been paid in to the national treasurer.

No figures were immediately available on how Washington and Maryland Methodists have responded to the Fund for Reconciliation drive. The Fund is to be applied to problems of racial injustice and poverty.

But in the Methodists' Virginia Annual Conference, which includes the Northern Virginia suburbs, pledges so far have reached only $724,615, nearly a half-million dollars short of the Conference's $1.25-million goal.

Even the Roman Catholic Church, which combines its traditional secrecy about money matters with a reputation for efficient money raising, seems to be suffering reverses, if the failure of the bishops' fund drive for Catholic University can be taken as indicative.

The private document University officials distributed to the Nation's bishops three weeks ago, which subsequently came into the hands of some newsmen, does not seem to bear out charges from some quarters that the drive failed because conservative bishops were punishing the University for tolerating theological dissent on its faculty.

It does suggest that pressures on the pocketbooks of many bishops, particularly of smaller dioceses, barred them from responding as they said they would to a call for increased subsidization of the University.

One year after they pledged $4,378,000 to the University the bishops had paid in only $2,722,000.

Various interpretations have been placed on this growing thriftiness by laymen. Some see it as a consequence of a simple increase of selfishness among churchgoers, others as a sign of silent protest by the man in the pew against the growing involvement of church leaders and other clergy in social protest activities.

Still others wonder if the decline in giving does not result from the laity's new awareness that the churches are no freerer than other organizations from the temptation to endlessly multiply their bureaucracies.

My acquaintance in New York suspects this last possibility may be the most significant.

"People want to feel some sense of personal involvement in the programs to which they give support," he said. He pointed out that even as his denomination's total giving was declining, Episcopalians rushed Presiding Bishop John E. Hines nearly twice the amount he asked in a special appeal for funds for direct aid to the hungry in Biafra.