

(4) Suspended sentences and probation are prohibited for second and subsequent convictions.

(5) There has been no change in the law since 1967, although several proposals to lessen the penalty structure are presently pending before the General Assembly.

TEXAS

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: 2 years—life. Subsequent: 10 years—life.

Sale: 1st offense: 5 years—life. Subsequent: 10 years—life. (Tex. Pen. Code art. 725b, sec. 23).

(4) Suspended sentences and probation are prohibited for second and subsequent convictions.

(5) Texas made slight amendments to their laws in 1969, distinguished between possession and sale (in effect, increasing the punishment for the first sale offense) and providing for suspended sentences (under prior law only probation was allowed to first offenders).

UTAH

(1) Marihuana is defined as a narcotic, although a distinction is made in the penalty structure, with marihuana receiving lighter sentences.

(2) Distinction is made between possession, possession for sale, and sale.

(3) Possession: 1st offense: nlt 6 months in county jail. 2nd offense: nlt 6 months in county jail, or 1–5 years in state prison, as may be determined by the court.

Possession for sale: 1st offense: 2–10 years. 2nd offense: 5–10 years. Subsequent: 10 years—life.

Sale: 1st offense: 5 years—life, 2nd offense: 5 years—life. Subsequent: 10 years—life. (Utah Code Ann. § 58-13a-44).

(4) Probation is specifically provided for for first and second possession offenders; parole is prohibited for all possession for sale and sale offenses.

(5) Utah amended their law in 1968 to lower the penalties for possession and to raise the penalties for possession for sale and sale. Under prior law the only penalty provision was nmt 5 years and/or nlt \$1000; subsequent was 5 years—life and/or nlt \$5000.

VERMONT

(1) Distinction is made between marihuana and narcotics. Marihuana is usually grouped with depressant and stimulant drugs in the penalty structure, and in all instances is distinguished from narcotic drugs.

(2) Distinction is made between possession, possession with intent to sell, and sale.

(3) Possession: 1st offense: sentence to any institution except the state prison for nmt 6 months and/or nmt \$500. Subsequent: nmt 2 years and/or nmt \$2,000.

Possession with intent to sell: 25 or more cigarettes, or ½ oz. or more; nmt 2 years and/or nmt \$2,000 (no second offense pro-

visions). 100 or more cigarettes, or 2 ozs. or more; nmt 5 years and/or nmt \$5,000 (no second offense provisions).

Sale: 1st offense: nmt 5 years and nmt \$10,000. Subsequent: 10–25 years and nmt \$25,000.

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Vermont repealed the UNDA in 1968; the new legislation greatly reduces the penalty structure, distinguishes marihuana from narcotics, and makes first offense possession a misdemeanor.

VIRGINIA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale, except that possession of more than 25 grains receives a heavier penalty.

(3) General provision: 1st offense: 3–5 years and nmt \$1,000. 2nd offense: 5–10 years and nmt \$2,000. Subsequent: 10–20 years and nmt \$3,000.

Possession of 25 grains or more: 20–40 years and nmt \$5,000. (Va. Code Ann. § 54-516).

(4) Suspended sentences are permitted for any offense except sale to a minor. Parole and probation are available to any prisoner.

(5) There has been no change in the law since 1967, but it is anticipated that marihuana will soon be removed from the narcotics laws, and possession offenses be made misdemeanors.

WASHINGTON

(1) Distinction is made between marihuana and narcotics; marihuana is classified as a "dangerous drug."

(2) No distinction is made between possession and sale (although all penalties are mild).

(3) General provision: 1st offense: misdemeanor, nmt 6 months and/or nmt \$500. 2nd offense: gross misdemeanor, nmt 1 year and/or nmt \$1,000. Subsequent: felony, nmt 10 years and/or nmt \$10,000.

Possession with intent to sell: 3–10 years and/or nmt \$5,000. (Possession in excess of 40 grams is prima facie evidence of possession with intent to sell).

Sale to minor: nmt 20 years and nmt \$50,000. (Wash. Rev. Code § 69.40.070).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Washington removed marihuana from the coverage of UNDA in 1969, and thereby greatly reduced the penalties, including making possession offenses misdemeanors.

WEST VIRGINIA

(1) No distinction is made between marihuana and narcotics.

(2) No distinction is made between possession and sale.

(3) 1st offense: 2–5 years and nmt \$1,000. 2nd offense: 5–10 years and nmt \$5,000. Subsequent: 10–20 years and nmt \$10,000. (W. Va. Code Ann. § 16-8A-23).

(4) Suspended sentences, probation, and parole are prohibited on all but first offenses.

(5) There has been no change in the law since 1967.

WISCONSIN

(1) Distinction is made in classification between marihuana and narcotics, but they receive the same penalties.

(2) No distinction made between possession and sale.

(3) 1st offense: 2–10 years. 2nd offense: 5–10 years. Subsequent: 10–20 years. (Wis. Stat. § 161.28).

(4) Suspended sentences and parole are prohibited for second offenses.

(5) There has been no change in the law since 1967.

WYOMING

(1) No distinction is made between marihuana and narcotics.

(2) Distinction is made between possession and sale.

(3) Possession: 1st offense: nmt 6 months and nmt \$1,000; 2nd offense: nmt 5 years and nmt \$2,000; subsequent: nmt 10 years and nmt \$2,000.

Sale: 1st offense: nmt 10 years; subsequent nmt 25 years. (Wyo. Stat. Ann. § 35-369).

(4) There is no prohibition against suspended sentences, probation, or parole.

(5) Wyoming amended their law in 1969, lowering the punishment for possession and raising slightly the punishment for sale. Prior punishment for both possession and sale was: 2–5; 5–10; 10–20, all with a fine nmt \$2,000.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES, 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia, Mr. President, for the information of the Senate, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. NELSON) to the second part of the House amendment to the Senate amendment in disagreement, numbered 83.

Mr. BYRD of West Virginia, Mr. President, I thank the Presiding Officer.

As a reminder to Senators, there will be a vote tomorrow at 1 p.m. And the able Senator from Wisconsin (Mr. NELSON) has expressed a desire that that vote be a rollcall vote.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia, Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 14 minutes p.m.) the Senate recessed until tomorrow, Wednesday, January 21, 1970, at 11 o'clock a.m.

EXTENSIONS OF REMARKS

FARMERS FOR FISHERMEN

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. PELLY. Mr. Speaker, a group of farmers of the soil have gone to bat for the "farmers of the sea," in a resolution. The Oregon-Washington Farmers Un-

ion, at their convention in Salem, Oreg., November 15, 1969, passed numerous resolutions including one concerning fishing off our coastline.

For the information of my colleagues, and without objection, the aforementioned resolution appears at this point of the RECORD:

RESOLUTION No. 6

Being that foreign fishing trawlers and their cannery's are taking such a very heavy

toll of our Pacific Ocean fish, including our various types of salmon, etc.

Therefore, be it resolved that Oregon-Washington Farmers Union go on record urging legislation to pass a law whereby: "foreign fishing boats must stay outside of our Continental shelf along the United States."

That copies of this resolution be sent to our U.S. Representatives and Senators to encourage action to help pass this legislation thereby helping all fishermen, both ocean and stream.

SECRETARY LAIRD REVIEWS FIRST YEAR OF NIXON ADMINISTRATION

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. LIPSCOMB. Mr. Speaker, the distinguished Secretary of Defense, Melvin R. Laird, on January 15, 1970, before the California State Chamber of Commerce at the Biltmore Hotel in Los Angeles, Calif., spoke of the new directions and new policies—both domestic and foreign—set this past year by the administration of President Nixon.

As a result of one of the most comprehensive and intensive studies of national needs and national resources that any administration has ever undertaken, the Nixon administration has embarked on vital new policies to achieve both new and old national objectives. After citing several examples in the domestic policy area, the Secretary provides a thorough and particularly valuable insight into the directions intended in defense matters in the period immediately ahead.

In order that Secretary Laird's remarks be given complete and serious consideration by all Members as we begin this, the second session of the 91st Congress, I recommend the full text of his address which follows:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD

It is only a few days short of one year since Richard Nixon became our President.

A little less than one year ago, in the historic setting on the steps of the East Front of the Capitol, Richard Nixon spoke his first words as President to the people of the nation.

"Each moment in history," our new President said, "is a fleeting time, precious and unique. But some stand out as moments of beginning, in which courses are set that shape decades or centuries.

"This can be such a moment.

"Forces now are converging that make possible, for the first time, the hope that many of man's deepest aspirations can at last be realized."

Today, one year later, it is too soon to say that 1969 marked the beginning of a new era in which man will realize his deepest aspirations. Yet it can be said that 1969 has been a year of change and that a beginning has been made toward better things for the people of our nation.

In Washington, new leadership has taken command. New policies, geared to the problems of the 1970's, have been introduced. New directions have been set. But before discussing these new directions and policies, let me introduce a note of caution. Although we have made progress, and it has been notable progress on many fronts, we are not about to run out of problems. Old problems still abound, and new ones are inevitably created as by-products of change and innovation.

With that note of caution, let me cite a few examples of the new spirit and the new purpose that saw the light of day in 1969 under the new Administration.

The President has proposed a sharing of Federal revenues with states and localities in order to halt excessive centralization and to reinvigorate state and local government.

The President has proposed a thorough overhaul of the welfare system, substituting for it a Family Assistance Plan to transform welfare recipients into productive self-sustaining citizens.

The President has proposed effective action

to stem the tide of crime and has waged unremitting attacks on the types of criminal activity that are subject to Federal jurisdiction, especially organized crime.

The President has made manpower training programs more comprehensive and more effective, resulting in an increase of one-third in the number of enrollees in such programs.

The President has used his powers vigorously to overcome hunger and discrimination.

The President has proposed dramatic improvements in transportation, notably in mass transit, in airway facilities and equipment, and in merchant shipping.

These examples are drawn from domestic policy fields. In foreign and defense policy as well, the Nixon Administration has moved in a new direction.

And the new direction in foreign and defense policy leads more surely toward realization of man's most profound aspiration—the desire for peace.

In 1969, our nation turned a corner and started on a new course away from the war in which we have been heavily engaged for almost five years and away from the danger of involvement in similar conflicts in the future.

We have embarked on a new policy to achieve the objective which our Nation has been pursuing in Vietnam. There are some, it is true, who say it is not new. Yet, in prior years, the number of American troops in Vietnam went up and up and up. Now it is going down. Clearly there is an important difference between increasing American forces in Vietnam—and reducing them. There is an important difference between a policy that places the major combat responsibility on our GI's—and one that places that responsibility on the Vietnamese.

Because the Nixon Administration has energetically concentrated on improving the training and equipment of the forces of Vietnam and on assisting the South Vietnamese to develop a more stable society, we have been able to announce since last June reduction of the American troop authorization ceiling for Vietnam by 115,000 men. We have been able to turn over to the South Vietnamese an ever greater share of the responsibility for defense of their country.

Let me repeat the word of caution that I voiced at the outset. The progress in Vietnam has been substantial, but it would be a mistake to expect no setbacks. There are battles ahead, and it would be surprising if all of them were won by the Republic of Vietnam. I don't make forecasts of future events. We should guard against overconfidence now when things are going well, and we should guard equally against exaggerated pessimism if the future brings some setbacks.

Of all the policy changes of the first year of the present Administration, none is more important than Vietnamization, for this new policy for Vietnam is in fact an application and a test of a broader policy toward Asia, which the President announced at Guam and which has been called the Nixon Doctrine. In the future, the President declared, we shall seek to help Asian nations that merit our support more by enabling them to do things themselves rather than by doing things for them. He summarized the doctrine in three principles:

"First, the United States will keep all of its treaty commitments.

"Second, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.

"Third, in cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

The Nixon Doctrine is a new policy, laying

the basis for a realistic form of collective security in a part of the world in which Western European nations are no longer willing to shoulder a major responsibility for peace and security. The doctrine is in harmony with the desires of Asian nations as they grow in vigor and in pride. It affirms the continuing interest of the United States in Asia, but makes it clear that we will not write any blank checks. It is a middle course between the extremes of isolationism and serving as global policeman. We reject both of these extremes.

We have made a beginning toward many other new objectives in the field of defense during this past year.

We are moving toward smaller and more efficient military forces. Assisted both by the diminution of our role in Vietnam and by management reforms, we can provide the security which the nation requires with a trimmer Defense establishment. By next June, we shall have reduced military personnel by about 300,000 and civilian employees by 72,000. These are significant cuts, and they are being made in the relatively short time span of one year.

Fewer personnel and better management plus a stiff backbone produce budget reductions. And we have reduced the defense budget, both in absolute terms and as a percentage of the Gross National Product.

I am not sure that the magnitude of the cuts that are being made is fully understood. The cuts made in the defense budget for the present fiscal year submitted by President Johnson amount to more than \$4 billion in expenditures and more than \$8 billion in appropriations. From the fourth quarter of 1968 to the third quarter of 1969, the spending of the Defense Department was reduced by \$3.7 billion at an annual rate and by a full percentage point in relation to the Gross National Product.

The Department of Defense in this fiscal year is spending less than 40 cents of every dollar disbursed by the Federal Treasury. This is a cut of 9 per cent from Defense's share of Federal spending in the last full fiscal year of the preceding Administration. When the President submits the budget for the coming fiscal year to Congress, it will reveal that defense spending will be approximately \$10 billion below the 1971 estimate of the preceding Administration. It will be the lowest defense budget as a percentage of the Gross National Product in 20 years.

The decisions reflected in these reductions were not arrived at lightly. They follow the most comprehensive and intensive study of national needs and national resources that any Administration has ever undertaken.

Everyone who has been exposed to an introductory course in economics knows that the basic economic problem is the allotment of limited resources to the satisfaction of unlimited wants. Those involved in Federal budget decisions for fiscal year 1971 have been grappling with this problem. The maximum resources which the National Government can command cannot be stretched to satisfy all the legitimate and meritorious claims made on them.

In his budget decisions, along with the objective of providing for national security against external threats, the President has weighed other objectives, particularly accelerated progress in meeting a number of pressing domestic problems and in curbing inflation.

In his judgment, and in mine, the reduced level of military spending will provide adequate and prudent defense. Any such judgment must be made subject to revision in view of the volatile character of many areas of the world and uncertainties about the future course of events.

Let me turn to another important change of 1969 which will affect many Americans in the years ahead. This year we shall be draft-

ing fewer men and using a more equitable system of selective service. No longer are young men compelled to undergo the uncertainty of the draft for as long as seven years of their lives. The period of uncertainty now has been cut to only one year, and the disruption of individual's lives has been substantially curtailed. By using a random method of choosing the individuals who will be called to service in place of a more arbitrary method of calling oldest men first, we have introduced a new element of fairness into the system. The reform of the Selective Service system, which few thought possible of achievement, is a major accomplishment. I think it has demonstrated, among other things, the willingness of the Administration to listen to the legitimate grievances of young people and to act to remove such grievances when convinced by rational discourse that corrective action is needed. Additional reforms will be proposed to Congress in the near future. The Defense Department is ready to testify in support of those changes to the Selective Service process.

The ultimate objective of the Nixon Administration is the establishment of an all-volunteer armed force and the elimination of the draft, except as a stand-by device. Although the nation is not yet at the point at which it can make this change in recruiting military personnel, again an important beginning was made in 1969. A Presidential Commission, chaired by former Defense Secretary Thomas Gates, spent the year in intensive study of how this transition can be accomplished. Hopefully, a number of reforms designed to increase the attractiveness of a military career can be offered in the near future.

It is particularly appropriate before this audience to mention management of the Defense Department. Something new has been happening in this area during the past year. For much of what has been achieved, the Nation is indebted to one who formerly had a place on the Board of your organization—my able Deputy, Dave Packard. Dave is a tower of strength in dealing with the whole range of problems that are encountered in connection with defense policy, but I have relied especially on his abundant talents in dealing with problems of management.

There have been accomplishments in the field of management, although substantial problems remain. In the acquisition and management of weapons systems, we have introduced new techniques to provide greater efficiency and particularly to reduce cost overruns, but the system we inherited is cumbersome, complicated, and not susceptible to instant change. We have established a Blue Ribbon Panel that is now studying the organization and operation of the Defense Department. From it I expect recommendations that will move us even further toward a management system that will reduce to an absolute minimum the waste and inefficiency that have characterized some practices of the past.

In the field of management, an important change has been made in the selectivity with which operations have been decentralized in some cases and centralized in others. Dave Packard and I both felt that the offices which we moved into a year ago were overly involved in making decisions that could be better made at lower echelons and in exercising detailed surveillance over operations at lower levels. We have sought to correct excessive and unwieldy centralization by shifting authority to the military services whenever greater efficiency was likely to result from such a transfer. Conversely we have centralized the function of resource management in the intelligence field, for example. I think the effect of such changes has been to increase efficiency at all levels. I cannot say that I have reduced my workload by this process, but I am able to devote more time

and thought to the most important problems, by permitting others to handle problems of secondary importance.

We have not hesitated to centralize authority when better policy formulation or efficiency dictate this course. But we want to realize the advantage of decentralization of management processes wherever possible.

I have been deeply concerned about the welfare of those American servicemen who are prisoners of war in Southeast Asia. For the families of the 1400 servicemen listed as missing in action, each day of uncertainty about the fate of a loved one is an ordeal which they face with inspiring courage.

During the past year we have made special effort to lay the facts about these men before the tribunal of world opinion. We have tried in a number of ways to persuade Hanoi to observe the rules of the Geneva Convention on prisoners of war by making available the names of prisoners, by establishing a regular flow of mail between them and their relatives, by permitting Red Cross inspection of prison facilities, and by releasing the sick and injured. We shall continue to make every effort to bring about observance of the Geneva Convention and to ease the ordeal of the wives and parents of missing servicemen.

I could go on indefinitely with a catalogue of changes in objectives and methods that have been instituted in the Defense Department in the past year. For example, I would like very much to discuss the President's new policy toward the instruments of chemical warfare and biological research which is designed to reduce the possibility that such weapons may be used in the future. But to talk further would be an abuse of your generous hospitality.

I began with a quotation from the President's inaugural address in which he expressed the hope that this might be a moment of beginning a new course.

Later in that address, he expressed more specifically the greatest hope that guides him as he discharges his fearsome responsibilities. The President said:

"The greatest honor history can bestow is the title of peacemaker. This honor now beckons America—the chance to help lead the world at last out of the valley of turmoil and onto that high ground of peace that man has dreamed of since the dawn of civilization.

"If we succeed, generations to come will say of us now living that we mastered our moment, that we helped make the world safe for mankind.

"This is our summons to greatness."
And this, may I add, is the spirit that guides the Department of Defense.

ROBERT E. LEE—BIRTHDAY OF A GREAT AMERICAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RARICK. Mr. Speaker, today marks the anniversary of the birth of Robert E. Lee, an outstanding son of the South, and one of the finest soldiers of America.

This date is a legal holiday in much of our land, and as we pause to pay tribute to this gallant gentleman, it is fitting to note his qualifications for his growing niche in history as one of the greatest of all Americans. A devout Christian, a true patriot, a brilliant general, and a farsighted educator, his life set a stand-

ard which all could well aspire to emulate.

The history of Arlington National Cemetery, across the Potomac from the Nation's Capital, is the story of Robert E. Lee and the first war to preserve the Constitution.

The Custis Mansion at Arlington, named for its early owner, George Washington Parke Custis, the grandson of Martha Washington and adopted son of the Father of our Country, was the prewar home of General and Mrs. Lee, the former Mary Custis.

The memory of George Washington was kept alive at Arlington. The collection of Washington relics there was the largest in existence, filling the rooms and the halls of the mansion. Custis welcomed all who wished to view them, and entertained his guests with tales of his early days at Mount Vernon. Many distinguished men visited Arlington, including Sam Houston, Daniel Webster, and Andrew Jackson. The aged Marquis de Lafayette was twice a guest there when he toured the United States in 1824 and 1825.

An author, dramatist, artist, orator, and man of culture, Custis used all his abilities to perpetuate the memory of Washington. He erected the first monument at the site of the President's birthplace in 1816.

The atmosphere of the home life at Arlington was warm and pleasant. Mrs. Custis was a devout Episcopalian, noted for her piety and simplicity. Diligent, where her husband was of an easy-going nature, she was in accord with him in making Arlington free from ostentation. Kept unspoiled by her parents example, Mary Custis was given the education considered necessary for a young lady of her position and, when she was old enough, taught the children of neighbors and servants. Although she was an only child, she never lacked companionship, for hospitality was the order of the day and the Custises were frequently hosts to relatives and their children. They frequently visited Ravensworth, formerly the home of Mrs. Custis and now owned by her only brother. There Mary must have played as a child with Robert E. Lee, for he and his mother were related to the Fitzhughs and often visited in their home. The two children are said to have planted some of the trees in the vicinity of the house at Arlington.

Childhood friendship turned to love by the time Lee graduated from West Point and was assigned to duty in the Corps of Engineers. Whenever possible he was at Arlington courting Mary Custis, and in the summer of 1830 they became engaged.

A heavy rain was falling as the guests arrived for the wedding on the evening of June 30, 1831, but inside all was warmth and happiness. None who were there ever forgot the ceremony in the parlor and the bridal feast that followed it. Honeymoon trips were not the custom at that time, and the newly married couple remained at home for several days with the wedding party, while Arlington House resounded with merriment and festivity into which the bride's

father entered with his usual wit and good nature.

The name of Robert E. Lee will ever be associated with the Arlington mansion, although his military duties took him away from it for much of the time. Soon after their marriage, the Lees returned home to Arlington for Christmas in 1831 from Fort Monroe where Lee was stationed. Because of the bad weather, Mrs. Lee remained at Arlington until spring. In September of 1832, their first child was born there, a son named George Washington Custis Lee, after his grandfather.

From 1834 to 1837 Lee was stationed in Washington. Although he disliked the office work in the city, he fitted easily into the quiet way of life at Arlington. There was little in the way of formal entertaining and the evenings were usually spent with his family around the hearth. On Sundays they usually drove to Alexandria to church, or held services at home if the roads were bad.

Frequently he assisted Mr. Custis in his business affairs or put his engineering experience to use in making improvements. While Lee was away on a mission, his second child, Mary, was born in the summer of 1835.

In 1837 another son was born. Although Lee had received orders to report to St. Louis, he was able to remain at Arlington until he was sure that the mother and baby were well. He returned home at Christmas, remaining there until spring so that Mrs. Lee and the two boys could return with him to St. Louis, while little Mary stayed with her grandparents.

Lee, by that time a captain, brought his family home in the spring of 1839. Although he could not remain at Arlington for the event, a new daughter joined the family circle early in July, but not until Christmas was Lee able to see her.

In the summer of 1840 Lee returned to St. Louis only to finish up his work there and return home. Soon after his fifth child, a girl, was born in February 1841, he was sent to Fort Hamilton where he remained on duty until 1846. During this period it was customary for his family to be with him in New York during the summer and autumn and at Arlington for the rest of the year. Lee usually joined them there during the winter. Two more children, a boy and a girl, were born during these years.

In August 1846, Lee was ordered to report for service in Mexico. Returning home, he spent a few days at Arlington and then said goodbye to his family. Twenty-two months passed before he saw Arlington again, months of anxiety for those waiting at home, relieved only by his long and frequent letters.

Home again after the war, Lee was on duty in Washington and passed a happy summer at Arlington. Toward the end of the year he was assigned to supervise the construction of a new fort in Baltimore, but soon after taking over the project he returned to Arlington where he spent the winter. In the autumn of 1849 his family joined him in Baltimore. They remained there through 1851, coming home for Christmas and occasional visits.

Lee took command at West Point in CXVI—28—Part 1

September 1852, where he was shortly joined by his family. In April they received unexpected news of the critical illness of Mrs. Custis; Mrs. Lee hurried home but arrived after her mother's death. Hoping to divert Mr. Custis, the Lees took him back with them to West Point. But even a trip to Niagara Falls with his son-in-law failed to keep him from worrying about Arlington, and he soon returned home. To ease his loneliness, the Lees came home on brief visits in the spring and summer of 1854.

Early in 1855 Lee was assigned to a cavalry regiment being organized for service on the frontier. When he returned for the holidays, much of his leave was spent straightening out the finances of Mr. Custis' farms, for the old gentleman was now 75 and, although active in improving his crops, needed help in managing his business affairs.

Lee was once again called home from Texas when his father-in-law died on October 10, 1857. He found it necessary to take extended leave to manage Mr. Custis' properties and, as his executor, to carry out the terms of his will.

In October 1859 Lee was ordered to take command of the detachment sent to Harper's Ferry to quell the uprising there, and in February 1860 he went to Texas to rejoin his regiment.

Hoping that the Union could be preserved, but feeling that his first loyalty was to Virginia, he watched with concern the growing recklessness of the extremists on both sides. Texas seceded in February and Lee, ordered to report to Washington, arrived home a month later.

As he watched, events moved rapidly. Fort Sumter was fired on in April and in a few days Lee learned that Virginia had seceded. On the night of Friday, April 19, 1861, Lee wrote his resignation from the U.S. Army. On Monday he said goodbye to his family and left for Richmond. Never again would he be sheltered by the roof of his home at Arlington, and only once, or possibly twice, would he see it again, and then from a passing train, several years after the war.

When word reached Mrs. Lee, early in May, the Federal forces were soon to move into Virginia, the family portraits, plate, and the most valuable Washington relics were sent away for safekeeping. Most of the furniture had to be left behind, with the hope that it could be recovered later. Farewells were said to the weeping servants, and Mrs. Lee left her home for the last time.

A few days later the Federal Army crossed the river and occupied the heights. New roads were cut through the woods and trees were felled to open fields of fire for the earthen forts built a short distance west of the mansion. What had been a quiet country estate was transformed into a vast military encampment. Guards were posted to protect the mansion but, in spite of this precaution, articles were stolen. The commanding general then sent the Washington relics to the Patent Office for safekeeping and established his headquarters inside the mansion.

Early in 1862 the army moved away from Arlington, but the mansion continued to be used as a headquarters by

the generals commanding the troops and forts defending the National Capital.

Some of the occupants, like General Heintzelman, had known the Lees in happier days, and regretted the harsh necessity that had deprived their old friends of their home. Secretary of War Edwin M. Stanton, however, appears to have been determined that General Lee should never again occupy his old home at Arlington. Accordingly, he put the estate to every possible use. A corral and stables for army remounts were located near Arlington Springs. On Arlington Heights, a large hospital for convalescent patients was constructed early in the war. On the southern part of the estate was "Freedman's Village," established in 1863 to provide for the thousands of runaway slaves who streamed into Washington.

Since the use of the estate for such purposes could be justified only during wartime, steps were taken to deprive the Lees permanently of Arlington under wartime laws levying a tax on real estate "in the insurrectionary districts." The tax on Arlington was small—\$92.07—but when Mrs. Lee, too crippled to make the journey even if she could have obtained a pass through the lines, sent a relative to pay the tax, the commissioners refused the tendered payment on the ground that the tax must be paid by the owner in person. The estate was then advertised for sale at auction and purchased by the Government for \$26,800.

Stanton and his associates were well aware of the flaws in the Government title to Arlington. For some time the War Department had been the object of criticism because of the manner in which fallen soldiers were buried in obscure places. The establishment of a cemetery in the beautiful setting of Arlington would allay public criticism, and at the same time make it politically impossible to remove the bodies of the Federal soldiers in order to return the property to the Lees.

General Meigs was the willing instrument of Stanton's policy, insisting that burials be made close to the house. When he learned that officers living in the mansion had refused to let graves be dug near it and had sent burial details to distant parts of the estate, he personally supervised the digging of graves on the east side of Mrs. Lee's flower garden, just outside the white picket fence that enclosed it.

Mrs. Lee revisited her old home only once. On the afternoon of June 2, 1873, she drove over from Ravensworth, where she was visiting Mrs. Fitzhugh. Too crippled to alight from the carriage, she could only gaze sadly about the scenes so dear to her memory. After having a cup of water from the well, she asked her coachman to take her away.

For a time General Lee had hoped to regain possession of Arlington for his wife, but he died in 1870 without having recovered it. Mrs. Lee died 3 years later.

As the passions aroused by the war died down, there came a realization of the injustice done to Mrs. Lee. Consequently, there was no public outcry when, in 1874, Custis Lee sued to recover the Arlington estate, and none when the

Supreme Court finally decided the case in his favor in 1882. By that time, thousands of Federal soldiers and several hundred Confederates who had died in local hospitals during the war lay buried at Arlington. Therefore, when Congress authorized the payment of \$150,000 for a clear title to the property, Custis Lee accepted the offer in lieu of actually repossessing the estate.

Ironically—but as a retribution of history—the name of Robert E. Lee is honored today throughout the world, and his confiscated home has become one of the world's great shrines of patriotism, while most men cannot place Edward M. Stanton, and never heard of General Meigs.

U.S. UNDERGROUND DIPLOMACY IN MIDEAST DANGEROUS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RYAN. Mr. Speaker, I have called upon Secretary of State Rogers to immediately make public the Mideast peace proposals which this administration has been advancing, chiefly to the Soviet Union.

Over the past several months, the administration has suggested several plans for peace in the Mideast. None has been fully revealed to the public. Apparently one such plan was presented to the Soviet Union on July 15 of last year. And on October 28, the administration proposed an Israel-Egypt settlement plan to the Russians which called for, among other things, withdrawal by Israel from former Egyptian territory to the pre-6-day-war line. And on December 20, the newspapers carried accounts of an Israel-Jordan peace proposal made by the United States.

What little we know of these proposals indicates a shift by the administration from the United States previous 20 years of firm commitment to a viable Israel. The proposals have apparently been increasingly specific in their terms, thereby undercutting Israel's insistence on direct negotiations, which are essential for a lasting peace in the Mideast.

The survival of a viable Israel and the achievement of direct negotiations are essential to the interests of the United States. It is absurd—and dangerous—for the administration to continue engaging in its underground diplomacy, which forces Congress and the people to rely on "leaks" from foreign sources and on speculative commentaries in the newspapers.

James Reston, in his column in the New York Times of January 11, penetratingly assesses this situation, as he asks, "why the secrecy?" And as he notes, "even the common interests of the United States and Israel are now being blurred by the peripheral arguments over Secretary Rogers' proposals." I commend this column to my colleagues:

WASHINGTON: THE UNITED STATES AND THE MIDDLE EAST CRISIS

(By James Reston)

WASHINGTON, January 10.—For the last month, the U.S. and Israeli Governments

have been fussing with each other over Secretary of State Rogers' formula for settling the Middle East crisis. Washington is appealing to the world to see that Mr. Rogers' formula is fair and reasonable. Israel is arguing that the formula is unreasonable and even dangerous, and this leaves most people in an awkward position, because they don't know what the Rogers' formula is.

Every few days now, we are being told by some Israeli official that the United States is trying to "impose" a settlement on the Middle Eastern nations; that Mr. Rogers has been "drawing a map" for the future of the area and leaving nothing to be negotiated by the parties concerned; that the Rogers formula is incompatible with the sovereignty of Israel and undermining the principles of the Charter of the United Nations.

ROGERS' PROBLEMS

Meanwhile, Secretary Rogers has been spending a good deal of his time in the last few weeks explaining to Zionist leaders in the United States that this is not true, writing letters, receiving delegations, answering questions, and in other ways trying to defend his position.

All this uses up a great deal of time and energy and doesn't seem to calm the controversy. The United States and Israel differ about the Middle East crisis because their national interests differ in many ways. Tel Aviv is not going to accept the Rogers formula and Washington is not going to accept the Israeli Government's formula, but at least they ought to be able to make clear what they are disagreeing about.

It is hard enough to live with the unavoidable conflicts between nations, but to put up with avoidable stupidities is intolerable. The Rogers formula is not some vague or casual suggestion. It has been put on paper and widely circulated. It may be sensible or silly, but at least it is precise and should be published, so that the people who are being asked to have a judgment on it will have the facts.

This is not one of those cases where publicity will embarrass or confound diplomacy. All the documents in the Rogers formula have been made available to Israel and the United Arab Republic, and to the Soviet Union, Britain, France, Italy, the Netherlands, Denmark, Jordan, Morocco, Tunisia, Syria, Saudi Arabia—and also, among others, to Marshal Tito of Yugoslavia, who is going to see President Nasser in Cairo next month.

WHY SECRECY?

So why the secrecy? The Rogers speech on the subject last month on the Middle East, and the State Department documents in the case were discussed in the National Security Council in the White House and approved personally by President Nixon before they were circulated.

Almost everybody concerned and a lot of others have the documents except the people and Congress of the United States, and the people in Israel, the U.A.R., the other Arab states and the Soviet Union.

The result is that governments are left free to interpret the facts as they like and even the editors of the newspapers in Tel Aviv, Amman, London, Paris, Rome, The Hague, Copenhagen and many other places don't really know what the United States Government proposed.

Accordingly, the comment on the controversy is based most of the time on a variety of official "leaks" out of a great many capitals. The Israelis, disillusioned by their experience with John Foster Dulles in the 1957 Middle Eastern crisis, are giving the impression that Secretary Rogers is trying to "impose" a settlement on them, whereas he has actually proposed to leave the main questions of boundaries, refugees and security to negotiation between the Israelis and the Arabs.

THE REAL QUESTIONS

As a result, even the common interests of the United States and Israel are now being blurred by the peripheral arguments over Secretary Rogers' proposals. Beyond the Rogers formula are the real questions of Middle East security and the balance of power in the eastern Mediterranean between the Soviet Union and the United States.

But this larger question of power at the crossroads of the Continents of Europe, Africa and Asia is not going to be discussed seriously until the underbrush of these secondary questions is cleared away. And all the fuss about Secretary Rogers and his proposals will not be cleared away until the documents are published.

PAUL LAZZARO TO ACCEPT NEW JOB

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. MORSE. Mr. Speaker, for many years I have been privileged to know Mr. Paul Lazzaro of Wakefield, Mass., who has recently resigned his post as Regional Administrator of the General Services Administration to take a position as vice president of a newly formed company which will deal intimately with some of the country's most interesting challenges. His departure from Government service will be keenly felt.

Paul Lazzaro has done an outstanding job with the GSA since taking on the responsibility in 1963 when he was appointed by the late President John F. Kennedy. His appointment capped a distinguished record of public service which began when he became the youngest man ever elected as a selectman in Wakefield in 1951. Subsequently he became chairman of the board of selectmen of Wakefield. In recognition of his work, he was named in 1957, by the Greater Boston Chamber of Commerce, as one of the nine outstanding men of Massachusetts.

I know that my colleagues will want to join with me in extending our gratitude for Mr. Lazzaro's past services and our congratulations and best wishes for his future success.

At this point in the RECORD, I insert an announcement of Mr. Lazzaro's resignation which appeared in the Wakefield Daily Item on December 26, 1969:

RESIGNS AS GSA ADMINISTRATOR: PAUL LAZZARO TO ACCEPT NEW JOB

Wakefield Town Treasurer Paul LAZZARO has resigned his post as Regional Administrator of the General Services Administration to become vice president of what he considers to be "one of the most exciting companies in Massachusetts." The firm is located in Cambridge but is as yet unnamed.

Lazzaro, a close friend from Harvard days of both the late Kennedy brothers, is the last of the "Kennedy crowd" to drop out of Federal Government service. He was sponsored for the \$29,000 a year post by President John F. Kennedy in May, 1963.

Beginning on Jan. 1, he will be dealing with such areas as environmental management, public finance, investment housing, information systems, computer application, manpower development, industrial development, transportation, and education.

His role with GSA, the business and main-

tenance segment of the federal government, has included involvement on the \$24 million JFK Building in Government Center, and the setting up of an associate degree program in which more than 400 federal employees are now enrolled in Massachusetts Bay Community College.

Lazzaro, a graduate of WHS where he was co-captain of the football team, served as an Air Corps lieutenant in the South Pacific during World War II, and then returned to Harvard where he played with the Crimson varsity in 1946 and 1947 as a back. He was on the Harvard coaching staff while he studied for a master's degree in business administration there.

Recently he was selected on "Swede" Nelson's all-time great New England football team.

Locally he was the youngest man ever elected as selectman here in 1951. He was named chairman the next year. In 1957 he was named by the Greater Boston Junior Chamber of Commerce as one of the nine outstanding young men of Massachusetts.

Mr. Lazzaro stated that he has nothing but the highest regard for the Federal government and for GSA in particular. He is pleased to have had the opportunity to serve and to work, not only with his associates in the Federal Government, but also with the Congressional and Governors of New England. His new position offers a real challenge and he looks forward to returning to private industry.

He lives at his 7 Strathmore rd home with his wife, the former Jo (Bongo), and his three young daughters.

THE 87TH ANNIVERSARY OF THE CIVIL SERVICE ACT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. HOGAN. Mr. Speaker, I was very pleased and honored to be present at the ceremonies on Friday, January 16, observing the 87th anniversary of the merit system in Federal employment.

Commission Chairman Robert E. Hampton addressed distinguished guests and Commission employees and shared the presentation of honors with Civil Service Commissioners James E. Johnson and L. J. Andolsek. Executive Director Nicholas J. Oganovic served as master of ceremonies.

Top honor to a Commission employee, the Commissioners' Award, was presented to Bernard Rosen, Deputy Executive Director, for outstanding achievements as an "exceptional administrator, program director, and problem solver." Mr. Rosen directs the Commission's field operations through 10 regional offices and a network of Civil Service representatives stationed in key centers of Federal activity.

Group citations were presented to the executive officers of the Raleigh, N.C., and the Baltimore, Md., Interagency Boards of U.S. Civil Service Examiners for the outstanding accomplishments of their boards.

Special achievement awards were conferred on Mary Carson of the central office for her work in training equal employment opportunity counselors, to Edward F. Rose of the central office for leadership in employment of the hand-

icapped, to Curtis W. Spencer of the Denver regional office for effective training of Federal employees, and to Charles D. King of the central office for advances in supervisory training.

In addition, 124 employees received service awards for completion of 25 to 40 years of Federal service. Heading the list of service award winners was A. Wily Glasmire of the Bureau of Policies and Standards, and Otho A. Wilbur, Bureau of Personnel Investigations, who have completed 40 years of Federal service. Seventeen employees received tie bars or brooches for completion of 35 years' service and 42 for 30 years' service.

For the first time in the Commission's history, two private citizens were also honored for outstanding contributions to the Commission's work.

Willis H. Pratt, Jr., director of the film and closed circuit television department of the American Telephone & Telegraph Co., was cited for his creative role in the development of a film, "The Extra Step," which has helped thousands of Federal employees to render better service to the public.

Thomas L. Howard, president of Henry Van Hummell Corp. and the Van Hummell-Howard Foundation, was cited for helping to create several programs in the Denver area, including an intergovernmental career development program, an intergovernmental job information center, and his pioneering efforts to achieve cooperation between Federal, State, and local governments.

Music was provided by the U.S. Army Band and colors were presented by an honor guard from the military services.

I would like at this point to have inserted in the CONGRESSIONAL RECORD the remarks of Commission Chairman Bob Hampton, on that occasion:

REMARKS OF ROBERT E. HAMPTON, CHAIRMAN, U.S. CIVIL SERVICE COMMISSION

First, I am your speaker—not because I asked for the job—but because our first choice was unable to be with us today. However, secretly I was hoping that the situation would work out this way because it gives me my first opportunity to speak to the majority of the Commission staff as your Chairman.

So let me say that I am delighted with my task.

I am particularly glad to have this opportunity to thank all of you, as a group and as individuals, for the excellent support and assistance you have given to me and my colleagues during the past year. Your response, first to my designation as Chairman and then to all that we have asked of you during the past year, has been one of the most gratifying experiences of my life. Thank you very much!

Today, we observe the 87th anniversary of the Civil Service Act. In the course of our 87-year history, the Civil Service system has been responsive to many needed changes. However, in meeting the various challenges of past history, the basic principles of the Civil Service Act have not changed during the 87 years, but have stood the test of time and of the transition of our country from a pioneer society to one of the most complex in the world.

However, the very complexity of our society today presents a totally new set of challenges to be met in the 70's. We must meet these challenges and to do so will require considerable change in our personnel system as it exists today.

But let me make one thing clear—in making these necessary changes, we do not intend to modify the basic merit principles inherent in the Civil Service Act. They have served the country well.

We have made some very important changes this past year, and you have contributed many new ideas and helped to develop new direction. Let me assure you that you will be called upon for more of the same kind of effort as we move on to the challenges of the 70's.

During this past year, we have created and effected new or substantially changed programs, Government-wide, in equal opportunity, labor-management relations, and merit promotion. We have nearly completed a new program on employee appeals. We have expanded occupational health programs; we have adopted new and meaningful recruiting methods affecting college graduates, worker-trainees, and others. We have opened new Federal Information Centers with the General Services Administration; expanded the Federal Executive Boards; originated the first Listening Post in Philadelphia, with others to follow. We have taken on the entire post office examining function; and most important, we have taken measures to carry out the requirements of the President's October memorandum on personnel management improvement. We have also organized and reorganized within the Commission.

These are just a few highlights. To describe each of them, or even come near giving a nearly complete list, would take more time than Mr. Oganovic has allowed me. I really cannot agree with the year-end pronouncements of some news analysts, that nothing good was accomplished in 1969 except the moon landings. But even if that were true, there is still Neil Armstrong for us to be proud of—he is a civil servant.

And now we begin our 88th year and a new year together. Depending upon how you count, it may also be called a new decade, but that's important only as a focus for our long-range goals. In 1970 we will carry on with what we began in 1969:

We will give special attention and effort to the agencies in realizing the objectives of the new personnel management program directed by the President—the first in 31 years.

We will push vigorously for the development and utilization of personnel, with special attention to integration of the equal opportunity standard into all personnel programs and functions, including the upgrading of minorities and women.

We will promote better labor-management relations, and better conditions of employment.

We will open new Federal Information Centers and continue to develop new recruiting methods and sources.

We will propose changes in the system for executive manpower utilization.

We will continue to support and develop new ways of fostering better intergovernmental cooperation in the personnel field.

For the long range, I see the Commission's leadership role as a broad responsibility for maintaining a total perspective on personnel management—for keeping its individual functions woven always into a unified and meaningful pattern. For specific problems we will find specific solutions, but all must be directed toward one overall objective; namely, the accomplishment of the Government's essential missions and programs and, in so doing, recognizing the human needs of Federal employees.

Our task will not be easy. For of all the management disciplines in the Federal Government, the weakest is personnel management. It will be most difficult to motivate an organization of 3 million people to humanize itself. But as I have said many times, the most important resource this country has is its people. We are in the "people business"

and it is our responsibility to see to it that this great asset is properly utilized.

It is our pleasure today to honor some outstanding people, as we do each year on January 16, and they will be in the spotlight in a few moments when we come to the heart of our program.

Again, I thank you for your splendid cooperation in the year that is past, and I ask for its continuance in the year ahead.

GOV. RICHARD J. HUGHES OF
NEW JERSEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RODINO. Mr. Speaker, we have just left the decade of the 1960's and with it there has also ended almost a decade of service to the citizens of New Jersey by Gov. Richard J. Hughes.

As dean of the New Jersey congressional delegation, I know I speak for all its Members in endorsing the assessment of a recent Newark Evening News editorial that "Mr. Hughes has served steadfastly and well. New Jersey grew tremendously in his 8 years, and he with it."

And as a Democrat I am especially proud of Dick Hughes' record. He faced massive and complex problems and long neglected needs. He met them with determination, wisdom, and enlightenment, and the record clearly shows that during his tenure, New Jersey faced up to responsibilities it eschewed before.

Governor Hughes has left a record of solid accomplishment and intelligent leadership of which he can be justly proud.

New Jersey's hope for the future lies with our incoming Governor, to be sworn in tomorrow—our distinguished colleague William T. Cahill. Bill Cahill has been a good friend and an outstanding member of the Judiciary Committee on which we both serve. And while we will miss his contributions in committee and in the House, I know we can expect responsible, effective, and progressive leadership from him in guiding New Jersey during the difficult years ahead. I look forward to a productive, bipartisan relationship in working together with him in the many areas where the Federal and State governments must cooperate to meet the needs and challenges of the 1970's. Mr. Speaker, I include the Newark Evening News editorial of January 14, 1970, on Governor Hughes' tenure, in the RECORD following these remarks:

MR. HUGHES' TENURE

To assess the eight years of Gov. Hughes' incumbency in these demanding times is to tackle a colossus. For the Sixties soared, as predicted, but not always in expected or gratifying ways.

New Jersey underwent tremendous change in those years, the result of rapid growth of population, business and industry. Consummate demands descended upon the state for the needs of its burgeoning, changing populace.

Suddenly there was great need for more schools from kindergarten to graduate level. Housing couldn't match demand. Industry

competed with people for desirable space. Public facilities of all kinds were suddenly overtaxed. Welfare became a way of life for migrants unprepared for their new environment.

In one way or another the burden of these problems fell upon Trenton. Facing them was a relatively obscure corporation lawyer who attained the governorship against a lackluster candidate recruited in Washington from the waning Eisenhower ranks.

Richard J. Hughes recognized the immensity of the problems before him as well as he recognized the years of neglect which had left the state ill prepared to cope with them. He had the advantage of a legislative majority of his own party, but the caliber of the Legislature was such that no great innovations could be expected of it, nor great fiscal responsibilities entrusted to it.

Gov. Hughes had the wisdom to turn over the task of evaluating New Jersey's foremost needs to a special blue-ribbon commission. From it emerged a blueprint for recovery and progressive development.

It is to Mr. Hughes' credit that he pursued the objectives set forth in higher education, institutions, transportation, a healthier environment—with determination and a manner that won the support of both electorate and Legislature. If the gains were not all that had been desired, it must be realistically acknowledged that a frog would have had less trouble getting out of the proverbial well.

Mr. Hughes leaves office after seeing the Legislature turn strongly Republican, a reflection not so much on his own record as a nationwide desire for change. During his tenure, New Jersey faced up to responsibilities it eschewed before.

Perhaps the most notable gains were made in higher education with the expansion of the state university and the beginning of a county college system. In some respects the crushing burdens of the larger cities have been relieved through state assistance. Open space is being preserved through Green Acres. The responsibility for improving mass transit and rehabilitating a polluted environment has been recognized.

The legacy passing to Gov. Cahill is by no means all doleful. Momentum must be quickened and, of course, the greatest headache will be finding means of paying for it. Mr. Hughes has served steadfastly and well. New Jersey grew tremendously in his eight years, and he with it.

HIGHLIGHTS OF THE CONSTITUTION

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. QUILLEN. Mr. Speaker, it is not often that we Americans in our busy society take the time to analyze the basic foundation of our Government—the U.S. Constitution.

However, I feel fortunate in having been afforded the opportunity to read an informative article written by Mrs. E. H. Sauer entitled "Highlights of the Constitution."

Mrs. Sauer, who lives in Kingsport, Tenn., prepared her outstanding paper for an address to the members of the Long Island Chapter, National Society of the Daughters of the American Revolution, at the home of Mr. and Mrs. John R. Chiles, 3012 Cliffside Road, Kingsport, Tenn.

A native of Illinois, Mrs. Sauer taught school in her native State for 17 years. She came to Kingsport with her husband, who at that time was an accountant with American St. Gobain Corp.

While in Kingsport, Mrs. Sauer taught Latin in Dobyns-Bennett High School for 4 years. She later served as a substitute teacher in the Kingsport city school system.

The Sauers are retired and, fortunately for Kingsport and the surrounding areas, are residing in Colonial Heights.

For the readers of the RECORD, I would like to submit her splendid essay on our Constitution:

HIGHLIGHTS OF THE CONSTITUTION

The Federal Constitution was something totally new on earth—a theorist's dream, which for the first time freed men from imposed authority and made power the instrument of man's will, not the King's. It demanded order for a strong, central government contradicted by freedom's demand for liberty of the individual. The Constitution makers neatly settled the question by dividing power between a Federal government and state government in a balance sufficient for their own generation yet leaving the precarious balance for other generations to debate in the future. The best scientific, literary and political thought of the day colored the making of our Constitution. The core idea or main spring was that free men, acting each in his own best interests, would, by some magic law of politics, always find the right solution. When tried, the idea worked like clockwork, too.

"We will never have seen, even in Europe," wrote a French diplomat in Philadelphia, in the Spring of 1787, an assembly more respectable for the talents, knowledge, and patriotism of those who composed it." This assembly was the Federal Convention, from which came what has been termed "the greatest document ever struck off by the mind of man."—our Constitution—To the task of framing it, the delegates brought a wealth of intellect.

Though few men went to college in the late 18th century, there were among the fifty-five delegates to the convention, thirty-one college graduates who signed the Constitution, nine from Princeton, five earned graduate degrees and four honorary degrees. Thirty-six were lawyers, one was Chief Justice of his state's supreme court.

George Washington—the most respected man in the country, held a Dr. of Laws degree from Harvard gained in 1776 and Benjamin Franklin (then 81 years of age) held a Dr. of Laws from Edinburgh, Scotland. He was the most widely admired intellectual of his time. Alexander Hamilton had left King's College (later Columbia) to fight in the Revolution. He was considered the most brilliant lawyer in America. James Madison worked harder and longer hours than anyone else at the Convention. He had strong ideas about what kind of a government the United States needed.

Two towering figures and rivals from Revolutionary days and signers of the Dec. of Independence were not at the Philadelphia convention. Both were abroad. John Adams was U.S. minister in London and Thomas Jefferson (a graduate of William and Mary) was our envoy in Paris. Though not at the convention, the ideas of these two great thinkers were woven into the entire philosophy of the convention delegates and influenced many there.

John Adams felt that the powers of government should be divided among several branches which would act as checks and balances on one another. He had written a work on "A Comparative Analysis of Constitu-

tions" which had just been published in London and was widely read by the delegates in Philadelphia.

On the other hand, Jefferson was most optimistic about man's nature and was mostly concerned with protecting his individual rights. His own phrase in the Dec. of Independence; "life, liberty, and the pursuit of happiness" was woven into the philosophy of the convention delegates and his concern about "too much government" influenced many of them.

Let us go back a step now and see just why we needed a constitution.

For several years such men as George Washington, Alexander Hamilton, James Madison, John Jay, had clearly seen that the Articles of Conf. would not work. The Revolution had made the American Colonies independent to be sure but it did not make them a nation. The Articles had helped but we needed a strong central government. To be sure, they had united the States in a kind of a league which had the power to handle foreign affairs for the group—but the history of the United States really began only when the Constitution was adopted in 1787. The U.S. as a group at this time owed \$40,000,000—what a small sum when we consider that the cost of the moon flight recently was between 35 and 40 billion dollars! One fifth of this money was owed to foreign countries. The Confederation could not levy taxes in order to pay these debts nor even cover running expenses. It had to ask the States for contributions. The States were slow about paying and some refused to pay. Another serious difficulty was that each state could pass its own tariff laws. Duties on goods from a neighboring state were often as high or higher than those levied on goods from overseas. Such conditions were hard on everyone—rich and poor alike. The workers and farmers in several states rose against the propertied classes in such movements as Shay's Rebellion in Mass. Something had to be done; so in September 1786, representatives from five states: New Jersey, New York, Penn., Delaware, and Virginia met at Annapolis, Md., largely to discuss matters of currency and commerce. Every state had been invited to attend but only these five responded.

This indifference and the dissention too were appalling. It was proposed here that all the states must meet at Independence Hall in Philadelphia in June of 1787 for the purpose of revising the Articles of Confederation. Delegates did go from all the states except stubborn little Rhode Island! Seventy three delegates were chosen in all but only fifty-five got to the Convention.

They selected George Washington, delegate from Virginia, as President and met, behind closed doors for 3½ months—June, July, August, until September 17th. It was a very hot humid summer and the lovely gardens back of the Hall gave pleasant relief to the delegates between long morning and afternoon sessions.

James Madison was the chief author or "architect" of our Constitution. The venerable Benj. Franklin was the "sage" or leavening influence. The delegates to the convention were already persuaded that a stronger government was necessary—a few felt that the "Articles" might still be patched up. Madison and others, however, saw that here was an opportunity to build an entirely new structure.

Several times the convention was nearly wrecked by the struggle between the larger and smaller states, mainly as to the way of selecting members for the two houses. Slavery played a most important part—The Southern States finally settled for having ¾ of their slaves counted, since the North bitterly opposed to having them included in the

population count. For the House of Reps—It was decided that two delegates from each state make up the Senate.

The Virginia delegation put forth a series of fifteen resolves outlining a Natl. System of Government—including two legislative Houses and an Executive and Judicial branch. It proposed that our National Government operate on a wholly new basis—directly on and for the individual citizen, rather than indirectly, thru the states, as was true under the Confederation.

When the document was finally ready it was submitted to the committee on Style and Arrangement headed by Gov. Morris. He had a graceful style and a fondness for a strong central government. Both are evident in the familiar final version of the Preamble—Instead of the proposed "We, the people of N.Y., N.J., Mass." etc., he wrote, "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain to establish this Constitution for the United States of America."

As soon as the Constitution was made public a fight vs. its adoption began. Leaders of the people, like Patrick Henry, Samuel Adams, and Richard Henry Lee looked on it with suspicion because the framers were from the wealthy class. They demanded to know what had become of those "inalienable rights set forth in the Dec. of Ind." Nine states were required to ratify and on June 21, 1787 New Hampshire became the ninth state. As of today, there are 25 amendments although 3500 have been proposed. It is most difficult to amend our Constitution—as it should be—the necessary, occasionally, with changing times and conditions.

The first ten amendments termed the Bill of Rights were written 4 years after the adoption (1791). They guarantee all the privileges due a people of a democratic nation. To me they are also a Bill of Obligations, a covenant binding citizens as well as our Government to its support. September 17-23 is Constitution Week—Thirteen years ago, Jan. 5, 1956, Senator Wm. Knowland introduced the Senate resolution which was adopted July 23, 1956. It read "Res. by the Senate and House of Reps. of the U.S. of Amer. in Congress assembled—that the President of the U.S. is authorized and requested to designate the period beginning Sept. 17th and ending Sept. 23rd. of each year as Constitution Week, and to issue annually a Proclamation inviting the people of the U.S. to observe such week in schools, libraries, churches and other suitable places with appropriate ceremonies and activities.

So—each year—the purpose of this observance is to revitalize appreciation for our Constitution and for our beloved country. Next to love of God and our fellow men, love for country is one of man's noblest emotions. Our Constitution has given the American people a degree of freedom that has been the envy of the world. No other people more energetic, creative, progressive, generous, warm hearted or happier than ours. Let us stress in words and spirit the "Blessings of Liberty" under our Constitution. By observing Constitution Week our citizens should have a better understanding of the rights and privileges and obligations of U.S. citizenship. Let us again grasp for ourselves and others the Faith of Our Founding Fathers! Running all thru American History are the golden threads of religious conviction. Every session of the Const. Convention began with fervent prayer to God. Our country will survive only as long as she remains loyal to her spiritual heritage. Let each of us hold fast to our wonderful heritage and give grateful thanks to almighty God for his bounteous blessings.

THE TAX REFORM ACT OF 1969

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. ULLMAN. Mr. Speaker, the public reaction to the final version of the 1969 Tax Reform Act has been almost as varied as the opinions expressed earlier in Congress about what should and should not be included in the legislation.

Amid a great deal of praise, the act has been criticized by some for not going far enough in its reform, and by others for going too far. The mixed reaction is not surprising. The Tax Reform Act of 1969 is the most important and pervasive piece of legislation in its impact on the American public that was initiated and enacted by the first session of this Congress. Greater equity in the tax code was the chief goal of my colleagues on the Ways and Means Committee and I when we drafted the tax reform bill. In succeeding, we were bound to attract the criticism of those who had benefited from inequity as well as the appreciation of those who had suffered from it.

The 1969 Tax Reform Act, then, is many things to many people. But one view cannot be denied. It is, in the words of our able committee chairman (Mr. MILLS) "a legislative miracle" in successfully restructuring our massive and complicated tax code as comprehensively as it does. The result is not perfect. There will always be room for tax reform. But the Congress can be proud of its work.

A recent article by Frank C. Porter in the Washington Post recognizes this "miracle" of the 91st Congress, and I commend it to the attention of my colleagues. It follows:

TAX BILL IMPERFECT, BUT STILL A MIRACLE

(By Frank C. Porter)

"This is not the millennium," Rep. John W. Byrnes (R-Wis.), one of the many authors of the encyclopedic tax reform and relief bill, warned the House just before it passed the measure, 391 to 2, last month.

Millennium or no, it was still a miracle in the opinion of those who know the vagaries and convolutions of the legislative process best.

Despite the measure's many imperfections, the Congress could point to some signal accomplishments:

This was the first concerted attack on tax preferences in history and although none was completely removed, some were reduced substantially. Chairman Wilbur D. Mills (D-Ark.) of the Ways and Means Committee, who guided the bill through committee, the House and conference, helped disprove his own axiom: Once a preference becomes embedded in the tax code, it's practically impossible to root it out.

In particular, the cut in the oil and gas depletion allowance from 27½ to 23 per cent confounded those who insisted this most durable symbol of tax privilege—the industry considers it a legitimate incentive—was unshakably sacrosanct. For more than a decade former Sen. Paul H. Douglas (D-Ill.) and others had been frustrated in their attempts to cut it back.

As Mills noted on the floor, most tax shelters and tax avoidance gimmicks spring from the different treatment accorded ordinary income and capital gains. The bill significantly narrowed the gap in this treat-

ment, thereby dimming somewhat the allure of such gimmicks.

Enactment of a minimum tax on a wide variety of preferential income means that a large number of wealthy Americans paying little or no tax today will have to shoulder a larger share of the tax burden.

Meanwhile, a maximum tax of 50 per cent on earned income (as opposed to capital gains, oil depletion and the like) was established with the intent of rewarding personal effort rather than the search for tax shelters.

The tax bill, if it accomplished nothing else, eliminated a glaring inequity by removing most of the remaining 2.1 million poor families remaining on the tax rolls. The anomaly of inflation and static tax rates has meant that more and more poor persons in recent years have become liable for income taxes and have borne an increasing share of the revenue burden because of the progressivity of the tax system. The bill eases the situation by providing a low income allowance which, when combined with personal exemptions, approximates the Federal poverty standard for each family size.

Similarly, Americans have gone 21 years without any increase in the \$600 personal exemption for each taxpayer and dependent. This will be raised to \$750 in three steps.

Not the least awesome accomplishment was the speed with which the legislative machinery ground out one of the longest and most complex bills in history—about 10 months since initial hearings on Feb. 18. The betting—including that of the Nixon administration—had been two years at best.

But as Byrnes suggested, the bill's managers and creators have no illusions about its shortcomings.

The three classic standards set for tax reform are equity, simplicity and revenue.

As noted above, the bill does a long way toward easing the burden of low-income Americans. But some critics contend it represents only a token slap on the wrist to the wealthy who pay little in taxes. And others claim either that it discriminates against the middle class or soaks the rich. Equity is such a subjective concept that any bill would displease large segments of the population. And no one denies that a great deal of privilege remains in the tax code.

It does simplify tax returns for the more than 5 million who will be wiped off the tax rolls and another 8 million plus who will find it to their advantage to switch from itemizing to the standard deduction. For the affluent, the tax cut has become a great deal more complex. But—as the technicians point out—they can afford to hire accountants and lawyers to fill out their returns.

As for revenue, critics have complained that the measure provides more tax relief than it does reform. Actually, the bill had been just about in balance when it emerged from Ways and Means; but the discovery that it did little for those with income between \$7,000 and \$13,000 who itemize deductions led to last-minute surgery that would result in a long-run revenue loss of \$2.5 billion a year.

Purists had hoped that the legislation would be confined to reform, thus providing a substantial net gain in revenues that could be used to meet mounting demands for social programs. But pure reform would have gored so many oxen that its passage would have been doubtful.

REFERENDUM '70

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OTTINGER. Mr. Speaker, as we start a new decade, many Americans

are not content to look back upon past achievements. They are looking at problems imbedded in the mainstream of our society, at our failure to adequately meet those problems, and they are looking ahead to the establishment of new structures, new institutions to meet the needs and aspirations of new generations of Americans.

If the past decade was a time of unrest, of confrontation, of sometimes violent protest, then it is to be hoped that the new decade will be a time of new opportunity, a time of real progress based on a recognition that while our institutions may not be perfect, they can be made to respond to the need for constructive change.

In this regard, the formation of Referendum '70 is an encouraging development. The words of its chairman, Vern Newton, speak eloquently for this meaningful commitment to reorder our national priorities and I commend them to the attention of my colleagues:

STATEMENT BY VERN NEWTON

The beginning of a decade provides an opportunity for the country to chart its main priorities for the years ahead.

In 1960, many of us became involved actively in national politics in response to a presidential campaign which pledged to "get the country moving again." We responded not simply to a man, but to the vision which John F. Kennedy brought to the American people—of peace, of social equality and justice, of a humane and productive society.

We wish that we could feel the same sense of optimism for our country in the 1970's as we did ten years ago, but we cannot.

We have used virtually every available vehicle to push our government to withdraw from Vietnam, yet the withdrawal proceeds at a crawl. Our Congress continues to vote billions of dollars for weapons of mass destruction.

We have engaged in a variety of efforts to eliminate the ghettos which condemn our nation's minorities to lifetimes of indignity and squalor, and to close the gap between affluent nations and the underdeveloped countries of Africa, Asia, and Latin America, yet the gap between rich and poor all over the world has never been wider.

In response to our appeals for civil liberty, the Congress and State legislatures have passed laws of dubious Constitutionality designed to stifle dissent, the justice department and local mayors have relied on unrestrained use of police to terrify dissenters and insurgent groups, including the Black Panthers.

Our growing concern with the environment—the pollution of our air and our waters; the human congestion of our cities and highways—has prompted only rhetoric from too many of our nation's leaders—not funds sufficient to deal with the problem.

Every group within the population is suffering. The poor go hungry. The middle American must stand helplessly by as prices rise, as credit policies tighten. Even the nation's wealthy themselves caught between our present inflation and the prospect of a major recession.

Yet most disturbing is the halting of progress, the collapse of the spirit which captivated the United States throughout the early 1960's and in 1968. When growing numbers of the nation's young people decide to drop out on grounds that all political efforts of the past have gone for naught; when the poor and deprived of a society decide that their country will never accord them justice and equality; when a majority of our citi-

zens can assert, as they did in a recent Gallup poll, that they expect life in the 70's to grow worse, not better; then this country is in serious trouble.

Yet the Nixon administration does not respond.

This administration has no spirit, has no vision of the future. It offers us only missiles, machines, and moral platitudes; it arouses fears, not hopes; it holds the country back, instead of moving it forward.

While the President tinkers with haphazard and inadequate proposals for "reform," the Vice-President diverts the attention of millions of citizens from their real problems through reckless attacks against the young, the media and all those who work for serious change in the country and the world.

Nor can we find adequate leadership in the current Congress, stymied as it is by a seniority system which accords tremendous power to men with little understanding of the new problems of our society. It is this Congress which continues to vote funds for the war in Vietnam, which authorized the ABM, while cutting funds from programs to meet urgent needs at home. And now we hear that in his year-end report, the chairman of the Democratic National Committee stressed that the two major issues in the 1970 elections will be crime and inflation. These are important issues, yes, but what about the war, hunger, welfare reform, pollution—basic questions concerning the priorities of the society. Are crime and inflation to be the major themes upon which we enter the decade of the 70's?

We reject this foreclosure of America's future.

We reject it both because of what it does to the country now and what it will mean for the United States ten and twenty years from now. As young people, we are the ones who will have to bear the burden of unsolved problems, of national paralysis, in the years ahead, even as today's citizens must bear the brunt of domestic and foreign problems which should have been addressed years ago. Our pessimism stems not only from the thwarting of our past efforts for change, but from the sense that if present directions continue, we will have no chance to even begin the building of a humane society and world in our lifetime.

In eleven months, the people will vote for a new House of Representatives, for 34 Senators, and for state and local officials all over the country.

These elections cannot, in themselves, solve the nation's problems, yet they will set the context within which the problems can be discussed. We propose that the 1970 elections be a national referendum on the future direction of the United States, and that the inadequate policies of the Nixon administration be met with a demand on the part of the American people that our problems be solved.

We wish to announce the formation of a group to assist in the creation of that national sense of urgency, and to support Congressional and local candidates who will respond to it.

Those of us who have joined together have been in a variety of activities in the past—we have participated in social movements and electoral campaigns; we have participated in social movements and electoral campaigns; we have participated in both protest and politics. We have had our disagreements.

Yet now, in 1970, we find ourselves together on these points:

That our role in the war in Vietnam must end; that defense expenditures must be cut; that income must be provided to all our citizens—black and white; the working poor and those who cannot work; that the pollution and destruction of our environment must be checked; that the harassment of dissenters must stop; and that the appeals

to fear, frustration, and hate must be replaced by a new politics—a politics built upon the best aspirations which men share—the aspiration of freedom, of equality, of a spirit of fraternity between men.

We will support candidates around the country who share our concerns—incumbents or challengers; Democratic, Republican, or independent—and offer those candidates a variety of technical resources to aid them in running more effective campaigns. We will cooperate in every way with organizations, nationally and locally, who are working to raise these issues—groups like, the Moratorium, the National Committee for an Effective Congress, The New Democratic Coalition, Americans for Democratic Action, SCLC, Council for a Liveable World, The Mexican-American Youth Organization, National Welfare Rights Organization, and others.

Specifically, we will recruit field organizers who can assist candidates on best techniques of storefront organizing, media and canvassing; as well as those who can build public and organizational support for the issues.

We will run a training program for selected staff members of candidates in the specifics of campaign organization and mechanics.

We will provide research on the issues which can be used for educational and political efforts of all kinds.

In short, we will use every available resource to assist candidates and groups whose goal it is to reverse the current policies and break the current climate of fear and stagnation which grips our people.

Of course, we do not expect that America's problems will be solved by the end of 1970, or that a one-year effort to support progressive candidates will be sufficient to redress the myriad of ills which we see.

Yet, the elections of 1970, like those of 1960, offer a new opportunity—an opportunity to begin again—an opportunity to "get the country moving again"—and moving in a direction which gives us confidence in its future. We plan to take that opportunity, and we ask your help.

NEWSLETTER TO CONSTITUENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. WOLFF. Mr. Speaker, in an effort to keep my constituents informed of my activities in Washington I regularly mail a newsletter to all my constituents. Under leave to extend my remarks I wish to include in the RECORD, at this point, my first newsletter of 1970:

JANUARY 1970.

DEAR FRIEND: I am devoting this issue of my regular newsletter to a most serious national problem that has, unfortunately, received too little attention. That is, the accelerating and potentially total destruction of our environment by air, water and noise pollution.

There was a time not so long ago when conservation was commonly regarded as a matter of saving wildlife: today conservation has a much broader goal, saving human life.

I am using this newsletter to alert you to certain problems directly affecting our area. I urge you to do all you can, through citizen groups and by corresponding with officials at all levels of government, to focus attention on the deteriorating quality of our environment. Bear in mind that there are no fences that will stop pollution; we must attack this problem on a regional basis for local solutions will not work. I am taking certain steps in the Congress with specific reference

to the Long Island environment, as well as joining in broader actions to fight this battle on a national level. These points are covered on the following pages.

When we talk about environmental quality we are talking about the quality of human life; in fact, about the very survival of our species. Certainly this is one of the most important issues commanding our attention today. I assure you that I shall continue to do all that I can to reverse the dangerous patterns and begin the renewal of our environment.

Sincerely yours,

LESTER L. WOLFF,
Your Congressman.

WATER POLLUTION

Living on an island, as we do, this problem of growing dimensions is of special urgency. The following items concerning Long Island should be of great personal interest to you:

A recent review of the water quality of the Long Island Sound (see back page) by the federal government. At many places in the Sound we found the dissolved oxygen and bacteria levels far below safe standards for fishing and swimming. The main sources of this grave and worsening situation are 61 sewage plants on the perimeter of the Sound plus industrial and power plant wastes.

A proposed major dredging in the vicinity of Great Neck that would affect the entire Sound. This project would have a most serious negative impact on the water quality in the Sound, as would the dredging that would be required if the Oyster Bay-Rye bridge is built. I have asked the Corps of Engineers to withhold the permit for the dredging near Great Neck and I am continuing my efforts to prevent a bridge at Oyster Bay.

With the support of Sen. Ribicoff of Conn., and Rep. Reid of N.Y., I have introduced legislation to create an Intergovernmental Commission on the Long Island Sound. The Commission would have a broad mandate to study all aspects of the Sound and its environment and would make concrete recommendations to undo the damage done and prevent further encroachments on our environment.

Proposals for nuclear generating plants at five spots along the Sound. Such plants would inevitably raise the water temperature and we know that even a slight rise in temperature can make the Sound uninhabitable for many species of fish and is likely to create a massive fog bank over Long Island. I have prepared legislation to prevent the licensing of any more nuclear power plants until this menace of thermal pollution can be controlled.

On a national level, I joined efforts to raise a billion dollars for Clean Water Restoration. This much is needed now, we are told, to merely "hold our own" in the pollution battle. Unfortunately the Administration requested but \$214 million and the "House" compromised at \$600 million. This is inadequate and we must increase support for the clean water program if we are to stem the tide of pollution and start toward renewing our waterways.

AIR POLLUTION

This menace has not received the attention it deserves. Since our area is basically residential, we do not generate many industrial wastes. But the contamination that emanates from New York City and industrial New Jersey demands regional solutions.

Also, we do have, on Long Island, a pollution problem of major proportions from automobile exhausts. Every day more than 100 tons of pollutants from autos are spewed forth in Nassau and if this situation remains unchecked, we will quickly render our air unfit for breathing.

Too little has been done at all levels of government and by the automobile manufacturers to control air pollution. I have

supported increased federal participation in the research and control of air pollution and shall intensify these efforts in the 2nd Session of the 91st Congress. At the same time, I hope New York State follows the lead of California and tightens state controls on autos and other sources of air pollution.

NOISE POLLUTION

The greatest source of noise pollution, as you no doubt know from personal experience, is jet aircraft noise. I have supported and shall continue to push for tighter standards by the FAA on allowable jet noise. A jet engine creates an average noise level of 120 decibels, or only 20 decibels less than the scientifically established pain threshold for noise. A jet aircraft is 4 times noisier than heavy auto traffic and 64 times noisier than a normal speaking voice.

I offer these figures to dramatize the magnitude of the problem. Working with a number of my colleagues, I am involved in drafting tougher legislation to limit jet noise and to provide funds to research this problem and develop solutions. The increase in jet travel and the size of jet aircraft compounds this problem but I will not be content to permit unhealthy, annoying and dangerous noise to disrupt our very existence.

YOUTH SUMMER EMPLOYMENT

Now is the time for young people interested in working for federal agencies in the Summer of 1970 to apply for the special summer employment examination. All applications for examination must be submitted by February 4, 1970. Details and application forms are available in Civil Service Bulletin #114 which I will be happy to send you if you will write to my District Office at 156A Main Street, Port Washington, N.Y. 11050.

ENVIRONMENTAL LEGISLATION INTRODUCED BY REPRESENTATIVE WOLFF, THIS CONGRESS

H.R. 7768—Strengthen Water Pollution Control Act—Amended version passed by House.

H.R. 12086—Fish and Wildlife Coordination Act Amendment to control dredging—Hearings held.

H.R. 12839—Intergovernmental Commission for Long Island Sound—Hearings scheduled for Spring 1970.

H.R. 14724—Prevent construction of Oyster Bay-Rye bridge—Referred to Committee.

H.J. Res. 381—Consenting to Susquehanna River Basin compact to control pollution.

ENVIRONMENTAL LEGISLATION PASSED WITH REPRESENTATIVE WOLFF'S SUPPORT

H.R. 12085—Clean Air Act.

H.R. 4148—Water Quality Improvement Act.

H.R. 12549—Resources, Conservation and Environmental Quality Act.

THE FOOTWEAR INDUSTRY IS STILL WAITING

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. WYMAN. Mr. Speaker, there are many areas of concern with which Congress must anticipate becoming more deeply involved in during this second session of the 91st Congress. Crime, inflation, poverty, and Vietnam, to mention just a few, will continue to bear down upon us. Each of them will be important because each is close to the welfare of our people.

Beyond these, however, there still exists a matter of equal concern and equal importance to the economic well-being of many of our citizens. I am

speaking of the increasing threat which the importation of foreign leather and vinyl footwear products poses for our shoe industry.

The figures for 1969 are beginning to come in, and one of the reasons for increased unemployment in this important industry is becoming painfully obvious. The current analysis for 1969 reveals that imports more than doubled from the figures given for a comparative period of time just 3 years ago. In addition, it is now known that the number of imports equaled one-third of our domestic production. The effect of such a massive presence of cheaply produced foreign footwear upon competition here in the States is apparent to anyone willing to study the figures.

The following report from the National Footwear Manufacturers Association for the period from January to November 1969 demonstrates the need for immediate and effective orderly marketing legislation:

U.S. FOOTWEAR IMPORTS JANUARY TO
NOVEMBER 1969

ESTIMATED 1969 VERSUS 1968

A dramatic but foreboding statistical fact faces the domestic footwear industry. The

year 1969 will become the first in which imports of leather and vinyl types will reach the vicinity of 200 million pairs, more than doubling the 96.1 million pairs three years ago. The current forecast for total 1969 leather and vinyl imports is 196 million pairs. This expected total is 11.7% greater than imports of 175.4 million pairs a year ago.

JANUARY THROUGH NOVEMBER OF 1969 AND 1968

For the first eleven months of 1969, leather and vinyl shipments from overseas reached 179.8 million pairs, or 13.0% ahead of the 159.1 million shipped during the same period last year. To date, 1969 leather and vinyl imports amounted to 33.2% of an estimated 11-month domestic production of 542.2 million pairs. For the same period last year, the ratio of imports to production was 26.6%.

Therefore, 1969 import penetration to date exceeds last year's like period penetration by almost 7 percentage points, a significant rise. Also, leather and vinyl imports have risen to a total f.o.b. value of \$393.6 million against \$298.7 million in 1968. In terms of f.o.b. value per pair to date, imported leather and vinyl footwear has climbed to \$2.19 per pair against \$1.88 per pair a year ago. This is a 16% rise in average value per pair in one year.

NOVEMBER 1969 VERSUS NOVEMBER 1968

For the month of November, 1969, leather and vinyl imports totaled 13.1 million pairs, slightly less than 13.7 million a year ago. Despite this slight drop, November imports were about 27% of domestic production, approximately equal to the same November ratio a year ago.

Shoes and slippers (leather and vinyl)	In thousands		Percent change of 1969/1968	Percent share of total	
	1969 pairs	1968 pairs		1969	1968
Japan.....	59,235	59,482	-0.4	32.9	37.4
Italy.....	55,707	53,302	+4.5	31.0	33.5
Spain.....	18,981	12,924	+46.9	10.6	8.1
France.....	2,412	2,531	-4.7	1.3	1.6
China (Taiwan).....	21,524	13,183	+63.3	12.0	8.3
Other countries.....	21,990	17,638	+24.7	12.2	11.1
Total pairs.....	179,849	159,062	+13.1	100.0	100.0

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

Type of footwear	November 1969, pairs (thousands)	Percent change, 1969/1968	11 months, 1969			Percentage change, 1969/1968	
			Pairs (thousands)	Dollar value (thousands)	Average value per pair	Pairs	Dollar value
Leather and vinyl, total.....	12,217.6	-7.4	172,412.6	930,076.5	5.39	+11.6	+21.5
Leather, excluding slippers.....	6,789.5	-5.8	89,104.9	325,878.3	3.66	+14.1	+35.3
Men's, youths', boys'.....	1,902.5	-6.5	26,736.9	116,349.1	4.35	+25.1	+37.0
Women's, misses'.....	4,336.3	-8.2	55,023.5	179,487.4	3.26	+7.1	+28.8
Children's, infants'.....	327.6	+56.6	4,756.3	7,479.7	1.57	+79.4	+93.8
Moccasins.....	43.5	+69.3	589.5	713.9	1.21	+3.5	+14.5
Other leather (including work and athletic).....	179.6	-15.8	1,998.7	12,322.9	6.17	-5.3	+2.0
Slippers.....	38.3	-66.6	340.7	730.3	2.14	-20.0	-12.2
Vinyl supported uppers.....	5,428.1	-7.6	83,005.3	68,242.6	.82	+9.3	+28.0
Men's and boys'.....	669.6	+15.4	8,889.1	10,847.2	1.22	+23.2	+50.2
Women's and misses'.....	4,151.3	-13.5	65,033.9	51,285.7	.79	+5.5	+23.0
Children's and infants'.....	489.4	+32.3	7,439.6	5,253.8	.71	+31.8	+41.5
Soft soles.....	117.9	-8.0	1,642.8	856.0	.52	+16.3	+21.5
Other nonrubber types, total.....	843.0	-83.2	7,397.6	8,307.0	1.12	+60.0	+120.9
Wood.....	239.4	+1,741.5	1,204.1	2,969.3	2.47	+449.8	+552.6
Fabric uppers.....	548.4	+26.3	5,361.8	4,234.3	.79	+35.7	+50.1
Other, not elsewhere specified.....	55.2	+3.6	831.7	1,103.4	1.33	+83.8	+137.0
Nonrubber footwear, total.....	13,098.9	-4.4	179,848.6	393,632.8	2.19	+13.1	+31.8
Rubber-soled fabric uppers.....	2,704.2	+9.6	41,185.9	30,712.3	.75	-8.9	+9.9
Grand total, all types.....	15,802.1	-2.2	221,034.5	424,345.1	1.92	+8.2	+29.8

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: National Footwear Manufacturers Association estimates from census raw data.

HENRY L. MANFREDI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. CONTE, Mr. Speaker, this Nation lost a truly great and dedicated public servant when Henry L. Manfredi died on January 6. The Washington Post has called him "a big thumb in the dike erected by the Federal Government against the illicit importation of narcotics from overseas sources."

He was such "a big thumb," and a very, very effective one at that. I worked closely with Henry Manfredi as a member of the Treasury-Post Office Subcommittee of the House Appropriations Committee. That subcommittee used to handle the Bureau of Narcotics where Hank worked day in and day out to halt the flow of narcotics into and within this country.

Hank Manfredi joined the U.S. Bureau of Narcotics, then under the Treasury Department, in 1951, as chief of its Rome office. He moved to Washington in 1967 as a key man on the bureau's Interpol desk and became chief of foreign

operations when the bureau was transferred to Justice.

You can readily see that Hank knew about, and was working on, the very serious narcotics problem long before this country was as keenly aware of its extent and danger as it is today. He attacked the flow of drugs vigorously.

It is sometimes difficult to comprehend what size flow of narcotics we are talking about. In this regard, I might mention what the Bureau of Customs told the subcommittee in its request for 1970 supplemental appropriations.

That is, "almost all of the marihuana, all of the heroin, all of the hashish, all

of the cocaine, and all of the smoking opium used in the United States is smuggled into this country."

Thus, you can see how big a job Hank had as chief of foreign operations. I know from personal experience how dedicated and diligent he was in carrying out his work.

We should be most thankful for Henry Manfredi and his highly exceptional service to our country. He was a truly outstanding public servant, citizen, and fellow man.

REFERENDUM '70

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RYAN. Mr. Speaker, I have deplored, and will continue to do so, the misdirection of this administration. While our domestic ills increase, while their complexity multiplies, the administration asks for an expenditure of more than half the controllable Federal funds on the military. And at the same time, the President threatens to veto an appropriation of \$19.7 billion for the Department of Health, Education, and Welfare—an appropriation which does not anywhere near approach the amounts we must expend to slow down, let alone cure, the decay of our cities, and the destruction of our environment.

In part, this misperception of our national priorities stems from the failure of this administration to withdraw from the Vietnam war, which diverts \$30 billion a year from the urgent needs at home. But equally explanatory of this misperception is a lack of vision, of spirit. Problems are sidestepped; platitudes are parroted as panaceas; solutions are not proposed; and gestures pass for actions.

A statement issued on January 6 by Vern Newton upon the announcement of Referendum '70 makes these points, and more:

This Administration has no spirit, has no vision of the future. It offers us only missiles, machines, and moral platitudes; it arouses fears, not hopes; it holds the country back, instead of moving it forward.

I commend Mr. Newton's full statement to my colleagues, as do I commend the goals of Referendum '70—a movement "to get the country moving again."

The statement follows:

STATEMENT BY VERN NEWTON ANNOUNCING THE INFORMATION AND PLANS FOR REFERENDUM '70

The beginning of a decade provides an opportunity for the country to chart its main priorities for the years ahead.

In 1960, many of us became involved actively in national politics in response to a presidential campaign which pledged to "get the country moving again." We respond not simply to a man, but to the vision which John F. Kennedy brought to the American people—of peace, of social equality and justice, of a humane and productive society.

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Our growing concern with the environment—the pollution of our air and our waters; the human congestion of our cities and highways—has prompted only rhetoric from too many of our nation's leaders—not funds sufficient to deal with the problem.

Every group within the population is suffering. The poor go hungry. The middle American must stand helplessly as prices rise, as credit policies tighten. Even the nation's wealthy themselves caught between our present inflation and the prospect of a major recession.

Yet most disturbing is the halting of progress, the collapse of the spirit which captivated the United States throughout the early 1960's and in 1968. When growing numbers of the nations young people decide to drop out on grounds that all political efforts of the past have gone for naught; when the poor and deprived of a society decide that their country will never accord them justice and equality; when a majority of our citizens can assert, as they did in a recent Gallup poll, that they expect life in the 70's to grow worse, not better; then this country is in serious trouble.

Yet the Nixon administration does not respond.

This administration has no spirit, has no vision of the future. It offers us only missiles, machines, and moral platitudes; it arouses fears, not hope; it holds the country back, instead of moving it forward.

While the President tinkers with haphazard and inadequate proposals for "reform," the Vice-President diverts the attention of millions of citizens from their real problems through reckless attacks against the young, the media and all those who work for serious change in the country and the world.

Nor can we find adequate leadership in the current Congress, stymied as it is by a seniority system which accords tremendous power to men with little understanding of the new problems of our society. It is this Congress which continues to vote funds for the war in Vietnam, which authorized the ABM, while cutting funds from programs to meet urgent needs at home. And now we hear that in his year-end report, the chairman of the Democratic National Committee stressed that the two major issues in the 1970 elections will be crime and inflation. These are important issues, yes, but what about the war, hunger, welfare reform, pollution—basic questions concerning the priorities of the society. Are crime and inflation to be the major themes upon which we enter the decade of the 70's?

We reject this foreclosure of America's future.

We reject it both because of what it does to the country now and what it will mean for the United States ten and twenty years from now. As young people, we are the ones who will have to bear the burden of unsolved problems, of national paralysis, in the

years ahead, even as today's citizens must bear the brunt of domestic and foreign problems which should have been addressed years ago. Our pessimism stems not only from the thwarting of our past efforts for change, but from the sense that if present directions continue, we will have no chance to even begin the building of a humane society and world in our lifetime.

In eleven months, the people will vote for a new House of Representatives, for 34 Senators, and for state and local officials all over the country.

These elections cannot, in themselves, solve the nation's problems, yet they will set the context within which the problems can be discussed. We propose that the 1970 elections be a national referendum on the future direction of the United States, and that the inadequate policies of the Nixon administration be met with a demand on the part of the American people that our problems be solved.

We wish to announce the formation of a group to assist in the creation of that national sense of urgency, and to support Congressional and local candidates who will respond to it.

Those of us who have joined together have been in a variety of activities in the past—we have participated in social movements and electoral campaigns; we have participated in both protest and politics. We have had our disagreements.

Yet now, in 1970, we find ourselves together on these points:

That our role in the war in Vietnam must end; that defense expenditures must be cut; that income must be provided to all our citizens—black and white; the working poor and those who cannot work; that the pollution and destruction of our environment must be checked; that the harassment of dissenters must stop; and that the appeals to fear, frustration, and hate must be replaced by a new politics—a politics built upon the best aspirations which men share—the aspiration of freedom, of equality, of a spirit of fraternity between men.

We will support candidates around the country who share our concerns—incumbents or challengers; Democratic, Republican, or independent—and offer those candidates a variety of technical resources to aid them in running more effective campaigns. We will cooperate in every way with organizations, nationally and locally, who are working to raise these issues—groups like, the Moratorium, the National Committee for an Effective Congress, the New Democratic Coalition, Americans for Democratic Action, SCLC, Council for a Liveable World, the Mexican-American Youth Organization, National Welfare Rights Organization, and others.

Specifically, we will recruit field organizers who can assist candidates on best techniques of storefront organizing, media and canvassing; as well as those who can build public and organizational support for the issues.

We will run a training program for selected staff members of candidates in the specifics of campaign organization and mechanics.

We will provide research on the issues which can be used for educational and political efforts of all kinds.

In short, we will use every available resource to assist candidates and groups whose goal it is to reverse the current policies and break the current climate of fear and stagnation which grips our people.

Of course, we do not expect that America's problems will be solved by the end of 1970, or that a one-year effort to support progressive candidates will be sufficient to redress the myriad of ills which we see.

Yet, the elections of 1970, like those of 1960, offer a new opportunity—an opportunity to begin again—an opportunity to "get the country moving again"—and moving in

a direction which gives us confidence in its future. We plan to take that opportunity, and we ask your help.

URBAN POVERTY CAUSES CHILD DEATHS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. MIKVA. Mr. Speaker, it has now become fashionable to mouth slogans about the quality of life. But while pompous pronouncements about controlling pollution and eliminating hunger pacify some Americans, other Americans die in our urban centers.

I have previously called to the attention of my colleagues the deplorable fact that hunger, amidst a trillion dollar GNP, and malnutrition—in an affluent society—result in low educational standards and school dropouts. But not only is hunger an issue about the quality of life, it is an issue of life itself.

A recent article in *Science* magazine reveals that infants of poor mothers are 15 percent smaller than infants of nonpoor mothers and that these same poor infants suffer from serious bodily disorders. The real tragedy is that undernourishment of infants has made the child death rate in the United States much higher than that of other countries. In a nation of plenty, it is facts such as these that try the souls of America's poor.

I urge my colleagues to weigh the information in this vital article and then to consider what action each must take to eradicate the plague of hunger and malnutrition in the wealthiest of nations.

The article, which appeared in the November 21, 1969, issue of *Science* magazine, follows:

URBAN POVERTY: EFFECTS ON PRENATAL NUTRITION

(Note.—Infants of poor (as measured by an index) mothers were 15 percent smaller than infants of nonpoor mothers. Infants from poor families had multiple anatomic evidence of prenatal undernutrition.)

Perinatal mortality rates are higher in the United States than in many other nations (1). An excess of infants of low weight at birth accounts for much of this high perinatal mortality (1). Low birth weight and perinatal death are much more common in families of low socioeconomic status than in families that are better off (1, 2). We now identify undernutrition as the cause of low birth weight in a group of infants born of poor urban mothers.

Material was examined from 445 consecutive autopsies on stillborn and newborn infants at Babies Hospital, New York City. Gestational ages calculated from the mother's last menstrual period ranged from 20 to 44 weeks. One hundred ninety-three cases were excluded from further consideration because there were fetal or maternal disorders that may have affected fetal growth (3, 4). These included multiple births, hypertension and other manifestations of maternal toxemia, maternal diabetes mellitus, major congenital malformations in the newborn, chromosomal disorders in the newborn, any evidence of chronic fetal infection, and erythroblastosis fetalis. The remaining 252 cases

were classified as poor or nonpoor, on the basis of weekly income and family size, the standard being the poverty-index tables (U.S. Social Security Administration) (5). This index is not generous. In 1966 for a family of four, it provided only 75 cents a day per person for total food expenditures (5). Of the infants, 49 were born to poor families, and 203 were born to nonpoor families. Thirty-seven percent of the poor and 27 percent of the nonpoor infants were still born. All other infants died within 48 hours of birth. Both the poor and the nonpoor constitute high-risk groups. The mean number of gestations for poor mothers was 3.9 and for the nonpoor 2.8. In the poor, 85 percent of the pregnancies before the current one resulted in surviving children; the figure was 76 percent for the nonpoor.

TABLE 1. MEAN ORGAN AND BODY WEIGHTS (± 1 S.D.) IN NEWBORN INFANTS OF POOR AND NONPOOR FAMILIES IN PERCENT OF "NORMAL" PUBLISHED VALUES (6). BODY LENGTH: POOR INFANTS, 97 ± 7 ; NONPOOR INFANTS, 103 ± 10 ; DIFFERENCE OF 6 PERCENT, $P < .005$.

Item	Poor	Nonpoor	Difference
Body.....	92 \pm 18	107 \pm 23	15
Brain.....	101 \pm 19	107 \pm 25	6
Heart.....	90 \pm 27	105 \pm 28	15
Liver.....	83 \pm 22	104 \pm 31	21
Spleen.....	81 \pm 45	104 \pm 49	23
Thymus.....	66 \pm 31	104 \pm 49	38
Kidney.....	91 \pm 34	101 \pm 37	10
Adrenal.....	77 \pm 38	102 \pm 46	25
Placenta.....	84 \pm 35	88 \pm 29	4

¹ $P < .005$; ² $P < .05$; ³ $P > .1$.

Weights of organs and body measurements were calculated in percent of mean values for "normal" infants (6). A mean percent of these "normal" values was then calculated for each organ or body measurement (Table 1). The method of point counting was used to determine the relative size of abdominal subcutaneous adipose cells. (7).

The mean gestational age for both groups was 29 weeks. Mean thickness of abdominal subcutaneous fat was 2.9 mm \pm 1.0 (1 S.D.) in the poor infants and 4.5 mm \pm 1.2 in the nonpoor infants ($P < .05$). Mean volume of individual adipose cells in this locus was 2.92 \pm 1.40 (arbitrary units) in poor infants and 4.47 \pm 1.46 in nonpoor infants ($P < .05$).

Undernutrition appears responsible for the prenatal growth retardation in infants from poor families. Both mass of adipose tissue and size of individual fat cells were smaller in the infants from poverty families. Such infants had thymus, spleen, liver, and adrenal glands relatively smaller than brain, kidneys, heart, and skeletal bones. This particular ranking of organ growth has often been observed in both human beings and animals who have experienced chronic alimentary undernutrition (3, 8).

It has also been observed in a variety of placental and uterine disorders in which the flow of nutrients to the growing fetus was restricted (4). Since all multiple births and cases with a known uterine or placental disorder were excluded from the current study, it is possible that maternal malnutrition during gestation contributed to the fetal undergrowth. Other environmental or genetic factors have not been excluded, but most families in the two economic groups lived in the same area of New York City. The racial balance in the two economic groups was also similar.

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ALBERT A. WALSH—NEW YORK CITY'S NEW HOUSING AND DEVELOPMENT ADMINISTRATOR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OTTINGER. Mr. Speaker, in a city replete with incredibly difficult problems, the task of New York's administrator of housing and development must rank among the most complex and perilous. Stretched to the limits of its resources, encumbered with bureaucracy, handcuffed by vested interests, New York City faces a housing crisis greater than what is present in entire regions of our country.

Mayor Lindsay has recently named Albert A. Walsh to lead an assault on this crisis. Mr. Walsh, a longtime resident of Yonkers, has been chairman of the New York Housing Authority for 2 years, and as such, was responsible for the Nation's largest public housing program—some 533,000 low-income tenants living in about 150,000 units.

In wishing Mr. Walsh every success in his new responsibilities, I am presenting for inclusion in the RECORD a profile of him which appeared recently in the *New York Post*:

A HOUSING COMPLEX

(By Pamela Howard)

Albert A. Walsh smiles and through the gap between his two front teeth says emphatically, "Yes!" He did want the job as the city's new Housing and Development Administrator. "It's like a, well, mountain you know," and housing, he adds, "has been my field for a long time."

Until his appointment by Mayor Lindsay last week, Walsh, a 41-year-old lawyer from Yonkers, was chairman of the Housing Authority for two years. "It was a somewhat difficult appointment for the Mayor to make," says Walsh of his new post which carries with it the same \$35,000 salary he had at the Authority.

The difficulty arose when members of the West Side Reform Democrats and the Liberal Party expressed reservation about appointing Walsh. "I don't consider myself a politician," the new Republican administrator says now

that he's securely behind the desk in the new HDA headquarters at 100 Gold St., "but I've been around politics for years."

In his new post, Walsh plans to focus on producing low and moderate income housing; encouraging private residential construction; providing rent supplements for low-income tenants, and solving the increasing problem of abandoned buildings.

How will he tackle this mammoth job? Walsh ducks the question. He says he's only been on the job a few days and wouldn't presume to have the answers yet. He does go so far as to say he will be making some specific recommendations to the Mayor soon.

At the Housing Authority, the nation's largest public housing program, Walsh had the responsibility for some 533,000 low-income tenants living in nearly 150,000 units. In his new capacity, he will be able to set policy on rent control, enforce the Housing Maintenance Code and, among other things, select sites for new projects.

A man whose idea of a vacation is taking lots of books to the seaside and reading for days on end, Walsh has moved quickly up the ladder since his boyhood in Yonkers.

He attended local schools; commuted for three years to Cathedral HHS in New York and finally graduated from Gorton HS in Yonkers in 1945.

He spent three years in the Navy's submarine service and after his father died unexpectedly in 1948, Walsh was forced to work part-time while he put himself through Fordham and then Fordham Law School. He graduated in 1954.

Long active in Westchester Republican campaigns, Walsh worked for Gov. Rockefeller in 1958. In May, 1959, he was appointed assistant counsel in the Division of Housing and Community Renewal and in 1962, he became deputy commissioner of the division.

He held that post until 1966, when he resigned to practice law with the Manhattan firm of Demov and Morris. The firm represents many of the city's larger private developers, which may account for the "housing establishment" label the Liberals sought to pin on him.

Walsh lives with his wife, the former Ann Heini, and their four children—Maryellen, 15; Nanette, 12; Mark, 11, and Gregg, 8, in a West 20th St. apartment but still maintains his 12-room Yonkers house at 161 Westchester Av. where his wife's parents live.

A friendly man who leans towards dark suits, stripped ties and blue shirts, Walsh likes to play golf for recreation.

ATLANTIC SALMON NEAR EXTINCTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. CONTE. Mr. Speaker, I recently came upon a most interesting, and provocative, article about the Atlantic salmon. It documents quite vividly how net fishing by Denmark, principally off Greenland but also in other northern regions, is destroying the great Atlantic salmon. The slaughter, according to the article, began in 1964. Nonetheless, it has been highly successful—so much so that Sir Hugh Mackenzie, director of the Atlantic Salmon Research Trust thinks we have 3 years at most to end high-seas salmon fishing. Otherwise, in his opinion, the salmon will have passed the point of no return on its way to extinction.

Mr. Speaker, because of the importance of bringing this conservation question to the attention of my colleagues and the Nation, I would like to include "The Danes Scourge the Seas" by Clive Gammon in the RECORD at this point:

THE DANES SCOURGE THE SEAS

(By Clive Gammon)

A mud-spattered station wagon with fishing gear plainly visible inside stands parked on a street in Aberdeen, Scotland. It has a sticker pasted to the rear window reading *Don't buy Danish Bacon* in virulent red capitals.

The car belongs to Reg Righyni, an Englishman of Italian descent who is rated by many as Britain's finest salmon angler. He lives beside his private stretch of the River Lune. By mid-September of this year he had not caught a single salmon.

Another Englishman, Gerry Fane, is lucky enough to spend three weeks each summer on the magnificent Namsen River in Norway. In 20 years of fishing, the average size of the salmon he caught never dropped below 18 pounds. This year, from a total catch of 62 fish, only five were better than five pounds in weight. Thirty-seven of his salmon had broken dorsal fins and other signs of net injuries.

In Canada in 1967, 34% fewer salmon were caught in Atlantic-flowing rivers than the year before. In London, at Billingsgate Fish Market, 40 tons of salmon were offered for sale in February and March of this year. In 1963 the equivalent figure was 105 tons.

The evidence is fragmentary, the facts hard to assemble. But there is now no doubt in the minds of anglers and fishery experts on both sides of the Atlantic that by the deliberate policy of its government, and in spite of almost universal condemnation, the civilized and progressive nation of Denmark is destroying *Salmo salar*, the Atlantic salmon, one of the great sport fishes of the world.

My investigation of the assault on the salmon began on a bitter October morning in West Greenland. Against ominous, isolated snowflakes drifting out of the gray overcast, the red-and-white flag of Denmark fluttered in the wind. The street market was open in the capital, Godthaab (pop. 5,000). Great pop-eyed cod, caught between the icebergs a few hours earlier, lay in the stalls, and an Eskimo was bloodily hacking a reindeer into quarters for his sales display. Five hundred yards away, up a rough road cut out of dusty gray rock, one could buy elaborate hi-fi equipment and fine German and Japanese cameras from a brightly lit store that would not be out of place among the shops of the Radhusplads in downtown Copenhagen.

Godthaab is not a frontier town, though it has the makeshift appearance of one. In Greenland no frontiers have been achieved. There are only tenuously held beachheads on the western and southwestern coasts, where the North Atlantic drift holds the pack ice back and the fjords and harbors stay unfrozen in the summertime. The beachheads are sometimes hundreds of miles apart and no roads link them across impassable wastes of mountain and glacier. Until five years ago the only travel was by sea. Now a helicopter flies when the uncertain Greenland weather allows.

In the ramshackle single-story hotel in Godthaab and in Sukkertoppen, a hundred miles to the north, it is possible to order Chateaubriand and French wine. Naturally they are not cheap: everything is imported, even vegetables. This does not worry the locals, though. The Danish administrators of Greenland live tax-free, and for five years now the native Eskimos also have had plenty of money to spend.

The money comes from the slaughter of thousands of tons of salmon. Eskimo fishermen, who made a meager living by catching cod before the salmon kill started in 1964, now earn as much as \$12,000 in the three-month netting season between September and November, according to Holten Moller, who is chief trade inspector in Godthaab for the Royal Greenland Trading Company.

For two hundred years European and American scientists had been trying to solve one of the sea's great mysteries: the migration route of the Atlantic salmon. Every year the great leaping fish returned to their native rivers, fighting upstream against multiple hazards to spawn in the hill streams. After two or three years of river life the red-speckled salmon parr that had hatched out from the eggs took on a bright silver coloration and, as salmon smolts, dropped downstream to the sea. And there, once they had left the inshore waters, they disappeared from human knowledge.

There were plenty of theories. Maybe they browsed on the slopes of the continental shelves. Maybe they ranged the North Atlantic in pursuit of the herring shoals. But nobody really knew.

The first indication that the mystery might have been solved came from *The Field* magazine of London, which early in 1965 reported that very large quantities of frozen Atlantic salmon were reaching European markets from Greenland. The implications were swiftly realized. In Greenland itself there is only one minor salmon river, quite incapable of producing this kind of tonnage. In some way the salmon's migration route had been discovered and was being heavily exploited.

Documentary evidence has now shown that a few salmon had been taken in set nets staked out from the Greenland shore from the 18th century on. But the sudden explosion of this fishery in the early 1960s has not yet been accounted for. Possibly some unexplained change in the feeding habits of the salmon brought greater quantities of them within range of the shore nets. More probably, until modern freezing techniques were available there was no point in exploiting the fishery. Without freezing and fast transport, salmon were worth little compared with cod. In Europe there has been a market for salt cod since the Middle Ages.

Whatever the reason, in 1964 the explosion started. In that year 1,539 metric tons of salmon were taken in the Greenland nets, compared with 127 tons in 1961. Put alongside the annual catch of Pacific salmon, this does not seem much. But the annual catch of Atlantic salmon is less than 15,000 tons.

After 1964 the Greenland catches remained high, except in 1968, when drifting ice from the south hindered the netting and cut the catch down to 1,200 tons—some 400 tons less than 1967. And by then, also, the Greenlanders had competition, for the catches had not gone unnoticed by the sovereign power, Denmark. As early as 1965 a couple of boats from the Faroe Islands—closely associated with Denmark, though enjoying a titular independence—turned up in Davis Strait, which divides Greenland from Canada. They, with the Norwegians, took a share of fish, but in 1967 the real experts arrived, tough Danish fishermen who brought their tiny 30-ton boats all the way up from Bornholm Island in the Baltic. Danes and Faroese took more than 400 tons of salmon last year, when they were joined by Swedish boats.

No figures are yet available for the 1969 season, but it looks like it was a boom year for the nets. Moller told me in Godthaab that local netmen there had already landed 133 tons of salmon by the end of September, compared with 61 tons at the same point in 1968.

The salmon-producing countries reacted swiftly to the news from Greenland. By the

fall of 1965 separate teams of British and Canadian scientists were operating in Greenland waters, and they were able to confirm very quickly what had been suspected from the beginning. The Eskimos and the drift netters were harvesting immature fish. More than 95% of the salmon they caught had spent only two summers at sea. They weighed about seven pounds, and they were still feeding heavily on sand eels and capelin. This clearly meant that the Greenland figures had to be examined in a new light: they represented a far greater potential tonnage of mature fish that would not return to the rivers.

The other thing that had to be proved was just where these salmon had come from. This didn't take long either. Fish tagged as smolts when they left British, Irish, Canadian and U.S. rivers to begin their sea journey were recorded in the Greenland catch. Most of them came from Canada, but some 15% had been spawned in the rivers of Maine, rivers that were just beginning to be nursed back into production after the Atlantic salmon had almost become extinct in U.S. waters.

However, as the Danes have been swift to point out, tag recoveries have not been high. Out of 100,000 smolts tagged leaving British rivers, only 80 tags have been returned in Greenland. There is good reason to believe that many tags are not reported.

In Sukkertoppen this fall, the European trade inspector told me that there would be no difficulty in arranging for me to go out with Eskimo salmon fishermen to haul nets. But postponement succeeded apologetic postponement. The netmen, fully aware that their new prosperity was under attack by foreigners, weren't going to have me on board at any price. Hostile groups formed when I went down to the quay to photograph the salmon boats leaving harbor. One doesn't have to be cynical, in such circumstances, to doubt that the Eskimos return all the tags they find.

The Canadian and British scientists who for the past four years have been working in the freezing seas off West Greenland recognize this. What they are now trying to do is to catch salmon in the same waters as do the netmen and to tag them in the surer hope that anglers and commercial fishermen in the salmon-producing countries will return tags from mature fish.

The difficulty is that net-caught salmon rarely survive the experience, since they shed their scales so easily. Arthur Swain, the leader of the British team, told me in October that racial differences between salmon originating in different countries were being investigated as a surer means of determining the origins of salmon caught off Greenland.

It is the kind of minute investigation that in ordinary times would stay buried in Ph.D. theses, of interest only to a tiny minority of scholars. But the survival of the Atlantic salmon may depend upon the remorseless piling up of proof of where the Greenland salmon come from.

The only important salmon-producing country that seemed to remain unthreatened by Danish netting was Norway. But the reprieve lasted only until 1967. In that year another high-seas feeding ground of the Atlantic salmon was discovered off the coast of northern Norway, well outside territorial limits. There also the Danes moved in. Last year 23 Danish, 16 Swedish, one Faroese and several Norwegian fishing boats were operating on the Norway grounds. They caught more than 360 tons, a large percentage of the Norwegian spawning stock. Now the great rivers of Norway—the Namsen, the Alta, the Driva—were being threatened in the same way as were those of Scotland and Canada.

Last year yet another point of high-seas ambush was discovered and exploited by the assiduous Danes, when they intercepted the

sea journey of the salmon off the Faroes. No figures have yet been published for this new fishery, but Scottish- and Swedish-tagged salmon have been recovered.

Nations have gone to war over salmon, or very nearly so. One cause of the 1904 Russo-Japanese War was the desire of the Japanese to move in on the rich, salmon-bearing waters off Siberia. When they won the war this is just what they did. No one has yet suggested, except maybe late at night in Scottish fishing pubs, that the salmon-producing countries should declare war on Denmark. But this much is sure: the international reputation of Denmark is at its lowest point since the Viking ancestors of the present Danes hacked their way around Western Europe putting cities and cathedrals to fire and sword.

This year has seen two broadly mounted attempts to bring international pressure on Denmark, after she had declined an invitation to attend an informal conference in London last April.

At a meeting of the North-East Atlantic Fisheries Commission that followed a month later in London, a U.K. proposal for a ban on high-seas salmon fishing in the Atlantic received the required two-thirds majority, only Denmark, West Germany and Sweden voting against. The following month the International Commission for Northwest Atlantic Fisheries met in Warsaw. This time Canada proposed the high-seas ban, and once again a two-thirds majority was achieved. Only Denmark and West Germany voted against.

The cheers that greeted these decisions were premature. Because of their milk-and-water regulations, neither body can impose its decisions on objecting member states, and the Danes have officially rejected the resolutions.

The Germans, the Swedes and the Danes are Baltic, not Atlantic, oriented. All three fish salmon commercially in the small, easily controlled Baltic Sea. The fear, certainly, of Sweden and Germany is that an Atlantic ban might make a precedent for a similar ban in the Baltic. Germany, like Denmark, produces no Atlantic salmon. As a bitter British fishery expert said recently, both countries are in the happy position of milking a cow they neither own nor feed.

Through last summer and fall, as it begun to be realized that Denmark was refusing to accept the decisions of the international fishery bodies, anger grew, in Canada and Britain especially. Britain imports a considerable amount of Danish butter and pork products, and there was a strong outcry for a boycott of these goods. *The Field*, which had continued to document the growth of the high-seas fishing, was accused of pussy-footing because it wouldn't sponsor a public boycott campaign, believing, it said, that such matters should be settled in friendship between reasonable people.

But if *The Field* took this tone, other British publications did not. The outcry became so great that in July, Erling Kristiansen, the Danish ambassador in London, issued a long defensive statement that attempted to blame the sudden decline in salmon stocks on any cause but the high-seas netting. His Excellency, of course, was not the author of the statement. It had been prepared for him by the Danish Ministry of Fisheries, which had sent the Danish delegation to London and Warsaw.

The arguments were identical with the ones that were put to me last summer in Copenhagen. Full scientific proof, it was claimed, had not been forthcoming that Danish netting had caused the decline in salmon runs. The Danes were hurt that the accusation was made, and judgment passed, without this proof.

It is known that off Greenland in 1967

and 1968 at least 800,000 salmon were killed that were not known to breed anywhere except in North American, British, Irish and Norwegian waters. What would happen, I asked a Fisheries spokesman, while we waited for complete scientific proof?

"I cannot foresee what will happen in the future," he said.

The Danish fisheries people would like to blame UDN, a disease that has plagued British and Irish salmon for five years, for the decline in river catches. But the salmon has a five-year life cycle, and the great Scottish rivers did not become infected until 1967. The UDN effect is still to be felt, and there is anger that the Danes are using a natural disaster to support their case for continuing netting. When UDN first occurred there was a huge step-up of artificial salmon production in Britain to make up for losses. It is the harvest of this sowing that the Danes are reaping now.

The ministry spokesman also pointed to the example of the Baltic, where the Danes have been drift-net fishing for many years. There, he said, stable stocks had been maintained ever since 1945. He did not add that they originated almost entirely from smolts artificially bred by the Swedes and the Finns. In the Baltic the Danes cull half the total salmon catch, though they themselves, the spokesman admitted, do not contribute a single artificially hatched salmon.

He was perhaps too sophisticated to put to me some of the other defensive points that the royal Danish ambassador employed in his London statement.

How many salmon, it asked rhetorically, perish at the hand of nature?

Plenty, said *The Field* in its own reply. But not more than have thus perished in past years.

How many are caught in British home waters outside the salmon rivers?

None, Salmon fishing has been banned there since 1962.

How many are deterred from going upriver by increased pollution and other environmental changes?

Many fewer than previously. Because of reduction in pollution, and conservation measures, rivers that 20 years ago were barren of salmon had begun once more to have runs. This is true also of some North American rivers.

The Danish case does not stand up to close scrutiny and, although in a later statement the ministry says it does not exclude the possibility of "certain restrictions" like those that govern net fishing in the Baltic, there seems little chance that normal international pressures will make the Danes agree to a ban.

An American salmon authority, Anthony Netboy, recently said that "the history of fishery disputes over the centuries suggests that they are not settled by common sense but by what might be called *force majeure*, that is, power politics involving implied or threatened economic sanctions."

So far, there is no suggestion of applying economic sanctions against Denmark, except by individual pressure groups of anglers, although Wilfred M. Carter, director of the International Atlantic Salmon Foundation, said this year that it may be necessary to think of a solution involving economic sanctions as a last resort.

Denmark is a country that is very vulnerable to this sort of action. Its standard of living is high—and it depends largely on exports of foodstuffs. Even before the present dispute Denmark exports of butter and bacon to Britain had dropped, because they were ceasing to compete with the cheaper Irish products, and there is strong clamor among anglers and people concerned with such things as tourism, fishing-tackle manufacture and fishery management that advantage should be taken of this situation.

The clamor is the greater because there seems to be so little time left. Sir Hugh MacKenzie, director of the Atlantic Salmon Research Trust, Ltd., thinks that we have three years at most in which to end high-seas salmon fishing. Otherwise *Salmus salar* will have passed the point of no return on its way to extinction.

When one takes the helicopter south from the main Greenland airfield of Sondre Stromfjord, the mountains gradually break down into low gray islands and fjords, where they meet the coast. Nothing grows, except patches of yellow grass and the mosses the reindeer feed on. This is a country that the Danes subsidize at an annual rate of \$2,500 per head of the population, a country that is virtually ruled by the Royal Greenland Trading Company, as much of Canada was once ruled by the Hudson's Bay Company and India by the East India Company. It is a curious survival of history, an empire that is never discussed by the U.N.

Looking down from the helicopter into a maze of waterways, I could see, like strings of pearls, the white floats of the nets that are killing the salmon. It is conceivable that they are there because of the determination of the Danes to make their chilly empire a viable commercial proposition. To this end, it seems, Denmark is willing to sacrifice the most valuable fish in the world and to endanger her relationship with most of the civilized nations of the West.

THE HOW AND WHY OF THE ARMS RACE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OTTINGER. Mr. Speaker, if there was one outstanding accomplishment of the 91st Congress in its first session, it was the beginning of a new attitude toward military spending—an attitude based not only on a natural desire to see public funds used economically, but more important, to reverse the seemingly uncontrollable momentum of a military establishment which has played so major a role in distorting our national priorities.

Much has been written about the arms race. In the past year, we saw new revelations about the influence of the military-industrial complex on government and on society. What we have seen and read is just the tip of the iceberg. We still have much to learn.

In this regard, Richard J. Barnet's new book, "The Economy of Death," is an important contribution, and I commend it to all who are concerned about the directions this Nation will be taking in the decade ahead. As a brief introduction, I present for the RECORD a review of Mr. Barnet's fine book by Senator GEORGE MCGOVERN. The review appeared in the New York Times book review on December 28:

THE ECONOMY OF DEATH

(By GEORGE MCGOVERN)

By Richard J. Barnet, 201 pp. New York: Atheneum, Cloth, \$4.95. Paper, \$2.95.

Among the most intriguing characteristics of the American political-economic system is the great diversity in authoritative descriptions of how it works.

Even the few remaining devotees of Adam Smith will, for example, be surprised to hear from a top defense industry official that it is "part of the American game" for military contractors to deliberately submit bids way below the expected eventual cost of military projects. This practice is not dishonest, insists an unnamed industry spokesman in the November issue of *Armed Forces Management*: "If we don't, Congress won't 'buy' the program and it either won't go at all or will go to someone else."

This attitude is, in part, what Richard Barnet writes about in "The Economy of Death," and it tells a great deal why the military establishment has grown out of control. Congress, suggests the industry official, should not have a fair advance estimate of the price tag of a weapons system, because we might decide that it is not worth the cost. That's how the system operates.

Barnet supplies a detailed documentation of other aspects of the military-political-industrial-labor-foreign policy combine and how they have worked to preclude public control. "Every new weapons system," he points out, "has been presented to the public doubly wrapped: an inside wrapping of baffling technical detail, and on the outside, the flag." The kind of planning used in setting strategic weapons requirements, based on "greater than expected threats" and on "erring on the side of strength," is a "recipe for an unlimited arms race." The military bureaucracy—viewing the world simply as a series of smaller and greater threats to American power and prestige—finds itself in a uniquely favored position in the American system; it has "defined the threats, chosen the means to counteract them, and evaluated its own performance."

The author chooses, wisely I think, to cover the growth of militarism in the United States in summary form. He recounts the postwar fear of Communism, the advances in technology, the development of a permanent arms industry, and other factors that have made the military an ominous presence in American life. Probably the most significant material in this middle section of the book, "The Military Industrial Complex and How It Works," is enlightening discussions of the small, prestigious group of men, numbering no more than 40, who have dominated the top civilian national security positions since 1940. Nearly all began with or came quickly to accept what has for all those years been the conventional wisdom about America's role in world affairs.

The Truman Doctrine for containing communism led to Secretary Dulles's Herculean effort to cover the world with paper pacts which in turn required that we flesh out those commitments with the military power to meet them. Meanwhile a large, special kind of industry—"military socialism" is Barnet's label—stood ready to supply the weapons and accept the profits. Both entities, working more and more as a unit and with the dividing line between government and private enterprise becoming more and more blurred, developed the public relations punch to assure that the threat would not grow dim in the public mind. It all worked fine until Vietnam, followed shortly by some particularly outrageous disclosures of Pentagon waste and mismanagement, gave it a serious test.

These matters have been discussed elsewhere, and Barnet lists many of the best sources in his references—making that part of the book as important as the next for serious students of the subject. It is difficult, in fact, to avoid reading "The Economy of Death" as a sequel to Fred J. Cook's "The Warfare State," written in 1962.

Richard Barnet's most significant new contribution in "The Economy of Death," then, is in his third section, entitled, "Choosing Life: A Strategy." Here he lists specific steps for setting more rational priorities. "Military

spending is indeed out of control," he says, "but control as an end in itself is not the answer. As long as the military-industrial complex continues to play anything like its present role in American society it will remain uncontrollable."

This view is confirmed by the experience of members of Congress who attempted assaults this year on what appeared to be the most vulnerable weapons system in the fiscal 1970 defense budget. We lost, of course, but even more significant than the losses is the knowledge we gained about the magnitude of the task.

Even had we won on every amendment this year the setback for the military would have been a temporary one. In the absence of institutional changes, providing the kind of intensive, continuing scrutiny which slim Senate and House staffs simply cannot provide, it will always be an unequal contest. In the absence of procedures for the conversion of excess military resources and manpower to civilian pursuits, and of other steps to redirect the arms budget's vast economic dependency, its influence will remain as pervasive as it has been throughout most of this decade.

This year's focus on the military will produce a number of books. In terms of readability, knowledge and conviction, Richard Barnet's will be among the best. As an authoritative set of recommendations for action it may well be unique in the field.

THE BADGER SPORTSMAN SPEAKS OUT ON PROJECT SANGUINE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. KASTENMEIER. Mr. Speaker, I would like to call to the attention of my colleagues an editorial on the Navy Department's Project Sanguine which appeared in the December 1969 *Badger Sportsman*.

The *Badger Sportsman*, published in Chilton, Wis., conveys the concern many Wisconsin environmentalists have expressed regarding the possible hazards and inconveniences Sanguine may bring to the people of northern Wisconsin, as well as threatening animal and plant life in that part of the State.

Mr. Speaker, the editorial follows:

PROJECT SANGUINE

It is no secret that northern Wisconsin has been chosen as the site for one of the Navy's top-secret projects termed "Project Sanguine". In fact, the word has been out for some time and conservationists are concerned about the effects that the program will have on northern Wisconsin's wildlife, plants and other living things.

Project Sanguine is the world's largest proposed communication system. At least \$28 million has already been spent on the project and it is estimated that it could cost anywhere from \$2-\$10 billion before its completion.

Although the Navy admits that it does not know how big or how costly the project will be, some estimate that it will be up to 150 miles square and boast 240 transmitters that will send ultra-low frequency signals to nuclear submarines anywhere in the world. It is strictly a military project.

The unknown effects of these ultra-low frequency beams on living things has excited conservationists. Ultra-high frequency waves have been proven damaging to genetics in

living things, affecting reproduction, growth and other functions. Possibly Sanguine could turn into a giant mutating machine.

Many in northern Wisconsin are behind Sanguine, including Congressman Alvin O'Konski, the project's chief promoter. Northern Wisconsin is ideal for the program because of its insulating rock formation called Laurentian Shield. Apparently some northern residents feel this is the most attention their land has had since taconite mining.

But conservationists and opponents, which include Senator Nelson and Congressman Obey, argue that more study is needed on soil erosion, electro-magnetic radiation and other ecological problems. The Navy admits that it does not have these answers, but proponents say if we don't act we will lose the project.

We have been playing Russian roulette with our environment too long already. It is pointed out in Santa Barbara, Cal., Alaska, the Everglades and now in Project Sanguine. Although there is no wish to deprive any of our northern residents of economic benefits we certainly cannot forsake careful study and research before making an electro-magnetic grid out of northern Wisconsin.

Maybe conservationists worries are over—Congress just slashed Sanguine's budget by \$15 million. But in our search to find the answers, we can afford to lose this project rather than destroy our environment. Northern Wisconsin will be worth a thousand Sanguines in years to come.

GOVERNOR REAGAN'S STATE OF THE STATE MESSAGE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. UTT. Mr. Speaker, I am including Governor Reagan's state of the State message delivered January 6, 1970, before the joint session of the California State Legislature in the RECORD:

GOVERNOR REAGAN'S STATE OF THE STATE MESSAGE

To the Honorable Members of the Senate and Assembly: It is in the nature of things that at such a joint session of this Legislature I'm expected to deliver a State of the State Message boasting about some of the things this administration has already done—and listing some of the programs we intend to launch during the coming year. Traditionally this recital of hoped-for legislation is referred to as "the laundry list."

It is also in the nature of things that such messages be debated, sometimes with more heat than light. Rebuttals are prepared even before the remarks are formally delivered; some exhortate and some defend, some decry omissions and others praise inclusions.

But now and then a people in a particular moment of time are called upon to rise above the norm. Their chosen representatives, elevated from politics to statesmanship, make land-mark decisions—and men for decades to come hark back to those decisions and are guided in their own deliberations.

I believe we are met in such a moment of time—a moment when we should be more concerned with the next generation than the next election.

Just six days ago the world embarked upon a new decade. It brought with it the achievements and the scars of the sixties. It signifies more than just a measured span of years—it introduces its own imperatives, and it stirs our souls for a new spirit.

Since we last met like this—on January

7, 1969—about 300,000 individuals have been added to our state's population. It is predicted that by 1980 there may well be some 25 million people living within our state.

Every year, as our population grows and our problems increase, we are called upon to perform minor, even major, miracles for, while such growth can mean progress, it can also mean degradation.

We are already faced with a chronic shortage of funds for such capital facilities as the State Water Project because of the tight money market. The proposition on the June ballot, which will allow us to raise our interest rate ceiling, must pass or we will face serious, almost chaotic, contractual and construction problems.

We are challenged to protect the safety and the liberty of our citizens and to provide the proper climate for economic development while preserving our priceless, irreplaceable natural resources. We seek ways to accommodate those who want to share in the magic of California, without allowing that magic to be swept away by a wave of people and pollution.

And, we must provide all of these services and all of these protections without confiscating more and more of the taxpayers' earnings—and without depleting the risk capital which is vital to our economic expansion—and to jobs and job opportunities for our growing population.

These are some of the imperatives of the seventies that should bind us together in common effort. They demand a common commitment greater than any personal ambition and stronger than any partisanship.

This being an election year, there will no doubt be many evidences of partisanship—and properly so. The two-party system is essential to our government of free men. It ranks with our federal system of sovereign states as the great safeguard of our freedom. It is important that we argue things out—so long as we argue about the right things.

In the coming weeks and days, I will deliver to you definitive messages and specific requests for legislation dealing with some of the imperatives of the seventies. The laundry list will come in installments.

QUALITY OF LIFE

There is no subject more on our minds than the preservation of our environment, and the absolute necessity of waging an all-out war against the debauching of that environment. A booming economy and the "good life" will be no good at all if our air is too dirty to breathe, our water too polluted to use, our surroundings too noisy and our land too cluttered and littered to allow us to live decently.

One of the great bays of our state is already so badly polluted it is unsafe for many water sports—and yet every day some one hundred million gallons of human and industrial wastes are dumped into it. And, along the Santa Barbara coast, seeping oil continues to ruin the beauty and endanger wildlife—and it is nothing less than irresponsible demagoguery to pretend that the turn of a valve or a simple edict can resolve this tragedy. No one can be indifferent to the distress of those along that scenic coastline. It goes without saying that the oil pollution plaguing them will be cleaned up—and, that must be a permanent guaranty.

We stand ready to use the tough provisions of the Porter-Cologne Water Quality Control Act if necessary, including the requirement that those who are responsible for oil spills are responsible for cleaning them up.

But, it is even more important to find a way to end the threat of such pollution. When the federal government began granting leases outside the three-mile limit—more than a year prior to the disaster off Santa Barbara—we urged that before either the federal government or the leasing companies took any profit, a percentage be set aside as

insurance for the nearby coastal areas. This proposal was ignored.

When we learned that federal drilling regulations were only one-third as effective as those we insist on in California State leases, we urged the federal government to adopt our standards—and we offered to take over the policing of the federal leases. This suggestion also was ignored. There is general agreement that the oil spill of last year could not have taken place had the drilling been done under our state regulations and policing. The incumbent Secretary of the Interior adopted our standards almost immediately upon taking office.

ADMINISTRATION POLICY ON SANTA BARBARA

We support the State Lands Commission ban on any new drilling on off-shore lands under state jurisdiction while we make certain that safety and containment devices are adequate to protect the public interest. We have urged the federal government to do the same.

We have already joined with local governments to force the revocation of recent federal drilling and platform permits pending public hearings.

And, while we continue to seek scientific information and opinion on the long-range answer, we cannot ignore the findings of the scientific panel chaired by Dr. Lee DuBridge that pumping should be accelerated to relieve pressure build-ups which cause seepage through the fractured and unstable channel bottom. The most recent oil spill would seem to lend support to the DuBridge theory, since it resulted not from drilling but from a four-day halt in pumping; there is also the history of oil seeps in the Santa Barbara channel going back long before any drilling or pumping began.

The other part of this whole off-shore oil problem has to do with esthetics—the unsightliness of the drilling platforms. The new Secretary of the Interior has agreed to extend into federal waters the sanctuary boundaries we have established to ban drilling in areas of great scenic beauty. This had not been done before and as a result, the sanctuaries ended at the three-mile limit.

The real answer can come, of course, through technology—the development of submerged and unitized structures for drilling and subsequent pumping. We will be ready to move on this as soon as such installations can be certified as practical.

But, one thing is certain: the people of Santa Barbara, and all our coastal communities, have and will continue to have our help to solve this tragedy and to prevent future occurrences.

AIR POLLUTION

Back in the forties, smog was something radio comedians joked about; now, it is hard to find any humor in the some 13,000 tons of air pollutants descending every day on the inhabitants of just one of our metropolitan areas.

We have already made some progress in fighting air pollution—although it's hard to believe when the skyline dims and the air we breathe is made visible by the pollutants it contains. But, we did turn the tide in 1966, and despite the increased number of cars on our streets, air pollution is on the decline. Our job now is to speed that decline.

Last year, together we passed the toughest water quality control laws in the nation. We must have the same kind of tough laws to protect us from air pollution. Our state laws governing motor vehicle emissions are the toughest in the country, but they must be made even tougher.

We must seriously consider whether propulsion systems other than the internal combustion engine are practical, and we will continue our tests in this field. In the meantime, the stringent vehicle emission standards we have established must be enforced and the Air Resources Board is developing

more effective emission test techniques so that every new vehicle can be checked before certification and sale.

And, we must move quickly against those stationary sources which continue to spew debris into our skies.

During this session I will seek your support for the passage of an *Omnibus Clean Air Law*. It would establish a statewide, comprehensive monitoring and control program; require compliance with even stiffer motor vehicle emission standards; include new standards for the composition and volatility of gasoline, and set forth a regulatory program for agricultural and other open burning.

There are some other key environmental goals which we should achieve this year:

The preservation of our relatively few estuaries, particularly in Southern California;

Opening up more of our coastal areas and beaches to public uses;

Initiating a broad program of conservation education in our schools;

Encouraging the further preservation and enhancement of the San Francisco Bay;

Encouraging the preservation of the natural environment of the Tahoe Basin, and instituting stricter pesticide controls.

As a partner in government, I applaud the proposal for an Environmental Committee in the Assembly; recently a State Environmental Policy Council was formed in the executive branch. Lieutenant Governor Ed Reinecke is the chairman of that council which is now reviewing the many suggestions emanating from the recent Conference on Changing Environment. Some of those suggestions came from young people who represented college campuses throughout the state.

But, in seeking to preserve the magic of California, we must avoid those extremes on either end which could destroy our state. We cannot go all the way with those who cry, "No more roads, or factories, or power plants." Neither can we go all the way with those who justify everything in the name of progress—refusing to count the consequences; the obvious destruction of our environment is far too great a price to pay.

Progress and preservation are compatible; it is the refusal to work together for the proper balance that is incompatible with the spirit of the seventies. We must be concerned about the quality of our environment; we must also be concerned with the quality of government, and the integrity of those who serve in it.

CONFLICT OF INTEREST

Last year you passed and I signed a conflict-of-interest law which, while it was a start in the right direction, failed to give us what we really need to assure our fellow citizens that government in California will be beholden to the people. Therefore this year, in cooperation with the leadership of both houses, I will again propose conflict-of-interest legislation which will give California the most comprehensive laws of any state.

This legislation will extend disclosure provisions to cover all state civil service employees as well as all elective and appointive officials, including all constitutional officers, all salaried appointive officers, all judges, and the immediate families of each. It will also cover local public officials—mayors, city councilmen, county supervisors and the officers of boards and commissions.

Under the provisions of the law, all state civil servants and non-salaried appointive officials—and their immediate families—would be required to disclose only those investments in activities directly regulated by the agency, department or board of which the person was an employee or member.

CONSUMER PROTECTION

Just as we protect the public from the possibility of an unscrupulous public serv-

ant, so we must also protect the consumer from the possibility of the unscrupulous entrepreneur. We shall accelerate the programs in the area of consumer protection.

We will submit to you a reorganization proposal which would create within state government a *Department of Consumer Affairs*—the first of its kind in the nation. We will also move on several other administrative fronts.

We will again this year recommend that public membership be increased on many of the state's regulatory boards and commissions, and I hope that together we can do this to give the people a greater direct voice in the regulatory process.

We operate on the free competitive enterprise system in this nation and it has served America well. Business must, and generally does, serve the people honestly and fairly. We must be careful that we do not penalize or harass the multitude of honest businessmen for the sins of a few; those few must be brought into line, or put out of operation.

In the final analysis, the best protection for the consumer is to be fully armed with the facts about fair value, full measure, and safety. An important part of our consumer protection program will be to develop *consumer education courses* in our schools in cooperation with the Department of Education.

DRUG ABUSE AND NARCOTICS

We enter the seventies with a continuing and tremendous concern about the increasing problem of drug abuse and narcotics addiction. The problem has not been exaggerated; it is, in fact, more serious than appears in the news media. The physical and mental destruction of youth is far greater than the public is led to believe. Just as alarming is the growth of the "drug culture" which is tolerated—even touted—by many who influence our youth; it is a culture which glorifies and justifies the drugged and the drop-out, and it reaches into our high schools and even our junior high schools; the suburbs as well as the slums.

Together we have already taken significant legislative and administrative steps to wage a war against the peddler and the pusher, and to help those who are desperately trying to free themselves from their drug-induced nightmares. Working with the private sector, we have already embarked upon a widescale public education campaign to bring the facts of the horrors of drug abuse to our young people.

We will create a *State Office of Narcotics and Drug Abuse Coordination*. All agencies and departments in state government will be instructed to cooperate with this office in the total fight against narcotics and dangerous drugs. This is a war we intend to escalate, and win.

The laws we seek will involve the manufacture and sale of dangerous drugs, including licensing and bonding shippers and warehouses, expanding the duties and the powers of the State Board of Pharmacy, making the penalties for the sale or manufacture of restricted and dangerous drugs consistent with the penalties for possession of such drugs, and using electronic surveillance equipment under proper judicial safeguards.

We must all be deeply concerned about what J. Edgar Hoover called the "wretched record of crime and violence during the sixties." Law enforcement, on the whole, has done an excellent job in spite of increasing demands and obstacles. Perhaps the thrust in the seventies should be on the correctional system; it is the repeating offender who causes the bulk of our problem. There must be a new strategy in the search for answers. I propose an immediate major in-depth study of all correctional processes in California and will make the details of this proposal available to you shortly.

WELFARE

Even in these times of high employment, welfare costs in California continue to climb at a rate beyond the capacity of our tax structure to keep pace. *This increase each year is almost three times as great as the increase in our revenues.* During a period when we added 600,000 to our population, 400,000 were added to the welfare rolls.

We can, and we are reducing the administrative costs of welfare, and we are eliminating welfare fraud which not only robs the taxpayer but victimizes the legitimate welfare recipient. But this is not enough. We must be permitted to develop and implement a new approach—for welfare's purpose should be to eliminate, as far as possible, the need for its own existence.

The newly-created Department of Human Resources Development is a good start in that direction. Its goal is rehabilitation, and the transfer of the rehabilitated from the welfare rolls to payrolls. Later in this session I will make a special message to you on welfare, including the findings of an independent fraud review panel.

And, I will propose the organization of a new, streamlined Department of Health so that we can more effectively administer and control the Medi-Cal program, which, like welfare, is one of the major and fastest-riding costs of state government.

We must have the courage to face up to some hard decisions. There is just so much money in the government pot and it can only be spent once. It is our responsibility to establish priorities so that our limited funds can be put to the best possible use. How much, for example, should be spent on welfare as compared to education? We know that education offers the greatest opportunity for breaking the welfare cycle, yet the increase each year in welfare costs is almost double the increase we are able to give our schools.

EDUCATION

Education is still the high priority. Last year the commission I appointed on educational reform completed the first phase of its work and made certain recommendations to me. These will be translated into concrete programs and legislation with reference to such important areas as teacher training technical or vocational education, improved governance of the public education system, and education finance.

As long as school financing comes almost solely from the accidental method of property taxation, primary and secondary education will continue to experience serious fiscal difficulties and serious inequities between school districts. We must enact new ways to help finance schools and at the same time provide relief from the far-too-heavy property tax burden. During this session we must enact a tax reform package that will get that job done. Meanwhile, Californians should be lery of pseudo-tax reform measures which could well cost them one billion dollars a year in increased taxes.

The task in higher education poses as great a challenge and is as great an imperative. We must achieve a greater measure of accountability from these public institutions. We must achieve greater effectiveness in the management and priority of expenditures. Colleges must make full utilization of existing facilities and faculty before the taxpayer is asked to foot the bill for expansion.

Faculty members and administrators must continually remind themselves—or be reminded—that their fundamental purpose is to provide the conditions for effective learning, and to give the students the first priority. The student must not be forgotten in the competition for the academic establishment's drive for prestige and power.

The tone and the spirit of the 70's must be on quality rather than quantity. Education

must be adequately financed; but we must not judge excellence solely in terms of dollars spent. The true measure is achievement of the students—in the trades, the technical skills, the professions, the arts . . . and in the progress made by each as an individual.

ECONOMY IN GOVERNMENT

There is another area I must emphasize as we enter the seventies: that is the need—the absolute necessity—to hold down the cost of government. I'm sure you expected me to get around to that.

It is a harsh fact of life—upon which most economists and historians agree—that once the level of taxation reaches and remains at 35 percent of the national income for a period of time, that nation cannot remain solvent—or free. Today, in our nation, the level of confiscation by taxation has reached approximately 37 percent—37 cents out of each dollar earned is taken to pay the cost of government.

In a few weeks the budget for the fiscal year beginning next July will be submitted to you. I'll resist the temptation to find some adjectives to apply as a title to this budget; to tell you the truth, I don't think an adequate word has yet been coined.

Very simply, no area of government will receive all it asked for; unlike the federal government, we can't print money, and the State Constitution says we cannot spend beyond our revenues. So, taking the estimated total to be collected in taxes (and, for more than two decades those estimates have averaged within 1½ percent of being correct), we have distributed these revenues in the most part in proportions similar to the budget of last year. However, we asked each department to submit its own priorities in order of importance and the final decisions had to be made then on a comparison of some lower priority items of one department against another.

There may be difference of opinion regarding priorities—and this is certainly an area for a legitimate debate; but, the budget as a whole is up to the limit of estimated revenues. Anyone suggesting additions should be prepared to recommend an additional tax to pay for them. Frankly, I hope no one will. Government, as well as the individual, must share the pain of inflation.

Bastiate said, "The state is the great fictitious entity by which each one is led to believe he can exist at the expense of someone else." It's time to recognize we are all that "someone else." The individual's earnings which are taken for taxes—directly or indirectly—cannot be spent for food, or clothes, or education, or retirement savings. Money taken by government cannot be used to provide jobs or higher wages for a growing labor force.

"THE ARROGANCE OF OFFICIALDOM"

And, that brings me to another "must"—the need to bring government to heel; to make it not only more economical, but also more responsive, so that the individual citizen can once again exercise control over the affairs of state.

By now we should have learned our lesson: the more government does for the people, the more it does to them, and then follows what what Cicero called "the arrogance of officialdom." Those who want to give the citizens more and more government usually end up giving them just that—and little else. Our task for the seventies is not more government, but better government.

At the beginning of the last decade, a young leader stood on the steps of the nation's Capitol and exhorted America: "Ask not what your country can do for you; ask what you can do for your country." His challenge struck a chord in our hearts. Now, on the threshold of a new decade, we might well add: "Ask what we can do for ourselves," ask "what we can do to solve the problems of

human misery without waiting for yet another government program."

Now, I know that this will fall harshly on the ears of those who say that government and government spending is the only answer to our problems. But the great social ills are with us not because of indifference or lack of government effort—on the contrary there have been massive and costly welfare programs. Too often government is an unwarranted and an unwanted middle-man who becomes a part of the problem—and in the government's war against poverty, for example, poverty is winning. On the other hand, in the war that the private sector is waging against poverty, hundreds of thousands of individuals not only have new jobs and an income—they have a new sense of individual pride.

The question is not whether the unfortunate should, or should not be cared for; the real question is "How can we best care for them, at the same time that we help those who can help themselves."

THE SPIRIT OF THE SEVENTIES

Today, many of our young people are critical of what they call "The Establishment." Frankly, I think they have much to be critical about. There is a certain validity to many of the points they raise; there is a certain legitimacy about many of the grievances they list. But, in their impatience and their exuberance to build a better world, they have at times been misled to premature or excessive action by those who took advantage of their concern. But now they are wiser to the ways of the zealots, including some of their own teachers, who used them for non-constructive purposes.

Many of our young people talk about greater participation in our American democracy, and when asked about their plans for the future, they say they want to serve—to become, as they put it, "meaningfully involved."

Well, meaningful involvement is the very heart of the Creative Society. It's exactly what we mean when we say that government once again should be of and by—as well as for—the people; that no government and no government program can ever do away with the need for individual participation. And if the young people are really looking for action—constructive action which can make the decade of the seventies a benchmark in man's search for a better world—they can find it by working within the system, reforming it, making it more responsive to the citizenry, and helping to get it out of our pockets and off our backs.

Some of our young people have said that what they are really looking for, what they are working for, is a return to the original purpose and the original spirit of America; the spirit which seems to them to have been pushed aside in this centralized, computerized, contemporary world. Well, that spirit may be lost, but it hasn't died. Has democracy failed in America—or, has it ever really been tried? That idea that all men were created equal; that each man should be free to fly as high as his ability and his drive will take him; that each man counts and is accountable, beholden only to God for his sovereign rights.

Just past the mid-way point in this new decade we will observe the 200th anniversary of the founding of this nation. Dare we imagine what the 1970s could be if the spirit of those first American seventies—the 1770s—could be reawakened in our land? Dare we envision what heights we could reach if that spirit became the spirit of the 1970s?

More than a footprint on the moon—as great as that is—we could together leave an imprint on all time, and we could reaffirm the true yardstick by which to judge the state of the State for decades to come.

Respectfully,

RONALD REAGAN, Governor.

MEMORIAL TRIBUTE TO DR. FRANK TANNENBAUM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RYAN. Mr. Speaker, on January 9, friends and admirers of the late Dr. Frank Tannenbaum, professor emeritus of Latin American history at Columbia University and founder and director of the university seminars, held a memorial meeting at Columbia to pay tribute to this diversified and knowledgeable man. Dr. Tannenbaum died at the age of 76 on June 1, 1969, after a long and distinguished career.

The meeting, which was conducted by the president of Columbia University, Dr. Andrew W. Cordier, included talks on "Frank Tannenbaum's Impact on Latin America," by Colombian Ambassador to Venezuela, Dr. German Arciniegas; "Frank Tannenbaum as Teacher and Historian," by Yale Latin American history professor Richard M. Morse; and "Frank Tannenbaum as Social Philosopher," by Columbia associate philosophy professor Dr. David Sidorsky.

During the meeting, messages and tributes from throughout the world were read by Dr. James Gutmann, chairman of the Frank Tannenbaum Memorial Committee.

Dr. Tannenbaum was a remarkable man. He was not only a specialist in Latin American history, but also in such varied subjects as prison reform, labor, politics, and race relations.

He originated the seminar program at Columbia, because he felt a university should do more than just accumulate, preserve, and disseminate knowledge. He felt it should also "focus knowledge upon some specific issue."

In 1945, the program started with five seminars. By 1969, the number of seminars had expanded to over 50.

Certainly, the January 9 meeting was a fitting tribute to Frank Tannenbaum's memory.

I am inserting in the CONGRESSIONAL RECORD, the obituary which appeared in the June 2, 1969, issue of the New York Times:

DR. FRANK TANNENBAUM, 76, DIES; ORGANIZED COLUMBIA SEMINARS—PROFESSOR OF LATIN HISTORY RANGED FAR AFIELD INTO MAJOR SOCIAL ISSUES

(By Carter Horsley)

Dr. Frank Tannenbaum, professor emeritus of Latin history and founder and director of University Seminars at Columbia University, died yesterday at St. Luke's Hospital after a long illness. He was 76 years old and lived at 315 West 106th Street.

While he became, during a long and colorful career, a specialist in such diverse fields as prison reform, labor, race relations, Latin American history and politics, Dr. Tannenbaum was primarily a generalist.

Unhappy with the division of knowledge and experience into separate disciplines, in studying human institutions, he created a new one.

SOUGHT TO FOCUS KNOWLEDGE

As the originator of the seminar program at Columbia, Dr. Tannenbaum sought to add a new dimension to university life. In addition to the functions of accumulating, pre-

servicing and transmitting knowledge, he felt that the university had a function to "focus knowledge upon some specific issue."

The experiment began in 1945 with five seminars. The program now offers 50, with a total of about 1,700 participants from Columbia and 172 other colleges and universities and 241 nonacademic institutions, including the city, state and federal governments, hospitals, foundations, labor unions and business organizations.

He felt that "the ability to focus involves a structural modification" for the university. "This new function brings the university into the 'practical' world and brings the practical world into the university," he said.

The movement he started was described by I. I. Rabi, the physicist, as "an attempt to make the concept of a community of scholars come alive amidst the distractions and centrifugal forces of a metropolitan and cosmopolitan university."

PRaised BY DR. MEAD

Dr. Tannenbaum's interest in developing an interdisciplinary approach, according to Margaret Mead, is "expressed in the diversity of his chosen forms of involvement, for he has acted sometimes as historian-spectator (as in his many years of work on Mexico); sometimes as prophet (as in his early work on the labor movement); sometimes as reformer of old and bad institutions (as in his work with the National Commission on Law Observance and Law Enforcement); and sometimes as a builder of new institutions, a kind of innovative activity that dates back to the inception of the Farm Security Administration and has found its fullest expression in the University Seminars."

"I had somewhere gathered the belief that when men talked to each other about matters of deepest concern they evoked the inner values of their experience, they were really discovering them for the first time. If it were only possible to contrive a continuing fellowship among people who were trying to resolve some riddle, unravel a mystery, deal with a perennial issue of public concern, then—if conditions were right—we might achieve this long sought for but subtly elusive value, mutual understanding among the professions and between the members of the academy."

MEETING TIMES VARIED

The participants in the program received no compensation and would meet once or twice a month, usually in the Men's Faculty Club at Columbia, for the presentation of a paper, perhaps, and round-table discussion.

The writer Paul Goodman said that Dr. Tannenbaum "has protected the seminar movement from interference, while it has developed according to its own logic and in response to a modern cultural need."

"Frank," according to Mr. Goodman, "fancies himself as a dirt farmer, and he is full of stories about people who think that milk grows in bottles and who can't make do and take care of themselves."

"When we organized our seminar on the City, we asked Frank to lead off as our first speaker. The subject that he obligingly chose was that all cities were a bad idea; real sense and independence, he said, spring up only in the country. This might not be the weight of wisdom, but the man who can say it has stamina."

BROUGHT HERE FROM AUSTRIA

Of medium height, the stocky, muscular, rough-hewn scholar was born in Austria in 1893. He came to the United States with his family in 1905 and settled on a farm about 12 miles from Great Barrington, Mass. The next year, at the age of 13, he left for New York with a half-price train ticket and 70 cents in his pocket.

After holding a variety of jobs, he became involved with the Industrial Workers of the

World movement. He was convicted in 1914 of disturbing the peace by leading homeless and hungry men into churches, and spent some time in a prison on Blackwells Island, now Welfare Island.

Dr. Tannenbaum became a friend of Thomas Mott Osborne, the warden of Sing Sing Prison, and on Mr. Osborne's recommendation entered Columbia College, from which he was graduated Phi Beta Kappa in 1921.

After graduation, he traveled down to Mexico where he worked as a correspondent for Survey magazine. Dr. Tannenbaum crossed the country on the back of a mule. He was to travel extensively throughout Latin America the rest of his life.

Returning to the United States, he served as a sergeant of cavalry in the Army. Stationed in the South, he became absorbed in the area's traditions and the influence of slavery.

CREDITED WITH CHANGE

Years later, in 1947, Dr. Tannenbaum wrote "Slave and Citizen, the Negro in the Americas," which Branch Rickey of the Brooklyn Dodgers said had influenced him to hire Jackie Robinson as the first Negro to play professional baseball.

Dr. Tannenbaum earned his doctorate in economics in 1927 from the Brookings Institution in Washington with a study of Mexican land reform. For the next three years, he was engaged in an economic and social survey of Puerto Rico. In 1931, at the invitation of the Mexican Government, he completed a survey on rural education in Mexico. The next year, Dr. Tannenbaum received a Guggenheim Fellowship and spent the next two years visiting every country in Latin America, making three separate trips down the Amazon River by dugout and canoe.

WROTE OSBORNE BIOGRAPHY

He taught criminology at Cornell University in 1932. The following year he wrote a biography of his friend, "Osborne of Sing Sing," which included a preface by Franklin D. Roosevelt.

Dr. Tannenbaum proposed the legislation that created the Farm Security Administration, which was introduced by Senator John H. Bankhead, Democrat of Alabama.

Dr. Tannenbaum joined the Columbia faculty in 1935 as a lecturer, became associate professor two years later and professor in 1945. In his last year 1961, he won the Mark Van Doren Prize for excellence in teaching.

From 1940 to 1960, Dr. Tannenbaum met with a group of Army men at his country home in Putnam County. The group called itself the "Canopus Hollow Parochialists."

"Politically," he explained once in an interview, "I'm a parochialist. As a matter of fact, the trade union is against all isms and has no isms of its own. It is simply a creative response to modern times. But modern times can't go on. We have bigger and bigger corporations, bigger and bigger unions, bigger and bigger states. Things get tight and tighter and there is less and less responsibility for the individual."

A BELIEVER IN CONFLICT

Dr. Tannenbaum firmly believed that political stability was the result of a continuing conflict among the family, the church, the economy and the state, which he felt were the four major human institutions that fought for the allegiance of mankind.

Not a centralist, he said "We must go back to communities." Asked if he meant to turn his back on the wheels of history, he replied:

"Let the other people have the slogans. Let them progress themselves off the face of the earth and then they'll have infinite progress."

Among Dr. Tannenbaum's other books were "Crime in the Community," (1938), "The Philosophy of Labor" (1951) and "Ten

Keys to Latin America" (1962) and "The Balance of Power in Society" (1969).

His first marriage, to Esther Abramson, ended in divorce. In 1940 he married Jane Belo, an anthropologist, who died last year.

He is survived by a brother, Louis T. of Elizabeth, N.J., and a sister, Mrs. Estelle T. Rothman of Riverhead, L.I.

Funeral arrangements were incomplete last night.

FREE ELECTIONS IN VIETNAM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. OTTINGER. Mr. Speaker, much has been said and much has been written regarding free elections in Vietnam. In terms of our military involvement in Vietnam, this issue has been repeatedly cited as justification. It was discussed, albeit too briefly, when the House considered the Wright-Hays resolution.

An interesting and thought-provoking perspective on this issue is contained in a letter to the New York Times from Robert A. Dahl, Sterling professor of political science at Yale University. The letter appeared in the Times on December 29 and because many of my colleagues probably missed it, I present it for inclusion in the RECORD:

FREE ELECTION DOCTRINE

TO THE EDITOR:

In insisting on the principle that the people of South Vietnam are entitled to choose their own government in internationally supervised free elections, the House resolution in support of President Nixon raises questions that to my knowledge no one has answered since President Johnson first made this doctrine his own.

As an abstract affirmation of a moral principle, the proposition doubtless commands the agreement of most people who believe in democracy. As a foreign policy for the United States, the principle is vitally meaningless.

To begin with, why should we apply it only to the people living in the southern part of Vietnam? Why not apply it also to the people living in the northern part of Vietnam? Or in Taiwan? Mainland China? Burma? Or, for that matter, in Portugal, Spain, Czechoslovakia, the Soviet Union, South Africa and Egypt—to pick only a few examples?

Of nearly 150 nominally independent countries in the world, only in about two dozen do the people regularly exercise the right to free elections. For example, only three of the twenty Latin-American republics have enjoyed free elections throughout the past two decades. If the principle is to be enforced in southern Vietnam, why not in Haiti, Argentina, Paraguay, Peru, Cuba and a dozen other republics south of the border?

CONSISTENCY OF POLICY

The answer is that thoughtful Americans have known from the founding of the Republic that we cannot enforce throughout the world the moral right of all people to free elections. President Nixon implicitly recognized this point in his recent address on his Latin-American policy; for he has abandoned the Kennedy policy of giving special support to democratic governments in Latin America. Why enforce the policy in Vietnam but not in Latin America?

Suppose, however, for reasons not clearly stated, we do assume an obligation toward the people who happen to be living in southern Vietnam to protect their right to free

elections. Do we assume that obligation indefinitely? If not, why not? If so, how?

Is it not highly reasonable to think that after an election or two in South Vietnam, a non-democratic government would emerge? And that free elections would no longer be permitted? If so few countries in the world managed to preserve free elections, is it likely that Vietnam will be a miraculous exception? And if Vietnam were to follow the most plausible course and, after an election or two, become a dictatorship, must we then intervene to insure free elections? If now, why not later? If not later, why now?

Because of the past, present, and probable future costs of such a commitment, President Nixon should provide us with answers to these questions.

ROBERT A. DAHL.

THE PHILADELPHIA PLAN— NATIONALIZED LABOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. RARICK. Mr. Speaker, it has been interesting over the holidays to follow the farfetched theories and the highly imaginative "in depth" analyses of the vote of this body on amendment 33 by the other body to the supplemental appropriation bill. Somehow the vote on pure surpluse—an unnecessary restatement of existing permanent law—has been discovered by the commentators to be loaded with a "civil rights" meaning and has been ballyhooed as congressional approval of the so-called Philadelphia plan, the most recent outcropping of the egalitarian doctrine of racial proportions.

The law of the land—title VII of the Civil Rights Act of 1964—specifically forbids racial hiring quotas, for any reason whatsoever. The Budget and Accounting Act of 1921 is a plain and simple statement by the Congress—the law of the land, if you please—that the decision of the Comptroller General with respect to the legality of the expenditure of appropriated funds "shall be final and conclusive upon the executive branch of the Government." The Philadelphia plan, based on Executive Order 11246 promulgated by then-President Lyndon Johnson on September 24, 1965, requires "every good-faith effort" on the part of certain construction contractors to meet the forbidden racial hiring quotas.

The Comptroller General, performing his statutory duty under the law, held the expenditure of appropriated funds in such a manner to be in violation of the Civil Rights Act of 1964. As a matter of law, his holding is final and conclusive.

The Philadelphia plan, as well as any other scheme for the instant equality of unequals, has hidden pitfalls for all Americans. The supposed beneficiaries and their purported benefactors can easily awake to find that they have been devoured by a monster of their own creation. A gentleman by the name of Adolph Hitler carried just such a scheme to its logical conclusion.

Quota assignment to jobs by racial percentages, and without regard to qualification, implies the full panoply of forced labor, busing, and the destruction of labor unions. There is no room in such a situation for free labor, for any contract negotiation, for such hard-earned rights as labor seniority.

The new catch phrase of "compensatory seniority" is rightly recognized by every working man in this country as a threat to him, to his job, to an important right for which he has worked and struggled. He is not going to permit anyone to sell him out—to take from him what he has earned. It behooves some to remember that these men are also taxpayers—and voters.

It may take a little longer, but management will soon awaken to the ultimate objective of such a scheme. The much vaunted "cooperation of the private sector" is to be procured by a Federal blackjack on every job, more inspectors, more redtape, more daily problems, and the constant threat that at any moment the job will be shut down—the contract canceled.

Nor should consumers consider themselves immune from quota hiring of the unqualified. The constantly deteriorating quality of workmanship in products on the American market will become more and more noticeable as more and more inexperienced, unqualified, and unconcerned employees come on the job. Since every discharged employee is potential "civil rights" case, as well as a threat to contract continuance, prudent managers will simply add other employees to perform the duties of those unable or unwilling to work. This type of "featherbedding" simply adds to the cost of the product—and the added cost is borne by the ultimate consumer.

Negroes who were led to believe that school integration was for their benefit have now seen the result, and they do not like it. They did not expect that they would also be deprived of their freedom of choice. They did not expect that their children would be bused to distant schools, be deprived of the chance to play on their school teams, be elected to class office, act in the class play, and participate in the social life of the school. But the doctrine of racial proportions, carried to its logical conclusion, even in flagrant violation of the law of the land, requires a fixed percentage of each race in each school, and the Federal courts have decreed that they shall go whether they desire to do so or not.

Is there any reason to believe that the courts will not devise a means to implement racial employment quotas, if necessary, by similar methods?

Mr. Speaker, we must renew our understanding of one of the great truths of our times. That is simply that the sole proper function of government, at any level, is to protect us from each other. When government seeks to direct our lives for us, when it seeks to control the manner in which we earn our living, or educate our children, or select our residence, it is nothing short of usurpation and tyranny.

In the Philadelphia plan—a logical outgrowth from the doctrine of racial

proportions which has been illegally applied to our schools—we see the precedent from which can arise a labor draft, the complete nationalization of all manpower. It is not simply a coincidence that the same ones who favor such a plan are loud in support of a compulsory term of "national service" for our youth. The Philadelphia plan is only the latest—and the boldest—step in the planned society.

I include the text of amendment 33, Comptroller Staats' letter to the editor of a local paper, and the scurrilous attack on AFL-CIO President George Meany by a leftwing columnist in my remarks:

AMENDMENT No. 33

353. H.R. 15209. A bill making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes. On Mahon of Texas motion on Senate amendment in disagreement. (Senate amendment No. 33: On page 16, line 11, insert:

"Sec. 1004. In view of and in confirmation of the authority invested in the Comptroller General of the United States by the Budget and Accounting Act of 1921, as amended, no part of the funds appropriated or otherwise made available by this or any other Act shall be available to finance, either directly or through any Federal aid or grant, any contract or agreement which the Comptroller General of the United States holds to be in contravention of any Federal statute: Provided, That this section shall not be construed as affecting or limiting in any way the jurisdiction or the scope of judicial review of any Federal court in connection with the Budget and Accounting Act of 1921, as amended, or any other Federal law."

(Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein.) Dec. 22, 1969. (Failed.) Yeas 156, Nays 208, "Present" 1.

STAATS ON THE PHILADELPHIA PLAN

SIR: I have read with a great deal of interest the editorial entitled "Jim Crow De-feathered," which appeared in the December 23, 1969, edition of The Evening Star.

It is most unfortunate that the controversy over the "Philadelphia Plan" developed into a civil rights issue rather than one involving the basic question of whether the Congress, acting through the Comptroller General or the executive branch, has the final authority to decide on the legality of the expenditure of appropriated funds.

We have made it clear on a number of occasions that we are not against greater opportunities for minority groups. However, we believe that actions taken by the executive branch in achieving this objective must be in accord with the laws enacted by the Congress. We think that the "Philadelphia Plan" is clearly in conflict with Title VII of the Civil Rights Act of 1964.

The real question involved is the unwillingness of the Department of Labor and the Department of Justice to accept the authority of the Comptroller General to rule on the legality of the "Philadelphia Plan," involving the use of appropriated funds to achieve greater opportunities for minority groups in carrying our federal and federally-assisted construction contracts. The Comptroller General's authority goes back to the Budget and Accounting Act of 1921 which provides that his decision with respect to the legality of the expenditure of appropriated funds "shall be final and conclusive upon the executive branch of the government." His decisions are not binding on the courts.

The "Philadelphia Plan" is based upon Executive Order 11246 of September 24, 1965. The Plan requires "every good faith effort" on the part of the contractor to meet certain

numerical goals in the hiring of minority workers as a condition for receiving a contract using federal funds. A bidder who failed to agree would not receive an award even though he may be the low bidder. Any bidder who receives a contract may have it cancelled if he is found not to have made "every good faith effort" to meet the goals specified. He can also be debarred from bidding on any future contracts involving the use of federal funds.

The Department of Labor and the Department of Justice are in agreement with us that a specific numerical hiring requirement or "quota" is illegal. We ruled last August that a goal or target fixed as a range likewise did not meet the statutory test of the Civil Rights Act of 1964 which prohibits quotas or discrimination in hiring, particularly when coupled with severe penalties which would result from administrative judgments on the part of the executive branch agencies as to whether "every good effort" had been made by a contractor to hire at least a minimum number of minority group employees.

The Attorney General, in his opinion of September 22, 1969, following our August decision, concluded by saying: "I hardly need add that the conclusions expressed herein may be relied on by your department and other contracting agencies and their accountable officers in the administration of Executive Order 11246." He is, therefore, saying that he will support in litigation any action taken by an executive agency to implement the Plan even though the Comptroller General rules that payment in a given case is illegal and holds the certifying or disbursing officer accountable. This is the first time in nearly 50 years that an Attorney General has openly challenged the authority of the Comptroller General in this respect.

If the Attorney General's ruling is allowed to stand, as a precedent, any agency not satisfied with a Comptroller General's ruling could obtain a review of the legislative branch decision by the Attorney General—as the Labor Department did in this case.

In the past when the Comptroller General has issued rulings which held that executive branch programs were not authorized, the agencies involved have usually gone to the Congress to obtain specific authorizing legislation. There are many such examples.

In other cases modifications have been made to meet the specific objections raised by the Comptroller General. We were willing to consider such modifications in the "Philadelphia Plan" case but none were suggested by the Department of Labor.

It should be pointed out that the legislative branch, unlike the executive branch, has no way of bringing this type of case into the courts for litigation. Only the Attorney General has authority by law to bring such suits or to defend the Government's position if such suits are brought by private parties. It is unlikely that the Attorney General would change his position in this case.

ELMER B. STAATS,

Comptroller General of the United States.

[From the Washington Post, Jan. 18, 1970]

MEANY—A MAN TIED TO THE PAST

(By Hobart Rowen)

It's impossible not to have a certain degree of admiration for George Meany, president of the AFL-CIO. Just on the score of durability, the crusty old plumber deserves credit: he has outlasted Walter Reuther and all other labor leaders who from time to time had the temerity to aspire to his job.

But Meany's ties are to the past—and this never came through more clearly than in his National Press Club speech the other day denouncing the Philadelphia Plan—George Schultz's program for attacking discrimination against blacks in the building trades.

Meany argued that since the unions have abandoned their notorious discriminatory practices, and are now better-behaved, the problem of providing equal opportunity for blacks should be left to those unions.

He cited the unions' "Outreach Program"—apprenticeship training in the building trades—and portrayed the AFL-CIO as being far ahead, even of President Kennedy, in furthering civil rights for blacks.

Well, Mr. Meany is not very convincing. He gave himself away in this illuminating response in the question-and-answer period following his address:

Q. Why does it take five years to train a craftsman in the building trades when the Air Force found it can take a boy off the farm and train him to be a bomber and navigator in six months?

MEANY. Well, it takes much more knowledge to be an all-around plumber than it takes to be a navigator.

That response was completely disingenuous. It takes training to become a plumber or an electrician, but how much? And how relevant are the union's training programs to the technology of today?

The feeling that came through to many of Mr. Meany's audience was that outmoded training schedules have become a convenient device through which the white-dominated building trades carefully regulate the number of blacks they let in.

Advancing technology in construction raises the key question: does every carpenter, plumber or electrician need to learn and know the whole range of skills that used to be necessary in the "good old days"?

For example:

It takes four years, the way the unions have it set up, to train a carpenter. Yet, the function of many carpenters on today's typical construction job is to build the wooden forms into which concrete is poured. But it takes only 90 days at most to train a man to build such forms. Obviously, many unskilled or semiskilled blacks (and whites) could be quickly qualified for such jobs. But the standard union response is: "Now you're asking us to lower our standards."

In certain areas of the country, installation of carpeting over a concrete slab floor must be done by a carpenter. But against the four-year training program for carpenters, a carpet-layer can be trained as an expert in six to eight weeks.

Such examples are typical of today's trend; with much construction pre-fabricated, it takes fewer and fewer skills on the job to actually put up a home or an office building.

But the building trade unions desperately hang onto their old ways, and the archaic apprentice programs continue as a device to protect available jobs for those already in the union.

It would seem, therefore, that the pressure being brought to bear by the government through devices such as the Philadelphia Plan are thoroughly warranted.

Without the prod of a fixed quota of blacks, according to their availability in a given area, the unions will drag their feet, and do the minimum possible. Like the Southern school systems which have been ordered to integrate, the building trades will do just enough to get by. And that isn't enough.

Mr. Meany himself admitted that when he was a young man when he said "my union . . . discriminated against everybody. It had an even-handed policy of discrimination. They wouldn't take anybody in. Well, that has been changed. Times change."

The problem is that the unions haven't changed enough. Anti-black prejudices are still pervasive. (In the District of Columbia, where 99 per cent of the hod-carriers are black, the business agent and the area manager are white.)

When Mr. Meany excuses the trade union movement because it merely mirrors the prejudices of the whole country, he is confessing

that his leadership has failed on this issue, and that it takes outside pressure by the government to help break the cycle of discrimination.

Labor Secretary George Shultz should be applauded for taking the initiative. If he continues to encounter AFL-CIO resistance, the government might inaugurate its own training programs (on a realistic, not 19th century plan), pay the men getting the training for whatever number of weeks is involved, and turn out as many sheet-metal workers, plumbers, electricians and so on that are needed.

Of course, such government-trained craftsmen couldn't work on major projects, unless the unions take them in—which they should do.

That might strike a blow not only for civil rights and more jobs for blacks—it might help bring down the artificially high cost of housing for which the unions are partly responsible.

[From the Washington Post, Jan. 18, 1970]

DEVELOPMENT BANK LOANS UP

The Inter-American Development Bank made loans totalling a record \$631.5 million during 1969, President Felipe Herrera announced last week.

The 10-year-old development agency's previous lending high was \$496.4 million in 1967.

In a year-end review, Herrera noted that the 67 loans approved in 1969 brought the bank's total lending since 1960 to more than \$3.4 billion.

He emphasized that these 565 loans (all since 1960) have generated development projects with a total cost of nearly \$10 billion.

"The Latin American countries themselves are putting up two-thirds of the total cost of the projects which the bank is helping to finance," Herrera said.

During the year, the bank added its second and third Caribbean members—Barbados last winter and Jamaica at the year end—to bring its membership to 23 hemisphere nations. Under the bank's charter all but the United States are eligible to receive loans for approved development projects.

Mr. Speaker, I also include an article from the November 1969 American Bar Association Journal:

EXECUTIVE ORDER 11,246: EXECUTIVE ENCROACHMENT

(By James E. Remmert)

(James E. Remmert is a member of a major corporation's Dallas legal department and was formerly a member of the American Bar Association staff in Chicago. He is a graduate of the University of Wisconsin (B.B.A. 1959, LL.B. 1962).)

Section VII of the Civil Rights Act of 1964, forbidding discriminatory employment practices, was the product of legislative compromise. Executive Order 11,246, issued by President Johnson in 1965 and applicable to Government contractors, was the product of unilateral Executive judgement and consequently not only forbids discriminatory employment practices but requires employers to take affirmative action to ensure against them. Will the Executive always be serving a good cause when he uses the contract power to skirt the legislative process?

The Civil Rights Act of 1964 was made the law of the land amidst great controversy, extended debate and considerable compromise. With far less controversy or compromise and with no Congressional debate, President Johnson on September 24, 1965, signed Executive Order 11,246, the latest in a series that has played at least as significant a role in implementing the objective of equal employment opportunity as has Title VII of the 1964 Civil Rights Act.¹ Section 202(1) of

¹Footnotes at end of article.

this executive order, as amended, requires that every employer who is awarded a Government contract or subcontract that is not exempted by the Secretary of Labor must contractually undertake the obligation not to "discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin".

Since Title VII of the 1964 Civil Rights Act had to endure the rigors of passing both houses of Congress, it is the product of compromise attendant upon the legislative process. Executive Order 11,246, by comparison, was the responsibility of only the President. Consequently, it imposes much broader substantive obligations, and the procedure adopted for its enforcement conveys to the enforcing agency significantly more authority than was given to the Equal Employment Opportunity Commission by the 1964 Civil Rights Act.

Evidence of the broader substantive obligation imposed by Executive Order 11,246 is the fact that Title VII imposes only the obligation *not* to do that which is prohibited, *i.e.*, discriminate on the basis of race, color, religion, sex or national origin. By comparison, Executive Order 11,246 not only requires that Government contractors and subcontractors not discriminate but also that they "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin [Section 201(1); emphasis supplied]". Regulations issued by Secretary of Labor Willard Wirtz under authority of Executive Order 11,246 further require that Government contractors and subcontractors develop a "written affirmative action compliance program" documenting the steps they have taken and setting goals and timetables for additional steps to fulfill the "affirmative action" obligation. The submission of these written programs has also been imposed as a prerequisite to the award of some Government contracts. However, on November 16, 1968, Comptroller General Elmer B. Staats ruled that "until provision is made for informing bidders to definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program would be judged", contract awards must be made to the lowest eligible bidder without reference to the affirmative action program.

PRESIDENT SIMPLY TOOK POWER THAT CONGRESS WOULDN'T GIVE

That the Executive was willing to assume by executive order significantly greater enforcement authority than Congress was willing to convey to it can be seen by comparing the adjudicatory processes under Title VII and Executive Order 11,246. If an employer disagrees with the Equal Employment Opportunity Commission over the legal requirements imposed by Title VII, or if the employer is unable to comply with the remedies proposed by the commission to rectify a discriminatory practice, he may have traditional recourse through the judicial process before any sanction is imposed. To the contrary, however, the regulations issued by Secretary of Labor Wirtz for the administration of Executive Order 11,246 provide that upon request for a hearing to adjudicate a contractor's or subcontractor's compliance with the executive order, the Secretary of Labor's designee may suspend all contracts or subcontracts held by the employer pending the outcome of the hearing.⁴ In addition, as a part of the adjudicatory process, the agency responsible for investigating or supervising the investigation of a contractor's compliance and prosecuting those contractors alleged to be in noncompliance is also responsible for imposing the sanctions of cancellation and suspension from participation in Government contracts.⁵ In other words, the chief investigator, prosecutor and final judge with

respect to cancellation and suspension of Government contracts is the Department of Labor.

WITH THE CONTRACT POWER, WHO NEEDS CONGRESS?

These substantive and procedural contrasts between Title VII of the 1964 Civil Rights Act and Executive Order 11,246 illustrate the considerable power that the Executive can acquire by pursuing a social objective through the use of the contract power in addition to or in place of legislation. Such broad and sweeping powers are premised on the concept that the Federal Government has the "unrestricted power . . . to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases".⁶ This power is founded on the premise that in the absence of a Congressional prohibition or directive the Executive branch is free to enter into contracts on whatever conditions and provisions are deemed to promote the best interests of the Government.⁷

Without question, Executive Order 11,246 has done much to advance the cause of equal employment opportunity, because the Federal Government's bargaining position enables the Executive to require such terms as are found in this order as a condition to a United States Government contract. Once such a broad and sweeping obligation is accepted, the accepting contractor or subcontractor is in an untenable position to oppose steps that are required by the administering agency with respect to the conditions covered by the contract.

To illustrate the impact of this use of the Executive's contract power, one need only consider a list of the top 100 corporations and institutions holding Defense Department contracts.⁸ These corporations are understandably some of the largest in the United States and collectively employ well over ten million persons. Even though the list does not include contractors with any department other than Defense or the many subcontractors involved in Defense Department prime contracts, it aptly illustrates the significant indirect control which the Executive can exert over the private sector of the economy by use of the contract power.

There is very little case law deciding the extent to which the President may by executive order impose ancillary conditions to Government contracts. Some have questioned the validity of Executive Order 11,246 on the ground that the Executive does not have the authority to impose conditions that are unrelated to the purposes for which Congress appropriated funds⁹ and on the basis that the affirmative action obligation conflicts with provisions in the 1964 Civil Rights Act. These provide that preferential treatment on the basis of race, color, religion, sex or national origin is not required to correct an imbalance.¹⁰ However, at least one federal district court¹¹ and two United States courts of appeals¹² have said that Executive Order 11,246 has the full force and effect of statutory law. If these courts are correct and the order is a valid exercise of the Executive's contract power, then some examination of the potential extension of this power is in order.

Although the writer is unaware of any publication listing all firms holding competitively bid or negotiated United States Government contracts or subcontracts, it is the writer's belief that the vast majority of the major commercial enterprises in this country and a great many not-for-profit institutions and smaller commercial enterprises hold one or more Government contracts or subcontracts. Consider, for example, the diverse scope of the organizations holding Government research grants, the utilities and communications services used by federal installations, the dependence of such industries as automotive, aircraft, shipbuilding and munitions on Government con-

tracts, the heavy reliance of the construction industry on such programs as urban renewal and highway construction sponsored by federal funding, and the entrenchment of United States Government financing and deposits as a factor in the financial institutions throughout the country.

WHERE DOES THIS PRECEDENT LEAD?

Consideration should also be given to some of the possible future applications of the concept behind Executive Order 11,246. The contract power could be used to circumvent the intrastate-interstate dichotomy that has to some extent precluded complete preeminence of the Federal Government in such fields as air and water pollution control, regulation of common carriers and labor relations. One extension already suggested by the AFL-CIO is the debarment of Government contractors found to have committed flagrant unfair labor practices.

Another avenue for extension of the Executive's contract power is in areas within federal jurisdiction but which Congress has left unregulated or has regulated only to a lesser extent than that deemed desirable by the Executive. An example of this use of the contract power is found in Executive Order 11,246. In enacting Title VII of the 1964 Civil Rights Act, the Congressional consensus was that the prohibition against discrimination on the basis of race, color, religion, sex and national origin was sufficient to accomplish the objective of eliminating employment discrimination on such bases.

The Executive, however, felt that the then-existing executive order prohibiting discrimination by Government contractors did not go far enough in dealing with the objective of equal employment opportunity, and thus the affirmative action obligation was added to place a greater responsibility on Government contractors.

By using the contract power, the Executive could accomplish many objectives deemed desirable without using the legislative process so long as the particular contract clause does not conflict directly with a federal statute. Thus, this technique affords the Executive a limited bypass of the legislative process and gives it the power to give its objective "the force and effect given to a statute enacted by Congress"¹³ without the concurrence of Congress.

Several questions should be answered before this procedure proliferates. The first is whether the concentration of this power in the hands of the Executive is desirable in view of the fact that it allows the President to carry an objective into effect without resort to the legislative process established by the Constitution. In this connection, it is significant to note that Congress considered sanctioning the Executive's use of the contract power to achieve equal employment opportunity but rejected the idea. The original House bill (H.R. 7152) that eventually became the 1964 Civil Rights Act, after numerous amendments, contained a Section 711 (b), which read as follows:

"The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States."

During the consideration of H.R. 7152 by the House, Congressman Emanuel Celler (D. N.Y.) sponsored an amendment to eliminate this section of the bill. The amendment was accepted by the House, and in the course of the discussion Congressman John Dowdy (D. Tex.) voiced the view that, "Many of us have felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed."¹⁴

With reference to Executive Order 11,246, it has been argued that although this use of

the contract power is extraordinary the need for equal employment opportunity justifies this departure from traditional concepts. Those who would rush to the conclusion that the cause of equal employment opportunity does justify a departure from the legislative process would do well to remember that the sword of Executive power cuts in two directions. Thus, the first question that should be considered in connection with Executive Order 11,246 is not whether equal employment opportunity should be pursued but whether this means is consistent with the basic framework and power balance with which our form of government has successfully endured innumerable crises over the last two centuries.

HISTORY THAT SHOULD BE REPEATED

At another time in our nation's history, the Supreme Court had occasion to consider whether a crisis of similar magnitude justified an expansion of Executive power. In holding that President Truman's executive order seizing the steel mills during the Korean conflict was unconstitutional despite the pending emergency, Justice Douglas in a concurring opinion gave the sage advice that:

"The language of the Constitution is not ambiguous or qualified. It places not some legislative power in the Congress; Article I, Section 1 says "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

"Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade-unionism, to regiment labor as oppressively as industry thinks it has been regimented by this seizure."¹⁵

In a separate concurring opinion in the same case, Justice Jackson expressed a similar view concerning the overreaching use of Executive power that is highly relevant and appropriate to the concept behind Executive Order 11,246:

"The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic."¹⁶

CONGRESS DOES NOT BELONG ON THE SIDELINES

Congress should give thoughtful consideration to and develop a considered national policy on the use of the contract power exemplified by Executive Order 11,246 rather than stand on the sidelines and allow its proliferation without Congressional guidance. Congress should decide the kind of contracts and the kind of ancillary obligations that it will allow the Executive to impose in disbursing the funds that Congress appropriates. A mechanism should be established that will insure a legislative watchdog over the Executive's use of the contract power and will allow the Executive sufficient flexibility to administer efficiently the disbursement of Congressional appropriations.

With specific reference to Executive Order 11,246, Congress should eliminate the double standard that now exists between employers generally, who are required not to discriminate by Title VII of the 1961 Civil Rights Act, and employers who, as Government contractors, are subject to a different standard and a different enforcement procedure in measuring their compliance with the obligation. The identical obligation imposed by Title VII of the 1964 Civil Rights Act should apply, procedurally, substantively and with equal vigor to Government contractors without reference

to the extraordinary obligation to take "affirmative action". There is no justification for the multiplicity of government agencies enforcing Title VII of the 1964 Civil Rights Act and Executive Order 11,246. At present, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance and every agency that awards Government contracts are all involved in enforcement activities. This duplication has produced inconsistent enforcement standards, confusion and a wasteful use of Government manpower and resources.

Congress should immediately take appropriate steps properly to realign Congressional and Executive authority, and in doing so it might well consider some further words from Justice Jackson's concurring opinion in *Youngstown Sheet & Tube Company v. Sawyer*. In referring to the overextended use of the executive order, Justice Jackson said:

"Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.

"With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations."¹⁷

FOOTNOTES

- ¹ 42 U.S.C. § 2000e.
- ² 41 C.F.R. § 60-1.40.
- ³ Comptroller General's Letter B-163026.
- ⁴ 41 C.F.R. § 60-1.26(b) (iii).
- ⁵ 41 C.F.R. § 60-1.24 and 41 C.F.R. § 60-1.27.
- ⁶ *Perkins v. Lukens Steel*, 310 U.S. 113, at 127 (1940).
- ⁷ *Kern-Limerick v. Scurlock*, 347 U.S. 110 (1954).
- ⁸ TIME, June 28, 1968, at 72.
- ⁹ See Pasley, *The Nondiscrimination Clause in Government Contracts*, 43 VA. L. REV. 837 (1957).
- ¹⁰ 42 U.S.C. § 200c-2 (j).
- ¹¹ *United States v. Local 189, United Paper-makers & Paperworkers*, 282 F. Supp. 39, 43 (E.D. La. 1968).
- ¹² *Farkas v. Texas Instrument*, 375 F. 2d 629, 632 (5th Cir. 1967), and *Farmer v. Philadelphia Electric Company*, 329 F. 2d 3, 8 (3d Cir. 1964).
- ¹³ *Farkas v. Texas Instrument*, 375 F. 2d at 632.
- ¹⁴ 110 CONG. REC. 2575 (February 8, 1964).
- ¹⁵ *Youngstown Sheet & Tube Company v. Sawyer*, 343 U.S. 579, at 630, 633-634 (1952).
- ¹⁶ 343 U.S. at 634.
- ¹⁷ 343 U.S. at 653, 655.

ERNEST PETINAUD'S BIRTHDAY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, last year on January 20, there was a huge parade down Pennsylvania Avenue and many parties that lasted through the evening. I thought then that it was a wonderful way to celebrate Ernest Petinaud's birthday. I am only sorry that his birthday is not celebrated in such fashion every year instead of every 4 years.

Today is the 65th birthday of one of the finest gentlemen ever to grace the Capitol. For 33 years as maitre d' of the House Restaurant, Ernest Petinaud has

made life more enjoyable for thousands of Members of this body. His service to the House has not been only competent but has reached perfection. He performs his duties with dignity, great thought, and amazing creativity. I know that I and many of my colleagues have often considered his performance as bordering on the miraculous. He is able to make Members, constituents, and honored guests feel welcome and at home. He is a gracious man, charming and urbane, who in his work and personally, shows the marks of a true gentleman. He should be honored for his great service, but more than that I value and appreciate his friendship.

It has been my pleasure and privilege since 1952, when I first came to Congress, to have Ernest Petinaud as my friend. He is a kind man, whose words and acts are thoughtful and considerate. In his 33 years of service to the Members of the House, he has lent grace and dignity to this body and has served all Members and their guests with courtesy, dedication, and good will. I wish him a happy 65th birthday and hope he will enjoy many many more.

REACHING THE UNREACHABLE AT SCHOOL

HON. MARLOW W. COOK

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Tuesday, January 20, 1970

Mr. COOK. Mr. President, in these days of constantly rising juvenile delinquency and corresponding public concern, I was extremely heartened by the following report. I am indeed proud of the dedication and foresight shown by Dr. Newman Walker, superintendent of public schools in my hometown of Louisville, Ky., and the other fine people involved in the highly successful program, "Reaching the 'Unreachable' at School." Not only does this program point the way to a reduction in crime and a great saving in public funds, but equally important, the salvaging of a large segment of our society for useful and fulfilling lives. I most strongly commend the report and ask unanimous consent that it be printed in the RECORD.

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

REACHING THE "UNREACHABLE" AT SCHOOL

(NOTE—This is included in the Kentucky State Crime Commission Report and has also been submitted to Readers Digest.)

This report and most national studies of delinquency emphasize the critical nature of a youth's educational experience in the development or avoidance of a delinquent career. Not only are school dropouts overly represented in the delinquent population, but it is found that delinquents are far more likely to have had unsuccessful school experiences.

In studying methods whereby delinquency might be prevented, the dropout prevention program of the Paducah school system stood out as one the really outstanding efforts in the nation. Significantly it tackles many of the same problems that were listed in Chap-

ter II as being causative factors in the making of a delinquent.

The program was developed by Dr. Newman Walker, a member of the Kentucky Crime Commission, while superintendent of the Paducah Schools. This fall he accepted a new position as superintendent of the schools in Louisville—a city, incidentally, that has the second highest dropout rate in the nation.

It was the second day of school. Lennie,¹ a black boy of 15, three weeks out of a juvenile delinquency institution, wandered around the empty hall. Occasionally he stopped to test the combination on a student locker. Watching the scene, Mrs. Jessie Beasley, the school director, finally asked the boy where he was supposed to be. The mild question evoked a torrent of cursing and sexually threatening words. But the outburst failed to elicit the expected response—a sharp reprimand and a threat of expulsion.

Instead Mrs. Beasley listened attentively. As the boy's tirade spluttered to a halt, she placed her hand on his arm. "Lennie, you must really feel angry about school." Even a boy trying to be expelled could feel her sincerity. "Talking like that made you feel better for the moment, didn't it?" Lennie nodded. "But did it change anything? Would you like to talk about what's really troubling you? Maybe we can change it."

Thus Lennie was introduced to Project 8, a dropout prevention program of the Paducah, Kentucky, school system—an innovative approach so successful that it is being viewed as a model by school administrators all across the nation. In it is hope for the million American youths who drop out each year.

The approach is simple: change the school to fit the child's needs, instead of trying to change the child to fit the convenience of the school. And the approach is working. Take, for example, the matter of discipline. With this group of previously unmanageable, habitually truant youths, discipline is maintained merely by the threat (seldomly invoked) of being sent home for the day. School has become too exciting to miss.

This tradition-defying model exists because of a superintendent who believes that schools should reach the human potential of every child, and equally as important, a school board that dares to back him up.

Dr. Newman Walker had been in Paducah only three years when his curriculum innovations began to receive state and nationwide attention. In 1966 he was named by the U.S. Jaycees as one of America's four outstanding young educators. Despite the accolades, however, Dr. Walker knew his system was falling short. That year the high school graduating class contained only 68 percent of the students who had entered junior high school. The dropout rate was only slightly lower than the state average of 34 percent, and Kentucky had the second highest rate in the nation.

Dr. Walker instructed his staff to arrange an "exit" interview with every dropout. In the first objective—to persuade the student to remain in school—they failed. Only two percent reversed their decision. Concern had come too late. In the second objective—to find the reason "why"—an array of data was collected. When analyzed, a clear explanation evolved.

"Students drop out," Dr. Walker now explains, "simply because they have basic human needs which are not being met by the school."

Sometimes these needs are physical, such as health or finances. But most often they are psychological—the need to feel acceptance and respect, the need to feel some measure of success and personal worth. Most dropouts (but not all) come from low socioeconomic backgrounds, frequently from

broke nor weak family structures. From birth they have experienced these unmet basic needs.

"But the school, itself," Dr. Walker told his board, "must accept a major share of the responsibility for the negative self-concept of the dropout. We have been emphasizing his failures instead of his successes, his weaknesses instead of his strengths, and his unimportance instead of his worth as a human being. Rather than help him overcome the shortcomings of his environment, we strengthen and confirm his poor self-concept."

Early academic failure and the feeling of rejection cause low self-esteem. This in turn leads to hostile attitudes and anti-social behavior. To such a child the traditional school says, "shape up or ship out." And because he is ill-equipped to "shape up," he is banished to a world of limited opportunity and delinquent values. This is the dynamics of failure which entraps one-fourth of the nation's children. "To break this pattern," Walker said, "it will be necessary to scrap some old concepts and take a radically new approach."

The board accepted the challenge. Project 8 was born.

During the summer of 1968, the fourteen teachers who had volunteered to take part in the experiment were given intensive training in techniques of reaching disinterested and underachieving youths. Then from the 1,650 junior high enrollment (the place where most dropouts occur), the 150 showing the greatest dropout potential were selected.

While all were intellectually capable (a few even had soaring I.Q.'s), all were academic failures. All had serious behavior problems. Truancy was common. Most had police records; many were "graduates" of delinquency institutions. Half were Negro; two-thirds were boys.

This unpromising group was assigned to a remodeled building adjacent to the Jetton Jr. High School. "When they arrived here," one of the male teachers explained, "they felt the whole world was against them. They were hostile to everyone . . . the school, society in general, and even their peers." Most carried and brandished large pocket knives, to them a symbol of protection from a hostile world. "They refused to take us for real. Time and again they tried us out, each time expecting us to react punitively and vindictively. The break-through in academic progress came only after they finally realized that we genuinely cared."

Four "academic" subjects are offered: Language skills (reading, writing, spelling), math, social studies, and science. But these have slight resemblance to traditional classes. Take reading, for example. Sophisticated, individually controlled reading machines permit each student to work at his own level and to progress at his own rate. No grades are given (nor elsewhere in the Project), but high praise is awarded for progress. There is no failure; only success is possible. And success is an exciting stimulant.

Math likewise is individualized, starting below the student's level to build his confidence. Social studies are based on biographies of historical persons. The class also becomes a newspaper staff with each student reporting the significant events in his field of "expertise"—sports, foreign, local, school, etc. Science is centered around planning for the week-long trip that each class takes to the Land-between the Lakes—a 5,400 acre educational area set aside by T.V.A., complete with dormitories and dining hall. In anticipation of the trip, the students study the plants and animals of the region, its geology and archaeology.

But as no particular subject matter is considered sacred, any class is subject to momentary change according to need or interest. One afternoon a language teacher,

Mrs. Julie Banks, found a note which one of the 8th grade girls had "accidentally" left. In it the girl had poured out her frustration. The alert teacher realized that many of the students, like this girl, yearned to communicate but were too insecure to do it face to face. So each student was given a notebook as his personal journal. Three times a week, for fifteen minutes, they were instructed to write in it anything about themselves—their experiences and concerns.

The teachers write detailed comments in each journal—praise for a well expressed passage, advice about a problem. But no misspelled words or grammatical errors are marked. Not one word of criticism! (Psychologists call this "learning by positive reinforcement.") The results? Communications opened—and writing skills have zoomed.

All special classes are held in the morning. To keep the Project students integrated with the entire student body, they eat lunch at the main building and in the afternoon attend regular "enrichment" courses—physical education, music, industrial arts, home-economics, or fine arts. A group of older boys spend half a day at the area vocational training school.

Each class is handled by two teachers—if possible, a man and a woman; one white, one black. This permits one teacher to meet individual or small group needs as they arise. When four boys seemed determined to throw a language skills class into chaos, for example, Linda Donahue saw their behavior as a symptom—a need for attention. Would they go with her, she asked, to purchase books for the Project library? She needed their advice. What books would the students enjoy?

Excited with the experience, they had a bright idea. Why not go into the book business? The S and F Book Company (last initials of their names) was formed. With Mrs. Donahue's assistance, they negotiated a 20 percent discount from the book store, opened a bank account, and obtained permission to sell books three times a month during lunch period in the regular junior high schools. To properly advise their customers, the boys read or skimmed all books offered for sale.

During the year they sold 200 paper-back books. Detailed monthly financial statements were prepared. At the close of the school year, the unsold volumes were marked "Donated by the S. and F. Book Company," and proudly presented to the Project library.

Disinterest is interpreted by the teachers as their own failure, not that of the students. So innovation is necessary. A group of the more emotionally disturbed girls would only mumble when asked to read aloud. The teacher proposed reading a play. When perfected, they could produce it on the school's closed circuit television. Animation was sparked by the vision of becoming a TV star. A male teacher taught good grooming to this same group by taking them to a dress shop. The proprietress spent the morning demonstrating appropriate outfits for various occasions. Later this new know-how was used in a class style show.

The Project utilizes successful techniques developed elsewhere. Among these are: Self-Enhancing Education from the Cupertino (California) School District; Problem Solving Techniques from the National Training Laboratory of NEA; and Human Potential Seminars from Kendal College, Evanston, Illinois. This latter technique focuses on what's right about the individual instead of what's wrong. For example, one day's subject was "Strength Bombardment."

Each of the ten youths listed his greatest strengths. Jeff admitted that he was a fair athlete, was good at making things, and didn't mind working at an interesting job. The group then added other strengths. One girl shyly mentioned his good looks, and an-

¹ All students names are disguised.

other that he made friends easily. A boy added that he was a good organizer—got ball games started. The teacher-leader suggested that Jeff followed mechanical instructions well. (Carefully avoided was any mention that last year Jeff flunked every subject, and had been twice picked up by the police.)

Next the group played a game: "I see Jeff five years from now." On the basis of the strengths elicited, the group saw him either as the head mechanic in a large garage, or as the foreman of a construction crew. For the first time Jeff caught some vision of what he might achieve as an adult.

Rules are kept to a minimum to avoid unimportant win-lose situations. If one of these students with low self-esteem deliberately disobeys a strict order (no gum chewing, for example) the teacher is trapped. To overlook the disobedience is to approve of lawlessness; to enforce the rule by punishment is to alienate the student even further. So disapproval of anti-social behavior is shown by other means, principally by praising good behavior.

"Reject a child," Dr. Walker says, "and he will reject your values. But if he feels accepted, he will want to be a good citizen." Profanity has almost disappeared. During two days of the last week, a Kentucky Crime Commission staff member heard only one curse word. A boy who cut his finger opening a pop bottle instinctively yelled, "damn it" . . . and quickly added, "excuse me." Unlittered hallways and unmarked restroom walls have come not from threats and demands, but from the growing sense of pride.

Many school problems stem from emotional problems at home. So not surprisingly some of the most dramatic changes have come from work with parents. (All parents are visited.) Take the case of the unmarried mother of five children, two of whom, a boy and a girl, were in the Project. The boy was belligerent toward everyone, even youths his own age. Any casual mention of a father—any father—Joe took as poking fun at him. He started fights senselessly. Classmates learned to leave him alone, increasing his hostility.

After the first of many parent-child-teacher conferences, the mother wrote a letter of appreciation. Never before, she said, had she realized what she was doing to her children. The fourteen-year old daughter reported she and her mother had begun to talk about "important things." Slowly change came in the boy. Watching the teachers treat his mother with dignity, and feeling their acceptance of him as an individual, he came to accept himself.

"Joe, like most Project students, probably won't ever make it to college," one teacher explained, "but he'll leave here able to hold down a decent job and to be a responsible citizen. And that's the point of education. Helping each child reach his full potential, whatever it may be."

Professional services in the community are utilized. Each Wednesday morning, Dr. Marlow Hartson of the area Mental Health Clinic conducts group therapy sessions at the school. Another Clinic counselor, Wallace Baggett, meets with some twenty Project parents on Tuesday nights. The 14 seniors in psychiatric nursing at Murray State University (40 miles away) spend one morning a week at the Project. Most of their work is with the parents of the child to whom each is assigned.

It would be nice to report that Project 8 had been 100 percent successful. But such an expectation would be unrealistic. It was an experimental program, continually changing. Techniques that didn't work were discarded; new approaches tried. Many of the children are so emotionally crippled by a lifetime of neglect that it will take more than nine months of therapy to change their attitudes and habits.

Achievement tests given at the beginning

and end of the year show that the entire group gained more than the expected level. Some gains were dramatic, as the case of an adopted boy with an I.Q. of 138 who in September had shown only a 4th grade achievement. He jumped almost to the 9th grade level.

Altogether 176 were involved last year. During the year 18 showed sufficient improvement to be returned to the regular system. Approximately half are ready to go back this fall, while the rest will be held for another year of intensive care. With 11 youths, the staff admit failure. Of these, one girl was pregnant when school began, two were married, three boys were sent to state correctional institutions by the juvenile judge, and five others simply dropped out. Four of these were involved in the program for less than a month, one for only a single day.

To fall with only six percent of a group which showed a 100 percent dropout potential is undreamed of in educational circles. But success can be demonstrated in other terms. Broken school windows are a measure of student alienation. This year only one-fifth as many windows were broken as last year. Police report a drop of nearly 50 percent in vandalism. Judge Pelham McMurray reports a sharp decrease in juvenile court cases.

Last year Project 8 cost about \$300 per pupil above the normal \$400 spent by the school board. This investment is small in comparison with the nearly \$4,000 per year cost of maintaining a youth in a state delinquency institution. (National studies indicate that approximately half of all juveniles arrested for stealing are unemployed dropouts.)

The U.S. Office of Education has carefully watched the Project. And they are impressed. In June the U.S. Commissioner of Education, James E. Allen, announced a \$310,000 grant to extend the program throughout the Paducah system. (It was one of only ten dropout programs funded out of 387 applications—and the only one already in operation.) Three intensive care units, similar to Project 8, will be established for 4th, 5th and 6th grade students. It is the hope to reach these youngsters early—reach them before the pattern of failure and psychological hang-ups crystallize.

The most important feature in the expanded program will be intensive training for all teachers in the system. The intent is to change the attitudes of teachers toward disadvantaged youths and to provide them with skills to build the self-esteem of these youths. When this is accomplished, the need for Project 8 will disappear. School could become an instrument for developing the full potential of all youngsters.

UNITED STATES SHOULD TAKE LEAD TOWARD GREATER EX- CHANGE RATE FLEXIBILITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. MOORHEAD. Mr. Speaker, on several occasions in the last session of Congress, I pointed out the need for international monetary reform, and the dangers inherent in continuing a system of fixed exchange rates.

I am delighted that the International Monetary Fund is currently reviewing the exchange rate system, and I would urge the Nixon administration to support this study, with a view toward offer-

ing a realistic reform package for our international monetary affairs.

One of the best analyses of the problems involved, and the options available comes in an article by the very erudite and inventive Dr. Otmar Emminger, vice chairman of the Deutsche Bundesbank.

I enclose the Washington Post article of January 11 for the thoughtful attention of my colleagues:

EMMINGER SUGGESTS FLEXIBLE EXCHANGE

(By Dr. Otmar Emminger)

(NOTE.—The following article on exchange rate flexibility questions was written at the request of The Washington Post by Dr. Emminger, who has played a leading role in international financial affairs for the past many years. Many associates here and abroad give him a large share of the credit for successful evolution of the Special Drawing Rights plan adopted last year by the International Monetary Fund.)

The exchange rate system of the world is now undergoing review. The rules of the par-value system, as laid down in the Bretton Woods agreement were held inviolate for 25 years. Now the IMF has been asked by its governors, at their last annual meeting in October 1969, to investigate whether a limited increase in flexibility of exchange rate variation would be desirable and attainable with the necessary safeguards.

What is behind this rising doubt about the present system of fixed par-values for currencies—a system which, after all, has supported an unprecedented expansion of world trade during the past 20 years?

The doubts have mainly arisen out of the series of violent international monetary crises since the autumn of 1967. These crises have taught us a number of lessons.

First, major currencies can get so seriously out of line that national and international monetary equilibrium can only be restored by significant adjustments in currency parities, be it through devaluation (Great Britain 1967, France 1969) or through appreciation (Germany 1969).

Second, countries tend to resist such adjustments unduly long, for reasons of political prestige, or out of fear of leaping into the dark, or out of fear of rocking the international boat, or finally because of resistance by pressure groups.

Third, the results of these delays are: huge speculative flows, distortions in the structure of the respective economies, and in the end more massive and disruptive alterations in exchange-rate relationships than might have been required with timely adjustment.

A currency which has been undervalued for a prolonged period causes industry to become overly "export-oriented," while an overvalued currency makes industry develop a structural bias for the domestic market. If the 14.3 per cent devaluation of the British pound in November 1967 has taken 1½ years to produce significant results, this is to a large extent due to the preceding prolonged overvaluation and consequent mis-direction of the British economy.

How can we get speedier adjustment and avoid periodic exchange crises, without losing the advantages of a stable exchange-rate system? Freely floating rates without any fixed points of reference (as advocated by Professor Milton Friedman et al.) can in my opinion safely be ruled out. No one in any responsible position has up to now envisaged going to such extremes. What is under discussion is either a "wider band" or a system of small and more frequent changes in par values or a combination of both.

Widening the margins, within which market rates may fluctuate above and below par values, may mean very different things depending on the degree. If the widening is large enough—say: at least + or - 5 per cent

for other currencies against the dollar, which means + or -10 per cent between the other currencies themselves—it gets in practice very near to freely floating rates. Such a substantial widening does not at present find much support except perhaps as a transitional device for a single country in order to move towards a new, more realistic parity. There is more support for a very modest widening of the margins, say from the present + or -1 per cent, as permitted under the fund's statute, to + or -2 per cent above and below par.

This would not contribute significantly to the adjustment of payments imbalances. But it would slightly increase the possible swings in exchange rates and thus give central banks more operational elbow room against speculative flows. It was for this—and only for this—purpose that a modest widening was advocated at the last annual meeting of the fund by the British Chancellor of the Exchequer. Weighing the pros and cons, I would come out with a positive verdict in favor of introducing the legal possibility for a moderately wider band.

There is also something to be said for "legitimizing" the temporary adoption of a substantially wider band (or even complete freedom) as a transition to a new fixed parity, on the model of the "interim float" so successfully practiced by Germany for four weeks before settling definitely upon a new parity at the end of October 1969. But the introduction of such improved technicalities would hardly deserve the name of "reform." And we should beware of the illusion that many important countries would actually make use of such wider margins; not, for instance, the Common Market countries, except if they found a way to limit the wider band to exchange-rate relations outside the market while preserving narrower margins inside.

Sliding parities—Reformers who want better and speedier adjustment for payments imbalances look towards the other kind of limited flexibility, i.e. *small but more frequent changes* in exchange parities. If for instance the par value would be adjusted every two months by one third or one half per cent, this could easily be accommodated within the normal market swings of the exchange rate, without any sudden jumps, and it would allow an annual parity adjustment of up to 2 or 3 per cent. If the direction were known to the public, the economy, and in particular foreign trade, probably could take such parity changes quite easily in their stride. There need not even be too much fear of destabilizing short-term capital flows, at any rate less than in the present system.

This sounds quite attractive. But such a sliding parity adjustment (or "flexible parity" or "crawling peg") is not without its problems. *First*, there may be sudden, unforeseeable fundamental imbalances (such as the French wage explosion in 1968) which cannot be accommodated within the slow-moving sliding parity adjustment. Would the still remaining possibility of major ad hoc parity changes not seriously detract from the advantages of the sliding parity scheme? *Second*, who should determine the timing and size of the sliding adjustments, and according to what criteria?

Automatic formulas not acceptable—Most proponents of a crawling peg want this to be entrusted to an automatic formula—e.g. by changing the parity according to a moving average of past market rates during a reference period, or by reference to movements in currency reserves, or by a combination of both. Such a "formula"—approach would take parity adjustments out of the hands of politicians and out of the reach of pressure groups.

But it is not quite so simple. Decisions on exchange rates are considered a vital part of economic policy, and I doubt whether any government would commit itself irrevocably

to a par-value adjustment by an automatic formula. Moreover, such automatic formulas, if related to *past* reference periods or to accidental reserve movements have serious shortcomings that cannot easily be overcome.

Optional crawling peg—Thus in practice a sliding peg would probably only look acceptable if it was under the deliberate control of the authorities—even if they might make the general direction and maximum limits of the intended adjustment known. Such "sliding parities" on an optional basis do not easily fit into a generalized system. They would rather require *special arrangements* between the monetary fund and individual countries. The national authorities would receive an "allowance" for exchange-rate action within which they could make cumulative small changes in their par value.

Who would be suitable candidates for such slow-moving step-by-step adjustments? There are, of course, some who feel that with the recent realignment of the French and German parities, the urgency is definitely out of such proposals. However, we have also to look ahead into the future. Such a procedure of rate adjustment would fit all those cases where fundamental payments imbalances arise slowly over the years, either out of basic international shifts in favor (or disfavor) of a country's export assortment, or out of clearly discernible structural demand changes in the export or import field, or out of persistent divergencies in relative cost and price movements.

But let no one believe that a slow-moving step-by-step parity adjustment would be a panacea that would deal painlessly with all the major imbalances in the world economy; fundamentally the adjustment must always be based on adequate domestic policies. Nor should anyone believe that it would be easy for a major country to adopt—voluntarily—such a sliding parity adjustment. We should also not overlook the constraints and inhibitions arising for Common Market countries out of regional economic integration. It would, moreover, probably not be easy to fit the U.S. dollar properly into such a scheme. Thus expectations for attaining soon a stream-lined exchange-rate system should not be pinned too high.

TIMELY MESSAGE FROM VIETNAM

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 20, 1970

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a very interesting letter from a member of the armed services recently in Vietnam, Mr. David W. Frizzell, of the 4th Infantry Division. The letter was published in the Arkansas Gazette of January 3, 1970.

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

TIMELY MESSAGE FROM VIETNAM

TO THE EDITOR OF THE GAZETTE:

In discussions of that rather frazzled subject, the war in Vietnam, it is not uncommon to hear something like, "I'd like to send those protestors over there and let them get shot at. Then we'd see how they felt about the war!" Unfortunately, for these discussions, there is seldom a veteran to consult to determine if he was a "protestor," and if he had gone through some metamorphosis of mind about the rationality and morality of the war.

Out of concern for fair discussion, I do herein offer my services as one of the referees in question. I strongly opposed the war before I was sent to Vietnam, strongly enough that I dared break the comfortable convention of "don't rock the boat," and engaged in publicly expressing my concern: I was what is usually called a "protestor." (It is interesting to note all the meanings that word now carries in America.) I protested the decay of American reason, the damage of America's image, and, most of all, the loss of lives, American and Vietnamese. In all the words printed, by all interested parties, was not one explanation of American involvement which justified so many deaths, so many atrocities.

Now, having reached the halfway point of my tour in Vietnam, I reflect on what I've observed and experienced. I am now in that seemingly magical position of first-hand knowledge about the war, a position that carries an extraordinarily inordinate amount of status in America. I have had my experience in the "school of war" and my baptism by hostile fire; I've been shot at. There are now more than just words to base my thinking on.

And my thinking is this: my country is destroying itself in Vietnam. Everything I have seen amplifies the irrationality of the State Department's formal explanations. Everything I have seen clarifies the artful ambiguity of official Pentagon statements about the war's strategy and tactics; and that clearer picture is unspeakably ugly. Perhaps the ugliest part of the image is the way in which the military manipulates the information given our congressmen and the president so as to continue what is unquestionably of infinite benefit to the military establishment.

Shortly after the October 15 moratorium I observed in a couple of stateside papers, some statements by military officials that the soldiers in Vietnam were really distraught by the demonstrations. Acknowledging that my own contacts with other G.I.s is limited to the men in my unit, I can only say that they were not distraught: many were sympathetic, but most were indifferent.

It is this indifference I fear most, because it is indifference that let this war happen. It is indifference that will perpetuate American geo-political retardation and militarism. It is indifference that will destroy our country, not the concern of those that protest.

Sp4c. DAVID W. FRIZZELL,
4th Infantry Division.

VIETNAM.

SANDY ASSELIN: ALL AMERICAN
GIRL NEXT DOOR

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. HALL. Mr. Speaker, Bill Potter, the outdoor editor of the Joplin, Mo., Globe, also writes a column for that daily called, "Pottering Around."

Bill's eye for the beauty of nature, and his ability to translate same into prose, has placed him in the forefront of American outdoor writers.

It is the good fortune of those who read Bill's meanderings, that his eye for beauty sometimes extends beyond that of flora and fauna to focus on other natural wonderments of our beloved Ozarks. A case in point being Miss Sandra Kay Asselin, of Branson, Mo.

"Sandy," according to Bill, has the in-

telligence quotient to match her beauty and was the subject of a recent "Pottering Around" column. Bill's lengthy and informative interview with this young lady, covering everything from the so-called "generation gap," to her ambitions for tomorrow, should provide much food for thought to all who are interested in communicating with the youth of today.

Certainly to come in for its share of commendation, is Bill Potter's idea of presenting a "Friends to Youth Award," aimed at spotlighting and recognizing the sensitive and sincere majority of today's youth.

The interview follows:

[From the Joplin (Mo.) Globe, Nov. 23, 1969]

POTTERING AROUND

(By Bill Potter)

If the young lady being presented to column readers today was a high school senior, I am quite certain she would be nominated by a hometown organization for our "Friends of Youth" award.

And, if there happened to be a nationwide search to discover the All American Girl-Next-Door personality, I am confident my young friend would stand a better-than-average chance of winning that title.

My subject for today's youth personality sketch certainly torpedoes the cliché about beauty and brains not mixing. Not only does this gal have beauty, she has the intelligence quotient to match the beauty of her face and figure. There's a third dimension, too. There's beauty, brains . . . and brawn. Later on we will dwell on the brawn aspect but for the moment let me introduce this charmer. You've met her before in this column but just to refresh your memory let me say . . .

Neighbor, meet Miss Sandra Kay Asselin of Branson.

On previous occasions when her name and photo have been publicized in this column she was generally referred to as Capt. Sandy. You see (and this is where the brawn comes in), she is a member of the Asselin family team that owns and operates the Sammy Lane Pirate Cruise boats on Lake Taneycomo.

This Branson beauty was licensed three years ago by the Coast Guard and at that time it was reported Sandy was probably the youngest female ever granted a captain's license to pilot a cruise ship of the Sammy Lane size. Naturally, to pass the test it was necessary for her to show her prowess not only with the wheel to guide the vessel but also to prove she could master the mechanical details of the heavy-duty motors that propel the craft.

Sandy is a junior at the University of Arkansas and come July she makes the transition to adulthood when she becomes 21. At the semester break next Spring, Capt. Sandy starts her senior year at the Razorback school of learning.

On a recent visit to northwest Arkansas, I had an opportunity to visit with Sandy and discuss one of today's major topics—the communications (some call it generation) gap as it relates to youth and the older generation. Her answers to my pointed questions confirmed an opinion I had previously made of Sandy's character—she has very fixed and pertinently sound opinions concerning the youth vs. adult matter.

Because I recognize Miss Asselin as a member of her generation's responsible youth, I knew that any question would find honest, straightforward response. I was not disappointed.

In the question and answer session, it went like this:

"What can the adult generation do to close the communication gap?"

"We are living in a world past generations dreamed about," Sandy said. "To close the gap . . . teach us what they know, learn from us, listen to our problems and our attitudes toward the affairs of today . . . have an open mind for discussion. In return, youth must do the same."

Question. "Has the church failed youth?"

Answer. "No!"

Question. "Has society failed youth?"

Answer. "If society has failed youth it would be only from a lack of patience and understanding. Failure in many cases to try to understand."

Question. "What is youth looking for today?"

Answer. "The same as our parents and the generations before them, world peace. And, there is no doubt that in our fast-paced world of today the younger generation has a better chance for higher education than our parents. We can see how far an education can take us, and that it is almost impossible to make anything of ourselves unless we follow through with the opportunities we are given."

Question. "Does today's moral code pose an affront to the average young person or does it encourage acceptance?"

Answer. "I don't actually think the moral ideas of our generation are much different than any other generation except that it is more freely talked about today. I can't really say much about this because I live in a part of the country where people still have high moral ideas."

Question. "Would youth accept responsibility in today's confused world?"

Answer. "Yes! We want to be a part. We want to do what we can to better ourselves and the world. We are going to be here the longest and it will be our children who follow. I feel that the overwhelming percentage of the youths are willing to help in any way and many already are."

"Lots of people may say what a stupid answer, or what a naive outlook because of the horrid demonstrations, peace marches, riots, happenings, dope parties, etc., now sweeping across the nation."

"But what about the rest of us? The vast majority of the youth population? The hippies and rioters are such a small minority, yet they are the ones getting all the publicity. If one feels that all young people are hippies then why do they not believe that most airplanes will crash? Thousands of planes make safe journeys every day, yet the only ones you hear about are the ones that crash."

"In America we have the right to speak up for what we believe in and say what we think is wrong. I think everyone should take advantage of these wonderful privileges that our country offers us. But we can only speak and give our ideas if anything is to become of our country. If we are to remain the great nation that we are today, we must stand behind our government's final decisions. We elected our government officials. When we have said what we have to say and the government has made a decision, we should stand behind that official decision. We are not only standing behind our government officials, we are standing behind the United States."

"It is not our nation's executives and officials of government that make America. 'We the people' are our country. Our country is what we make it. Nothing more. Youth wants its part in that responsibility."

Before my visit with Sandy, I had mentioned to her parents that I was particularly interested in talking to her about the problem of the so-called generation (or communications) gap. They said, in effect, "We know you'll have no trouble communicating with Sandy—this child has very strong ideas about things."

But the blonde beauty from Branson has always been interested and involved in worth-

while things of school, church and family. Before graduating with the class of '67 at Branson High School, she had received the Girl Scouts Curved Bar Award, attended an International Girl Scout Roundup, served on the BHS Student Council and was active in the Presbyterian Youth Fellowship. And, as if that wasn't enough involvement during her busy high school tenure, Sandy was very active in five different extra curricular club programs.

Speaking of beauty—as a freshman on the Arkansas campus, Sandy amassed a total of 67 points in the Homecoming Queen contest but because freshmen coeds are barred from holding that title, she had to be satisfied to serve on the queen's court.

Earlier this year, sponsored in the Miss Tri-Lakes beauty pageant in Branson, Sandy won the title and went on to the Miss Missouri pageant in Springfield where she was judged No. 1 runnerup to the 1969 "Miss Missouri" who represented our state in the Miss America contest at Atlantic City.

Honors in college? Plenty of them. Look at this list . . .

As a freshman she was a dormitory officer; member Delta Delta Delta (Tri Delta) Sorority and serves as social chairman; member U of A Associated Women Students and on the AWS legislative board for two years; member the Arkansas Booster Club; Sigma Nu fraternity "Miss Daisy Mae," and Pi Kappa Alpha's "Calendar Girl"; Lambda Chi Alpha's "Crescent Girl"; member Homecoming royalty for two years; second runner up "Miss Dogpatch U.S.A."; second runner up "Fairness of the Fair"; and Miss Missouri for the National Sweetheart Pageant in 1969.

On two occasions this year, Capt. Sandy has represented Dogpatch U.S.A. as a spokesman for youth before national groups. One of those occasions was late this summer when she addressed the American Legion Auxiliary convention in Atlanta, Ga. Her punch line? "Wouldn't you rather see the American flag waving than burning?" On another trip when she spoke before a group, describing the Ozark tourist attraction, Sandy said, "Mr. Capp (the Dogpatch cartoonist) says the way things are going at Harvard and Columbia, the chance to see students saluting the flag instead of burning it may become one of the most popular attractions at Dogpatch U.S.A."

It might be noted here in connection with the flag salute at the new Ozark tourist attraction: The personnel at the park, a majority of them college students, never open the gates to the public each day until they have stood at attention, the American flag raised and saluted. Sandy put it this way, "Some people call this flag waving. Some folks call it corny. But we would rather see the flag waving than burning."

I saved the big question for the final one of the interview. "After college, what is your aim, your goal?" I asked Sandy.

Her answer was just as direct and unassuming as the previous remarks in the interview. A major at the university in speech and drama, an exciting career conscious young woman, Sandy replied, "I am looking forward to graduating and getting out into the world. I would like very much to work in public relations, possibly travel for some corporation and make speeches for worthwhile causes. Maybe, just maybe, later on I might try a little acting. Right now my aim is to do the best I can in school, graduate from the university, help out my sorority and school as much as I can, and then drive the Sammy Lane and fight off 'The Pirate of Taneycomo' when summer comes again."

And there you are. That's my young friend Sandy Asselin from Branson.

It is my opinion that whatever the future holds for her, she will be the master of her own fortune. As a responsible member of the "now" generation, she will carve

her own niche in the role she will play in tomorrow's leadership.

I recall quite vividly a visit Mrs. Potter and I had with Sandy a couple of years ago. We were riding the Sammy Lane cruise boat between Branson and Rockaway Beach. Sandy captivated the younger set on the cruise and as the time arrived for the attack by the "Pirate of Taneycomo" she made it so real those youngsters seemed to believe it was a genuine encounter. If this gal decides to go the drama route after graduation, she's a natural. However, in public relations and as a public speaker, she could do much to convince the doubters of an older generation that the vast majority of her generation are reliable, responsible and responsive.

I find in Sandy Asselin a countering "answer" to all the all-too-frequent downgrading appraisal of today's youth.

From time to time during 1970, this column will be presenting personality sketches of other young people who are not eligible as candidates (among the area's high school seniors) for our "Friends of Youth Award." These sketches will be of outstanding young people that may be younger than a high school senior or someone on a college campus . . . with one primary purpose in mind . . . to spotlight the sensitive and sincere majority of our youth who, in accepting their role in today's society do so without the benefit of headlines, are satisfied to do their own thing quietly and without fanfare.

It would be helpful to this outdoor communicator if column readers would offer suggestions as to possible candidates for this particular phase of our continuing Youth Program. If you have a likely candidate for a personality sketch among the youths of your acquaintance (one who is not a potential nominee for the "Friends of Youth Award" program) the suggestion would be appreciated. Any lower classman (male or female) in some area high school or a college student enrolled from some community in our immediate Four State circulation area, may possibly qualify for the personality portion of our 1970 project. Your suggestions will be welcomed and given thoughtful consideration.

These are the youth we salute . . . like Sandy Asselin . . . and her thousands of colleagues whose name is legion.

ACLU RESPONDS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 20, 1970

Mr. FANNIN. Mr. President, an editorial prepared by the American Civil Liberties Union was broadcast on WMAL in response to a previous editorial which I placed in the RECORD regarding the ACLU's suit attempting to remove the nativity scene from the ellipse south of the White House. An ACLU spokesman has asked that the editorial be printed in the interest of fairness, and I concur.

In reading the editorial, however, I note that the spokesman cites the fact that a Jewish rabbi, a Roman Catholic priest, and a Protestant clergyman are plaintiffs in the case. He says:

Surely, such men as these would not countenance an attempt to use the courts to suppress religion.

If the ACLU spokesman sincerely believes that, presumably the Pharisees in insisting on Jesus' Roman crucifixion were, in effect, pro-Christian and by no means interested in suppressing religion.

I ask unanimous consent that an editorial composed by a spokesman for the ACLU broadcast on December 17, 1969, be printed in the RECORD.

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

THE ACLU REPLY

(By Lawrence Speiser, on behalf of the ACLU, Jan. 6, 1969)

On December 17, WMAL vigorously criticized the American Civil Liberties Union for, among other things, going to court to challenge the nativity scene on the Ellipse as an unconstitutional establishment of religion. WMAL's editorial stated: "It is important to stress that the pageant is staged by a non-profit private corporation which obtains a permit from the Interior Department." And, it continued: "Many private groups, such as the anti-Vietnam War protest groups with their Viet Cong flags, have obtained similar permits."

Unfortunately WMAL's version of the facts is not correct. The government has, in fact, refused on no less than five separate occasions the application by the Women's Strike for Peace to erect a temporary three-dimensional display (without Viet Cong flags) as part of its proposed anti-Vietnam War Pageant on the Ellipse. The Department of the Interior in refusing the last application of Women's Strike for Peace in October stated it had adopted a policy "that no structure will be permitted to be placed on park lands by any private party except . . . as a part or in conjunction with a government sponsored program or activity."

Therefore, the United States government has now taken the position that the annual Pageant for Peace with the nativity scene is, in fact, "a government sponsored program or activity." That is the basis for the ACLU challenge to the nativity scene as an unconstitutional establishment of religion.

Is this case an attempt to suppress religion? No, it is not. Otherwise, how can WMAL explain that among the plaintiffs is a Catholic priest, a Protestant minister and a Jewish rabbi? Surely such men as these would not countenance an attempt to use the courts to suppress religion.

It has been over twenty years since the Supreme Court defined the establishment of religion clause of the First Amendment as holding that "neither a state nor the federal government can pass laws which aid one religion, aid all religions or prefer one religion over another. No tax in any amount large or small can be levied to support any religious activities or institutions, whatever they may be called . . ."

The American Civil Liberties Union, of course, has no objection to creches on church property or on any private property if the owners wish to place them there. We do object to the government dedicating public lands for the permanent or semi-permanent placement of such religious symbols and government sponsorship of them.

The ACLU may not always be right, but, at least, we are doing our best in working for the highest type of law and order by demonstrating that the Constitution and the Bill of Rights can be protected in the courts and that the rights of the majority are really best preserved by protecting the rights of minorities.

The establishment of religion clause of the First Amendment which sets forth the principle of separation of church and state was designed for that very reason. In a religiously pluralistic society that is the one effective method of avoiding the constant offense to the sensibilities of the diverse religious groups in our country and in protecting the religious freedom of all.

It is for that reason that the ACLU was willing to take on this generally misunder-

stood and unpopular case. It is because of our willingness to handle such cases that the late President John F. Kennedy stated: "During . . . its existence, the American Civil Liberties Union has played a significant role in defending our more basic democratic freedoms. (Its) voice has always been raised clearly and sharply when our liberties have been threatened."

ROBERT HEINEY HONORED

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mrs. MAY. Mr. Speaker, on Saturday last, Mr. Robert Heiney, director of the Government-Industry Relations Division of the National Canners Association, was presented with the 17th Annual Forty-Niner Service Award. This award was presented by the Honorable Melvin Laird, Secretary of Defense, at special ceremonies preceding the opening of the National Canners Convention and the Food Processing Machinery & Supplies Association's National Exposition for Food Processors in Washington, D.C.

The service award, initiated in 1954 by the Forty-Niners, gives recognition to those individuals who have contributed exceptional service to the food processing industry, and this honor to Bob Heiney was, therefore, deserved in every way.

The Forty-Niners is a service group, organized in 1949 to assist the Food Processing Machinery and Supplies Association and other industry groups in the conduct of their convention activities and to promote good fellowship. In selecting Bob Heiney of Washington, D.C., the Forty-Niners have given recognition to the tremendous importance of Government-industry relations and have honored an individual whose contributions to the food industry in that area have been truly outstanding.

Since 1967, Mr. Heiney has been Secretary of the Industry Committee on Packaging and Labeling, an ad hoc group of industry representatives and trade association executives who work with State and Federal weights and measures, and food and drug officials. On three occasions, 1963, 1965, and this past October, he has been an industry representative on Federal Labor Department committees appointed to establish minimum wage rates for the fruit and vegetable processing industry in Puerto Rico.

It is noteworthy, Mr. Speaker, that other industry groups have recognized the outstanding work of Bob Heiney in recent years also. The Mid Atlantic Food Processors Association selected him for their award "For outstanding guidance in legislative matters affecting the industry," and an appreciation award was received from the Pennsylvania Canners and Food Processors Association "For outstanding service, cooperation and contributions to the food processing industry in Pennsylvania."

I am sure, Mr. Speaker, that my many colleagues who know of Bob Heiney's outstanding work and who know him personally, join with me in extending to

him from Capitol Hill our most sincere congratulations on the occasion of his receipt of the Forty-Niner Service Award.

THE MYLAI INCIDENT

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 20, 1970

Mr. FULBRIGHT. Mr. President, Mr. Reuben Thomas, a citizen of my hometown, Fayetteville, Ark., is one of the more perceptive and articulate observers of the current scene.

On January 13, the Northwest Arkansas Times published a letter from Mr. Thomas which I believe will be of interest to the Senate. I ask unanimous consent that the letter be printed in the Extensions of Remarks.

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

[From the Northwest Arkansas Times, Jan. 13, 1970]

THAT MY LAI INCIDENT

TO THE EDITOR: Why must Americans, with our high ideals of honor, truth, and humanity, nearly always sweep our worst errors and instances of inhumanity under the rug? Beginning with the anachronism of black slavery in a new system of government dedicated to freedom and the rights of man, this shameful trend has been repeated many times.

Among the most deplorable examples that could be cited, there come to mind the incidence of black lynchings; the persecution of the Indian (as virtual policy of genocide in the Jackson era; and the Massacre by the U.S. Army at Wounded Knee); the war against the independence of the Philippines, and the numerous un-American interventions in Latin America. How many textbooks of American history used in our primary and secondary schools, or colleges either for that matter, have told the truth of such matters in the context of morality and influence on American Institutions? Who will deny that Americans always wear the White Hats; and the Bad Guys always are the ones on the other side?

Now comes My Lai, and we are shocked by the possibility, even, that fine American boys could possibly shoot down in cold blood defenseless babies, children, women, and old men. Many doubt the evidence of gruesome pictures and eyewitness accounts, no matter how indisputable, and end by bitter denunciation of the reporters and media, like the king who executed the messenger who reported the loss of the battle.

Congress starts great rhetoric of denunciation, but quickly pulls in its horns when it becomes evident that the silent majority doesn't want to talk about it, and the President doesn't either. Mendel Rivers starts to investigate, but makes such a ridiculous spectacle of heated and categorical denials of the last evidence of any massacre, that even he beats a hasty retreat by the usual device of a "Special Committee." As always, the military makes a show of surprise, and determination to fix guilt, but offers no credible explanation of long silence about My Lai, in the face of absolute proof of deliberate suppression, and starts a process of silencing further disclosures and finding scapegoats in sufficient numbers (of low rank, of course), to relieve the pressure and take off the heat.

Most informed citizens know full well by now that "search and destroy" for years has

meant just that, people as well as all life including vegetation, in at least some, and probably many, instances, and that Americans at least were present during customary torture of prisoners by Oriental allies.

"This is War"; "You can't tell one from another"; "Shoot first and check later when your life may depend on it"; "Every child from three years may be a walking booby trap"; "Instead of being prosecuted, boys like Calley ought to be praised for even being there"; and "What kind of press do we have, that will print such garbage?" Adequate excuses? Justification? Of course! It's war!

Now Secretary of Defense Melvin Laird, on TV news interview program "Face The Nation," ducks questions about Korean atrocities which were reported to the U.S. Command in Saigon in documented form by a professional American anthropologist. Laird contends that the Saigon Command was not a joint command, that General Abrams was not in a position of authority or responsibility, that any such reports could only be referred to the Koreans as their problem, and anyway it happened back in the Johnson administration! In short, if such a report got to our Generals, it was not their business, and these impertinent reporters should ask their questions of the Democrats. So here goes another smelly item under the rug, maybe to be found again by some subversive historian in the future!

The whole point of this is that distortion of the news, concealment of the truth, closing our eyes to weaknesses in our character, refusing to admit that American boys ever commit atrocities, rationalization of our cruelty and brutality as self-defense (from little yellow men, defending their homeland) and manhood—all of this can only compound our national guilt and make matters progressively worse, creating guilt and fear complexes which always lead to intolerance, suspicions between neighbors, search for scapegoats, repression, and hastening of the internal decay which has spelled doom for the most powerful nations in history.

It would be a travesty to take out on Calley and colleagues our collective guilt, but punishment is necessary because we still are in Vietnam and may be there in the hundreds of thousands indefinitely under present policy; therefore such incidents must be discouraged for the sake of our soldiers as well as Vietnamese peasants. What is essential now is a fresh, candid, analytical look at ourselves—at our false pride, power-madness, complacent self-righteousness, hypocrisy, and greed. How can we possibly improve our condition unless we first honestly admit, definitely identify, and earnestly proceed to correct our mistakes, faults, and failures? What kind of nation have we become, and what kind of nation do we want to be? Shall we stay on our present disastrous course, or do we have the will to change before it is too late?

It will be recalled that the first public reaction of Senator Fulbright after the disclosure of My Lai was to propose hearings for this very purpose. For the sake of America and all mankind, it is to be hoped that his fine initiative will be supported by all men of good will, everywhere.

REUBEN THOMAS.

FAYETTEVILLE.

WHY NIXON NEEDS HELP

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. KYL. Mr. Speaker, there is growing recognition that inflation is indeed

the No. 1 domestic problem besetting the Nation.

Inflation, if unchecked, will stall the attack on many of the other problems and hamper our ability to meet real needs in vital areas.

The following editorial of December 22, 1969, in the Washington Daily News makes that point clear:

WHY NIXON NEEDS HELP

In November, the Government has just reported, the cost of living went up another half of 1 per cent.

In a year, on a national average, prices have increased 5.8 per cent. Goods and services which could be bought for \$10 on the average in 1957-1958 now cost \$13.05.

Unless there is aggressive anti-inflation action the upward rampage of prices will go on, and probably get worse. The end result not only would be the present misery for those whose incomes are fixed but a recession, or worse, for everybody.

Putting an end to Government deficits (which have been the style for nearly 40 years) won't abruptly end inflation. But Government deficits are the leading cause of inflation, and ending them is the first and biggest step toward stabilizing the value of the dollar.

There is a lot of talk here about "priorities." The Government is urged to spend more for social problems etc. But the goods and services the Government buys are affected by inflation, too, and if it goes on spending money it has to borrow, it is raising prices for itself as well as everyone else. It can soon price itself out of these programs, as it has to some extent already.

One of the items which helped raise the cost of living in November (and in many months before) was interest rates on home mortgages. Interest rates are high in part because the Government debt now exceeds \$369 billion, and the Treasury is in the money market every week borrowing and reborrowing to refinance the debt and to pay huge interest costs.

All this is back of President Nixon's drive to hold down on Government spending, his strong opposition to excessive appropriations being passed by Congress and his insistence that the Government accumulate a surplus (and perhaps reduce the debt).

This is the essence of the war on inflation. It is the reason for Mr. Nixon's fights with Congress about spending.

If Congress can't understand this, the people whose pockets are being picked by inflation can understand it. And if they tell their Congressmen they won't be doing Mr. Nixon a favor so much as they will be doing themselves a favor. Stopping inflation is a first priority; otherwise the other priorities are likely to go by the boards.

YOUNG MEN OF ACTION

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. GALIFIANAKIS. Mr. Speaker, I deem it a very special honor to pay tribute to the U.S. Jaycees who are, in 1970, celebrating the 50th Anniversary of the founding of this great service organization. Since this week, the week of January 18 has been proclaimed Jaycee Week, I should like to share with my colleagues my admiration for these "young men of action" throughout the Nation.

As a former Jaycee, I espouse the Jaycee credo that community service is the quality that builds the individual, and I share the spirit of dedication to the premise that the quality of society is as good as the individuals who comprise it.

As an American citizen, I am imbued with a feeling of deep gratitude for the contribution these outstanding young men have made to community improvement.

As a Member of Congress, I am genuinely appreciative for my own years of involvement with the Jaycees which provided me with a wonderful basic training for the job I now hold.

There is a partnership of interest between Government and Jaycees which I think is very satisfying. I have often thought that our National Government would be stronger if it incorporated, even more authentically, the provisions of the Jaycee creed. That creed contains so much more than just beautiful words. It expresses a magnificent sentiment. I find it very satisfying and, with your permission, I would like to share with my colleagues my personal interpretation of that creed. It provides:

That the brotherhood of man transcends the sovereignty of nations. And do you not agree that this is the basis for our international relations? That faith in God gives meaning and purpose to life. And is that not the spiritual enrichment we all seek? That economic justice can best be won through free enterprise. And is that not the basic concept of sound business? That government should be of laws rather than of men. And is that not the rudiment of simple justice? That earth's great treasure lies in human personality. And is that not the very essence of the individual? That service to humanity is the best work of life. And is that not the most rewarding act of all?

What a marvelous guide those phrases provide—not only for personal life but for public life as well. In this period of history, with godlessness and lawlessness tearing at the fabric of civilization, the urgency of the Jaycee creed becomes even more pronounced.

I congratulate the U.S. Jaycees for the splendid progress they have achieved, and for inspiring others all over the world to become involved in solving the problems which confront us today.

I am indeed proud that I can lay claim to having once been a Jaycee, and I should like to use this forum to proclaim that I shall always be a Jaycee in spirit.

TRIBUTE TO J. EDGAR HOOVER

HON. H. ALLEN SMITH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. SMITH of California. Mr. Speaker, a man for whom I have the greatest respect observed his 75th birthday on January 1, 1970. It was not an event which went unnoticed. Newspapers across the country took note of this

occasion and editorially paid a most deserved tribute to Mr. J. Edgar Hoover, the man who stands unchallenged as Mr. Law Enforcement in the United States.

Two newspapers in my State, the Oakland Tribune of December 31, 1969, and the San Diego Union of January 1, 1970, were among the many who saluted Mr. Hoover. I would like to include both of these editorials in the RECORD at the conclusion of my remarks.

Both of these newspapers commented in their editorials about the challenge of finding a successor to Mr. Hoover, "one of the toughest decisions an American President someday must make." I am personally aware of Mr. Hoover's excellent health and continued vigor in his position, and I hope and trust he will remain as Director of the FBI for many years. I know of no man in public life who commands the confidence of the people as Mr. Hoover. I hope his principles will always remain a part of the law enforcement profession.

The editorials follow:

SALUTE TO "MR. FBI"

One of the toughest decisions an American President someday must make will be the selection of a new director of the Federal Bureau of Investigation.

Exactly how to find a replacement for a man who is by any measure a "living legend" will be no small task, but fortunately for the nation, and with the continual encouragement of President Nixon, there is no immediate need for such activity.

J. Edgar Hoover, "Mr. FBI" to three generations of Americans, reaches his 75th birthday tomorrow, but there is convincing evidence he can and should remain "the director" (as he is known inside the bureau) for many years to come.

Despite more than a decade of obviously erroneous reports—mostly from his enemies—that Hoover planned to retire, there is little reason now to expect his departure. Hoover and the President have been close friends for more than 20 years—since the days when Nixon was a fledgling congressman actively exposing Communist traitors such as Alger Hiss.

In the 45-plus years Hoover has commanded the FBI, it has faced forces inimical to this nation on many fronts. First, in the 1930s, the "G-Men" gained fame combating gangsters, bank robbers and kidnapers such as John Dillinger and "Machine Gun" Kelly.

After that, the efficiency, professionalism and unquestioned integrity of the FBI were successfully used against Nazi and Communist espionage and subversion as well as to oppose civil strife, street rioting and organized crime syndicates such as the Mafia.

Whatever the immediate targets of the FBI, the bureau continues to receive vigorous, enthusiastic and professional leadership from a man who knows well the importance of his job and the dangers of lethargy or slovenliness.

The nation is well served by his continued presence in that important post, and secure in the knowledge of both the public's and the President's high esteem for him and for the FBI. Director Hoover should enjoy a happy birthday tomorrow.

[From the San Diego Union, Jan. 1, 1970]

INSPIRING MILESTONE

J. Edgar Hoover reached his 75th birthday today. Alert and vigorous, he has let it be known he has no intention of retiring within the foreseeable future as director of the Federal Bureau of Investigation.

We are sure the great majority of Americans are glad to hear he is going to stay on

the job. In the 45 years he has headed the FBI, he has become almost as much a national institution as the agency itself.

Indeed, it has become hard to conceive of the FBI without the imposing figure of Mr. Hoover at the helm. He has come to personify dispassionate, efficient law enforcement raised to the level of a science—from the pursuit of Depression-era gangsters by squads of "G-men" through periods when wartime espionage and cold war subversion became of greater national concern.

There is no question that the widespread respect which the FBI commands in our nation—and the fear it arouses in the minds of criminals, spies and other enemies of our society—stems largely from the personal dedication of Mr. Hoover and the high standards of professionalism he has demanded of those who serve under him.

The challenge of finding a successor to Mr. Hoover, one who could assure the continuation of public trust he has engendered for the FBI, is one that inevitably must be faced. But for the time being, we are reassured that the unusual perception and vigilance of Mr. Hoover will remain at the service of the nation.

NEW YEAR'S RESOLUTION

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mrs. CHISHOLM. Mr. Speaker, during the past month I have heard various people summarize the past decade, followed by resolutions for the New Year. Often the summaries recall the existence of hunger and poverty in our Nation. Recognition is also given to continued discrimination against black people, Indians, Puerto Ricans, women, and other minority groups. Amidst the continuing engagement in an undeclared war and the spending of millions of dollars on the exploration of the moon to the neglect of meeting critical domestic needs, I offer my New Year's resolution.

I present my New Year's resolution in the form of a challenge to the Congress of the United States to deal effectively with the problems which remain to be solved. We have done enough analyzing of our problems. Now is the time to take action.

Young people and black people feel that they have been lied to as they discover that while technological advancement has been evident in our Nation's history, respect for all individuals, and a concern for the needs of all people in our society have often not been guiding forces in our decisions pertaining to the quality of conditions in which men live.

I ask that we stop bemoaning past mistakes, miscalculations, and generations of neglect. Let us in the New Year resolve to not merely articulate problems facing our society but launch effective programs which will harmonize the dreams and the reality of the United States.

From the enclosed article about a speech made by John Gardner, chairman of the Urban Coalition Action Council, I gather that the former Secretary of Health, Education, and Welfare shares my annoyance and frustration at the amount of talk that has substituted for action in the past.

We do not need any new New Year's resolutions, all we need to do is act the old promises we have made.

The article follows:

[From the Washington (D.C.) Evening Star, Dec. 9, 1969]

GARDNER ATTACKS NIXON, CONGRESS
(By James Welsh)

Americans and their institutions, beginning with the White House and Congress, must undertake "a jolting reappraisal and overhaul" if the nation is ever to begin solving its most urgent problems, John W. Gardner said today.

The chairman of the Urban Coalition Action Council, in a speech prepared for delivery today at the National Press Club, assailed President Nixon and Congress for "a failure of leadership" and said Americans at all levels are "seized by a kind of paralysis of will."

"We know what our problems are, but we seem incapable of summoning our will and resources to act," he said.

Gardner, a Republican who served as secretary of health, education and welfare in the Johnson Cabinet, proposed that "1970 be a year of renewal" and said the place to begin is in Washington.

He said that older members of Congress should retire, and specifically mentioned the age of House Speaker John W. McCormack.

"TONE OF URGENCY"

President Nixon, he said, "must do more to set a tone of urgency to which we can respond. . . . The President must say more explicitly—and with greater urgency—what he conceives to be an appropriate strategy for dealing with the dilemmas of the cities, with equality of opportunity, with the environment, and with other problems that are wracking the nation.

"Not only must the President propose social programs adequate to our need, but when the legislation goes to Congress, he must fight as hard for it as he fought for the ABM and Judge Haynsworth."

Although calling an end to the Vietnam war a goal of great urgency, Gardner did not criticize Nixon's conduct of it, nor his performance on other international fronts.

TO REFORM CONGRESS

Few institutions are so in need of reform as Congress, Gardner asserted, calling first for measures to abolish the seniority system and to "curb the abuse of power by entrenched committee chairmen."

Gardner called on Congress to pass an age limit for its own members.

"The speaker of the House is 78. Thirteen Senate and House committee chairmen are over 70, six of them over 75, two over 80.

"They are full of years and honors. They can serve their country best by stepping aside. That would be patriotism at its highest," he said.

Congress also "must put an end to the hypocrisy of tolerating grave conflicts of interest among its own members while attacking the same fault in others," said Gardner.

On other fronts, the Urban Coalition chairman drew a gloomy picture of Americans losing faith in their society while hanging onto old ways that help compound American problems. He spared few large institutions, suggesting specifically:

That industry in the 1970s address itself to three major problems—equal opportunity for minority groups, an end to pollution, and better consumer standards.

Calling industry's record on the environmental front "deplorable," Gardner said "it has lied to the public and to itself about the seriousness of the problem."

That labor unions act immediately to "root out racial discrimination, to eliminate restrictive membership practices that deny the

opportunity to work or to advance beyond menial work."

That the health professions redesign the nation's health services system, which he called "outworn, expensive and outrageously inefficient."

Gardner said the best hope for reform lies in the "ferment among young health professionals."

That non-profit agencies of all kind "stop congratulating themselves" and examine their performance.

"Let them ask whether they are dabbling with a problem that calls for a massive assault," he added.

That government agencies do much the same thing.

"Let each government agency honestly appraise the extent to which it has built an empire rather than served the public. And let it ask how much risk it has taken in fighting for good causes.

"The natural state of the bureaucracy is to be unbloody but bowed. It would look better with some honorable scars."

Too many average citizens, Gardner added, are "apathetic, self-absorbed and self-serving."

"One thing the citizen can do—must do—is to reject fiercely and consistently all politicians who exploit fear and anger and hatred for their own purposes. He cannot rid himself entirely of those emotions. But he can rid himself of politicians who live by manipulating them."

Gardner also proposed that citizens throw the weight of public opinion against those who contribute to problems—industries, for instance, that will not hire minority members or that contribute to pollution.

UNDERDEVELOPED NATIONS PROVIDE MASSIVE POTENTIAL MARKET FOR U.S. EXPORTERS

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. MIZE. Mr. Speaker, the International Trade Task Force has been impressed with the desperate need to increase U.S. exports. Our balance-of-payments deficit in calendar year 1969 was probably the most severe in our Nation's history. The only appropriate method of achieving a healthy surplus in both trade and payments is through export promotion.

This must be one of our great priorities for 1970 and beyond.

Mr. Speaker, the January 12 issue of International Commerce magazine carried an article which highlights the significant market potential in the developing nations of the world. I was particularly impressed that these nations purchase U.S. goods at rapidly increasing rates as their per capita GNP increases. The relation is geometric, not arithmetical. Our businessmen, the executive branch, and the Congress together must realize that export promotion in developing nations is as urgent as promotion in Europe and Japan. Our future economic stability and health depend upon across-the-board efforts. These efforts can be considered as investments now, for massive return in decades immediately ahead. If the United States enters these markets tactfully, under-

standing the special needs of each developing nation and its traders, the U.S. reward will be sustained foreign market growth for the indefinite future.

I include in the RECORD at this point the article from International Commerce magazine:

SEES MASSIVE MARKET AHEAD IN COUNTRIES MOVING UP LDC SCALE; AID OFFICIAL NOTES TENFOLD INCREASE THERE IN U.S. EXPORTS

"The underdeveloped nations of this world constitute a potential market of such enormity that to understand it will require the same kind of imagination that built the markets in our own country."

Offering this view, an Agency for International Development official cited statistics showing that the more advanced developing nations purchase about 10 times as much from the United States as the poorest group of countries, on a per capita basis.

Bert Tollefson, Jr., AID's Assistant Administrator for Legislative and Public Affairs, told an international business group in Chicago last month that "graduates" of the aid program continue to buy more and more U.S. goods and services year after year.

The AID official was addressing the Mid-America Committee for International Business and Government Cooperation, Inc.

The less developed world now provides markets for a third of U.S. exports, he pointed out. In 1968, he explained, they purchased \$10.5 billion—a growth since 1958 of 42%.

Of the goods that went to the developing nations, he added, AID financed about 10% of the total—an indication of the stimulus generated by the U.S. aid program for U.S. business and the U.S. economy.

EIGHTY PERCENT BOUGHT IN UNITED STATES

Last year, aid policies assured that practically all—98%—of the commodities financed under the AID program were purchased in the United States, Tollefson noted.

AID financed the export of \$106 million worth of fertilizer (45% of all the fertilizer exported), \$129 million of chemicals and related products (15%), \$279 million of machinery and equipment (almost 10%) and \$107 million of iron and steel mill products (33%).

Tollefson told the business leaders that economic assistance is in large part responsible for the growth of the countries being assisted. An analysis of U.S. exports to 38 developing nations over a five-year period (1964-68) demonstrates that fact, he said.

Nations with per capita GNP averaging less than \$200 a year during that period purchased less than \$3 worth of American products per capita in 1968. Nations with GNP between \$200 and \$400 per year purchased \$10 worth of American products per capita. Those with GNP between \$400 and \$900 purchased \$29 worth of American products per person—roughly 10 times as much as the poorest group of nations.

"Furthermore," he added, "as these developing countries reach their period of self-sustaining growth—when they no longer need foreign aid—they continue to become better and better customers of U.S. exports."

ALL IN YOUR HEAD

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. CARTER. Mr. Speaker, the doom-sayers continue to tell us how badly off we are and how little we have done in recent years to make things better.

Some of us who have wondered about the sometimes unreasonable indictment of our society now find we have some support in statistics. Things really are not as bad as they seem. And they are getting better. I call to your attention an editorial from the January 15 edition of the Wall Street Journal which, in turn quotes Ben J. Wattenberg.

Mr. Wattenberg thinks that, overall, the 1960's were wonderful. The editorial is as follows:

[From the Wall Street Journal, Jan. 15, 1970]
ALL IN YOUR HEAD

The 1960s were marvelous, concludes demographer Ben J. Wattenberg; the crises were all in your head.

Mr. Wattenberg, author of the book "This U.S.A.", could not be more serious. Upon reviewing the economic and social statistics, he writes in a syndicated article, "The 1960s, from which we have reaped so much self-pity, self-hate and self-doubt, have in most of the measurable aspects of life produced a sharp improvement in the human condition in the U.S. It is ironic that this improvement has been most rapid in the most recent years, just those years when the orgy of crisis and discontent reached its climax."

Are we troubled by poverty? In 1960, 40 million persons, or 22% of the population, earned less than the amount today known as the poverty line. In 1968, adjusted for price increases, the same figures were 25 million and 12% of the population.

Are we worried about a burgeoning "military-industrial complex"? In 1960, defense spending accounted for 50% of the Federal budget, domestic social programs for 23%. In 1970, even with the Vietnam war, the defense budget took 42%, domestic social programs 33%.

Are we worried about Negro slums? In 1960, among nonwhites living in central cities, 25% lived in substandard housing. In 1966 this figure had dropped to 16%, and later studies suggest it has continued to fall since.

Are we worried about moving into "two societies, one black, one white—separate and unequal"? In 1960, nonwhites earned 52% as much as whites, in 1968, 63%. In 1960, 39% of nonwhite youngsters completed four years of high school, in 1968, 58%. Between 1960 and 1968, the number of nonwhites in "craftsman and foreman" job classifications rose 57% while the number of such jobs rose 12%. The gaps remain large, but are closing, not opening.

Such material statistics do not measure everything, of course, but Mr. Wattenberg notes that those who talk of "crisis" in American society in fact do so precisely to promote material programs like Federal aid to cities. He says "statistics cannot very well measure human unhappiness or alienation. Nor, unfortunately, can most efforts of Government cure such ailments."

The real problem of the 60s, he concludes, was the rhetoric of the press and liberal politicians. They carried "crisis-mongering" beyond the point of conceivable usefulness, and far beyond the point of truth. Indeed, he asserts, "It is the irony of liberalism in America that it resorted to self-immolation at precisely the moment when it could demonstrate best that liberalism had worked."

Now, we strongly believe this gives far too much credit to the Government program of the 60s and far too little to the proven uplift of a relatively free economy. Yet the point is sound. Undeniably, liberals could claim credit for the progress of the 60s, when they held all the reins of power. Instead, they chose to berate American society. And in fact this fashion has spread beyond the press and liberal politicians to the vast bulk of the American intellectual class.

The disparity between this vicious indictment of American society and the actual record of American society is, in fact, what the revolt of Richard Nixon's "forgotten American" is all about. Mr. Nixon and his entourage have had the wit to recognize that our crisis today is mostly a crisis of inflated expectations, and that the best way to deal with it is directly—by deflating the expectations in line with reality.

The common man has responded to this appeal because he can look about him and see from tangible evidence that the indictment of America is a false one. His response is to fly the flag, to "stand up for America" and to vote for politicians who uphold rather than attack American society and American traditions.

Just as the intellectual often sees things the common man misses, so now and then the common man's natural instinct and grass-roots involvement give him insights denied the typical intellectual. And in this case we think the American intellectuals might do well to take a cue from the forgotten American. Not that they should necessarily fly flags, but that they should express in their own style the basic feeling that American society, warts and all, measures up fairly well against actual alternatives.

For the common man is an eminently solid ground, we think, in his instinct that what America needs to combat its current "crisis" is not denigration but affirmation.

RECLAMATION IN ECLIPSE?

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mrs. MAY. Mr. Speaker, there recently appeared in the Yakima Herald-Republic of Yakima, Wash., a most perceptive editorial on the subject of the role of the Federal Government in helping people reclaim arid lands. The author of the editorial is known personally to many of my colleagues because for several years he represented the Gannett News Service and many newspapers around the country in covering the news events of our National Capital. I first got to know Bob Lucas as a competent news and editorial writer with the Yakima Herald and Republic in the 1940's. It was in the Pacific Northwest that Bob grew to recognize the great contribution that Government has to make in helping to reclaim arid lands.

Although Bob left the Yakima Valley and the Pacific Northwest in the early 1950's, he has always carried with him a conviction of the great worth of reclamation, and has written some excellent pieces on this subject. Now, he is back in Yakima as executive editor of the Yakima Herald-Republic, and it is in this capacity that he has published his particularly significant editorial, "Reclamation in Eclipse?"

I commend this editorial to all of my colleagues from all sections of the Nation, and that it be inserted at this point in the RECORD:

[From the Yakima Herald-Republic, Dec. 27, 1969]

RECLAMATION IN ECLIPSE?

(By Robert W. Lucas)

A most praiseworthy act of government—in this case the federal government—has been

that of helping people reclaim arid lands. It has been going on for some 67 years. And it has added to the national storehouse of food and fiber (little of it "surplus" and thus subsidized).

Reclamation has also multiplied the income, employment and tax base of many regions in these United States. It has long been and remains the blue chip of government investment in the managed growth of this country.

But reclamation has fallen on evil days. Rep. Wayne N. Aspinall, the Colorado Democrat who is chairman of the House Interior and Insular Affairs committee, has said that reclamation is being "out-gunned in public opinion as it represents itself in the halls of Congress."

Sen. Alan Bible, Democrat of Nevada, reports that water resource projects "have become the whipping boy of budget cutters." And Sen. Len B. Jordan, Republican of Idaho, said current water project slashes of 25 to 30 percent "are causing the first hard look at reclamation since the thirties."

At the November meeting in Spokane of the National Water Resources Association (formerly the National Reclamation Association) the central theme was one of soul searching. "How," it was asked, "can we get the reclamation show back on the road again?"

There appeared to be considerable concurrence in one answer: Make some accommodation with the program's opponents, notably the "conservationists," and if possible "package" future water projects in a manner appealing to both urban and rural voters.

Washington State's Gov. Dan Evans said those committed to water development projects should switch from "defensiveness to aggressive action." And Sen. Henry M. Jackson, acknowledging the insistent demands of the 95 percent of our population that live in urban areas (with 70 percent crowded into 1 percent of the land), said, "Creation of a new and important role for reclamation in the development of new rural growth opportunities could be an undertaking more exciting than the exploration of outer space."

Well, what does this all mean? It means that unless we are going to be forced into reliance upon private irrigation to expand our watered empire, we must restate to the country as a whole the regional and national benefits of reclamation fund or treasury financed water projects. And then we must fight for them with every weapon at our command.

With federal reclamation operating at slow bell, within the last three or four years at least seven privately-financed irrigation pumping projects, composed of 18,000 acres, have been lifting water from the Columbia and Snake rivers within a 100-mile radius of Yakima.

Those projects are engineered for later enlargement. There are other pumping plans under study to bring hundreds of thousands of more arid acres under irrigation in Benton, Klickitat, Franklin and Walla Walla counties of Washington, and Umatilla and Morrow counties in Oregon.

Now even those projects have come under the cloud of a Department of Interior legal opinion which says that private irrigation, the water supply for which is pumped from a pool behind a federally-constructed dam, shall be subject to the 160-acre limitation in the Reclamation Act. This, however, is another issue and will be examined and tested at hearings during January and February.

It is defeatist to conclude, however, that the West's vital interest in federal water resource development has been irretrievably pre-empted by the demands for municipal and industrial water, anti-pollution programs or the new emphasis on preserving esthetic values. The three concerns can and should be reconciled. For example, Charles F. Luce,

board chairman of Consolidated Edison, urges attention to "new goals that make the water program 'people oriented,' and—that water development be used as means of improving population distribution."

The Yakima Valley has always had a prominent part in promoting and illustrating the benefits of irrigation. It will continue to be so. And it is of more than passing significance that the new president of the National Water Resources Association is Lorin W. Markham, well-remembered as secretary of the Yakima Chamber of Commerce, and retiring secretary of the Chamber in Spokane.

The character, growth and balance of the Valley's economy is related strongly to the proposition that water flowed over wasteland adds wealth, promotes diversification and enhances the lives of people and the welfare of the country. We should restate our commitment to that conviction as a guideline for policy in the 70s.

POLLUTION

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BOLAND. Mr. Speaker, President Nixon has aptly pointed out that this country's effort to clear away environmental pollution is a "now-or-never" proposition. The President's celebrated statement—made as he signed the National Environmental Quality Act—is a heartening affirmation of the principles conservationists have been citing for years.

Pollution is one of the most staggering problems this country faces. For years, we have been fouling our rivers, littering the landscape, tainting the very air we breathe with just about every noxious substance that can come out of a pipe or a smokestack. It is time to stop. Indeed, we must stop before pollution gets so far out of hand that it threatens our way of life.

Pollution is not just another one of those distant problems that give conservation clubs something to debate or Government commissions something to dissect in a dreary report. It menaces us all every day of our lives.

Newspaper headlines tell us about the spectacular pollution problems—the oil leak that blackened Santa Barbara's beaches, the smog that hovers over our major cities on windless days, the industrial waste that is slowly killing off life in the Great Lakes. But we do not need the New York Times or Walter Cronkite to learn about the routine pollution we encounter daily. You can see it in the gritty film that clings to the outside of your windows, the trash heaped up on a vacant lot down the street, the smarting and watering in your eyes every time you drive past a big industrial plant.

The threat pollution poses to our health is the most alarming. Just living in New York City—just breathing its air—is equivalent to smoking a significant number of cigarettes a day. Studies show that the cancer rate in highly industrial areas has slowly crept ahead of the rate in other areas.

Doctors say that anyone who falls into a polluted river—the Charles in Boston,

for example, or the Hudson in New York—should take a battery of injections ranging from tetanus to antibiotics. So much chlorine is necessary to purify the water supply in many cities, that newcomers take weeks to get used to the startling pungency in the drinking water's taste and smell.

Yet pollution is much more than a health problem. It is making ugly a country that was once beautiful. It is commonplace to see the rusting hulks of old cars in vacant lots, trash heaps 20 feet high in city alleys, streaks of sewage swirling on the surface of our rivers.

Pollution threatens this country's greatest national resources—its lakes, its woodlands, its rivers, its very air.

I am pressing for the enactment of major new legislation to help stop pollution. And, as a ranking member of the House Appropriations Committee, I am doing my best to see that antipollution programs are amply funded.

We must stop fouling our own nest.

It is one of history's cruelest ironies that the wastes of civilization might destroy civilization.

With permission, Mr. Speaker, I put in the RECORD three articles from the New York Times—an editorial, a column by Tom Wicker, and another column by James Reston:

FIGHT FOR SURVIVAL

President Nixon's characterization of the battle against the pollution of the environment as a "now-or-never" fight offers new hope that this survival issue will be given top priority, not in discussion panels but in action.

With poisons pouring into the air at a rate of 130 million tons a year and great bodies of water turning into cesspools, the question is no longer one of comfort or esthetics but of life and death. The President's warning that huge areas may become uninhabitable by 1980 must be underscored with the observation that many urban regions already fit this description.

Creation of the Council on Environmental Qualities and the President's emphatic endorsement of the Democratic-sponsored National Environmental Policy Act should be the first step in a bipartisan partnership to avert the disastrous prospects so dramatically set forth by Mr. Nixon.

The question still to be answered—and gravely posed anew by Senators Jackson and Muskie at the very moment of the Administration's appeal—is whether the country and its leaders truly comprehend both the nature and the price of the task. This is not a clean-up job or a beautification project. It is not a patch-up effort to muzzle a few smokestacks and incinerators or to improve the existing sewage system. It is not a series of skirmishes against easily identifiable depolluters of air, water, land or forests.

Nothing short of a new understanding of the total pattern of man's use of the environment and its resources can keep the nation from drowning in the wastes of its own affluence. It would be fatal self-deception to welcome the new concern with the environment, in all branches of society and at all age levels, as a painless diversion from radical pressures for basic social reform. In many ways, the strategies required to check the destruction of the environment involve a more fundamental assault on all our normal modes of conducting industry, moving about for business or pleasure and establishing a balance between public and private interests than any involved in race relations or other phases of the urban crisis.

Private gain and public expenditures, deeply involved in polluting the environment, cannot remain untouched by realistic policies to stop that pollution. Nor can there be a coherent plan to deal with man's future environment without concern for the population pattern itself.

Sacrifice will be required and so will large-scale expenditure of governmental funds. Inflation and the drain of the Vietnam war will provide handy excuses for inaction. But the price of evasion will be self-annihilation, a stake bigger than any war.

IN THE NATION: MANAGEABLE PROJECTS FOR THE SEVENTIES

(By Tom Wicker)

WASHINGTON, January 3.—President Nixon struck an appropriate note, which he recognized, in making his first official act of the decade the signing of a bill that will strengthen efforts to make American air and water fit again for human consumption. That must be a "major goal" of the seventies, the President said: "It is literally now or never."

The new Environmental Council ought to assure that the subject is kept constantly before President and public, and it is supposed also to devise means of getting the job done. Given the vast array of problems competing for attention and solution, this is a major first step—vesting responsibility in one group equipped to find out what needs to be done as well as how to do it.

In fact, air and water pollution, while widespread and increasing, are relatively concrete situations that ought to be susceptible to counterattack. New York State, for instance, already is pouring millions into a water clean-up program; even the auto manufacturers have been bludgeoned into some interest in antipollution devices for their fume-gushing monsters, and Senator Proxmire of Wisconsin is pushing the interesting notion of taxing industrial polluters on a rising scale—the more they pollute, the more they would pay, with the proceeds going to help defray the costs of municipal sewage treatment plants.

There is not much question that we have, or can quickly develop, the required technology; that is almost the least of it, as the moon program shows. Moreover, this is apparently an area into which some of the energies of the peace movement are overflowing, and numerous scientific warnings about the environment seem at last to be having general effect; so something of a political constituency for an antipollution program now is available to a President who will take advantage of it.

A MANAGEABLE PROBLEM

Mr. Nixon did not minimize the size of the problem, which is considerable. Nevertheless, the environmental question, difficult as it is, must seem to him relatively manageable. As he looks at the manifold questions arising from the years of second-class status to which blacks have been assigned in America, only to emerge militantly demanding something better, at whatever cost; at the vast dilemmas besetting our huge and decaying cities; at the difficulties of paying for social advance while maintaining a stable dollar; at the mushrooming statistics of crime and violence, born of social and economic inequities that defy easy adjustment; at the kaleidoscopic pace of generational, technological and economic change, with its resulting dislocations of people and concepts—as Mr. Nixon looks at these extraordinarily complex realities, and the way they interact with and aggravate one another, the fight against air and water pollution must seem to him a front on which substantial progress can soon be made at reasonable cost.

There are others. For instance, the effort to clean up the air points directly to development of transportation alternatives to the automobile and the jet airplane, two of the most profligate polluters. Obvious alterna-

tives are rapid rail transit within cities, and clean, fast, frequent trains—like the New York-Washington Metroliner—in heavily traveled corridors between cities.

ELIMINATING POVERTY

Similarly, while it may not be easily possible to eliminate poverty in America, as the Johnson Administration once thought could be done, and although the income approach that Mr. Nixon apparently has embraced is at best a long-range project, the elimination of hunger, even of most malnutrition, is by no means beyond economic and technological feasibility. This is another area of concrete practicability in which the Nixon Administration already has taken some important steps and can take more in the early seventies.

Here are three problems—pollution, transportation and hunger—which are neither too complex for imaginative solution nor too costly for a reasonable rate of attack, to which Mr. Nixon might well dedicate the nation in the seventies, just as John Kennedy made the conquest of the moon its goal in the sixties.

Such a dedication would be valuable in itself. It would promise, moreover, real and visible progress, in contrast to what can be expected in less tractable matters; and one salutary result, in addition to the actual progress made on the targets, might well be a demonstration to a skeptical younger generation that the nation can mobilize itself to achieve something other than weapons systems and space adventures.

While Mr. Nixon is at it, of course, he might also put some priority on the mail service, which is a literal disgrace to the wealthiest and technologically the most advanced nation in the world. This is not exactly a major social problem but wouldn't we all feel better about things if, somehow, with traditional American ingenuity and energy, we could eliminate at least the minor irritant of uncertain mail delivery?

Maybe, in fact, the best way to move against the hardest challenges of the new decade is to settle upon a few manageable projects, manage them first, and then go on to the next level of difficulty.

WASHINGTON: "IT IS LITERALLY NOW OR NEVER"

(By James Reston)

WASHINGTON, January 3.—A great deal is being made by the Democrats in Washington these days about the difference between President Nixon's soaring rhetoric on pollution control and his comparatively low budget requests to deal with the problem.

On the face of it, the opposition party can argue that he is talking big and spending very little. He requested \$214 million to help clean up the nation's waters in the current budget; the Congress finally appropriated \$800 million; and it is not yet clear that the Administration will spend the extra money.

Nevertheless, Mr. Nixon declared the other day that "the nineteen-seventies absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."

THE NEW CONVERT

Despite this difference between language and cash, however, it would probably be a mistake to put the contrast down to political hypocrisy. It is only in the last year that Mr. Nixon, like many other Americans, has come to realize that a population increasing by over two million a year and an indifferent industry expanding even faster are poisoning the atmosphere of the nation and raising vast new political as well as social problems.

Accordingly, he is said to be devoting a

major part of his forthcoming State of the Union message to the pollution problem and to the reorganization of local, state and Federal Governments to deal effectively with the larger appropriations he intends to request in the next budget.

Mr. Nixon is not a fisherman like Herbert Hoover, or a hunter or conservationist like Teddy Roosevelt, but he is from California, where pollution has been a lively political controversy for years, and Ed Muskie, who could be his opponent for the Presidency in 1972, is one of the real experts in the Senate on this vast and complicated subject.

THE WHITE HOUSE COUNCIL

In signing the bill to create an Environmental Council to advise the President in this field—as the Council of Economic Advisers assists him in the economic field—Mr. Nixon has at least assured that experts will be watching all executive and legislative actions for their potential influence on the environment.

Lord Ritchie-Calder, writing in the current issue of *Foreign Affairs*, defines pollution as "a crime compounded of ignorance and avarice," and he notes that the ignorance often exists at the very top of civilized governments simply because all the implications of government decisions are not clear to the men at the top.

For example, Prime Minister Clement Attlee, who concurred in President Truman's decision to drop the atomic bomb on Hiroshima, wrote in "Twilight of Empires" sixteen years later:

THE FORGOTTEN FACTOR

"We knew nothing whatever at that time about the genetic effects of an atomic explosion. I knew nothing about fallout and all the rest of what emerged after Hiroshima. As far as I know, President Truman and Winston Churchill knew nothing of these things either. . . . Whether the scientists directly concerned knew or guessed, I do not know. But if they did, then so far as I am aware, they said nothing of it to those who had to make the decision."

This may, as Lord Ritchie-Calder observes, sound absurd, since H. J. Muller had won the Nobel Prize in 1927 for his evidence of the genetic effects of radiation, but it is merely one dramatic illustration of a fact well known to anybody who has been around Washington or Westminster in the last thirty years, namely that governments are constantly making decisions without any serious study of the side effects of their actions.

Now, at least, there will be an early-warning post in the White House, and some expert advice on how money can be spent effectively in attacking the total problem rather than, as has happened often in the past, wasting it on piecemeal projects.

Besides, the new Environmental Council will serve, as the Economic Council does, as an educational agency, not only for the Administration, but for the Congress and the public as a whole.

THE BASIC CONFLICT

The real conflict will come between a conservative Administration's natural instinct to conserve and the opposition to expensive decontamination projects among the Republican party's supporters in American industry.

If Mr. Nixon sticks to his now-or-never battle against pollution, however, he will find a very large and powerful constituency in the public and the press at his side. This is one of those projects which, if well organized and financed, can be a major goal for the bicentennial celebrations of 1976, but it will have to be coordinated and pushed hard in the next few months, and the indications here are that the President intends to do just that.

AN ANNUAL SOCIAL AUDIT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, today our Nation is faced with numerous social problems, many of which defy simple or quick solutions. These problems stem from deficiencies in our economy, our educational system, and from historical wrongs. In the 1960's the Federal Government and most State and local governments began programs that would bring an end to some of these problems and the beginnings of solutions for others. But it is apparent from the complexity of social ills and the depth of many longstanding inequities that governments alone cannot provide the whole answer and the means for ending all wrongs. Many segments of our society must cooperate and participate in a national effort to redress wrongs and perfect our society. The American business community and big business in particular, which have profited so much from our economic system, have an obligation to contribute something to those people who have not profited so much and who have not shared equally in the affluence of our society. It would be nice if industry would do so solely for altruistic purposes, but even if they are not so generous, they should feel an obligation to do some good and in the long run they, too, will benefit. If a large segment of the American population is poor, dissatisfied, or alienated, the entire Nation suffers. If there are divisions in our society, then all people are hurt because America will not be as wonderful as it could be. Therefore, business not only has an obligation to help solve some of the problems with which we are faced, but it is in their own interest to do so.

Dr. Clark C. Abt, president of Abt Associates, Inc., of Cambridge, has presented me with his proposal to create a system of social audits of private industry. I was impressed by the system Mr. Abt suggested and felt that it should be shared with my colleagues.

Everyone, I am sure, would agree that the Government alone cannot eliminate social problems. General planning can only do so much good, and then work must be done on an individual basis within each community. Since Mr. Abt feels that a business should mean more to a community than a means of collecting revenue, he suggests that industry take part in solving local problems.

Mr. Abt suggests a social audit to motivate business to work for social improvements. A plan of this type could encourage private industry to invest in such community endeavors as employment, education, housing, and crime control. In the long run, Mr. Abt feels that social improvements will be beneficial to business as well as the people of an area. Better incomes mean more consumption; better housing means less polarization. Improvement in education would mean better trained personnel. Thus, both the community and business benefit.

Most industries need some encouragement if social auditing is to be introduced and adopted. The Government should require social audits of private industries, at least for the operations of government contractors. In that way industry would be offering much more to the solution of our social problems than it does now. Thus, the employer would be helping to create a better life for his worker and the people. I have included Mr. Abt's description of his proposal, and I hope that my colleagues will realize the potential that it holds in solving some of societies most pressing problems.

The material referred to above follows:

AN ANNUAL SOCIAL AUDIT

The total impact of a major business enterprise is much more than sales, production, profits and a balance sheet suggests. Comprehensive measures must include the impacts on the surrounding society. To measure the beneficial and non-beneficial social impact a company has is the objective of the "social audit."

A rational policy of company investment in social and economic development requires quantitative analysis of the return on investment (ROI) of such projects. ROI is required for equalizing marginal utilities to optimize allocation of resources in budgeting. A project's ROI will depend critically on the degree to which it meets previously unmet social and economic needs. Thus some means is required for determining the degree to which these needs have been, and are being met by present company and/or external operations. This can be done by an annual "social audit."

The company social audit concept calls for a balance sheet of company current and long-term social assets and liabilities, and a statement of the social gains and losses in the current year. Social assets, liabilities, gains, and losses refer to the impact of both the company's direct operations, and the products and services it produces, on the company's socio-economic environment. This impact can be measured in terms of quality and quantity of standards of living, public health, nutrition, housing, education, employment, enterprise development, security, culture, community organization and the physical environment.

From a strictly business point of view a social audit offers both immediate and long-range benefits to a company.

The immediate benefits include:

Earnings increases made possible by improved labor productivity paying off more than the social overhead investment costs in labor. This would include both increase in productivity from education, motivation, social stability and reduced turnover, and decreased risk of losses due to strikes, boycotts, poor public image, and lost sales and recruitment.

Budgeting efficiency increases by assessment of social benefits in relation to social needs, for the identification of major needs-benefits mismatches for better allocation of resources.

Opportunity and risk early warning by identification of indirect social impacts of company operations, products, and services that may incur otherwise unnoticed effects.

Positive public and governmental relations that can reduce risks and costs, on an objective and measurable basis achieving authoritative status by being open to inspection.

Marketing improvements by advertising the company's low market prices in terms of both value of product and value of social overhead contribution per unit price. Positive effects on stock prices might also result.

The longer range benefits of a company social audit offer:

Capital gains resulting from farsighted investments in operations providing socially desirable products and services.

A rational basis for integrating corporate with national (including host nation) policy for the maximum benefit of both.

A quantitative basis for forecasting the always important and sometimes decisive response of the social, economic, and political environment.

A basis for optimal company investment planning to maximize returns within resources and risk constraints.

Development of minimum standards of company social gains.

Provision of a rational basis for tax deductions for social contributions, and tax penalties for socially counter-productive competing companies.

Development of an effective large-scale incentive program for private economic development of impoverished areas, resulting in indirect company benefits and higher living standards.

The short range earnings, planning, budgeting, marketing, and positive public relations benefits alone justify a company social audit of modest cost. Cost can be controlled by eschewing a completely comprehensive social audit, while concentrating on the most salient components such as housing, health, education and entrepreneurial development.

The complex theoretical problem of disaggregating the effects of a particular company's actions from the effects of actions by other enterprises, government, and various social groups in an area can be postponed until explicit comparisons are required among the various factors for socio-economic progress. The first order social impact of a specific company, particularly when it initiates or dominates a given product market in a given location, may be determined without recourse to the analysis of the entire economy and its sector interactions.

The professional staff to use in carrying out social audits should be social scientists who have had field experience in the impact areas of interest. Typical would be economists, sociologists, and political scientists, who have had field experience with the specific problem areas of housing, health, education, entrepreneurial development, and labor relations.

An estimated three man-months of professional level effort would be required for the social audit of each major operation. This would be a nonrecurring expense for setting up the social audit system. Subsequent annually recurring costs would probably range between 10 percent and 20 percent of this initial audit set-up cost. The results would be private unless elected to be made public, just as in a financial audit.

SOCIAL AUDIT

Employee Wages: real wages, probability of retention (a function of % layoff per year), percentage promotions, per capita production.

Housing: qualitative—\$ value/person, quantitative—square feet/person, measure of privacy, percentage of common amenities by point system—windows, sinks, stoves, toilets, etc.

Health: number of MD's/1000, number hospital beds/1000, percentage inoculations/vaccinations local district, medical service responsive to special local needs, dental service responsive to needs.

Social State: illegitimacy rate, divorce/years; family stability, upward social mobility, in terms of % of lower status groups increasing their socio-economic level by given degrees.

Education: grade coverage—percentage dropouts, salary coverage—percentage grad-

uates, placements—advanced education, jobs, literacy.

Entertainment: arts activity measures, sports events, social events, percentage participation.

BRIEF DESCRIPTION OF AN EXAMPLE OF A SOCIAL AUDIT

PROBLEM

A real estate development corporation faces a complex network of decisions to make when it enters a new market or community. It may use modern business techniques ranging from simple probability analysis to a sophisticated computer simulation in its careful analysis of the economic factors involved, but, unfortunately, the social variables are too often left to intuition and arbitrary weightings—the result: The company ROI criterion is often not fulfilled. To illustrate further, let's take the hypothetical example of the Red Division of the Wood Products Corporation, a large and diversified company.

This Division essentially purchases land for the development and subsequent sale of the developed property. In some of its previous operations it made development decisions which adversely affected the long-term value of property in a certain community as well as the prospects for the Division. The Newtown case involved the purchase of land enclosed by a single family dwelling unit area and construction of a not very attractive apartment complex. The result was the creation of more "through" streets in the community and significant increase in traffic in a neighborhood which contained many children of school age. In the years which followed, the character of the community changed with the migration of many families to safer, quieter, and more aesthetically pleasing neighborhoods, a factor which was reflected in lower land and property values. In subsequent marketing efforts in other locations, the Red Division was not allowed to forget what they had done in the community in Newtown, as was also the case with other subsidiaries of the Wood Products Corporation in related businesses. And, the parent company did not learn the true nature of the situation until quite a few roadblocks to growth had been erected.

APPROACH

The President of Wood Products Corporation, concerned about future similar situations, seeks the aid of his public relations consultant. The public relations consultant recommends that a social science consulting firm skilled in such matters be retained to conduct a social audit.

The corporation president, public relations consultant, and social audit consultant then meet to decide on objectives, schedules, and costs of the social audit. The basic options available are: one, some, or all company locations; one, some, or all company product lines and corresponding markets; one, some, or all social activity areas (employee benefits, health, housing, physical environment, etc.)

Since this is his first social audit, the president decides to try it out on a modest scale first: one location (Newtown), one product line and market (homes), and one social activity area (physical environment). He particularly hopes to learn from the social audit how to increase earnings by reducing costs and avoiding obstacles to good investments, and how to obtain early warning to avoid costly negative public reactions to projects affecting the environment. If the social audit of costs and risks looks enlightening and reliable, he plans to apply the same procedure across competing new project possibilities to develop a good portfolio analysis for corporate investment decisions.

PROCEDURE

The social audit team meets with company officials to gather background data. The

team includes an economist familiar with the (home development) industry, a sociologist and/or political scientist experienced in community impact analysis, and a management analyst who knows corporate financial auditing procedures.

A potential development project that has worried the company president is selected for the social audit. This is a slightly more difficult audit problem than that presented by an actual, rather than a potential project. However, the information developed is expected to be more valuable because it will provide early warning of difficulties that can still be remedied at relatively modest cost, compared to later ameliorative efforts to correct environmental blunders already committed.

The social scientists carrying out the audit obtain data from company officials on the location, size, schedule, technical aspects, financial aspects, and labor force of the project under consideration. This is all data on the company project, the potential impact of which on the embedding community must next be assessed.

The potential community impact analysis is next carried out. The social and physical scientists of the social audit team estimate the primary environmental impacts and the probable secondary esthetic, social, and economic impacts of the company project on the surrounding community. They accomplish this by a variety of scientific techniques, including mathematical modeling, system analysis, social surveys, and political decision analysis.

After the community impacts of the company project have been projected, the costs and benefits of the project to the community are analyzed. These community costs and benefits are then subjected to an evaluation of the community's perceptions of them, to determine the probable community responses to the project.

These community responses to the potential project—favorable and unfavorable—are then fed into a cost-benefit analysis of the project from the company's point of view. If the community response is unfavorable and strong, this will naturally increase the cost of the project to the company. This phase of the analysis will identify various possible project modifications that may reduce the costs and increase the benefits of the project for both the company and the community.

A number of alternative project modifications will then be analyzed for relative community responses, until the modification with the highest cost-benefit ratio or payoff to the company is identified. At the same time, the risks of higher costs due to the original and other alternative projects will be identified.

The results are then presented to the company in a confidential report and briefing. These results include not only the findings of this particular social audit, but also the procedures set up to perform subsequent social audits using internal company staff.

CSM—THE CHILD-SAVING MEAL

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. ARENDS. Mr. Speaker, millions of youngsters in many lands are alive today as a result of American compassion and American know-how—and as a result of a unique partnership between the public and private sectors of this country.

These youngsters are growing stronger, and more resistant to childhood diseases

that take an abnormal toll among the young in most developing countries.

They have a better chance of survival to adulthood and a productive useful life; and, as a result, their countries have greater hope of economic progress—and the world a greater hope of peaceful existence.

They are the youngsters fortunate enough to be included among the organized child-feeding activities of America's great voluntary agencies for overseas relief and rehabilitation, organizations such as CARE, the Protestant Church World Service and Lutheran World Relief, Catholic Relief Service and its Charitas counterparts, the American Jewish Joint Distribution Committee, and a number of similar privately supported humanitarian organizations helping to carry out the U.S. Government's food for freedom program.

For the past 2 years, that program has made available a new food product for the world's hungry—CSM, a high protein formulated food made from gelatinized corn meal, soybean flour, nonfat dried milk plus vitamins and minerals, particularly designed to meet the protein deficiency of infants and children. It is sold to the government at less than 8 cents per pound.

As of latest reports, these programs are now reaching, for at least some supplemental feeding, some 45,000,000 school-age children and another 10,000,000 preschool infants, and pregnant or nursing mothers, scattered around the world in some 100 countries.

The following article from the November 13, 1969 issue of the New York Times gives some idea of the problems of famine and the use of CSM in meeting the problems attendant thereto:

FAMINE IS CALLED EPIDEMIC DISEASE—EXPERT SAYS CONTROL LIES IN USE OF MEDICAL METHODS

(By Lawrence K. Altman)

Famine is an epidemic of starvation that requires the same control methods as do epidemics of infectious diseases, a United States Public Health Service epidemiologist said here today. He applied such techniques in the Nigerian civil war.

The concept of applying epidemiologic methods to famine control is new and its success in Nigeria indicates that it may be useful elsewhere, Dr. William H. Foege of the National Communicable Disease Center in Atlanta said. Famine relief is a continuing problem and latest information indicates the United States supplies food to about eight other countries with famines, he said.

"In Nigeria, the measures Dr. Foege and others used to control famine prevented many deaths from starvation and from infectious diseases such as measles and smallpox," he said. He added, "Famine history indicates the terminal event in famine deaths is more often an epidemic disease rather than starvation per se."

Dr. Foege, in a paper to the 97th annual meeting of the American Public Health Association, said that he believed such measures helped preserve the social order in time of war.

Epidemiologic control of infectious disease involves surveillance, that is, accurate case reporting by such factors as age and geographic location.

NIGERIAN DATE CITED

"Nigerian famine surveillance included information on the ages and locations of

deaths, severity of malnutrition in different areas, population movement during the war and food availability," Dr. Foege said.

"We were quite effective in getting the food to the right people in those areas where objective selection was made," he said in an interview.

The source of the famine reports were the many relief teams working with the Nigerian refugees behind the military lines. The relief teams consisted of groups of four to six doctors, nurses, and administrators from private and religious organizations.

The relief teams evaluated villages who assembled in lines that passed through three stations.

At the first station, the team recorded the individual's height and weight on a card. The villagers proceeded to a second station where this information was compared with that in a reference chart. Since weight is first affected in acute famine, the teams used this criterion to select which persons were entitled to the food supplements.

EDEMA STUDIED

They also examined for the abnormal accumulation of fluid in the villagers' feet. This fluid, known as edema, is a manifestation of a malnutrition disease called kwashiorkor. In some villages, edema was found in 50 percent of those examined.

At the third station, the teams gave smallpox vaccinations. These "served the dual function of reducing the risk of an epidemic and also effectively marked the person for several weeks to prevent him from being screened again in the same village or a neighboring village," Dr. Foege said.

On this basis, the teams distributed one week's ration of food—grain, powdered milk, dry fish and a corn-soy-milk mixture—to the villagers. They prepared the food in their homes. The supplements provided the malnourished people with about 1,000 calories a day (about one half their daily nutritional requirement).

These measures enabled the team to distribute the about 800 tons of relief food received weekly to those who needed it most. In the past, "food distribution programs frequently had favored the person with sufficient strength to reach one or several food distribution sites, penalizing the person too weak to aggressively seek food," Dr. Foege said.

Dr. Foege said that as of last July the United States supplied food to these eight additional famine areas: Gambia, Mali, Niger, Swaziland, Chile, the Dominican Republic, Paraguay and Korea.

PREVENTIVE DETENTION IV OR THE ADMINISTRATION VERSUS THE CONSTITUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. MIKVA. Mr. Speaker, one of the hallmarks of the American system of government has been its faithful reverence of the Constitution. Other nations claim to be constitutionally governed, but few pay more than lipservice to their respective constitutions.

Now the Congress is embroiled in a controversy over so-called preventive detention measures. Advocates of these measures wrap themselves in the mantle of social protectors. It may well be, however, that they will also have to carry the banner of constitutional vio-

lators. That is, legal experts in Congress, distinguished lawyers, the American Bar Association, and legal scholars alike have raised serious questions about the constitutionality of preventive detention.

My own consideration of Nixon administration proposals for pretrial detention has been greatly enhanced by a memorandum prepared for my office by David Thomas. Mr. Thomas is a bright Chicago attorney who has carefully researched the issue and outlined the fundamental constitutional objections to the administration proposals. I insert at this point in the RECORD Mr. Thomas' memorandum for the reference of my colleagues:

CONSTITUTIONAL OBJECTIONS TO ADMINISTRATION PROPOSAL FOR FEDERAL DETENTION—H.R. 12806

(By David Thomas, Esq.)

I. EIGHTH AMENDMENT

Any discussion of pretrial detention must necessarily draw analogies to the bail system, as that is the only form of pretrial detention historically known to the American system of criminal justice.

In its discussion of the Eighth Amendment, the Administration memorandum misses the essential point by arguing the proposition that the constitutional prohibition of excessive bail has never been interpreted as establishing a right to bail in all cases.

This proposition is arguable, and the case of *Carlson v. Landon*, 342 U.S. 524 (1952), is weak authority for the Administration's position. The *Carlson* case was a civil proceeding involving deportation of aliens. Not only does the Eighth Amendment not apply to civil proceedings, but the persons detained in *Carlson* were aliens, not even citizens of the United States. Therefore, the statement cited by the Administration is mere diction. Moreover, the Supreme Court emphasized in the text of its opinion that Congress has exceptionally broad powers over the deportation of aliens. In addition, the case was decided during the 1950 Communist scare and it was a 5 to 4 decision. Finally, the case certainly seems to conflict in principle with the cases cited in this memorandum.

Thus it may be doubted whether *Carlson v. Landon* is good authority today. And adopting the Administration interpretation leaves criminal defendants in the anomalous situation of having a right to not have excessive bail, which is guaranteed by the Eighth Amendment, and yet which may be impaired by the legislature so as to grant no right to bail at all. It is basic doctrine, of course, that constitutional rights may not be impaired by legislation.

However, the important point is that whether a right to bail in all cases exists in our system of criminal justice is not the issue. The issue is, assuming for the purposes of argument that criminal defendants in some types of cases have historically been denied the right to pretrial freedom, why has this been done?

The answer to this crucial question is assumed by the Administration on page two of its memorandum: "Moreover, it is only reasonable to conclude that anticipated danger to other persons or the community was a substantial motivating factor in making these dangerous offenses non-bailable."

In fact this statement is simply not true, as will be shown below, and it is the fatal flaw in the Administration's argument, which argument precedes in the following manner:

1. That it has been and is a widely accepted practice to deny bail (that is, to detain defendants before trial) in capital and sometimes in certain non-capital cases.

2. That since bail has been denied in capital cases and for certain other "serious crimes", it is only reasonable to assume that it was done because of anticipated danger to other persons or the community by the defendant who is detained.

3. That all or most of the crimes for which the Administration now proposes pretrial detention are or were at one time capital cases.

4. That even though most of the crimes are not now capital cases, the reasons for making them non-capital crimes are not related to the constitutionality or unconstitutionality of pretrial detention.

5. That, therefore, pretrial detention on the basis of anticipated danger to other persons or the community does not violate the Eighth Amendment and is in fact not a new policy or practice in American criminal law.

It is apparent that once the second statement listed above is discredited (and the Administration does not cite any authority therefor), the Administration's argument breaks down.

In *Stack v. Boyle*, 342 U.S. 1 (1951), the Supreme Court stated quite clearly the sole function for bail and the sole basis for denial thereof, at 4-5:

"The right to release before trial is conditioned upon the accused giving adequate insurance that he will stand trial and submit to sentence if guilty. . . . Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is "excessive" under the Eighth Amendment. . . . Since the function of bail is limited, the fixing of bail for any individual defendant must be based upon standards relevant to the purpose of assuring the presence of that defendant. The traditional standards expressed in the Federal Rules of Civil Procedure are to be applied in each case to each defendant. . . . The Government asks the court to depart from the [normal bail for these charges] by assuming, without the introduction of evidence, that each petitioner is a pawn in a conspiracy and will, in obedience to a superior, flee the jurisdiction. To infer from the fact of indictment alone a need for bail in an unusually high amount is an arbitrary act." (Italic Supplied)

This case may reasonably be read for the proposition that setting abnormally high bail on the basis of the offense charged, without a showing of evidence that the offense charged will cause flight even if a "substantial probability" of the guilt of the defendant were shown, would be "excessive bail" and in violation of the Eighth Amendment.

In *United States v. Foster*, 79 F. Supp. 422 (S.D.N.Y. 1948), the Court rejects the Administration's thesis in unequivocal terms, at 423:

"The office of bail in a criminal case is to secure the due attendance of the party accused, to answer the indictment, and to submit to a trial, and a judgment. . . . Clearly it is not the function of bail to prevent the commission of crimes between indictment and trial; and manifestly admission to bail is never a judicial license to continue the commission of crime." (Italic Supplied)

In *Williamson v. United States*, 184 F. 2d 280 (OCA 2nd 1950), a Smith Act prosecution, the defendants were convicted and the government moved to have their bail revoked on the ground that the defendants would pursue a course of conduct dangerous to the United States. Justice Jackson denied the motion for the following reasons, at 281-282:

"If I assume that defendants are disposed to commit every opportune disloyal act helpful to Communist countries, it is still difficult to reconcile with traditional American law the jailing of persons by the courts because of anticipated but as yet uncommitted crimes. Imprisonment to protect society from predicted but uncommitted offenses is so unprecedented in this country and so

fraught with danger of excesses and injustice that I am loath to resort to it, even as a discretionary judicial technique to supplement conviction of such offenses as those of which defendants stand convicted."

It is significant that Justice Jackson was speaking to a situation where the defendant had already been convicted and it was therefore not a question of pretrial detention, Justice Jackson went on to state, at 284:

"If, however, I were to be wrong on all of these abstract or theoretical matters of principle, there is a very practical aspect of this application which must not be overlooked or underestimated—that is the disastrous effect on the reputation of American justice if I should now send these men to jail and the full Court later decide that their conviction is invalid."

Justice Jackson was worried about international repercussions, but the same principles would apply if a defendant were detained before trial and then acquitted of the crime for which he was detained.

In *People v. Snow*, 340 Ill., 464 (1930), the defendant, whose past record included convictions for rape, robbery, murder, and conspiring against the government, and against whom indictments for drunken driving, carrying a concealed weapon, and assault with intent to murder were outstanding, was successful in reducing bail on a vagrancy charge from \$50,000 to \$5,000. The rationale, at 467, is set forth below:

"The object of bail is to make certain the defendant's appearance in court to abide the judgment of the court. Bail is not allowed or refused on account of the presumed guilt or innocence of the person accused, though the existence of a doubt as to the accused's guilt and the probability of his appearing for trial are questions which must be considered in determining the amount of bail to be required. It is also proper to take into consideration on that question the character of the person accused, and the fact, if it is a fact, that he has a criminal record, but excessive bail is not to be required for the purpose of preventing the prisoner from being admitted to bail. . . . This record may be taken into consideration in fixing the amount of bail which would be reasonably sufficient to insure his attendance to answer this comparatively minor charge. But bail to answer this charge cannot be fixed with reference to securing his appearance to answer the other crimes with which he is charged, or at an unreasonable amount for this charge, merely to detain and imprison him." (Italic supplied.) See also *State v. Konigsberg*, 33 N.J. 367, 164 and 740 (1960).

On the basis of these cases it is safe to say that the dangerousness of the defendant to the community based upon the seriousness of the offense charged and his record of past convictions has historically been a factor in detaining him before trial only insofar as it might influence his incentive to flee. And on this point it is important to note that, while the seriousness of the offense charged might influence the incentive to flee, "its importance is questionable under modern conditions when the more serious the charge, the more likely it is that flight would be followed by a determined and usually successful attempt at apprehension. In Philadelphia it was found that most bail jumping was for minor crimes and that there was none for the most serious offenses." Note, "Compelling Appearance in Court: Administration of Bail in Philadelphia", 102 U. of Penn. L. Rev. 1031 (1954).

It is no idle distinction to talk of detaining a defendant prior to trial to prevent future crimes, as opposed to the historical justification of preventing flight. In the former case, there is an established method to protect against such acts—the threat of criminal sanctions. The system of criminal justice has made a policy decision that crimes are to be

deterred by subsequent punishment rather than prior confinement. Since a part of this system is that threats must be effectively imposed, in some cases detention is proper to prevent flight and thus preserve the integrity of the system. But detention to preserve the integrity of the system does not justify detention as a substitute for the system. Pre-trial detention to prevent future crimes serves to displace rather than preserve the established system of justice. See Note, "Preventative Detention Before Trial", 79 Harv. L. Rev. 1489 (1966). Penalties already exist to deter the prevention of crime by a defendant who is released while waiting trial. Pre-trial detention would displace the established system, rather than strengthen it, as the Administration would have one believe.

Based on the principles set forth above, the rebuttal to the Administration's argument proceeds as follows:

1. There is only one legitimate purpose for denial of bail (pretrial detention) in a non-capital case, and that is to compel the appearance of the defendant in court. The offense charged is a factor only insofar as it relates to the likelihood of flight. See Rule 46(c) of the Federal Rules of Criminal Procedure.

2. If the amount of bail is higher than is reasonably necessary to fulfill its legitimate purpose, then it is "excessive", to use the language of the Eighth Amendment. That is, pre-trial detention for any other purpose than compelling the attendance of the defendant at trial is excessive.

3. The Eighth Amendment prohibits "excessive bail".

4. Therefore, pre-trial detention of defendants, based solely upon the nature of the offense charged, to prevent future crimes rather than to prevent flight is prohibited by the Eighth Amendment.

Thus, the Administration is not simply codifying the established practice, as it would have one believe, but rather it is proposing to detain defendants before trial for a reason never before thought proper and which, according to the cases cited above, is prohibited by the Eighth Amendment.

II. THE PRESUMPTION OF INNOCENCE

The Administration deals with the presumption of innocence in a remarkably short-hand manner, relegating it to the status of a mere rule of evidence.

In fact, the presumption of innocence is much more than a rule of evidence. It is the idea and spirit underlying the American system of criminal justice and is reflected in the following principles:

1. That criminal conduct be deterred by subsequent imprisonment rather than prior confinement.

2. That there be no imprisonment without conviction of a crime.

3. That a defendant is entitled to aid and assist in the preparation of his defense, in an unhampered fashion.

4. That it is preferable to release 10 guilty men rather than imprison one innocent person.

The Administration's proposal for pre-trial detention violates each of these principles.

It seeks to deter criminal conduct by prior confinement rather than subsequent imprisonment.

It authorizes imprisonment with conviction of the crime for which the defendant is imprisoned.

The proposed new subsection (h)(2) to section 3146 of the Bail Reform Act of 1966 requires a defendant detained before trial to show "good cause" in order to "be released upon order of the judicial officer in the custody of the United States Marshal or other appropriate person for limited periods of time to prepare defenses..." This is a violation of defendant's right to aid and assist in the preparation of his defense because it puts a burden of proof upon him to show "good

cause" in order to be granted what heretofore has been considered an absolute right.

The violation of the traditional notion that 10 guilty men will be released to protect one innocent man has been expressed by one commentator as follows: "The indications are that any system of predicting future crimes would result in a vastly larger number of erroneous confinements—that is, confinements of persons predicted to engage in violent crime who would not, in fact, do so. Indeed, all the experience with predicting conduct suggests that in order to spot a significant proportion of future violent criminals, we would have to reverse the traditional maxim of criminal law and adopt a philosophy that it is 'better to confine ten people who would not commit predicted crimes, than to release one who would.'" Der-showitz, "Preventing 'Preventative Detention'", vol. 13, no. 5, New York Review of Books, March 13, 1969.

An additional argument indicating that the Administration's pre-trial detention proposal violates the presumption of innocence may be found in statistics indicating that the defendant at liberty pending trial stands a better chance of not being convicted, or, if convicted, of not receiving a prison sentence. A study of defendants detained pursuant to the bail system in Philadelphia showed a causal relationship between detention and conviction, and between conviction and sentencing. 48% of those defendants indicted but not in jail were acquitted, whereas only 18% of those indicted but detained were acquitted. Moreover, of those convicted, 22% who were released prior to trial on bail went to prison, while 59% of those who were detained were sent to prison. Note, "Compelling Appearance in Court: Administration of Bail in Philadelphia", 102 U. of Penn. L. Rev. 1031, 1051 (1954).

Likewise a recent study in New York yielded the following results:

PERCENTAGE OF DEFENDANTS CONVICTED

Charge	At liberty	Detained
Assault.....	23	59
Grand larceny.....	43	72
Robbery.....	51	58
Dangerous weapons.....	43	57
Narcotics.....	52	38
Sex crimes.....	10	14
Others.....	30	78

The same study showed a similar causal relationship between detention and imprisonment upon conviction:

PERCENTAGE OF DEFENDANTS IMPRISONED

Charge	At liberty	Detained
Assault.....	58	94
Dangerous weapons.....	70	91
Larceny.....	48	93
Narcotics.....	59	100
Robbery.....	78	97
Others.....	56	88

See, Ares, Rankin, and Sturz, "The Manhattan Bail Project: An Interim Report On The Use of Pre-trial Parole", 38 NYU L. Rev. 67 (1963).

Thus, the presumption of innocence is not merely a rule of evidence but rather the root concept of American criminal justice, and it is violated in every respect by the Administration proposal to detain defendants to prohibit the commission of crimes while such defendants are awaiting trial.

III. DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

In support of its argument that its pre-trial detention proposal does not violate the Due Process clause of the Fifth Amendment, the Administration cites the following types

of cases: Cases denying bail following conviction on the ground that the defendant may pose a danger to other persons or the community; cases authorizing the revocation of bail where a defendant has made threats against witnesses or jurors; indefinite commitment of persons deemed incompetent to stand trial; pre-trial commitment for mental examinations; civil commitment for sexual psychopaths, narcotics addicts, chronic alcoholics, and the mentally ill; and civil cases involving deportation proceedings.

None of these citations is appropriate. For the reasons given above, detention following conviction presents a different situation than detention prior to trial.

Revocation of bail upon proof of threats against witnesses or jurors adheres to the principle of deterrence of crime by subsequent imprisonment, and supports the integrity of the system by allowing the orderly progress of the trial in the same manner denial of bail to prevent flight allows the system to operate by guaranteeing a trial.

The theory behind pre-trial commitment for sexual psychopaths, persons incompetent to stand trial, narcotics addicts, chronic alcoholics, and the mentally ill is that, because of some mental or emotional abnormality, they are not responsible to the normal deterrence threat of criminal sanctions and cannot be dealt with through the usual processes of criminal law. There is no such claim made for pre-trial detention to prevent potential recidivism because, except for the pre-trial detention, such defendants will be dealt with through the normal criminal channels. Moreover, the purpose of the confinement of abnormal individuals is treatment and cure, and there is no such claim made for pre-trial detention of potential recidivists.

Finally, deportation proceedings are civil cases.

The Administration memorandum then examines the proposed bill itself to anticipate due process objections. It is stated: "The Administration proposal limits the categories of defendants who may be detained to those charged with highly dangerous offenses (1) which all involve the threat of serious bodily injury or death, and (2) which are either (A) of the kind which common sense, experience, and available statistics indicate are not 'one-shot affairs' but involve repeated offenders, or (B) charges against persons who are either narcotics addicts or have recently been either convicted of or charged with other violent crimes."

It is instructive to examine the Administration bill for substantive and procedural Due Process objections. The term "dangerous crime" includes crimes such as unlawfully breaking and entering with an intent to commit any offense, and "taking or attempting to take immoral, improper, or indecent liberties with a child under the age of 16 years." Moreover, a "crime of violence" is defined to include "taking or attempting to take immoral, improper, or indecent liberties with a child under the age of 16 years", along with numerous other offenses. Even accepting the Administration's own thesis, the statute violates due process because it is too broadly drawn and includes within its ambit crimes which are neither "violent" nor "dangerous."

A person who has been charged with a "dangerous crime", or a "crime of violence" while released on a prior charge of a "crime of violence", or if the person has been convicted of a "crime of violence" within a 10 year period preceding the alleged commission of the present offense, may be detained if there is "clear and convincing evidence" that he is a person charged with such a crime, and there are no conditions of release which will assure the safety of "any" other person or the "community" and there is a "substantial probability" that the person committed the offense.

In connection with the necessity for finding that there is "no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community", it is important to note that the proposal would also amend section 3146 (a) to state that "no financial condition may be imposed to assure the safety of any other person or the community."

Thus the hearing as a practical matter would boil down to the question of whether there is a "substantial probability" that the person committed the offense. The Supreme Court has clearly indicated that it will look through the formality of procedures to the substance. *Miranda v. Arizona* 384 U.S. 436 (1966). As a practical matter the pretrial detention hearing would operate in substance like a grand jury hearing. Since the evidence "need not conform to the rules pertaining to the admissibility of evidence in a court of law" (section 3146 A (c) (5)), and whatever the defendant would say could be used against him for impeachment purposes in subsequent proceedings (section 3146 A (6)), the pretrial hearings would be in substance wholly *ex parte*, evidence for the prosecution alone being received. See *State v. Konigsberg*, 33 N.J. 367 164 A. 2d 740 (1960). In substance this hearing would be a sham because in the given setting the defendant could not present his evidence without prejudicing his rights at trial. A sham hearing is no hearing at all and violates the defendant's rights to procedural due process.

A further examination of the bill reveals the following objections:

1. A person who has been released may be arrested and brought back into court if "it subsequently appears that such person may be subject to pretrial detention." The potential for harassment by the filing of such an *ex parte* written motion is obvious.

2. Section 3146 (b) authorizes as considerations in determining the conditions of release which will assure the safety of any other person or the community, "such matters as" the nature and circumstance of the offense charged, etc. What other matters? Past arrest? The standards must be set forth with particularity or the statute violates the Due Process clause. See, *Richs v. District of Columbia*, D.C. App. No. 2919 (Dec. 23, 1968).

3. The standard of appellate review is that the pretrial detention order will be affirmed "if it is supported by the proceedings below." This comes very close to the familiar "abuse of discretion" standard and predictably will result in the affirmation of almost every pretrial detention order.

The necessity for showing "good cause" to aid and assist in the preparation of one's defense, along with the necessity of undertaking said preparation in the custody of a United States Marshal has previously been mentioned. Further objections along this line may be made. The assistance of counsel guaranteed by the Sixth Amendment means more than a room in which to consult with counsel. The guarantee of assistance of counsel cannot be satisfied by mere formal appointment, followed by denial of opportunity for counsel to consult with the accused and prepare a defense. *Avery v. State of Alabama*, 308 U.S. 44 (1940). The defendant must be given a reasonable opportunity to employ and consult with counsel. *Chandler v. Fretag*, 348 U.S. 3 (1954). An accused person has a fundamental right to representation by counsel, with a corresponding obligation on the part of the state not to deprive counsel and the accused of an opportunity to consult, prepare a defense, and secure witnesses. *O'Brien v. Lindsay*, 204 F. 2d 359 (1953). Experience with other statutes providing for a reasonable consultation with counsel while in police detention has indicated that the police constantly harass the defendant and counsel and in fact do not allow for reasonable consultation. See Note, "Compelling Appearance In Court: Administration Of Bail

In Philadelphia", 102 U. of Penn. L. Rev. 1051, 1054 (1954).

In the portion of the Administration memorandum quoted above, the Administration attempts to compensate for its lack of statistics by talking about "common sense" and "experience". It is fundamental constitutional doctrine that the Due Process guarantee of the Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious; and that the means selected have a real and substantial relation to the object sought to be attained; and the objective be constitutionally permissible. *Standard Oil Co. v. City of Gadsden*, 263 F. Supp. 502 (D.C. Ala. 1967); *Coxsey v. Hallaby*, 231 F. Supp. 978 (D.C. Okla. 1964).

The Administration not only fails to show that pretrial detention has a real and substantial relation to the protection of the community or the deterrence of crimes committed while defendants are released awaiting trial, but the available statistics indicate that the incidence of criminal conduct while awaiting trial is very low. See Note, "Preventative Detention Before Trial", 79 Harv. L. Rev. 1489, 1496-1497 (1966).

The *Miranda* case, which primarily involved the right against self incrimination and the right to assistance of counsel, placed great emphasis on the psychological deprivation resulting from police confinement as indicated by the following quotation from an official police manual:

"The principle psychological factor contributing to a successful interrogation is privacy—being alone with a person under interrogation . . . If at all practicable, the interrogation should take place in the investigator's office or at least in a room of his own choice. The subject should be deprived of every psychological advantage. In his own home he may be confident, indignant or recalcitrant. He is more keenly aware of his rights and more reluctant to tell of his indiscretions or criminal behavior within the walls of his home. Moreover, his family and other friends are nearby, their presence lending moral support. In his own office, the investigator possesses all the advantages. The atmosphere suggests the invincibility of the law." 384 U.S. at 449-450.

The same considerations apply to pretrial detention, which detention suggests the following Due Process objections based upon confinement and/or psychological intimidation:

1. The defendant is subject to line-ups which can produce new evidence or charges of new crimes, whereas if he were free the police would have to obtain consent or a court order for line up.

2. To exist in jail one must adopt the attitudes and values of the criminal society, adversely affecting courtroom behavior.

3. The defendant is forced to enter the courtroom in the custody of the police. He is generally unkempt due to jailhouse conditions and attire, and he is invariably unhappy, suffering from what is commonly termed "jailhouse depression". These matters are extremely important because the trial judge may base his findings of fact upon the demeanor of the defendant.

4. If convicted, the defendant who was released during the pretrial period can point to his job record and good behavior while out on bail. These are highly important considerations in sentencing, while the defendant who has been confined most probably has lost his job and will be unable to get it back.

A proposal for pretrial detention is particularly sensitive to due process objections because, as stated in *Powell v. Alabama*, 287 U.S. 45, 57 (1932), the interlude between arraignment and trial is "perhaps the most critical period of the proceedings . . . when consultation, thoroughgoing investigation and preparation . . . are vitally important. . . ."

It is difficult to categorize the final objection to be presented in this memorandum but it is certainly worth stating:

"The most serious danger inherent in any system of pretrial detention is that it always seems to be working well, even though it is performing dismally; this is so because it is the nature of any system of pretrial detention to display its meager successes in preventing crime while it hides its frequent errors. . . . Judges, like psychiatrists, will rarely learn about their erroneous predictions of violence; for these defendants being confined, will not have an opportunity to demonstrate that they would not have committed the predicted crime. But every time a judge makes an erroneous prediction of non-violence every time he decides to release someone who then does commit a violent act—he learns about his mistake swiftly and dramatically. . . . Thus if a statute is enacted authorizing pretrial detention on the basis of judicial predictions of violence, we will never know how many defendants are being erroneously confined. And as more and more information is accumulated, most of it concerning defendants who were erroneously released, judges will keep expanding the category of defendants to be detained. . . . What must be avoided is a simple solution that freezes existing knowledge at its low state. Derhowitz, "Preventing 'Preventive Detention'", *supra*, at 816-818.

OUR DEMOCRATIC PARTY: A 1970 OUTLOOK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. STOKES. Mr. Speaker, the Cuyahoga County Democratic Party has always been one of the strongest, most vibrant political organizations in the Nation. Its success has been almost unparalleled.

During the sixties, a great deal of credit for this record was attributable to the work of the chairman of the executive committee, Mr. Arnold S. Porter. Recently, however, Mr. Porter stepped down from his leadership post and was replaced by another fine Democrat and citizen, Dr. Samuel R. Gerber. At the opening meeting of the executive committee on January 6 of this year, Dr. Gerber delivered a most articulate address commemorating his predecessor and setting forth the party's goals for the decade to come.

I am inserting Dr. Gerber's message in the RECORD at this point:

OUR DEMOCRATIC PARTY: A 1970 OUTLOOK

I welcome you to the first meeting in 1970 of the Executive Committee of the Cuyahoga County Democratic Party. Last year was an interesting and important one. We proclaimed to the nation that our Party could reelect a black Mayor who not only had maintained a totally viable city, but had generated new dynamisms—the theories of the universe in terms of forces and their interplay, as he kept Cleveland on the Move!

It was consequently a very significant year for the Democratic Party and its organization. We rose to the challenge of a new era and responded with vigor. This is the test of organization—in fact of civilization itself.

In this connection we owe a great debt to the wise and able leadership of the Chairman of our Central Committee and the immediate past Chairman of this Executive

Committee Albert S. Porter. He shouldered, practically alone, the weighty burdens of Party organization; endured the barbs and pressures of hostile critics from all sides, and strode forward with energy, integrity and uncompromising loyalty to our organization. It is too sad that many stood on the side lines and looked on.

I have known Albert Porter intimately for many years. I know profoundly of his unselfish devotion to his family and to our Party. Over the last decade he has been Mr. Democrat of Cuyahoga County, leading us locally and statewide.

I trust that this Committee will recognize his achievements in a truly appropriate fashion and set aside a major occasion at which we can render him the proper honors.

As the year 1970 and the Decade of the Seventies dawn, a time of appraisal, assessment and future outlook is opportune. It is fitting that tonight we take inventory of our *sineas* as the Democratic organization and of our ideas as the Democratic Philosophy in this City and County. Our primary purpose tonight is to designate our choice for a Democratic member of the Board of Elections. I now wish to discuss with you Party operation, program and philosophy.

It will be of no value, of course, if our appraisal is *euphoric*; that is merely accepting a sense of well being; if we shun a realistic measure of our deficiencies and needs; if we fall to set forth the necessary steps for a new enthusiasm and a new eagerness for action in Party activities.

Our Democratic organization is first of all comprised of people—thirty-three wards in Cleveland with a population of 809,022, and in areas in the rest of the County comprised of sixty jurisdictions with a population of 944,426. The organization functions in a general area which is at least 75% Democratic, because the Democratic Party nationally and locally represents liberal progress, humane response to human need, determined opposition to unemployment as an economic instrument, a willingness to change and meet the exigencies of the times.

This County has been Democratic for many years. We generally win our local elections and we contribute heavily in votes and money to the statewide Democratic effort. And in many ways we now take for granted the Democratic tendencies of our voters. This is our opportunity, but also our danger.

For an organization—any large organization—to have life and vibrance there are several essential elements.

There should be an underlying *Philosophy* and a program of specific *Goals* toward which to strive.

There should be a sense of *Enthusiasm* in personal interaction and in achieving goals.

There should be a sense of *Loyalty* and *Discipline* which help cement an overriding organizational *Cohesion*.

There must be a sustaining base of adequate *Financial Support*.

The achievement of organic unity must be combined with the retention of an intrinsic diversity—effectively expressed—in thought, customs, manners and mode of living.

I attempt now in brief fashion to make my early 1970 assessment of our Party against these criteria. We have many assets that I could list, but tonight I ask your indulgence to be critical of ourselves, not to praise us.

Frankly, I believe we have some serious weaknesses in the basic essentials of organization which I set forth earlier.

Over a period of many years we have enjoyed success under the leadership of Ray Miller and Bert Porter, (but because success has led to a sense of ease, inertia and indifference), the Democratic Party of Cuyahoga County now requires a new and substantial injection of *dynamism*.

Though we have had excellent leadership as evidenced by year to year successes, we

have developed an attitude of *laissez-faire* resulting in many shortcomings.

What are these shortcomings?—As I see them—

1. We are a party today without a definable philosophy or attitude on County and City issues.

2. We do not have an adequate Executive staff and we do not have sound financial support for such a staff or for organizational requirements generally.

3. We are without an expressive sense of Party discipline and loyalty on basic decisions—whether dealing with candidates or issues.

4. We have an almost irresistible tendency toward diffusion and avoidance of cohesion. There is only a spasmodic sense of zest or enthusiasm in our organization as a whole.

5. We have not expressed our real or imagined diversities in adequate fashion within the Party organization to achieve the unity we need.

In some ways I am, of course, overstating the problems. I do so deliberately, to focus your attention on them, as we lead into the more constructive areas of discussion.

Nowadays advertising agencies have so accustomed us to being hit over the head in order to get our attention that we—as speakers and listeners—succumb to the trend.

I want to turn now to the steps we must take to inject vigor or maybe new life into the organism. We are not ready for basic heart transplants, but we can open our arteries and let the life blood of ideas and people move through them more quickly. We have become somewhat arteriosclerotic; but in collective affairs it is often easier to relieve hardening of the arteries than in individual cases.

There is of course no *first* step that we can take. Rather a number of important steps must be taken simultaneously. They are all first steps.

1. *We must move now to achieve an adequate and sustaining financial base for the organization.*

There is no reason why the Democratic Party of Cuyahoga County cannot use modern techniques of fund-raising and achieve the kind of funding that can make it effective year after year.

I shall appoint an important committee to head up this effort to raise funds from individuals and groups through contributions, special events or other effective methods. I shall request this committee to formulate systematic plans for the year and report to me within one month.

2. *We must move quickly to establish an executive staff organization.*

Very shortly, funds permitting or with volunteers, I shall appoint an executive director for the Party organization and provide him with the necessary secretarial and research assistance to insure an effective central operation.

As Chairman of the Party, I pledge to you that I will be at Headquarters practically every day, available for organizational decisions and for meetings and consultations with members of this executive committee and others. I intend to be a working chairman as I hope I have been—during my term. No party can function unless the chairman is available physically and mentally at all times for Party affairs.

3. *We must move to make meaningful the terms Party Loyalty and Party Discipline.*

Party Endorsements: The decision whether or not to endorse particular candidates for office will not be an easy or automatic process—whether for incumbent officeholders or non-incumbents.

I have appointed a Scanning Committee under the chairmanship of Paul Corey and I am directing the Committee to conduct its reviews carefully and thoroughly.

I do not intend for this committee to be just a pro-forma body.

Among the qualifications a candidate will need for endorsement are:

1. Record in office.
2. Ability and experience.
3. Degree of support for the Party's philosophy and candidates.
4. Vote-getting capacity.

Ward and Precinct Leadership: In the next several weeks I will be discussing with ward and precinct leaders their needs and obligations as the operational heads of our organization. We will make every effort to meet their requirements of leadership. We will also expect the loyalty and active support which accompany the obligations of leadership. I do not foresee now the need for any changes. But I will not shrink from change if Party discipline requires it.

4. *We will establish a process and a forum for the development of a specific Party program for the County.*

I am seeking a suitable individual to head up a Committee on a Program to develop—through wide discussion and debate—a meaningful, substantive program of local issues for which our Party will stand and fight.

This will involve meetings, workshops, research and conclusive discussions. This will be an undertaking of great importance to the whole dynamism of our organization.

I ask now for members of this Executive Committee to serve in a workshop discussion and program. It will be an all-afternoon session of workshop discussion on program, problems of organization and the general welfare of the Committee and the Party. We will conclude with reports to implement the workshop discussions. The meeting will be climaxed with a get-together of all discussants at which time I expect to have an outstanding Democratic speaker.

5. *We must move to expand participation in Party matters.*

One of the great problems of majority status over time is that a Party becomes organizationally *inbred* with a small number of people meeting themselves on all occasions. We must broaden our base to include in the major decision-making sessions of our Party not only the grass roots of the Party, but those who can inject new insights, new enthusiasms, new bodies.

We have begun this process already in what I believe is an impressive manner. Several weeks ago I asked Helen Lyons to head a Women's Committee to increase feminine participation in the organization. The daytime heart and life blood of any political body today are the women of the community. We need them badly—and they need us.

Helen Lyons is well along in this process. We all know her ability to carry out an assignment in the most effective manner. I expect her to report shortly on progress and accomplishment in this area.

Equally important must be our effort to include the youth of our County in the development of Democratic philosophy and program and in the most important decisions this organization makes.

The Democratic Party is the major political group equipped to embody and nourish the aspirations and energies of today's youth. It is *our* Party which can articulate their idealism, their crusade for social justice, their drive for change in obsolete values and hypocritical moralities. They press for reforms in the system, but do so too ineffectively and too transiently.

I speak not only of those youths who are old enough to vote, but those from 17-20, whose vibrations can shake a society. We want and need their participation in Our Party. In return, our Party will provide them with the effective instrument for attaining the basic social and moral changes which today's climate demands.

I am seeking a person with youth, possessed of energy and vision to head a Task Force on Youth Participation. He will help me with the important work of selecting the members of

this committee. For the membership of this committee will determine its value. We want the young people themselves on the committee, along with those persons who understand our changing times and who can attract—because of their own personal qualities—the energies and interests of our youth. I know of no responsibility more basic to our Party's existence than this one.

In outlining this Party effort for 1970, I must enlist your support and work, for I shall not undertake it alone. There are many who are anxious to offer advice and join in so-called policy meetings. But I am asking not only for your verbal contributions, but primarily your working efforts. Please respond when I call.

Please remember as Democrats we can disagree, but not to the point of blood letting. In the end we agree to serve a purpose, that is the welfare of all the people. Our only opponents are Republicans.

I am optimistic about 1970. This is a great period in which tremendous progress is being made at a geometric rate. Our Party in this County can make its unique contribution to a future in which a child born today or tomorrow can look forward to a happy childhood, productive middle years and a creative old age.

ZAMBIA'S ATTITUDE TOWARD THE SALE OF ARMS TO SOUTH AFRICA COUNTRYMEN AND FRIENDS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. DIGGS. Mr. Speaker, on December 11, 1969, the eve of Zambia's second national convention, His Excellency, President Kenneth Kaunda spoke to his nation. Dr. Kaunda warned the Western World that the 1970's will be a decade of conflict unless South Africa is deterred from widening her economic and military commitments, and unless South Africa officially abandons her abhorrent policy of racial discrimination.

I urge all people advocating freedom and justice and opposed to inequality, segregation, and exploitation to read Dr. Kaunda's speech entitled "Zambia's Attitude Toward the Sale of Arms to South Africa Countrymen and Friends":

ZAMBIA'S ATTITUDE TOWARD THE SALE OF ARMS TO SOUTH AFRICA COUNTRYMEN AND FRIENDS

Tomorrow the second National Convention meets to discuss some of the vital problems facing this nation. On the eve of this Convention it is necessary for me to make a statement on one of the most important subjects which could affect adversely the progress the nation is making in creating for the people of this country a more assured, secure and prosperous future.

We have in the past discussed the problems of Southern Africa in general terms. We have expressed our disagreement and condemnation of the policies which have led to the continued existence and entrenchment of the rebel regime in Rhodesia and of other minority regimes in this area.

We have clearly pointed out that external factors have greatly contributed to the strengthening of the minority regimes and those who have liberally advocated principles of democracy, freedom, self-determination and all other philosophies which give expression to man's individual liberty and the free choice of one's Government have been the greatest obstacles to the attainment of

the goals of the majority of the people in Southern Africa.

Tonight I wish to respond to the campaigns which are current in Europe, to lift the ban on the sale of arms to South Africa imposed by the United Nations. In recent weeks press reports have indicated the increasing pressure in Britain and in Europe in general for various Governments to lift their bans in accordance with the United Nations resolution. We have known this to be a live issue in Europe and in America for some time—N.A.T.O. countries have particularly been the centres for these campaigns. Government and business circles have been haunted by agents of South African interests in all these countries seeking political supports in furtherance of their oppressive and aggressive aims. Of late this search for political support has been centred on the battle for the lifting of the U.N. embargo on arms sales to South Africa. The South African Government together with its supporters in Britain, France, West Germany, Italy and the United States, has advanced.

First, economic arguments.—In this case some British businessmen and Conservative Party leaders in particular have argued that Britain has lost economically through the present Government policy. No doubt other Governments, who have participated in the sale of arms to South Africa, have used the profit motive as the reason behind the present stand. Britain, for example, has adopted a policy of no confrontation with South Africa. She has never completely imposed the ban on the sale of arms to South Africa. She has continued to supply certain military equipment and spare parts for South Africa's Army, Navy and Air Force. France is one of the biggest suppliers.

Second, military argument.—South Africa and her supporters in Britain in particular have of late stressed the strategic importance of South Africa in the defence of the West. They have used the concept of "the vacuum in the Indian Ocean" created by Britain's withdrawal east of Suez and the fear of the power of the Soviet Union in the area. They have either completely ignored or vehemently denied that the weapons being supplied to her will be used for political oppression of the millions of the majority of the people of all races who genuinely desire democratic government and peace in freedom and justice.

Third, political argument.—In this case it has been argued that the so-called "new outward-looking policy" adopted by the Vorster regime removes the danger that South Africa poses a threat to independent Africa. Indeed, a number of cases about countries, who have courted the South African friendship, have been cited frequently in various places.

Using these arguments South Africa is carrying out a campaign of an unprecedented magnitude both in effort and in money in Africa and the Western world in order to win support for all her objectives of keeping political, economic and military power completely in the white minority hands.

I want to make the position of my Government very clear today:

First, the aims of building South Africa's military capacity at the present moment cannot be divorced in any way from the major objective of the Vorster regime to keep political and economic power firmly and irrevocably in white hands. Internally, the Bantustan policy has the effect of dividing the people of South Africa, weakening their national spirit and rendering them completely impotent in pursuing their national objectives as one people under one Government. The Bantustan policy has had the effect of shepherding and concentrating the black majority into what are called Bantu homelands. This obviously, will make it easy for the South African Security Forces to deal with them ruthlessly without risking the loss

of life of any white people in these areas. This will also make the use of military equipment supplied by the West possible within South Africa provided it is not against the white people. The argument, therefore, that the military equipment cannot be used for political oppression cannot be true.

Second. It has been argued that the equipment, which is being supplied by the Western countries, is interested for self-defense and to help South Africa in guarding western interests around the Cape. Quite obviously, South Africa and her friends in the West have deliberately exaggerated the threat in the Indian Ocean as an excuse to build her military capability with Western support, either materially or in form of technical skill. What threatens Western interests is not the so-called vacuum in the Indian Ocean but the policies pursued by Western nations in continuing to arm what is almost a band of desperadoes who have terrorised the masses in Southern Africa and threatened to widen their area of commitment in this region to those areas that still remain under minority rule. It is the view of my Government that to continue to sell arms to the minority regime in South Africa, who have shown all the manifestations of a ruthless clique determined to maintain their position of powers and control by whatever means in order to defend Western interests, if that is the real purpose, is like hiring murderers as one's defenders.

It is quite clear to us that South Africa will not use the buccaneers, the mirages, the shackletons, the impalas, etc., and all the missiles and various armaments supplied by the West or manufactured with Western technical skill for the defense of the Western interests. She will definitely use them against Zambia and all other independent African countries determined to make African independence a reality.

South Africa will give aid to some African countries. We know this will be done. But it is only one of the instruments for hoodwinking the world into believing that she has all of a sudden become "reasonable" and will stay so.

We cannot believe it. We cannot be party to a confidence trick. The outward-looking policy of South Africa is not intended to create real friends among the Africans in Africa. We regard it as exhibition and as exercise in hoodwinking the west about the readiness of the minority groups in control in Southern Africa to co-operate with independent Africa. This policy, which appears liberal abroad but reactionary and oppressive at home, does not impress us. South Africa must make friends with Africans in her own country and show respect for them and build an agreeable basis for co-operation with them at their own will. Only this will convince us about the sincerity of her efforts. We will not sit idly by and watch the West arm the South Africans who have made their intentions clearly known. They have not only threatened to attack us. They have, in fact, encouraged others to do so. Already equipment supplied by Britain, France and the United States has been used against us by the allies of South Africa. Aircraft supplied by western countries have been used to violate our airspace. The military capacity given to South Africa has enabled her to spare considerable military resources to rebel Rhodesia and the Portuguese forces in Angola and Mozambique. South Africa is entrenching her economic, military and political position in Southern Africa. Her intention is to deepen her commitment in this area—a situation which is bound to escalate the conflict in the event of an explosion of the time bomb the west has helped to plant in this area.

We cannot, therefore, believe that what is being supplied to South Africa will not be used against our economic and political in-

terests in this country and in the rest of Africa.

I am aware that South Africa's campaign for support is being waged almost in every state in Europe. At the present moment her efforts are concentrated very highly in N.A.T.O. circles. Her views have been expressed through some very important organs of N.A.T.O. Indeed, she has succeeded in getting advocates for her to be included in the N.A.T.O. orbit. Furthermore, a number of countries in Latin America have been approached together with Australia and New Zealand to form a South Atlantic Treaty Organisation. We are generally aware of these developments. No one will convince us that the final objective is solely military, in terms of self-defence and defence of western interests. We know that all this is an instrument for gaining political support which will guarantee the continued retention of political power and control in the hands of minority and racist cliques.

South Africa may be at the strategic junction of two oceans, but to imagine that she will control the coasts of the rest of Africa is more than a pipe-dream. Strategically it cannot be true that South Africa is more important to the West than gaining the political, economic and military support to the rest of Africa. The Continent of Africa is eleven million, six hundred and seventy-three thousand square miles. Its population is over three hundred million. Of this, South Africa is only four hundred and seventy-two thousand square miles with eighteen million people. Of these, less than four million whites form the group on which western business and political leaders would like to pin the hopes of the western world. Leaders of the British Conservative Party in particular apparently believe that the national interests of Britain depend on the four million whites and not on the three hundred million people on the African Continent with all their tremendous resources.

Over the past few years we have watched as the new western countries and major powers in particular have increasingly adopted a negative attitude towards issues concerning South Africa at the United Nations. It therefore appears that the economic and military support which the West is giving to the Vorster regime strengthens the basis of the political and moral support for apartheid which the South African regime greatly desires.

Compare this situation with the activities of certain European Governments and particularly Britain, who are advocating the expulsion of Greece from the Council of Europe. The reason behind this campaign is largely due to Greece's internal policies. Yet South Africa and Portugal will not be confronted when they have committed some of the worst acts of oppression on the majority of the people. The rebel regime in Rhodesia has deliberately been sheltered by the British Government over the last few years and indeed, today the campaign is growing for what amounts to recognition of the Smith regime. This double standard in approach to problems of oppression and injustice can only be explained in racial terms and we deeply resent it and condemn it in the strongest possible terms.

I am afraid we are increasingly reaching a situation in which British and the West must in their interests choose between South Africa on the one hand and the rest of Africa on the other in terms of investments now and in the future, and in terms of what they consider to be their strategic interests in the Continent of Africa now and in the future. Britain in particular must choose investing her interests in the four hundred and seventy-two thousand square miles or less in South Africa or in the eleven and a half-million square miles in the rest of Africa. We are sick and tired of being considered second

in everything—the concept of "the silent majority" also exists in Africa. We are the silent "majority" in the continent but we have the power to build the destiny of this Continent in accordance with our interests. Now our interests appear to be completely and diametrically opposed to those of South Africa.

The current campaign to strengthen South Africa's military capability is against our interests and we must consider action to defend our own interests regardless of cost to Britain and the West if they are acting in their own national interests and which do not appear to coincide with ours. Therefore, those who advocate South Africa's military, economic and political moral objectives must know that they are working against the interests of Africa. Africa will, in turn, have to consider what action must be taken to defend her own interests. Our allies can only be people who are prepared to work with us, not against us. We will co-operate, but freedom and independence; justice and peace are not negotiable. We will not, therefore, accept any exercise in hoodwinking. We will accept no confidence trick. Our commitment is to our people in Zambia and in Africa and we have to act in fulfilment of our obligations to them.

I find it necessary to warn the nation and to give this response to those who are campaigning against the continued implementation of the United Nations' decision. The current campaigns in Britain to lift the embargo on the sale of arms to South Africa are against our national interests. We are aware that South Africa has already acquired sufficient technical skill to manufacture her own armaments, but let her carry her evil intentions alone and let not the friends of freedom and justice, democracy and all that it means to a man's life, be accomplices and accessories before the fact.

Therefore as the Second National Convention meets, it is important for the nation to be fully aware of what the 1970's have in store for all of us. It is important for me to warn that they will be very hard unless the West, with all its capacity to change the situation, makes a positive decision to ensure progress towards peace by preventing South Africa from widening her economic and military commitment in the minority held territories.

In the meantime, I want you to remember that the defence of Zambia rests with each and every one of you. Whether you are a member of the National Convention, or you are a farmer, a businessman, a school teacher or a member of the Government in one way or another you can make a contribution through your participation in the economic development of this country and in building unity in all sections of our community, regardless of race, colour, creed, or situation in life. We are all members of one Zambian team committed to our national goals. Economic development is an instrument of unity, so is the strength of the political party.

We are all members of one family, with one destiny. Let those who are being armed know that we have a destiny, and an obligation to fulfill our commitment to make Zambia truly one nation and one people.

Goodnight.

TAX REFORM MEASURE AND EFFECTS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. ASHLEY. Mr. Speaker, the Washington Post on December 31, 1969, car-

ried an article detailing the provisions of the Tax Reform Act and stating in clear, concise language its effects on revenue.

I commend this excellent capsulization to the attention of my colleagues:

GIST OF TAX REFORM ACT'S PROVISIONS, EFFECTS ON REVENUE (By Frank C. Porter)

Following are the major provisions of the Tax Reform Act of 1969 as signed by the President. None of them will affect the average taxpayer on his returns to be filed in April.

TAX RELIEF

Personal exemptions

This is the amount each taxpayer subtracts for himself and each dependent (along with personal deductions such as those for charitable contributions, mortgage interest, real estate taxes and the like) from his adjusted gross income before computing his tax. The exemption, at \$600 for the last 21 years, would rise to \$650 next July 1, at which time its effects would be reflected in withholding payments. For full calendar 1970 the exemption would thus be \$625 and for 1971 it would be \$650. It would rise to \$700 in 1972 and to \$750 in 1973 and thereafter. The revenue loss to Uncle Sam would be \$816 million next year, \$1.6 billion in 1971, \$3.3 billion in 1972, \$4.8 billion in 1973 and thereafter.

Standard deduction

In lieu of itemizing deductions individuals may use a standard deduction which is now 10 per cent of adjusted gross income (total income less business expense and non-taxable items such as municipal bond interest and the excluded half of capital gains) up to a ceiling of \$1,000. This would increase to 13 per cent with a ceiling of \$1,500 in 1971 (reflected in returns filed in April 1972), to 14 per cent with a ceiling of \$2,000 in 1972, and to 15 per cent with the same \$2,000 ceiling in 1973. Revenue loss: \$1.2 billion in 1971, \$1.4 billion in 1972, and \$1.6 billion in 1973 and thereafter.

Low-income allowance

To remove 5.5 million of the poor and the near poor from the tax rolls, the act provides a low-income allowance of \$1,100. The sum of this allowance and total exemptions approximates the old federal poverty standard for each family size (recent revisions have pushed these standards a bit higher).

Thus there would be no taxation of a single person earning less than \$1,700 a year, of a couple with less than \$2,300 a year, or of a family of four with less than \$3,500.

In 1971 the allowance would be shaved to \$1,050 and in 1972 to \$1,000 to offset increases in the personal exemption. In 1970 and 1971 there would be a special phase-out: That amount of the low-income allowance that exceeds the minimum standard deduction would be reduced by \$1 for each \$2 of income over the non-taxable level. This phase-out would be dropped in 1972. With the higher standard deduction fully implemented at 15 per cent in 1973, the \$1,000 low-income allowance would be of no benefit to anyone making more than \$6,666. (A taxpayer could not take both the allowance and the standard deduction.)

The revenue loss would be \$625 million in 1970, \$1.6 billion in 1971, and \$2.1 billion a year subsequently.

Single persons

The act contains a new, lower rate schedule for single persons effective for 1971. It insures they pay no more than 20 per cent above the tax for married persons filing joint returns on the same amount of in-

come. They pay as much as 40 per cent more under present schedules.

The savings will be greater proportionately in the middle income brackets than in the lower and upper. Since rates for heads of households are midway between those for single persons and joint returns, they will thus be adjusted downward somewhat. Total revenue loss: \$420 million.

Withholding

Withholding tables, by which employers deduct income taxes on an installment basis, will be adjusted to reflect the foregoing relief provisions as they become effective.

Previously many part-time or sporadic workers (youngsters with summer jobs, for example) were subject to withholding even though they were not liable for taxes on an annual basis (and must file for refunds at the end of the year). The act provides that no wages shall be withheld if the employee certifies he expects to have no tax liability for the year and in fact had none the year before. It also provides that in the case of erratic wage payments, withholding may be on the basis of cumulative or annualized wages.

Filing requirements

Under the law applicable to 1969 income, an individual must file a return if his gross income is \$600 or more, except if he is over 65, in which case the cutoff is \$1,200.

To save considerable unneeded paperwork for both taxpayer and Internal Revenue Service, the act excuses single persons with income under \$1,700 and married couples with \$2,300 from filing. These amounts are increased by \$600 for each additional exemption to which the taxpayer is entitled. (Thus a family of six with income less than \$4,700 would not have to file.) In 1973 and thereafter the nonfiling limits would be raised to \$1,750 for a single person and \$2,500 for couples, plus \$750 for each added exemption.

Taxpayers currently may have the Internal Revenue Service compute their taxes for them if they make less than \$5,000 and meet certain other requirements. The act raises this to \$7,500 and liberalizes some of the other requirements.

Maximum tax on earned income

A top rate of 50 per cent would be applied to earned income wages, salaries and fees as opposed to capital gains, accelerated depreciation and the like) in excess of \$44,000 for married couples filing jointly, compared to the regular top rate of 70 per cent (not counting the surtax). But the amount of earned income subject to the 50 per cent maximum would be reduced by deductions under special tax preferences in excess of \$30,000 (these preferences are the same as those applying to the minimum income tax, which will be discussed later). Long-run revenue loss: \$170 million a year.

Income averaging

To ease the burden of those whose income fluctuates widely from year to year—authors, athletes and the like—who therefore are victims of an exceedingly tough tax wallop in a particular year because of the progressivity of tax rates, a special device is now permitted where income exceeds 133 1/3 per cent of the average of the past four years.

The excess over 133 1/3 per cent is divided by five. The tax is then computed on this sum and multiplied by five, rendering an amount lower than if the total excess had been taxed as a unit at higher rates. In effect, it treats income as if it had been earned over five years.

The act lowers the 133 1/3 figure to 120 per cent and makes averaging available to capital gains, income from gifts and wagering gains. Such averaging is prohibited un-

der present law. But the maximum tax on earned income and the alternative capital gains rate of 25 per cent would not be available to those using averaging. Revenue loss: \$300 million.

Moving expenses

To moving expenses presently deductible are added househunting expenses, transitional living costs up to 30 days and expenses incident to the sale or purchase of houses. The new deductions are not to exceed \$2,500. The present rule that deductibility is contingent on moving at least 20 miles from the old work site is lengthened to 50 miles but both old and new deductions are extended to the self-employed for the first time. Revenue loss: \$110 million.

FOSTER CHILDREN

Under previous law a taxpayer loses his exemption for a foster child to whom he contributes at least 50 per cent of support—but not for a natural child—if the child's income exceeds \$600 in a year. The act extends the more favorable treatment to foster children. Revenue loss: Negligible.

SOCIAL SECURITY

Benefit increases

Benefits would be raised 15 per cent across the board effective Jan. 1 but not payable until April because of the time needed to make accounting changes. The minimum payment would thus be raised from \$55 to \$64 a month. There is no change in payroll taxes. Revenue loss of \$3.90 billion in 1970, \$4.4 billion thereafter.

Public Assistance

Persons receiving both social security and state public assistance payments generally suffer a reduction in the latter by any increase in social security benefits. Thus, in the absence of any qualifying rule, they would receive no benefit from the 15 per cent social security increase.

But the act in effect directs the states, who receive part of their public assistance funds, from the federal government, to disregard the lump-sum retroactive social security for January and February and the first \$4 of the increase in subsequent monthly payments in computing welfare benefits. This provision is effective only to next July in expectation that the Congress will have worked out a permanent solution to the problem in welfare legislation before then.

There is nothing in the act binding the states to aid those receiving public assistance to the aged, blind and disabled but not social security. But the conferees noted that the average monthly social security increase for those receiving both kinds of payments will rise \$9.50, which would result in a saving of \$5.50 above the \$4 increase in total benefits the states are required to honor. The conferees said they "hope" the states will use these savings to raise payments to welfare recipients not on social security by \$4 a month. Revenue effect: Negligible.

(Note: Two substantial provisions voted by the Senate were knocked out in conference. See later section on omission from the bill.)

GENERAL FISCAL MEASURES

Income tax surcharge

The income tax surcharge of 10 per cent, which was enacted in June, 1968, and was due to expire Dec. 31, is extended at 5 per cent through June 30 as part of President Nixon's campaign to curb inflation, revenue gain: \$3.1 billion.

Excise taxes

Present excise taxes were scheduled to be reduced from 10 to 5 percent on telephone calls and from 7 to 5 percent on new cars on Jan. 1, with further phasing out set for subsequent years. The act postpones the schedule by one year, leaving these excises at

their present levels for 1970. Revenue gain: \$1.6 billion in the next 18 months.

Investment tax credit

The investment tax credit, which permits a business to deduct 7 per cent of the cost of new machinery or equipment from income taxes otherwise owed, is terminated for projects begun after last April 18. There are a number of phase-out provisions and exceptions too complex to detail here except for the three major offsetting provisions that follow. Revenue gain: \$2.5 billion in 1970, \$3.3 billion in the long run.

Railroads depend heavily on the investment tax credit because of their difficulty in generating enough internal funds and in borrowing outside money for capital outlays. As an offset to the credit's repeal, the act permits them and syndicates of individuals to amortize rolling stock over the unusually short period of five years and to depreciate gradings and tunnel bores over 50 years (previously they could not depreciate them because of uncertainty about their useful life). The provision authorizes the Treasury Secretary to determine at a later date what rolling stock is not in short supply and therefore ineligible for the fast write-off. Revenue loss: rising to \$165 million in 1974, thence trailing off to \$85 million in the long run.

The act carries a similar 5-year write-off for pollution control facilities installed in plants already in operation at the end of 1968 and placed in service before 1975 (in order to let Congress review the provision's effectiveness). The fast amortization deduction is limited to that portion of the property's cost attributable to its first 15 years of useful life. Revenue loss: \$15 million in 1970, rising to \$120 million in the long run.

The five-year write-off is further extended to coal mine safety equipment, mostly for small mines, required to comply with the new Coal Mine Health and Safety Act. No estimate of revenue loss, but it is expected to be relatively minor.

TAX REFORM

Minimum income tax

In an attempt to redress the situation whereby many wealthy Americans pay little or no income tax on their considerable incomes, the act levies a flat 10 per cent tax on the total of 10 different kinds of presently untaxed income or special deductions that exceed the sum of \$30,000 and the regular income tax. The provision applies to corporations as well as individuals. The ten classes of preference income subject to the levy include:

The excess of interest on loans to buy investment income. This applies only to individuals, personal holding companies and corporations treated as partnerships. It expires when limitations on such interest deductions are made effective in 1972.

The excess of accelerated depreciation or amortization over the straight-line accounting method for personal property subject to a net lease, real estate, railroad rolling stock, pollution control facilities and the rehabilitation of low-income housing.

In the case of stock options, the excess over the option price of the stock market value when the option is exercised.

The excess of a financial institution's fixed-formula bad debt reserves over its own loss experience.

Oil and other mineral depletion allowances to the extent they exceed the actual cost of acquiring and developing a property. (A provision subjecting intangible drilling costs to the minimum income tax was knocked out in conference. But in the final version these intangible costs are excluded from the actual property cost, thus widening the margin of depletion allowance subject to the tax.)

One half of capital gains for individuals and three eighths for corporations.

The revenue gain from the minimum income tax would be \$590 million in 1970, rising to \$635 million in the long run.

Natural resources

The mineral depletion allowance—the percentage of gross income to be subtracted from net income before computing taxes but in no event to exceed 50 per cent of net income—is reduced from 27½ to 22 per cent for domestic and foreign oil and gas wells. Allowances for a number of other minerals receive a token cut: from 23 to 22 per cent and from 15 to 14 per cent. Those for gold, silver, oil shale, copper and iron ore remain at 15 per cent. That for molybdenum is actually raised from 15 to 22 per cent. Revenue gain: \$235 million.

Various devices such as so-called "carved out" or "ABC" production payments are presently used to circumvent the 50-per-cent limitation on mineral depletion allowances by shifting costs and revenues from year to year. The act curbs the practice by treating such transactions as mortgages or other loans. Revenue gain: \$200 million.

Capital gains

Alternative rate. Capital gains (from property held six months or more) have been taxed at half of ordinary rates up to a maximum of 25 per cent, called the alternative rate (this actually amounted to 27½ per cent under the 10 per cent income tax surcharge, which is reduced to 5 per cent as of Jan. 1 under the act and eliminated entirely on June 30).

The corporate rate is raised under the act to 30 per cent for all transactions after July 31, 1969.

In the case of individuals, the 25 per cent alternate rate is still available for gains up to \$50,000 in a year. Above that the tax goes to 29½ per cent in 1970, to 32½ per cent in 1971 and to 35 per cent (half the top ordinary rate of 70 per cent) in 1972 and thereafter. The 25 per cent rate continues up to 1975 for gains in accordance with certain binding contracts and installment sales for corporations and individuals. Long-term gain: \$275 million from individuals, \$175 million from corporations.

Capital losses. Under previous law, individuals were taxed at only half the ordinary rate on long-term capital gains, but they could deduct net long-term capital losses in full from ordinary income up to \$1,000 (\$2,000 for a couple filing jointly with any excess eligible for deduction in future years. The act attempts to provide symmetrical treatment by allowing only half the net capital loss to be deducted from ordinary income. And in the case of couples filing jointly, only \$500 of such deduction is available to each spouse. Long-run revenue gain: \$65 million.

Corporations were permitted a three-year carryback on net operating losses (the losses may be applied retroactively against past earnings and a tax refund is claimed) but not on net capital losses, although a five-year carryforward was provided. The act extends the carryback to capital as well as operating losses. Revenue effect: Presumably neutral in the long run since use of the carryback would preclude use of the carryforward for the same loss.

Sale of Papers. Sale of literary, musical or artistic compositions by their creator as treated as ordinary income, but the old law did not include collections of letters, memoranda and the like of public officials. The sale of these have received capital gains treatment in the past. The act requires ordinary income treatment for sales of such collections after Dec. 31, 1968—a date that would presumably disallow the more favorable treatment for any state papers disposed of by former President Johnson. Revenue gain: less than \$2.5 million.

Pension funds. Lump sum distributions from pension, profit-sharing and annuity

plans have been taxed at capital gains rates. The act provides that that part of the distribution originally contributed by the employer (but not employee contributions, capital gains and accumulated dividends) after 1969 will be taxed at ordinary rates. As an offset, this portion may be averaged over seven years and other income of the employee in the year of the distribution is disregarded in computing the tax on the portion. Technicians say the provision will have little effect on more modest distributions—up to \$100,000 say—but considerable impact of very big sums. Long-run revenue gain: \$60 million.

Foundations

Excise tax. The act taxes private foundations for the first time—a levy of 4 per cent on annual investment income. Long-run revenue gain: \$55 million.

Self-dealing. Prohibited are business transactions, loans, transfer of assets, payment of fees and the like between a private foundation and any "disqualified" persons. This includes substantial contributors, foundation managers, the families of either, business controlled by any of the foregoing and government officials at a policy-making level.

Payout. Foundations will be required to distribute to charity or other non-profit activities all of its investment income in the year after it is earned or an amount equal to 6 per cent of assets, whichever is larger. The latter requirement is phased in gradually, beginning at 4.5 per cent in 1972, rising to 5.0 per cent in 1973, 5.5 per cent in 1974 and 6 per cent in 1975.

Excess business holdings. In general, foundations and the disqualified persons mentioned above (excepting government officials, to whom only the self-dealing provisions apply) may not have a combined ownership in excess of 20 per cent of the voting stock of any business. One exception is the case where it can be proved a third party actually controls the business; then the limit is raised to 35 per cent.

Where existing ownership is between 50 and 75 per cent, the parties are given 10 years to scale down to 50 per cent, 15 years where ownership is between 75 and 95 per cent, and 20 years where it exceeds 95 per cent.

After the applicable period cited above, there need be no further divestiture if the foundation's holdings are less than 25 per cent. If they are more than 25 per cent and the total holdings of disqualified persons are less than 2 per cent, then the foundation has an additional 15 years to reduce its holdings to 35 per cent.

Prohibited activities. Expenditure of foundation money to "attempt to influence any legislation through an attempt to affect the opinion of the general public or any segment thereof" is in effect forbidden. To assuage fears that this would put such research organizations as Brookings Institution out of business, however, the managers of the legislation specified that it is not the intent "to prevent the examination of broad social, economic and similar problems of the type the government could be expected to deal with ultimately, even though this would not permit lobbying on matters which have been proposed for legislative action."

The act also bars direct communication by foundations with government personnel in an attempt to influence legislation except in response to a written request by a governmental body for technical advice or assistance.

Voter registration drives financed by foundations are permitted where the activity is "non-partisan," the organization's activities are carried on in five or more states, not more than 50 per cent of its support comes from gross investment income, no more than 25 per cent of its support other than investment income comes from any one tax-exempt or-

ganization in five consecutive years, and contributions to registration drives are not limited to one specific election period.

Disclosure. All tax-exempt organizations with gross receipt of more than \$5,000 a year are required to file an annual information return showing the names, addresses and compensation of directors, trustees and top employees. Church groups would not have to report on religious activities. Private foundations must file more detailed reports, including a listing of assets and their value, lists of grants and the names of grantees. The latter reports must be made available to the public.

Penalties. Under past law, revocation of tax-exempt status was the only real punitive action that could be taken against private foundations for statutory violations. The act prescribes a complex formula of taxes (actually fines) for violation of any of the above regulations.

Other tax-exempt organizations

Debt-financed property. Under the old law, some types of tax-exempt organizations were able to buy businesses unrelated to their general function on credit at prices higher than the regular private market would command because of their tax exemption. The arrangement thus benefitted both the organization as buyer and the private seller, who continued to operate the business, usually at a higher profit.

The so-called Clay Brown provision of the act (referring to a precedent-setting Supreme Court case) taxes all income from an unrelated business acquired by any tax-exempt organization to the extent its purchase was financed by debt. Revenue effect: no estimate.

Unrelated business tax. Previous law taxed income from unrelated businesses owned by charitable and educational institutions; labor, and trade groups such as a Chamber of Commerce; profit-sharing plans and others. The act extends this tax to churches, social welfare organizations, social clubs, fraternal beneficiary societies, teachers' retirement fund associations, cemetery companies, credit unions, mutual insurance companies and farmers' cooperatives which finance crop operations. Long-run revenue gain: \$20 million.

Investment income. The act would tax the investment income, presently exempt, of social clubs and employees beneficial associations except where such income is set aside for charitable contributions or for the exempt insurance function of these organizations. Revenue effect: no estimate.

Advertising and other activities. Advertising and some other activities of a tax-exempt organization would be taxed as unrelated business even when it is carried on within the framework of the organization's regular function. For example, advertising in the American Medical Association Journal or the National Geographic Magazine would be taxed. No revenue estimate.

Charitable contributions

The previous regular limitation on deductions of charitable contributions to 30 per cent of adjusted gross income is raised to 50 per cent. However, any deduction involving the unrealized appreciation in value of a gift must come under the 30 per cent limitation unless the donor pays tax on this appreciation. Contributions to private foundations must come under a 20 per cent limit unless they are made to a private operating foundation or, if made to a nonoperating foundation, they are distributed to charity within 2½ years after year of receipt.

The act phases out over five years the present special unlimited charitable deduction, available to those whose contributions plus income taxes exceed 90 per cent of taxable income in 8 out of 10 years. This device has

permitted many wealthy Americans to escape taxation altogether.

Unrealized appreciation in value of gifts above the cost to the donor, even in the case where it comes under the 30 per cent deduction limitation, would be taxed in the following cases:

Gifts to a private nonoperating foundation unless it distributes within a year an amount equal to total gifts of appreciated property.

Donated property such as inventory or works of art created by the donor that would be taxed as ordinary income if sold.

Tangible personal property such as paintings and books which would result in capital gains if sold unless it is related to the exempt function of the recipient—a museum in the case of a painting, for example.

So-called bargain sales to charity in which part of the transaction would be taxable.

In addition, the act provides a number of complex rules governing gifts from estates and trusts.

Total long-run revenue gain from these provisions: \$20 million.

REAL ESTATE

Accelerated depreciation at the 200 per cent rate, such as the double declining balance or sum-of-the-digits methods, formerly was available for all new construction. The act limits it to new housing and reserves the 150 per cent method, previously available for all used buildings, for all other new construction. Used construction must now be depreciated by the straight-line method (equal installments over the life of the structure), except for used housing with a useful life of 20 years or more, which may be depreciated at a 125 per cent rate.

A special five-year amortization deduction is provided for the rehabilitation of low-income housing under specified conditions.

Previous law "recaptured" excess depreciation by taxing the difference between accelerated and straight-line depreciation at ordinary income rather than capital gains rates at the time the property was sold. But the amount subject to ordinary rates were reduced by 1 per cent a month beginning after 20 months of ownership; thus after 10 years the entire gain from the sale was taxed at the more favorable capital gains rates.

The act modifies the recapture rules by allowing a 1-per-cent-per-month reduction in the amount subject to ordinary rates in the case of housing after 100 months of ownership. This means no part of the gain would be taxed at ordinary rates after 16½ years. But for other real property, the phaseout would be eliminated, meaning that excess depreciation would be subject to recapture whenever sale is made.

Net long-term revenue gain from these provisions: \$930 million.

Financial institutions

Commercial banks. Previous law permitted banks to deduct an amount equal to 2.4 per cent of outstanding loans before computing taxes or an amount equal to actual bad debt losses (which for the period 1928-47) was only about a third of the 2.4 per cent figure on a national average).

Under the act, the deduction is reduced to 1.8 per cent for the next six years, to 1.2 per cent for the following six years, and to 0.6 per cent for another six years. After that, banks must deduct actual losses averaged over the present and preceding five years. Long-run revenue gain: \$250 million.

Savings & loans and mutual savings banks. These institutions previously could deduct either 3 per cent of qualifying loans or 60 per cent of net income before computing taxes.

The act eliminates the 3 per cent method and reduces the 60 per cent deduction to 40 per cent over a 10-year period. Long-run revenue gain: \$85 million from savings and loan

associations, \$35 million from mutual savings banks.

Capital gains. Financial institutions have been allowed to treat gains from the sale of bonds as capital gains but to deduct losses from them from ordinary income. The act would tax both as ordinary income or loss. On the sale of bonds held on last July 11, the gain would be taxed as capital gains in proportion to the time held before that date and as ordinary income in proportion to the time held after the date. Long-run revenue gain: \$50 million.

Multiple corporations

Corporations are taxed at 22 per cent on the first \$25,000 of net income and 48 per cent above that; the \$25,000 cutoff is known as the surtax exemption. Many large businesses have reduced their tax bills by claiming this surtax exemption for each of a large number of affiliates or subsidiaries. They have also gained another benefit by claiming the \$100,000 accumulated earnings credit—the amount permitted a single company without being subject to the penalty tax on earnings unreasonably accumulated to avoid the dividend tax on shareholders—for each of these affiliates or subsidiaries.

A family of corporations would be allowed only one \$25,000 surtax exemption and one \$100,000 accumulated earnings credit under the act, the limitation to be phased in over six years. Long-run revenue gain: \$235 million.

Farm losses

Past practice permitted taxpayers to deduct "farm losses"—expenses which would be capitalized over a period of time in other industries—from non-farm ordinary income. The act seeks to curb this practice by taxing the gain from sale of farm assets to the extent that these "losses" exceed expenses under regular accounting rules. This provision would apply only where farm losses exceed expenses under regular accounting rules. This provision would apply only where farm losses exceed \$25,000 in a year and non-farm income exceeds \$50,000. Long-term revenue gain: \$25 million a year.

The holding period for capital gains treatment on the sale of cattle and horses is lengthened from one to two years. The act tightens up on the deductibility of such "hobby losses" as from racehorses, and contains several smaller provisions affecting farm operations.

A requirement for capitalizing expenditures on developing a citrus grove within four years after it is planted would raise \$10 million in added revenue.

Interest deductibility

Under previous law there was no limitation on the amount of interest that could be deducted from income. Beginning in 1972, the act disallows 50 per cent of interest on investment purchase loans that exceeds investment income plus capital gains plus \$25,000. Revenue gain: \$20 million.

Corporate mergers

Many mergers, and particularly the building of conglomerate corporations, have recently been financed mainly through borrowing. This has the advantage of interest payments that may be deducted from corporate income while dividends paid on stock issued on such mergers cannot be deducted.

The act generally provides that interest may not be deducted when such debt instruments take on the characteristics of equity financing. Several tests are applied: the subordination of bonds to trade creditors, the issuance of debentures convertible into stock or with stock warrants attached, a ratio of debt to equity of more than two to one, or earnings insufficient to cover interest expense by at least three times.

This and other technical provisions would

raise an ultimate \$40 million a year in new revenue.

Regulated utilities

A series of extremely complex provisions is designed to discourage the growing trend among regulated utilities to switch from straight-line to accelerated depreciation. In general these companies (electric, gas, water and telephone companies, Comsat and others) would be barred from using accelerated depreciation unless the resultant tax savings are "normalized"—i.e., retained and used in lieu of capital that would otherwise have to be borrowed or raised through stock issues. Long-run revenue gain: \$310 million.

Accumulation trusts

Taxes on accumulated earnings are generally paid as earned by the trust at individual rates lower than the marginal rate the beneficiary would have to pay when he received the distribution. The act generally provides that the beneficiaries are to be taxed on distributions in substantially the same manner as if the income had been distributed to the beneficiary when it was earned by the trust. This also limits the advantages of multiple trusts, which presently benefit from lower tax brackets than their common beneficiary or a single trust. Long-run revenue gain: \$115 million.

Arbitrage bonds

The act would remove the federal tax exemption for interest on state or local bonds, the proceeds of which are invested in major part in higher-yielding securities. Long-run revenue gain: \$80 million.

Failure to pay taxes

Under present high interest rates, it is so often to the advantage of a taxpayer to file a return without paying the tax due, incurring the interest charge of 6 per cent a year. This in effect amounts to a government loan in that he can invest the money he owes the government at a yield of 9 per cent or more on, say, corporate bonds. The act would provide a penalty, in addition to the regular 6 per cent interest, of one half of 1 per cent a month up to a maximum of 25 per cent on tax reported but unpaid. Revenue effect: uncertain.

Miscellaneous

Other provisions (none of which would produce more than \$2.5 million a year in revenue):

Provide heavier taxation on restricted stock plans for executives.

Tax stock dividends when the effect is to increase the holder's relative equity in a corporation.

Subject to taxation the excess over 10 per cent of income or \$2,500 (whichever is higher) of contributions made by a shareholder in a Subchapter S corporation—which bears similarities to a partnership—toward his own retirement benefits. The 10 per cent and \$2,500 figures are the limits on which a self-employed person can set aside income tax free for his own retirement.

UNITED STATES JAYCEES—A POSITIVE APPROACH

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. GIAIMO. Mr. Speaker, 1970 marks the 50th anniversary of the founding of an outstanding service organization, the United States Jaycees.

A list of the accomplishments of this fine organization and a list of the many great Americans who have been and who are Jaycees would take up many pages

of this RECORD. In my opinion, however, one of the greatest contributions of the Jaycees in modern-day America is their positive approach to the problems which confront us.

We live in an era of negative thinking—a time when the concept of change through destruction has attracted far too many disciples; a time when too many Americans find it popular to criticize and downgrade our society rather than doing something constructive to improve it, and a time when too many Americans seem resigned to their fate. Mr. Speaker, the record of the Jaycees is a rebuttal to this kind of thinking.

The Jaycees are dedicated, involved young men who strive to make constructive changes in our society. This positive approach, exemplified by the ideals of the Jaycee creed and the actions of many of its members, has inspired people throughout the world. I believe we must take this approach if we are to solve our problems and contribute to the betterment of all mankind in the decades to come.

I am proud to salute the United States Jaycees. I wish them every success, and I hope that all of us can follow their example in the years ahead.

TOWARD A SOLUTION TO THE MIDDLE EAST CRISIS

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. BUCHANAN. Mr. Speaker, in a world filled with unrest and turmoil few crises have been of such continuing concern and present such a tremendous threat to world peace as that which exists in the Middle East. The right of self-determination, the fate of thousands of refugees, the growing involvement of the Soviet Union in this area, and the great potential for an escalation of the conflict are all involved in this crisis. It goes without saying, therefore, that it is in the best interests of every nation of the world for an effective long-term peace to be established in the Middle East.

The United States has long recognized this goal and its consistent Middle East policy, endorsed by President Nixon as well as his predecessor, has been one of exerting all possible effort toward bringing the parties to the dispute together in face-to-face negotiations. In my judgment, the only path to an effective, long-term peace in the Middle East lies in such direct negotiations.

It was with great concern, therefore, that I noted the statement by Secretary of State William Rogers last month in which he set forth a policy of suggested settlement terms and prior concessions in the Middle East dispute. The Secretary's recommendation that Israel cede part of the territory occupied during the 6-day war in 1967 and his call for a return of national boundaries established by the armistice agreements of 1949 would, in my considered judgment severely impair the bargaining position of Israel. The dismissal of Secretary Rogers'

proposal, both by Israel and by the Arab States, furthermore, certainly demonstrates the futility of pursuing a policy of suggested settlement terms and prior concessions.

Since the Secretary's announcement of Middle East policy many Americans have similarly expressed great concern that the pursuit of such a policy can only advance Soviet interests, jeopardize our relations with Israel, and strengthen the hopes of Arab extremists for eventually weakening all support for Israel. Most unfortunately, the proposal has been interpreted by many as being motivated by an attempt to placate Soviet-Egyptian demands.

Mr. Speaker, peace in the Middle East cannot be dictated or suggested by other nations. A meaningful and lasting peace there can only be achieved through direct and honest agreement between the parties involved. It is because I firmly believe that the U.S. policy should be one of doing everything possible to bring about such direct negotiations among the parties to the dispute that I join with a number of my colleagues in the House of Representatives today in introducing a resolution which clearly affirms our support for such a policy. The resolution follows:

RESOLUTION

Resolved, whereas the continuing crisis in the Middle East is one of the greatest threats to world peace; and

Whereas the involvement of the Soviet Union in this area of the world has heightened tensions, and increased the possibility of a major outbreak of hostilities; and

Whereas the consistent policy of the United States has been to support the principle of self-determination for all of the peoples of the Middle East so that they may live in peace, justice and freedom;

Now, therefore, be it resolved that the House of Representatives affirms the long-standing United States policy calling for direct, face-to-face negotiations between the governments of the nations involved as the only path to an effective, long-term peace in the Middle East.

EAT MY BREAD, SING MY SONG

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, a longtime friend and constituent of mine, Mr. Oliver F. Ramsey, of Arlington, Va., recently called my attention to an article which appeared in the December 22, 1969, issue of Barron's, entitled, "Eat My Bread, Sing My Song," as well as a letter Mr. Ramsey addressed to the editor of Barron's concerning the article.

As I believe all who read this RECORD will be interested in the subject discussed, I insert the text of both the article and letter at this point:

[From Barron's magazine, Dec. 22, 1969]

EAT MY BREAD, SING MY SONG: UNCLE SAM HAS NO BUSINESS PLAYING PATRON OF THE ARTS

"I believe we owe it to the nation to have a Center for the Performing Arts worthy of the ideals of the American people; one that

will be a showplace. . . . The John F. Kennedy Center will provide such a facility. It will contain stages for music and drama. It will house an opera company, a symphony orchestra, a ballet troupe and a theater company. What is being requested in this bill is a relatively minor item in the total national budget. Yet the benefits we gain from this small sum will be great. The work on the John F. Kennedy Center can be carried to completion. Our political capital can become a spiritual and cultural capital as well. . . . Mr. President, this Center will put this city on a par with the other great capitals of the world. We need this Center as the moving, throbbing heart of culture in America."

The prosaic Congressional Record, which furnished the unexpectedly lyrical passage cited above, makes no mention of a musical accompaniment. Yet a month or two ago, when Senator Yarborough (D., Texas) got up to sing the praises of the John F. Kennedy Center for the Performing Arts, one could almost hear the strings and woodwinds on Capitol Hill. Politics being what it is, however, the harmony didn't last long. From across the aisle, indeed, soon came a chorus of complaint. The Kennedy Center, it appears, is rising majestically on the approaches to the National Airport, a curious choice of site which, despite a crash program of insulation, threatens to add a touch of Boeing to the classical Three B's. In drawing up the plans, someone understated the need for structural steel by thousands of tons, a shortfall that will add nearly \$3 million to the project's cost. All told—if nothing else goes wrong—total outlays will approximate \$66.5 million, nearly 45% more than anticipated and a cultural overrun that makes the so-called military-industrial complex look like pikers.

Designed as a fitting symbol of the U.S. commitment to culture, the Kennedy Center looms as an extravagant fiasco. The same holds true of the National Foundation on the Arts and Humanities, a brain child of the Great Society which President Nixon, in a recent message, has fulsomely embraced. "Few investments we could make," proclaimed the Chief Executive, "would give us so great a return in terms of human understanding, human satisfaction and the intangible but essential qualities of grace, beauty and spiritual fulfillment." Regulatory authority doubtless stops at the White House door, and a good thing too; otherwise the FTC could make a federal case out of a claim like that. While the nation may be spiritually enriched by endowing scholarly research into "Medieval Spanish Satire and Invective," or making a \$10,000 grant to a writer to "travel the Buffalo River in Arkansas," the taxpayer is no better off. Far from bringing new appreciation of beauty into millions of American homes, moreover, the Foundation makes lavish handouts to a relatively precious few. Whether softened by the muses or wrapped in the flag, finally, subsidy, like censorship, poses an ugly threat to freedom of expression and ideas. Latterday totalitarians, like the absolute monarchs of old, make admirable patrons of the arts. Republicans and Democrats should be uncomfortable in the role.

So they were until January 1964, when a grief-stricken Congress, at the behest of the new White House occupant, hastily approved a \$15.5 million grant to what was then known as the National Cultural Center (a project launched by President Eisenhower, to be financed solely by voluntary contributions), and irrevocably changed its name and status. Eighteen months later followed legislation creating the National Foundation of the Arts and Humanities, "to develop and promote a broadly conceived policy of support" for such pursuits, and endowing them with \$10 million apiece for each of the next three fiscal years. Early in

1968 a drive for massive expansion of the program fell afoul of Congressional ridicule. However, under the supposedly conservative Nixon administration, things are looking up. Both House and Senate have now approved another \$12.5 million to complete the Kennedy Center by 1971, three years later than planned. Two weeks ago, as noted, the President pulled out all the stops in a plea to extend the life of the Foundation for three more years (one bill would make it permanent) and to double, to \$40 million annually, the taxpayers' contribution to culture.

A great investment, we are told, in "grace, beauty and spiritual fulfillment." Perhaps so—such qualities, after all, are largely in the eye (and heart) of the beholder. However, objective standards—to the extent that they apply at all—leave room for doubt. Thus, during last year's heated debate on the issue (the only one, by the way, that has so far been staged), some lawmakers were boorish enough to criticize a number of specific outlays. To illustrate, they churlishly found fault with a \$25,000 grant to the International Congress of Orientalists; \$21,500 for "an annotated list of French prose fiction from 1700 to 1750"; and \$10,000 to have a state official "rethink" public road signs. Politicians, to be sure, are neither intellectuals nor art connoisseurs. Yet even a dedicated lover of culture might lift an eyebrow at the waste of time and money so evident in the Kennedy Center Years after the advent of the Jet Age, its architects, as noted, failed to make adequate allowance for noise. Protracted delays in construction have given rise to a spate of contractors' claims running into millions of dollars. Since last March alone, the project's estimated cost has increased 10% (to more than twice the original one), and, to judge by the latest report of the General Accounting Office, no end to the over-runs is in sight.

The Kennedy Center illustrates another point about culture which its ardent wooers tend to ignore or suppress: the widespread lack of popular support. In its early years, as the National Cultural Center, the project lagged badly in raising money, to the point where it had to be voted a three-year extension for the needed fund-raising. Even the generous outpouring of sentiment for a martyred President—and a sizable inflow of gifts from foreign governments—failed to yield the original quota of \$30 million. (At last count, "voluntary" contributions, including over \$4 million advance payments from parking lot and food concessionaires, barely exceeded \$21 million.) The unhappy fact is that many Americans don't give a hang about either the humanities or the arts—the total audience for culture has been estimated in a scholarly work published by the Twentieth Century Fund (and just the other day by economists of the Chase Manhattan Bank) at roughly five million. It also happens to include far and away the most affluent segment of society, one whose interests and pursuits, no matter how worthy, the ordinary working staff should scarcely be taxed to support.

As patron of the arts, finally, government commands a dangerous weapon in the struggle for men's minds. What most of us remember best about the Federal Theater Project in the "Thirties is Pins and Needles, a raucously pro-union, antimanagerial musical which may have permanently biased a generation of voters. It was only happenstance that LeRoi Jones' work of art, *The Toilet*, a flagrantly racist play, was financed by the Office of Economic Opportunity, rather than by the National Foundation. The latter, indeed, has subsidized stage productions which its staff—if not the ticket-buying public—viewed as boasting "merit and social significance." In painting and sculpture, the Foundation has openly favored the abstract and avant-garde over the traditional,

and made generous personal grants to scholars and artists who are apt to be properly grateful. "Eat my bread," as the saying goes, "sing my song."

On this score Rep. John M. Ashbrook (R., Ohio), who led the successful fight against higher appropriations last year, had some trenchant things to say: "I am always a little amazed at my liberal friends who are not quite consistent on this. They always claim, for example, when we talk about censorship and when we talk about keeping pornographic literature from our children, or keeping lewd or indecent movies from being shown, that no government agency can possibly be set up which has the wisdom to determine what is proper and what is not. I tend to agree. Yet, when it comes to rewording or discouraging the arts, the same people seem to believe that such a government agency can be set up to do the same thing. . . . I happen to believe there is some inconsistency involved."

It strikes us as equally inconsistent for the Nixon Administration, which repeatedly has urged economy and austerity on Congress and the country, to espouse this bit of extravagance. While the Humanities and Arts are all very well in their place, they have no rightful place in the federal budget. The time to say so is now.

[From Barron's magazine, Jan. 12, 1970]

KENNEDY CENTER

TO THE EDITOR:

I find your lead editorial, "Eat My Bread, Sing My Song," highly appropriate, re the Kennedy Center. I live opposite it, facing it, on the top floor of a high-rise apartment in Rosslyn (Arlington), Va.

From 7:00 a.m. to 11:00 p.m., I am bombarded with the fourth B—Boeing. The FAA considerably shuts down National Airport operations from 11:00 p.m. to 7:00 a.m.

More than the aircraft noise, I am concerned that the Kennedy Center will be mostly inaccessible to the public at large, except the Republicans who live in the posh Watergate Apartments, juxtaposed.

There is no public transportation. A proposed subway stop, years away and blocks away, will be of no use. Parking and access roads will be totally inadequate.

The grand opening night will be a major catastrophe.

Trying to have several events at one time in various auditoriums can only result in utter chaos.

Lincoln Center in New York is a much sounder approach—many separate buildings, each serving a specialized purpose, with a subway stop right there.

Let us demolish the Kennedy Center, return the area to parkland, and restore the touching Titanic monument to where it was.

OLIVER F. RAMSEY.

Arlington, Va.

GOD'S EQUIPMENT FOR HARD TIMES

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BURLISON of Missouri. Mr. Speaker, on occasion we hear from the pulpit messages which are extraordinary for their incisive and penetrating impact. It was my good fortune on the last Sunday preceding the dawn of the 1970's, in my home church, to be exposed to such a message. Please permit me to share this sermon by my friend, Dr. W.

T. Holland, with my colleagues in the Congress:

GOD'S EQUIPMENT FOR HARD TIMES

JEREMIAH 1:4-19 (V. 7)

In his Christmas letter, received two weeks before Christmas, Billy Graham said, "We are about to celebrate Christmas 1969. Our celebration will be in the midst of war, racial strife, unprecedented crime and lawlessness, drug taking, pornography on a scale that would have made the people of the days of Sodom and Gomorrah blush, a student rebellion that threatens the educational process, and in the midst of dress rehearsals for revolution and the overthrow of established governments" (Billy Graham, "Christmas Letter, 1969").

But now that Christmas 1969 is past we turn our thoughts to something else. "We are about to embark upon a new decade. According to some commentators the sixties have been the roughest period in American history since the Civil War. A decade ushered in amid glamour and promise, a decade of the New Frontier and the Great Society turned into one of rape and plunder, riot and rebellion, hatred and assassination" (R. Houston Smith, "Pineville Postscripts," December 19, 1969).

About the sixties Kenneth Auchincloss, writing in "Newsweek" for December 29, says, "Negroes rushed forward to demand their rightful place in a society that claimed to be equalitarian and plainly wasn't; their gains during the decade were considerable but the furies they loosed, both white and black, left America stained with a deeper sense of racism than ever before. The government plunged into a protracted war that awakened most Americans to the limits of their nation's power, immense as it had become, and persuaded many that it had been deployed with overweening arrogance. Assassination seemed to become a fact of political life: a President, a Presidential candidate, the two most gifted leaders of the Negro struggle were all shot down. The young questioned, confounded and occasionally renounced the world their elders had built; the new generation increasingly sought wisdom along paths where the old saw only folly. Scientists probed both the vast distances of space and the minuscule mysteries of the living cell; human life was transported to the moon and traced to its fundamental sources in the gene" (p. 12f).

The decade past was the time of the improbable. "There was a premium on the bizarre, the unexpected. Public events seemed to be happening this way. John F. Kennedy was shot by a nondescript madman: Lyndon Johnson withdrew from a political race (that he certainly could have won); Jacqueline Kennedy married Aristotle Onassis; the Mets won the World Series" (Kenneth Auchincloss, Op. Cit., p. 13).

The sixties were characterized by immaturity. Established authority was being defied, accepted notions were being contradicted. Sometimes, of course, this is necessary. But to assume that whatever is old is musty and probably corrupt, and whatever is new is, therefore, pure and alive is an unmistakable mark of immaturity. "University deans, trustees, Presidents of the United States, generals, policemen, parents—nearly every symbol of authority—had a rough time during the '60's. . . . As society's rulers were scorned, so were its rules" (Kenneth Auchincloss, Op. Cit., p. 13). This applied to boys' haircuts, girls' dresses, nudity, homosexuality, and what not.

But again, the decade past was a time of frustration. Negro leaders and white liberals made common cause in the struggle for civil rights, and for a time it was making progress at great speed. This reached its zenith in the 1963 March on Washington when the theme was "blacks and whites together." But this movement began to fall apart soon there-

after; and in 1966 the cry of "black power" was first heard, in the state of Mississippi. Now it seems that smaller minority groups feel it is a humiliation to be helped by a larger and more affluent group. This also is a part of the frustration of Vietnam.

Again, the sixties were characterized by impatience. Few seemed disposed to look very far ahead. Instant results, immediate gratifications were the goals. "What do you want?" "Freedom!" "When do you want it?" "Now!" ran the civil rights litany. And the same cry was taken up by the antiwar crusaders chanting, "Peace Now!" though they didn't say just how it was to be obtained.

But again (and we could go on and on for no one could really describe the sixties), the decade past was characterized by escapism. "Drugs enhanced the flight away from reason and into the regions of the mind. And if grass was scarce and you weren't into acid (you can look up the translation of those terms), rock music alone could also help in opening up the path" (Kenneth Auchincloss, *Op. Cit.*, p. 19). (And just as an aside: If the doctor prescribes them I'll take the drugs but rather than the rock music I prefer to stay un-anesthetized.) But a few did escape from a technological society and the institutions of an industrialized civilization, and for them it was literal. Thus, the hippie movement, with its scattered encampments of drop-outs, sprang up everywhere.

Mr. Auchincloss closes his "Newsweek" article by saying, "It has become chic to say that the decade began in great hope and ended in deep despair, that it started out with idealism and wound up with racism, cynicism, violence and pollution. But it seems just possible that sometime in the future Americans will look back upon the '60's not as a time when we were beset with these afflictions more grievously than ever before, but as a time when we finally woke up in some useful way to their presence. And then the question will be: was self-knowledge a symptom of deepening paralysis or the first stage of cure?" (*Op. Cit.*, p. 19).

I appreciate an optimist. I also am an optimist. But, beloved, his morning, for the foreseeable future this is whistling in the dark. Our only problem is a religious problem. Our only problem is our accelerated drift toward secularism and toward a totally pagan society. This drift gains momentum every day and has unbelievably during the last ten years. A reversal of this trend, a change of our direction in this regard is all that can save us. And if there are any signs of wholesale repentance and a return to God on the horizon, I would like to know what they are.

I agree with those who say the sixties were the roughest period in our history since the Civil War, but, beloved, we haven't seen anything yet! We haven't seen anything yet!! The seventies, unless we repent, and we are not likely to repent, will make the sixties look like a period of sanity and religious revival. "Ah," you say, "you're just a pessimistic, fuddy-duddy, old man!" Well, that may be, but, brother, I'm willing to compare notes with you. Let me ask you a question, "Are the proportions of this congregation we have together here this morning a sign of repentance and religious concern on the part of the people who are members of this church?" "Oh," you say, "this is the Sunday after Christmas and all the churches everywhere are down; and besides the weather is bad." That is just my point! That is my point exactly! Our anemic, lack-a-daisical approach to the problems which are the problems of life and death will not even break the ice much less catch the fish in these cold waters. We are in for some hard times and I do not mean financially! Ere long those who make a pretense of religion, and they are in the vast majority, will drop this pretense and only the faithful few will remain.

Was there ever a time like ours, a day like this? Oh, yes! Yes, indeed! Though the settings and trappings and the pace at which life moves were different, the sins of the people and the core of the problem were the same when the call of God came to Jeremiah the prophet in 626 B.C. Like the people of Judah, we are caught up in the welter of world events. But like us, after a drift toward secularism and away from God, which had continued for more than half a century, they were ill prepared to survive.

The Assyrian empire began its mighty westward thrust in 745 B.C. and every kingdom in Palestine with the exception of Judah was destroyed. Samaria fell in 722 B.C. and the Northern Kingdom was carried into Assyrian captivity. In 701 B.C. Sennacherib came against Jerusalem when Hezekiah was king and Isaiah was God's prophet. Jerusalem was saved by divine intervention when 185,000 of the Assyrian soldiers died in one night in their camps round about Jerusalem. For three quarters of a century the power of Assyria slowly waned and the people of Judah felt secure. The good king Hezekiah, however, was succeeded by his son the wicked Manasseh in 698 and the drift away from God under his wicked leadership continued unabated for fifty-five long, tedious, painful years.

When the Assyrian empire finally gave way before the Babylonians, and when in 605 Pharaoh-Nechoh and his mighty Egyptian army were totally routed in the battle of Carchemish by Nebuchadnezzar and his Babylonians, Judah was in a hard way. They saw the most ruthless, the most merciless foe in the world on their borders—the Babylonians. This destroyed their false peace and prosperity and made them aware of the dangerous character of their world.

Yet, for all this, the people of Judah neither realized their need of God, nor returned to him. The prophet Zephaniah, an earlier contemporary of Jeremiah's, sounds God's warning: "And it shall come to pass at that time, that I will search Jerusalem with lamps; and I will punish the men that are settled on their lees, that say in their heart, Jehovah will not do good, neither will he do evil" (Zephaniah 1:12).

Now, to such a time was Jeremiah called to prophesy. How could he do it? Our scripture lesson for this morning gives both his call and his God-given equipment for service. After appraising Jeremiah of his election to service before he was born, and after brushing aside his plea of immaturity and lack of eloquence God said to Jeremiah, "Say not, I am a child; for to whomsoever I shall send thee thou shalt go, and whatsoever I shall command thee thou shalt speak" (Jeremiah 1:7). Jeremiah was to fear nothing in his ministry save disobedience. "To whomsoever I shall send thee thou shalt go, and whatsoever I shall command thee thou shalt speak." God's promise of power and his assurance of protection apply only to those who obey. No one else can claim them at all.

God equipped Jeremiah by two visions and a promise. First, there was the vision of the budding shoot of an almond tree. In verses eleven and following we read, "Moreover the word of Jehovah came unto me, saying, Jeremiah, what seest thou? And I said, I see a rod (shoot) of an almond-tree. Then said Jehovah unto me, Thou hast well seen: for I watch over my word to perform it" (1: 11-12). We can't see it in the English, but there is a play on words here in the original Hebrew. The word for almond tree is "shaked", from a root meaning "to be awake." It was so named because it was the first tree to put out its shoots, or to bloom in the spring. When Jeremiah identified the almond shoot ("shaked"), God reminded him that he, too, was awake (and here the word is "shoked"). He was awake to the world situation and was about to act.

This is God's assurance of his constant

watchfulness to perform what he has purposed to do. All during his turbulent career of forty years God stood above watching him.

The second vision was that of a boiling pot or caldron; it was tilted from the north and toward Judah. We read in the thirteenth and fourteenth verses, "And the word of Jehovah came unto me the second time, saying, What seest thou? And I said, I see a boiling caldron; and the face thereof is from the north. Then Jehovah said unto me, Out of the north evil shall break forth upon all the inhabitants of the land." In the succeeding verses (vs. 15-16) God describes the coming invasion, and interprets this as his judgment upon his people. And why? "And I will utter my judgments against them touching all their wickedness, in that they have forsaken me, and have burned incense unto other gods, and worshipped the works of their own hands" (v. 16). Jeremiah was being told that God is constantly at work in history, using the strong nation of a given period as a judgment upon other nations. In Jeremiah's day this nation was Babylon.

Now, in view of this Jeremiah is told to "Stand up and preach." God says, "Thou therefore gird up thy loins, and arise, and speak unto them all that I command thee: be not dismayed at them, lest I dismay thee before them" (v. 17). And then there follows the wonderful promise of God's empowering, the promise of his defense of his servant, the promise to see him through. Listen, "For, behold, I have made thee this day a fortified city, and an iron pillar, and brazen walls, against the whole land, against the kings of Judah, against the princes thereof, against the priests thereof, and against the people of the land. And they shall fight against thee; but they shall not prevail against thee: for I am with thee, saith Jehovah, to deliver thee" (vs. 18-19).

"But," someone says, "this was 2600 years ago." In point of actual fact—yes, in point of the principles—no. The principles, the morals are as up-to-date as this morning's paper, as relevant as the law of gravity. You say, "How does all this touch our lives?" As we return to our own times, as the sermon completes a circle, we see illustrated in Jeremiah's experience "God's Equipment for Hard Times."

First of all, for those who obey, God gives the eyes to see that a faithful God is watching over his people. "Thou hast well seen," God told Jeremiah, "for I watch over my word to perform it" (v. 12b). That was true 2600 years ago; that is true today!

Our God is faithful. He is to be depended upon. He is faithful when we are tempted. Paul says to the Corinthians, "God is faithful, who will not suffer you to be tempted above that ye are able; but will with the temptation make also the way of escape, that ye may be able to endure it" (1 Corinthians 10:13b).

He is faithful to forgive those who confess their sins. In his first epistle John says, "If we confess our sins, he is faithful and righteous to forgive us our sins, and to cleanse us from all unrighteousness" (1 John 1:9).

But above all, he is faithful in the operation of the laws he has ordained. Listen to one of them: "Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap" (Galatians 6:7). That is a statement of law, a law foreordained and predestined to work from before the foundation of the world. Since time began that has not failed to work one time—not even one time. It works now! And, beloved, that is why God's judgment upon our day is certain and sure.

I don't believe she was irreverent in her statement, or I wouldn't repeat it, for I too fear God, but I agree with Mrs. Billy Graham as she said recently in an address: "If God does not judge us for our sins in our day then he ought to apologize to Sodom and Gomorrah" (A recent quotation—source un-

known). Oh, but he will! Judgment is sure! I can't tell you how; I can't tell you when, but he will! God is faithful!

Then, who will be able to stand? Those, like Jeremiah, who obey to do his will. This doesn't mean we will be exempted from the hard days that are coming, but it does mean that we will be preserved in them. This doesn't mean that we will not be opposed, but it means that we will be able to stand. This means that we will be able to prevail. This means that we will be able to be true to him. Sometimes it does seem that the sky is as brass, that God is far away, and that the devil is running the show. But God is faithful! He watches over his people who do his will.

In a stanza of his poem, "The Present Crisis," James Russell Lowell states this exactly:

"Careless seems the great Avenger; history's pages but record
One death-grapple in the darkness 'twixt old systems and the Word;
Truth forever on the scaffold, Wrong forever on the throne,
Yet that scaffold sways the future, and, behind the dim unknown,
Standeth God within the shadow, keeping watch above his own."

But second, for those who obey, God gives the spiritual perception to discern the hand of God in history. I cannot conceive of a doctrine more absurd, a doctrine sillier than that proposed by some that they call "The Great Parenthesis," which is to the effect that God has created this world, he has left it alone to the workings of sin, and one day he will break in and set things straight. That simply is not so. God has not withdrawn his hand from this world he has made. Sometimes we cannot perceive his workings and his ways are past finding out. But he is master of the situation. He reigns! He will bring his people to judgment! And he will vindicate the faithful!

Surely our world in our time is a boiling caldron, a pot about to boil over, and it is tilting toward the United States. You say, "Why do you say that? Aren't there nations more wicked than we?" Conceivably, but I'll tell you why. The words of Jesus, "And to whomsoever much is given, of him shall much be required" (Luke 12:48), are a sound and ancient prophetic principle and they are still true. This being so, how shall WE be able to stand? Will God use Russia, that great, godless, communist monolith to pour out his judgment upon us? He has done things less remarkable. While we have been spending billions of dollars to put a man on the moon (and all the real estate up there isn't worth \$400) Russia has been seeking to build a space platform (you remember they experimented with it just a few months ago), a space platform equipped with electronic devices which could paralyze and neutralize every nuclear weapon from every base and ship and submarine we have at the push of one button without disturbing their own. And when they have perfected that, or should this happen, they could simply say in a nice way, "Uncle Sam, give me your keys," and Uncle Sam would simply hand over the keys because there would be nothing else to do. And within the month those of you who continually exercise your option to neglect the house of the living God would be denied the privilege for this building, under our new masters, would be used for something else—it wouldn't be used for a church.

You ask, "Is God going to do this?" I don't know, he will might, he just might. But anyway, it's your question, you answer it. But whatever he does God is not going to be defeated. We may be defeated. We may be thrown on the discard heap of the ages like all others who have forgotten God. But God is going on to where he is going. It is our

business to do the will of God, to stay in step with him.

According to the Greek view of history, "History constantly repeats itself; there is literally nothing new under the sun. The notion of purpose in history is completely alien to the Greeks, for history like the revolving shadow on a sundial, moves in circles, without beginning and without end" (Benhard Anderson, "Rediscovering the Bible," as quoted by Gerald Kennedy in "A Reader's Notebook," p. 236).

That isn't the Christian view. The Christian view of history is that "History is a progression of unique, creative, unrepeatable events in a purposive drama which has a beginning and an end. Moreover, the dynamic of the forward moving drama of human existence is the redemptive activity of God, discerned by prophets and fulfilled in Christ" (Ibid.). History is a straight line, it is moving toward a point, and that point is God's objective. We had better get on God's wagon or we are done for.

Tennyson states that the Christian view of history in majestic cadences in the final stanza of "In Memoriam":

"That God, which ever lives and loves,
One God, one law, one element,
And one far-off divine event,
To which the whole creation moves."

And last of all, and I can only mention it, for those who obey, God gives the faith to trust a God who defends those who do his will. If God could transform a sensitive spirit and shrinking personality like Jeremiah into a fortified city, with iron pillars and brass walls, he can do it with anybody who sincerely seeks to do his will. And, my friend, he can do it with you.

Jeremiah's people felt that God must save them or "lose face" before the nations. And the temple was to them almost a charm, or fetish (Jeremiah 7:4). Yet Jeremiah predicted that all this would be reduced to rubble and ashes. And it was, Jeremiah's God would stand, Jeremiah would stand, but not the organized government, not the empty religion, not the doomed city. The priests, the princes, the king, the people of Judah did fight against Jeremiah, but God was his defense. God fortified him against his enemies without by developing his character within. The city and the people who disobeyed God must go into captivity, and into captivity they went. But this man who obeyed God must stand. He did stand! Jeremiah suffered ridicule and hardship. He seemed to be on the losing side many times. And by our worldly standards he lost everything at every turn, for he preached to his people for forty years and not a soul repented; and they didn't do what he counseled.

But by God's standards Jeremiah was the greatest of the prophets. When Jesus appeared in Palestine and the thrill of his person awakened the hearts of the common people to joy again, some of them said, "This is Jeremiah." And no man's memory was ever more highly honored than that.

Hard times are coming, beloved. Are you ready for them? God will equip those who want to know and are willing to do his will.

Let us bow as we pray. "Our Father in heaven, we thank thee for the opportunity of thinking upon these things this morning. Our Father, we pray that we may continue to think about them soberly, earnestly, seeing that these are history-tested principles, and the word of God, that they operated 2600 years ago, they have operated in these years since that time, and they operate now. We pray, our Father, that somehow, somehow thy Spirit, knocking at the doors of many thousands of hearts, may be heard, and that there may be repentance, genuine and wholesale, and that many who somehow excuse themselves from any part, any activity in the things of God, the things of Christ,

may stop to ask, "Who excused me? Who made me an exception?"—that they may be brought to repentance, that they may return unto the Lord and again be faithful unto him.

Bless us, we pray, as we come to the close of this service, bless those in this presence who should come to accept Christ as Savior and Lord, those who should come to unite with the church by letter, or promise of letter, by statement or as a candidate for baptism. Give them the strength and grace to respond. In Christ's name we pray. Amen."

As we stand together to sing No. 235, "Only Trust Him," the opportunity is given to unite with the church by letter, the promise of letter, by statement or as a candidate for baptism. If you feel led to come for any other purpose, any at all, if the Lord is leading you, come and welcome. Let us stand as we sing.

NOTE.—This is the seventy-fifth new sermon for 1969, a new record. There were seventy-four in 1968.

RABBI JOSEPH S. SHUBOW

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1970

Mr. PHILBIN. Mr. Speaker, I was greatly saddened by the sudden, unexpected passing of my friend and Harvard classmate, the great and distinguished Rabbi Joseph S. Shubow of the Temple B'nai Moshe, Brighton, Mass. He will be greatly missed.

Rabbi Shubow was one of our greatest contemporary spiritual leaders, a man endowed with a great mind and great heart, a scholar and intellectual of first magnitude, a great Jew, an illustrious American, a dedicated, inspired leader, who devoted his life to his people, his holy cause, the welfare of his country and mankind.

While he was gentle of spirit and manner, he possessed an extraordinary understanding of human beings and their problems. He was known for the depth of his compassion for the lowly and underprivileged. His untiring zeal to serve and help them and the truly inspired leadership of numerous good causes designed to build up the potential of the people, improve their standards, lift up their hopes and their hearts, and point to a better and greater community, State, and Nation for human brotherhood and love were indeed prodigious.

Throughout his brilliant career, he worked tirelessly to check provincialism, narrowness, and irrational, racial, and religious hatreds, and provided wise guidance that was effective in helping to move the Nation and the world toward universal peace, justice, and brotherhood.

I feel a real sense of inadequacy in appraising Rabbi Shubow's great, enduring achievements, because I am shocked and very deeply grieved by his passing at a time when he appeared to be in good health and vigorous condition with years of constructive service ahead of him.

He was stricken without warning, and his passing has left a great void in his home, among his loved ones, his con-

gregation and friends in the Nation and the world, wherever he was known.

It would be impossible to replace a great dedicated leader and devout humanitarian like Rabbi Joseph Shubow. He was possessed of great gifts of talent, intellectuality, understanding, compassionate regard and concern for his people and mankind, which inspired and projected him to great heights of moral influence and noteworthy accomplishment in virtually every segment of American life, yes, the world, since he was known, admired and listened to in widespread areas.

In truth, he has left a tremendous legacy for his family and dear ones, members of his congregation, his loving friends, and for all of us who knew and loved him, as well as for the noble, concerned forces of civilization, which recognize our primary needs and the urgency of pursuing them without delay.

We are all the poorer for Rabbi Shubow's passing. The Nation has lost one of its ablest, dedicated disciples and exponents of its truths, its precepts, and the democratic principles upon which our blessed freedoms are based.

The good done by this great man will long remain with us and the world. His family, and his temple, and the Nation itself, has lost a great, spiritual, patriotic leader, whose humanity and love for his fellowman knew no bounds, and will be inscribed and cherished in the hearts of this generation and minds of the American people for many years to come.

My heart goes out with most profound, personal sorrow for the irreparable loss they have suffered, to his beloved and loving family, his devoted wife, a loyal, effective helpmate, who gave him strength, courage, and invaluable guidance and assistance through the years.

He will be sorely missed by all of his beloved family and dear ones, whom he loved totally with unrestrained feeling and devotion, by the members of his great congregation where he did some of his most outstanding work, and where the commanding influence of his eminent leadership and good works of mercy, charity, justice, and spiritual guidance will always be deeply imprinted upon the annals of this famous Jewish shrine in the heart of our historic city of Boston and our beloved Commonwealth.

I am profoundly touched by the loss of such a dear, considerate, and loyal friend of my college days who rose by his own lofty motivations, merits, and gifts to do so much good in this world, and finally to offer his life so unselfishly to his people and his country and humanity. At the same time, I recognize that we all must bow in humble prayer and submission to the divine will.

The memorial exercises and services in his home, and the synagogue that he loved so much, and served so wholeheartedly, were most impressive and truly memorable.

Every segment of the synagogue's leadership and membership, every facet of Jewish-American life was represented, not only outstanding spiritual leaders of his own faith, very distinguished rabbis and other religious leaders, but in the

ecumenical spirit, also present to pay tribute to his dear friend was that great spokesman of organized religion throughout this Nation and the world, his esteemed Excellency, his Eminence, Richard Cardinal Cushing, a warm compatriot and associate of his admired friend, Rabbi Shubow, in many great undertakings for the cause of better understanding, harmony, and true friendship between all groups and elements of our American society.

Prominent Protestant spiritual leaders and all segments of church and state were represented by a host of public leaders, headed by one of the greatest Speakers this Nation has ever had, the Honorable JOHN W. McCORMACK, the Speaker of the U.S. House of Representatives.

Tributes paid to Rabbi Shubow by one after another of several outstanding, distinguished colleagues of his own faith were most eloquent, most heartfelt and among the most laudatory and emotionally moving that I have ever heard.

These tributes were simple, unadorned, but profound. They came from the depths of sorrowing hearts. They were very deeply felt by the esteemed leaders who uttered them—men and companions who knew the true worth of our great, departed leader, Rabbi Shubow, and they were expressed in most eloquent terms of pride, sense of loss, friendship and affection for this fallen spokesman of truth and justice, who served with such magnificent distinction and in a truly compassionate spirit in lifting and advancing the hopes and aspirations of his own group and the freedom-loving, spiritually minded people of America and the world.

All the tributes paid to Rabbi Shubow were expressions of deep, poignant grief, admiration, love and immeasurable honor by loving, devoted friends and admirers. These tributes came from every level of life, the exalted and the humble, the rich and the poor, from every segment of leadership, churchmen, businessmen, teachers, scientists, political figures, the rank and file—every group was represented, and everyone talked with such sincerity and sorrow about the qualities and accomplishments of this great, devoted leader.

The last speaker to lift his eloquent voice in prayer and farewell was his beloved brother, Rabbi Leo Shubow, also a beloved college friend of mine who touched the heartstrings of his listeners by his description of his brother's early struggles, his progress through sacrifice and travail, the steady march to the pinnacle of success in his revered calling.

When this wonderful grieving brother finished his moving words, every eye in the synagogue was tear-dimmed. He and his distinguished fellow rabbi and dear brother spent their lives together in the service of their God and their people and our country. Only the call of the Lord could have separated them.

Rabbi Shubow will live in the minds of the people he served, as few, if any, who have ever served the needs of any people.

The fame of Joseph Shubow is the nobility of his purpose, the grandeur of his idealism, the superb quality of his dedication and courage, the unselfish character of his devout service, as one so

esteemed, admired and loved by so many people, and he will never be forgotten.

These things will comprise a lasting, living monument, an unfading memory of illustrious leadership, noble deeds, unyielding conviction, unflinching courage, and lifelong devotion to the cause of the people that will ring down through the years with increasing impressiveness and inspiration for the proud sons and daughters of his faith, for all of us who stand for freedom, humanity, and justice and love of our fellow man.

May our dearly beloved friend and esteemed leader of his people and the Nation, Rabbi Joe Shubow, find in his eternal home that true peace that his restless, eager spirit never seemed to find in his busy life, so filled with labor and triumphs for his people, his faith, and our country.

And it is for us in this troubled world, and this great Nation of ours shaken as it is with war and civil dissension, to find in his example, his sacrifices, his determination and persevering spirit, some of the spirit and resolution that will lead us before long, with God's help, to the restored blessings of peace, the end of conflict and war, brotherhood, understanding and love for our great Nation and the world.

Mr. Speaker, under unanimous consent, I include press excerpts and other statements bearing on Rabbi Shubow's sad demise.

Truly, these words from Exodus fill our minds in this hour of sorrow:

And they shall build for me a sanctuary, and I shall dwell in their midst.

The articles referred to follow:

[From the Boston Evening Globe, Aug. 21, 1969]

RABBI SHUBOW DIES AT 69

Rabbi Joseph S. Shubow, 69, spiritual leader of Temple B'nai Moshe, Brighton, and vice president of the Zionist Organization of America, died this morning at Beth Israel Hospital.

His secretary, Mrs. Frances Goldberg, said Rabbi Shubow was about to embark on a speaking tour in New Jersey last Tuesday when he was stricken with a coronary attack and taken to the hospital.

The nationally known clergyman served Congregation B'nai Moshe for over 35 years.

Born in Olita, Russia, in 1899, Rabbi Shubow came to this country as a boy and was graduated from Boston Latin School. He received a bachelor of arts degree cum laude at Harvard in 1920 and his master's degree a year later.

He was ordained at the Jewish Institute of Religion in New York.

During World War II he served as Chaplain for the 9th Army in Europe. One of the most unusual Passovers ever celebrated by Jewish soldiers during the war was the one held by Rabbi Shubow in 1945 in what had been Joseph Goebbels' castle near the Rhine.

He was decorated by Gen. John B. Anderson for meritorious service at the crossing of the Rhine.

A recognized scholar and linguist, Rabbi Shubow authored the Brandeis Avukah Volume, a Zionist treatise dedicated to the late Justice Louis D. Brandeis.

In 1959 he was awarded a doctor of philosophy degree by Harvard.

Rabbi Shubow was a past president of the American Jewish Congress, New England Division; honorary president of the New England Zionist Region and one of the founders and first president of Avukah

(Torch), American Students' Zionist Organization.

He was also one of two Boston delegates to the World Jewish Conference held at Geneva in 1936, and was a delegate to the assembly, American Jewish Congress.

He was a member of Hazel Lodge, Free Sons of Israel; the Olita Society, the American Red Cross, Associated Jewish Philanthropies, central Conference of American Rabbis, Jewish Institute of Religion, American Jewish War Veterans and the Army and Navy Chaplains' Commission.

Rabbi Shubow had planned to go to California next week to become a candidate for the national presidency of the Zionist Organization of America.

Surviving are his wife Beatrice (Citron); a son, Moshe Jehiel, now in Israel; a daughter, Mrs. Berton Steir, of Newton, and a brother, Rabbi Leo Shubow of Temple B'nai B'rith.

Funeral services will be held at noon tomorrow at Temple B'nai Moshe, 1845 Commonwealth Ave., Brighton.

[From the Boston Herald Traveler,
Aug. 22, 1969]

RABBI JOSEPH SHUBOW DIES

Rabbi Joseph Shalom Shubow, 69, of Temple B'nai Moshe, Brighton, an international leader of the Zionist movement and an eloquent spokesman on local, national and world affairs, died yesterday morning at Beth Israel Hospital.

Funeral services will be held at noon today at Temple B'nai Moshe, 1845 Commonwealth Ave., Brighton.

Rabbi Shubow was stricken with a heart attack Tuesday at his home, 125 Holland Rd., Brookline, and taken to the hospital. A national vice president of the Zionist Organization of America, he was a candidate for election as president at the national convention in Los Angeles next week.

Dr. Shubow believed that the clergy of all faiths should become involved in political problems and public affairs. Practicing what he preached, he spoke out freely on all issues, with complete fearlessness as to whether he held the popular view.

He favored retention of capital punishment, praised Dr. Martin Luther King for his "great and noble sense of responsibility" but called on him to discontinue urging America to "forsake its moral duties" in Vietnam, attacked the Ku Klux Klan and the John Birch Society, deplored the injection of the religious issue against John F. Kennedy in the 1960 presidential campaign and proposed the Nobel Prize for his friend Cardinal Cushing.

The Cardinal was guest of honor at a dinner in 1959 celebrating the 25th anniversaries of Temple B'nai Moshe and Rabbi Shubow's ordination.

Dr. Shubow served as chaplain for the 9th Army in Europe in World War II. As such, he celebrated Passover in 1945 for Jewish soldiers in what had been Joseph Goebbels' castle near the Rhine.

He was born in Olita, Lithuania (now Russia), in 1899 and came to Boston as a boy. He was graduated from Boston Latin School and from Harvard with a bachelor of arts degree cum laude in 1920 and a master's a year later.

He was president of the Harvard Zionist Society in 1920 and 1921, and in 1925 was a co-founder of Avukah (Torch), American Students' Zionist Organization. In 1959, Harvard awarded him a doctor of philosophy degree.

Dr. Shubow had been rabbi of B'nai Moshe since 1933, the same year he was ordained by Dr. Stephen S. Wise at the Jewish Institute of Religion, where he received a degree of master of Hebrew Literature. He was the author of the Brandeis Avukah Volume, a

Zionist treatise dedicated to Justice Louis D. Brandeis.

He was literary editor of the Boston Jewish Advocate from 1923 to 1935 and a correspondent and feature writer for the Jewish Telegraph Agency 1924-1931. He received national recognition in 1956 with the award of a plaque from the American Jewish Literary Foundation.

He was a past president of the American Jewish Congress, New England Division, and honorary president of the New England Zionist Region. He had been a delegate to World Jewish Conferences at Geneva, Switzerland, in 1936, and in South America in 1946.

He was a founder and second president of the Massachusetts Board of Rabbis and a founder of the Associated Synagogues of Massachusetts. He had been chaplain of West Roxbury Veterans Hospital since 1946 and of the Veteran's Administration Hospital, Jamaica Plain, since 1953.

Organizations of which he was a member included American Academy for Jewish Research, Associated Jewish Philanthropies, American Red Cross, American Society for Political Science, American Legion, Jewish War Veterans, AMVETS, B'nai B'rith, Harvard Club of Boston and many others.

Dr. Shubow leaves his wife, the former Beatrice Citron, to whom he was married in 1938, a son, Moshe Jehiel, now in Israel; a daughter, Mrs. Berton Steir (Judith Habibah) of Newton, and a brother, Rabbi Leo Shubow of Temple B'nai B'rith, Somerville. Tributes to Rabbi Shubow included:

Atty. Gen. Robert H. Quinn: "With the death of Rabbi Joseph Shubow I have lost a friend, but the Commonwealth of Massachusetts sustains an even greater loss with the silencing of a soulful compatriot dedicated to justice, humanity and brotherhood."

Rabbi Murray I. Rothman, president, and Rabbi M. David Weiss, executive vice president, Massachusetts Board of Rabbis: "His wide scholarship, prophetic commitment to social justice and outstanding gift of oratory made him a respected and nationally known spokesman of the Jewish people and leader among his rabbinic colleagues."

Lawrence G. Lasky, general chairman, State of Israel Bonds: "The passing of Rabbi Joseph S. Shubow stills an articulate voice that for many years was raised eloquently in behalf of democracy and social justice. He was a great American, a most worthy champion of the Jewish people and an ardent and dedicated worker in the rebirth and preservation of the State of Israel."

Edward S. Redstone, president, Greater Boston Chapter, American Friends of Hebrew University in Jerusalem: "The New England Jewish community has lost an eloquent spokesman. The loss of Rabbi Shubow is one that immediately will be felt. He was an activist in American-Jewish life and in the cause of Israel."

Herman B. Cohen, president, New England Friends, Albert Einstein College of Medicine, Yeshiva University: "His steadfast interest in Jewish life, spanning an exciting period in modern history, is well known to those who are aware of his dedication to Zionism along with his unflinching loyalty and devotion to this nation which he served as a member of our armed forces in World War II."

Milton Berger, president, Hebrew Rehabilitation Center for Aged, Roslindale: "His eloquent voice and prolific pen will be remembered for the roles Rabbi Shubow played in fighting social injustice. He was a loyal friend and staunch supporter of this institution."

[From the Boston Globe, Aug. 22, 1969]

SCHOLAR, LINGUIST—RABBI JOSEPH SHUBOW,
69, FATALLY STRICKEN

Rabbi Joseph S. Shubow, 69, spiritual leader of Temple B'nai Moshe, Brighton, and

vice president of the Zionist Organization of America, died yesterday morning at Beth Israel Hospital.

His secretary, Mrs. Frances Goldberg, said Rabbi Shubow was about to embark on a speaking tour in New Jersey last Tuesday when he was stricken with a coronary attack and taken to the hospital.

The nationally-known clergyman served Congregation B'nai Moshe for more than 35 years.

Born in Olita, Russia, in 1899, Rabbi Shubow came to the United States as a boy and graduated from Boston Latin School. He received a bachelor of arts degree cum laude at Harvard in 1920 and his masters degree a year later.

He was ordained at the Jewish Institute of Religion in New York.

During World War II he served as chaplain for the 9th Army in Europe. One of the most unusual Passovers ever celebrated by Jewish soldiers during the war was the one held by Rabbi Shubow in 1945 in what had been Joseph Goebbels' castle near the Rhine.

He was decorated by Gen. John B. Anderson for meritorious service at the crossing of the Rhine.

A recognized scholar and linguist, Rabbi Shubow authored the Brandeis Avukah Volume, a Zionist treatise dedicated to the late Justice Louis D. Brandeis.

In 1959 he was awarded a doctor of philosophy degree by Harvard.

Rabbi Shubow had planned to go to California next week to become a candidate for the national presidency of the Zionist Organization of America.

Funeral services will be held at noon today in Temple B'nai Moshe, 1845 Commonwealth av., Brighton.

On hearing of the rabbi's death, Lawrence G. Laskey, general chairman of the Greater Boston Committee, State of Israel Bonds, offered this tribute:

"The passing of Rabbi Shubow stills an articulate voice that for many years was raised eloquently in behalf of democracy and social justice throughout the world.

"He was a great American, a most worthy champion of the Jewish people and an ardent and dedicated worker in the rebirth and preservation of the State of Israel.

"He will be mourned by the community and the country. To those of us who knew him personally and were enriched by his friendship and counsel, he will be sorely missed."

Rabbi Murray I. Rothman, president of the Mass. Board of Rabbis, and Rabbi M. David Weiss, executive vice president, last night issued the following statement:

"We record with deepest regret the passing of one of our group's founders and its second president. In 1935 Rabbi Shubow, with a small group of local rabbis, organized the Greater Boston Rabbinical Assn., the forerunner of the Mass. Board of Rabbis, now numbering over 100 Jewish spiritual leaders.

"Rabbi Shubow also helped found the Associated Synagogues of Massachusetts in 1941, which brought together orthodox, conservative and reform congregations in this area to better serve the religious community. He was also instrumental in organizing the services of the Jewish chaplains, leading to the formation of the United Rabbinical Chaplaincy Commission.

His wide scholarship, prophetic commitment to social justice and outstanding gift of oratory made him a respected nationally-known spokesman of the Jewish people and a leader among rabbinic colleagues."

Only two weeks ago the Crosscup-Pishon Post of American Legion, of which Rabbi Shubow was a member, elected him post chaplain.

Rabbi Israel J. Kazis of Temple Mishkan Teffla in Newton will officiate at the services, assisted by Rabbi Leo Shubow of Somerville and Rabbi Charles Weinberg of Malden.

[From the Boston Herald Traveler, Aug. 23, 1969]

1,200 ATTEND THE FUNERAL OF RABBI JOSEPH SHUBOW

(By Tom Murray)

More than 1,200 attended the funeral of Rabbi Joseph Shalom Shubow, 69, an international leader of the Zionist movement, held yesterday in Temple B'nai Moshe, Brighton, where he was spiritual leader for 35 years.

Those in attendance included Richard Cardinal Cushing, House Speaker John W. McCormack, Rabbi Usher Kirshblum, vice president of the Zionist Organization of America, the Rev. Matthew P. Stapleton, chairman of the Archdiocese of Boston Ecumenical Commission, and a host of other religious and civic leaders.

"Rabbi Shubow," eulogized Edward Silverman, honorary president of the Temple, "was a man of great versatility, with compassion and love for all God's children.

"His goal was always to attack injustice wherever he saw it. No worthy cause found him indifferent. He challenged cruelty, lack of honor, and censured those who were responsible.

"He fought for righteousness, justice and equality. He exemplified the highest ideals of dignity and eloquence in the pulpit together with personal courage.

"In the pulpit, in the community, in Israel, his vision, his enthusiasm, his willingness to give of his ability, his warm human compassion for his fellow man, his selfless devotion to every cause that concerns our people, his love of Zion which was the core of his life—all these inspired us to deeds far beyond our own strength and capacity.

"He was a leader who never faltered or faded. His beacon light of understanding showed forth at times when the twilight was dim, and when others sometimes faltered.

"May his light continue to shine forth ever brilliantly, illuminating our synagogue and our community."

Other tributes were given by Rabbi Kirshblum, Rabbi Ephraim Bennett of Lynn, representing the Massachusetts Board of Rabbis, and Temple President Jacob Stone.

Officiating at the services was Rabbi Israel Kazis of Temple Mishkan Tefila in Newton, assisted by Rabbi Shubow's brother, Rabbi Leo Shubow of Somerville, and Rabbi Charles Weinberg of Malden.

Honorary bearers included Israeli Consul Moshe Ofer, House Speaker McCormack, Police Commr. Edmund L. McNamara, the Rev. Dana McLean Greely, past president of the Unitarian Universalist Assn., Boston Municipal Court Chief Justice Elijah Adlow.

Also, Dr. Francis B. Carroll, Alexander Brin, publisher of the Jewish Advocate; James Kahn, publisher of the Jewish Times; Prof. Harry B. Wolfson of Harvard University, Governor's Councilor Herbert Connelly, New England Zionist Region President Julius Stone, Temple Honorary President Silverman, Temple President Stone, Lawrence G. Laskey, Dr. Jacob Yules, Bradford Saivetz and Marshall Marcus.

Burial was in Sharon Memorial Park.

Rabbi Shubow, who died Thursday in Beth Israel Hospital following a heart attack, leaves his wife, Beatrice (Citron), a son, Moshe, who with his wife and infant daughter arrived here Thursday night from Israel, and a daughter, Mrs. Judith Steir of Brookline.

Besides his brother, Rabbi Leo Shubow, he leaves a brother, Jacob, of Miami, Fla., and four grandchildren.

Memorial week will be observed at his home, 125 Holland Rd., Brookline.

At the Temple, Nathan C. Wyman, president of the B'nai B'rith Council of Greater

Boston, told newsmen, "The B'nai B'rith mourns the loss of a fine and devoted 'Son of the Covenant'."

Rev. Leonidas C. Contos, president of the Hellenic College in Brookline, representing Greek Orthodox Archbishop Iakovos of New York, said, "We grieve with deep sorrow at the loss to Boston and the nation of this so gifted and gracious servant of God."

[From the Boston Globe, Aug. 23, 1969]

1500 PAY FINAL TRIBUTE TO RABBI J. S. SHUBOW

The body of Rabbi Joseph S. Shubow, 69, one of Boston's most revered spiritual leaders, was buried yesterday following services at Temple B'nai Moshe, Brighton, where he served for more than 35 years.

Several of the 1500 mourners at the services fainted as eulogies to the late rabbi continued for more than an hour. Richard Cardinal Cushing and House Speaker John W. McCormack led a large number of state and national leaders in religion, the professions, and politics.

Tributes to the nationally known clergyman, vice-president of the Zionist Organization of America, continued to come in. Rabbi Shubow died Thursday after being stricken with a coronary attack Tuesday.

Temple officials were forced to open all doors when several in the standing-room crowd collapsed. Many mourners, who arrived too late, stood patiently in the sun, some as long as two hours.

Others among those attending services for the Russian-born Rabbi were Msgr. George Kerr; Brig. Gen. Timothy Regan, representing Gov. Sargent; Rep. Philip Philbin (D-Clinton); President Nathan C. Wyman of the Greater Boston Council of B'nai B'rith, and Rev. Leonidas C. Contos, president of Hellenic College, Brookline, who represented Archbishop Iakovos, North American primate of the Greek Orthodox Church.

Edward Silverman, a layman who serves as honorary president of Temple B'nai Moshe, called the late leader a man who "always attacked injustice, challenged cruelty and lack of honor, and censured those who were responsible. He exemplified the highest ideals of dignity and eloquence in the pulpit, together with personal courage."

Also attending the service was Louise Day Hicks, former Boston School Committee member; Rabbi Joseph B. Soloveitchik, acknowledged U.S. Talmudic scholar, and Barney Frank, representing Mayor Kevin H. White.

Among the eulogists was Rabbi Usher Kirshblum of New York, vice president of the national Zionist Organization of America. Rabbi Shubow was to be a candidate for the organization's presidency.

Other speakers included Jacob Stone, president of Congregation B'nai Moshe, and Rabbi Ephraim Bennett of Lynn.

The flag-draped traditional pine box coffin was carried from the temple amid a throng of mourners who pressed in to touch the coffin.

While honorary bearers surrounded the hearse the coffin was placed inside and the cortege was escorted on its way to Sharon Memorial Park in Sharon for burial.

EULOGY BY RABBI I. USHER KIRSHBLUM, SPIRITUAL LEADER OF THE JEWISH CENTER OF KEW GARDENS HILLS AND VICE PRESIDENT OF THE ZIONIST ORGANIZATION OF AMERICA

It is with deep shock and profound pain that I eulogize my late beloved colleague, Rabbi Joseph S. Shubow. Mine had been the privilege to have known him for a quarter of a century. Together we worked in the Vineyard of the Lord as graduates of the Jewish Institute of Religion and in the Rab-

binical Assembly. And together we tilled the field of Zionism.

Rabbi Shubow was cast in a mold from which very few emanated. He possessed the strength of a lion when he grasped your hand or embraced you. He also was leonine as he jumped to his feet when he felt that a speaker, to whom he had given his undivided attention, had suddenly distorted the truth. And yet he possessed the heart of a child for he was so forgiving. He would never depart from a meeting without bidding Shalom to his strongest adversary. "A gesund oif dir," was an expression he used so frequently.

Rabbi Shubow was most charitable not only to the organized and communal philanthropies but to individuals who came from all parts of the country seeking his aid. And whenever someone solicited his help through the mail he was never satisfied just to send his generous contribution but always added a letter of warmth and encouragement to the solicitor. He always gave magnanimously and very often anonymously.

Rabbi Shubow was always the Rabbi. From his pulpit he preached some of his most passionate sermons on Zionism and from the Zionist platform he studied his lectures with Judaism. He was a great scholar who drank in thirst any word of Torah that came within his hearing. He was a great disciple of the immortal Stephen S. Wise. More than just imitating the speech of the great master he emulated him in all his ways through his passion for Zionism, his pursuit of justice and truth and his championing the cause of the oppressed.

Rabbi Shubow had a great love for his Synagogue. I can never forget the time when he telephoned me to let me know that he succeeded in having its mortgage burned. He loved his congregants and appreciated their understanding of his ways and works and their approval of his extensive travels on behalf of an Israel reborn. He felt eternally blessed by his life partner, Beatrice. He was always the strong eagle and she the sweet dove.

Rabbi Shubow was so proud of his friendship with your Eminence, Cardinal Cushing. He felt so comforted by your many words of sympathy for and courage to the State of Israel and the Jewish people everywhere. Equally proud was he of your friendship, Speaker of the House, Mr. McCormack. On many occasions you have raised your clarion voice in defense of Israel and Zionism. His proudest moments were when he sat in the audience listening to you speak on behalf of the Jewish State. How he must rejoice from his Heavenly Abode to find you both now sitting in his congregation!

The tear ducts refuse to remain dry as I bid you fond and final farewell, dearly beloved Joe. Your booming voice shall always ring in my ears. I shall always feel your warm handshake and strong embrace. Your sweet smile and ruddy cheeks shall always be before my eyes. You shall continue to live in the mountains of Judah and in the streets of Jerusalem.

EULOGY DELIVERED BY EDWARD SILVERMAN, HONORARY PRESIDENT, TEMPLE BNAI MOSHE

It is with great sorrow in our hearts that we are gathered here this afternoon to pay tribute to our beloved friend and rabbi.

How fortunate is a people whose leader exemplified in his own person the noblest traditions and highest goals of its faith. Our rabbi was a man who lived and labored for his people.

He was a man of great versatility, with compassion and love for all G-d's children. His goal was always to attack injustice wherever he saw it. No worthy cause found him indifferent. He challenged cruelty, lack

of honor, and censured those who were responsible. He fought for righteousness, justice, and equality. He exemplified the highest ideals of dignity and eloquence in the pulpit, together with personal courage.

He lived through a veritable torment of martyrdom and self-sacrifice, and yet through all the anguish and turbulence which we know he endured, he remained steadfast and true. Greatness comes to each of us in our own way when we recognize that life requires great choices and decisions. Character, and only character, can help us triumph over difficult circumstances, and real character grows from the roots of faith—real character enables us to face crises with inner strength.

In every age, there is a leader who possesses wisdom as well as piety, courage as well as loyalty. Such a leader was our rabbi. The story of our congregation is inter-woven and inter-mingled with the lifetime of his service. He has stood by the side of every administration, and has participated in every phase of activity from the building of the temple to the liquidation of our mortgage. In the pulpit, in the community, in Israel, his vision, his enthusiasm, his willingness to give of his ability, his warm human compassion for his fellow man, his selfless devotion to every cause that concerns our people, his love of Zion, which was the core of his life—all these inspired us to deeds far beyond our own strength and capacity.

It took vision, foresight, and courage in those early days of the 1930's, when our country's economy was at a low ebb, to establish a religious school and a house of worship. There is not a single person in this sanctuary, or outside it, who does not know that Temple Bnai Moshe is a tribute to the remarkable talents of one man, our rabbi, who consecrated our Temple by giving to it all that a man can give, and who has with unflinching tenacity, steered our congregation from its proud but humble birth for the past 35 years.

He was a leader who never faltered or failed. His beacon light of understanding showed forth at times when the twilight was dim, and when others sometime faltered. May his light continue to shine forth, ever brilliantly, illuminating our synagogue and our community.

We shall ever cherish the memory of our beloved Rabbi Joseph Shalom Shubow, servant of G-d, defender of Israel, and lover of humanity.

EULOGY BY MR. JACOB STONE, PRESIDENT OF TEMPLE BNAI MOSHE

The whole Temple community is shocked at the sudden and untimely death of our late beloved Rabbi Joseph Shalom Shubow.

He was an outstanding champion and advocate of the less fortunate regardless of race, creed or color. His voice which was heard throughout the world in behalf of the State of Israel is now forever stilled, but his words will be long remembered.

He was a great American, a good Jew and never feared to take a position on the principles that he thought were correct.

Justice Oliver Wendell Holmes of the United States Supreme Court, eulogizing an outstanding eminent lawyer, said: "The best that could be said of him was that he was a lawyer, soldier and statesman." A similar eulogy can be made for our late Rabbi. It could be said of him that he was a Rabbi, soldier and statesman.

The demise of our Rabbi leaves a void which is irreparable and will be hard to fill. The whole Temple community is saddened.

May I, as President of Temple Bnai Moshe, in their behalf and in behalf of my wife and myself, express to you, Mrs. Shubow and your family, our heartfelt sympathy in your time of bereavement.

EULOGY BY RABBI EPHRAIM I. BENNETT, VICE PRESIDENT OF THE MASSACHUSETTS BOARD OF RABBIS

As a Vice-President of the Massachusetts Board of Rabbis, it is my sorrowful responsibility to extend, on behalf of the M.B.R. and myself, our heartfelt sympathy to Mrs. Joseph Shubow and her children, to Rabbi Leo Shubow and to all the members of the bereaved family on the profound loss which they as well as our entire community have sustained in the passing of Rabbi Joseph Shubow.

Rabbi Shubow was a past President of the Mass. Board of Rabbis who served our organization, as he did every worthwhile cause, with complete devotion and dedication. He always enriched our deliberations with his astute and creative insights, his firm convictions, the passion of his feelings, so powerfully and movingly articulated, and his clear vision of the proper role of the Rabbi in the community. He was a courageous champion of his people, his country and his G-d whose eloquence stirred the hearts of so many and lifted them to a higher dimension of spiritual existence. His vigorous, dynamic presence will be sorely missed by all who knew him.

Rabbi Murray Rothman, President of the M.B.R., would have been here but for a serious accident in which his daughter was involved yesterday. He asked me to read the following telegram:

"Auto accident prevents me from being present to pay homage to our beloved colleague and Past President, Joseph Shubow. Please express sincerest condolences on my behalf and on behalf of Massachusetts Board of Rabbis."

EULOGY BY RABBI ISRAEL J. KAZIS, RABBI OF CONGREGATION MISHKAU TEFILA, NEWTON, MASS.

As we pay our final tribute to our distinguished colleague and beloved friend, Rabbi Joseph Shalom Shubow, there come to mind the Biblical words "How have the mighty fallen?" A mighty leader has fallen in the midst of the struggle for the creative survival of the Jewish people. He was a front line soldier who did not know the meaning of fear, who fought courageously and with passionate devotion on behalf of every cause in which he believed, who never retreated in the face of obstacles, who withstood many attacks only to return to the battle with increased vigor and determination. His weapons were the unusual spiritual faculties with which he was richly endowed: a brilliant mind, a brave and compassionate heart, an iron will, an eloquent voice, and a gifted pen. He was a leader of men who inspired others "to dare to follow where he dared to lead". When he enlisted in the service of a cause, his entire being was committed. His energy, which flowed from an inexhaustible source, and his time were expended with a dedication which transcended all personal considerations.

My warm friendship and association with Rabbi Shubow began some thirty-five years ago when I was a member of the Harvard Avukah, the American Student Zionist Organization. Rabbi Shubow was one of the founders of Avukah and before that had served as the president of the Harvard Zionist Society. His involvement in the Zionist Movement stretched back over a half-century during which time he became one of its leading spokesmen in our country. He pleaded the cause of Zionism from pulpit and platform and inspired a vast audience throughout the land with his unusual eloquence.

He wrote numerous articles and essays which enlightened his many readers with a deeper understanding of the vital need of a homeland for the Jewish people. And when

the State of Israel was established, he redoubled his efforts to enlist the strength and the support of his fellow Jews. His convictions, zeal and ardor were communicated with great impact upon those who heard him speak or read his writings. The words of the prophet Isaiah come to mind as we recall Rabbi Shubow's indefatigable labors for the rebirth of Israel: "For Zion's sake I will not keep silent and for Jerusalem's sake I will not rest until her vindication goes forth as brightness and her salvation as a burning torch". Rabbi Shubow's enormous contribution to the furtherance of Zionism has become part of American Jewish history and will long be remembered by those who came under his wide influence.

When we consider the multiplicity of interests, loyalties, and activities which occupied Rabbi Shubow's time, thought and energy, we find it incredible that one man could have undertaken and achieved so much of lasting human value. As a rabbi he served his congregation not only as preacher, teacher and pastor but also assumed many of the administrative responsibilities so vital for the proper functioning of a synagogue. As a leader in our community he sought to achieve greater cooperation and unity by joining with some of his rabbinic and lay colleagues in founding the Rabbinical Association of Greater Boston, now known as the Massachusetts Board of Rabbis, and the Associated Synagogues of Greater Boston, now known as the Associated Synagogues of Massachusetts. Throughout the years he was a leading figure in these two organizations and gave of himself unstintingly to the furtherance of their programs. The many good causes which he served in the greater Boston community both Jewish and general are too numerous to mention. As a consequence he became a respected public figure and enjoyed the friendship and admiration of men and women of differing faiths and from all walks of life.

As busy as Rabbi Shubow was, he nevertheless found the time to give expression to his remarkable literary talent which began to manifest itself while a student at Harvard where he won several awards for his essays. He contributed numerous articles covering a wide range of subjects to various periodicals and newspapers. He served as literary editor of the Jewish Advocate of Boston and on the editorial staff of *Opinion*. He edited the Brandeis Avukah Volume, a very significant tribute to Justice Louis D. Brandeis on his seventy-fifth birthday. As a scholar, he pursued his studies throughout the years and received a Ph.D. at Harvard in the field of Political Science. His doctoral dissertation represents a valuable contribution to the history of Jewish thought and life and deals with the moral and spiritual antecedents of Zionism and the State of Israel.

As a human being Rabbi Shubow was blessed with a spacious and compassionate heart. Whoever was in need of aid, guidance or counsel knew that he could turn to Rabbi Shubow for help. The extent to which Rabbi Shubow gave of his time, energy and substance to countless human beings surpasses description. The story of what he did, while serving as an overseas chaplain in the U.S. Army during World War II, on behalf of the survivors of the concentration camps in Europe is yet to be told in its full dimensions. I have received many first hand reports from the survivors who settled in our community, the grateful beneficiaries of Rabbi Shubow's love, compassion and concern in the period immediately following their liberation. In their state of bewilderment they found in Rabbi Shubow a tower of strength, a compassionate leader and warm friend who infused their spirit with faith, courage and hope.

As we contemplate Rabbi Shubow's enormous contribution to the welfare of so many

human beings and to the advancement of so many causes, we recall the words which the Lord spoke to Aaron, the High Priest and to his sons: "Yet shall keep the sacred charge". Rabbi Shubow kept and fulfilled the sacred charge with the complete dedication of his spirit. As a leader he belonged to that category of men who, in the words of the ancient rabbis, "light lamps to illumine the path of their fellow-men". Rabbi Shubow was indeed such a lamp-lighter. The lamps which he kindled brought light to countless human beings. It is a light which will not fail.

The concern which Rabbi Shubow manifested for the well-being of his fellowmen was but an extension of the love which he gave to the members of his dear family. The deep bonds of affection and devotion which united him and his beloved wife, Beatrice, engendered a relationship which can best be described in the words of the ancient Rabbis: "When a husband and wife prove worthy, the Divine Presence dwells in their home". Indeed the climate in the home of Rabbi and Mrs. Shubow was permeated with love and joy and warmth. It was in this happy atmosphere that the personality and character of their dear children Judy and Moshe were molded and fashioned. Rabbi Shubow was never too occupied to give of himself to his children. They were his delight and he was their refreshing source of love, devotion and guidance. And when the children were married, their wonderful mates, Bert and Mary Jane, and the grandchildren enriched the Shubow family with an added dimension of happiness and warmth. As husband, father and grandfather, Rabbi Shubow's heart and mind sustained the spirit of his dear ones with strength, wisdom and joy.

As we say farewell to our beloved Rabbi Shubow, there come to mind the words which, according to the Midrash, the Lord spoke to Moses as He said farewell to him: "Moses, you have toiled hard and labored much. Go now and rest". Rabbi Shubow labored hard and long, give the best of himself to his spiritual calling and has now gone to his eternal rest.

May G-d bless his dear wife Beatrice, the children and grandchildren, his brothers and the other members of his family with the strength and the fortitude to bear their great loss with courage. May the shining example of Rabbi Shubow's life serve as a source of inspiration and emulation for all of us. May his soul be bound up in the bond of eternal life.

THE RETIREMENT OF THE 34TH AIR DIVISION AND COLONEL GALLAGHER

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BROWN of Michigan. Mr. Speaker, during the holiday recess I had occasion to participate in a none-too-festive ceremony at the Custer Air Force Station in my district. On December 30, ceremonies were held acknowledging the deactivation of the 34th Air Division and the retirement of its commander, Col. Raymond K. Gallagher. The deactivation of the 34th Air Division was a consequence of economy measures taken by the Department of Defense pursuant to the instructions of the Congress and the administration. Everyone appreciates economy in Government, necessarily including economy in the Defense Establishment, yet when those economy moves

strike home and disrupt a fine relationship such as that which existed between the officers and personnel of the 34th Air Division and the Battle Creek community, economy becomes a bitter pill to swallow.

And, when such deactivation ceremonies are the occasion for the retirement exercises of the commanding officer of such deactivated unit, the hurt is even more sharply felt.

In my 3 years in the Congress, I have had many occasions to work with our friends in the military at Custer Air Force Station and have always been impressed with, and appreciated, the fine cooperation and assistance I have received. Colonel Gallagher has been a fine commanding officer of the 34th Air Division and has made an outstanding contribution to this Nation throughout his career. At the same time, he has helped tremendously in maintaining the warm and pleasant relationship which has existed between the military operations for which he has been responsible and the civilian community of nearby Battle Creek.

I could go on and on, for the nice things that can be said about the 34th Air Division and Colonel Gallagher are almost limitless, but others have expressed, better than I could, the history and accomplishments of the division and Colonel Gallagher. I, therefore, wish to insert in the Record at this point for proper appreciation by all of my colleagues the article by Stan Kaufman, the fine reporter of the Battle Creek Enquirer and News, concerning Colonel Gallagher's retirement and a brief history of the 34th Air Division which was incorporated in the program for the deactivation-retirement ceremonies. The article and history follows:

A CAREER BEGINS AND ENDS AT FORT CUSTER—COLONEL GALLAGHER EXITS WITH ENVIABLE RECORD

(By Stan Kaufman)

On a hot June day in 1938 a raw second lieutenant in the cavalry dropped his barracks bag in a tent at Camp Custer to begin his active duty with the Army.

Today, that same person is a "full bird" colonel preparing to retire at the Custer Air Force Station, concluding an illustrious 31-year military career.

He's Col. Raymond K. Gallagher, commander of the 34th Air Division, which officially will be deactivated Dec. 31.

Col. Gallagher also retires Dec. 31.

His recollections of old Ft. Custer?

"Hell, there was nothing out here. Only a few buildings were up. It was a tent world," Gallagher said.

"I remember our field trips. They usually were to Gull Lake, which was only a wild woods at that time. We used to swim our horses in the cool lake water. We'd bivouac there and return the next day.

"Most of our training was on the fort area. We had our cavalry charges through the woods and over the fields. Getting to town was not a frequent occurrence. We were tired and it was a long walk," Gallagher said.

Actually, Gallagher's first duty here was in 1937.

He came to Camp Custer for a two-week summer encampment while an ROTC cadet at the University of Illinois.

The Air Force colonel tells one on himself while still a horse soldier here.

"We just completed a charge and were taking a 10-minute break. Being near a strawberry patch, I strayed over with my horse,

Queenie. I was picking berries when she became frisky . . . I didn't ride for several months," Gallagher said.

But Gallagher had another yen.

He traded his saddle for a new cockpit in August 1939 when he entered flight school at Kelly Field, Texas.

Thus he holds the distinction of having switched from horses to supersonic jet aircraft during his career.

Gallagher also takes with him an enviable flight record which veteran Air Force officers charge will never be broken.

The colonel has not missed a month's flying time in more than 30 years!

To be exact, he will have 365 months of consecutive flight time, including this, his last month.

During his career, Gallagher has logged more than 9,000 hours of flight time with a majority of that time in fighter aircraft.

Gallagher has flown 80 different aircraft in the nation's inventory—including being currently qualified to "jockey" the F102 "Delta Dagger" and the F106 "Delta Dart," both supersonic fighter aircraft.

Gallagher earned a bachelor's degree in industrial administration in 1937 from the University of Illinois. But the Air Corps was his first choice even in college. For a year before getting his commission in the cavalry, Gallagher worked for \$13 a week as a cost estimator for a lumber company.

An early assignment after winning his aviator's silver wings was at Hickam Field in Hawaii. He was there Dec. 7, 1941 when the Japanese attacked the island outpost.

Gallagher flew one of the first combat missions in a P40 "Warhawk." He flew patrol missions against an anticipated enemy invasion.

Subsequently, Gallagher moved farther out into the Pacific where he logged 160 combat missions. He flew P40s, P38 "Lightnings" and P47 "Thunderbolts."

His kill for the Pacific war was one Japanese "Zero" fighter and one "Betty" bomber.

The Korean conflict saw him back in the thick of the aerial war. He was then commander of the 8th Fighter-Bomber Wing. Gallagher, then a colonel, flew 103 combat missions and logged 141 combat hours in F80 "Shooting Stars," the nation's first jet fighter.

On Aug. 29, 1952, Gallagher led the 8th on three consecutive raids against Pyongyang, the North Korean capital. The missions were described "as the most devastating destruction in a single day during the Korean conflict."

Gallagher said the three successive air strikes were made without loss of a man or aircraft despite intensive antiaircraft fire.

In all, 300 fighter-bomber sorties were flown while Gallagher circled over the target for three hours directing the strikes. For his action, Gallagher was awarded the Silver Star Medal for gallantry in action.

This September, Gallagher made a sentimental trip to Korea to visit the famed 94th Fighter Squadron from Seifridge Field, which was on rotation duty. While there, he flew three patrol missions with the "Hat in the Ring" squadron. The 94th is in the 34th Air Division.

Commands are not unusual for Gallagher. He has held many—including nine of squadron level or above—both in this country and overseas.

In addition to the Silver Star Medal, Gallagher holds the Legion of Merit with one oak-leaf cluster, the Distinguished Flying Cross with two oak-leaf clusters, The Air Medal with five oak-leaf clusters and the Air Force Commendation Medal.

He is to be awarded a second cluster to the Legion of Merit at retirement ceremonies.

Gallagher met his wife, Caroline, while both attended the University of Illinois at Champion. A daughter, Nancy, also a graduate of the university, is teaching in Atlanta,

Ga. A son, Richard, is a junior at Springfield High School with hopes of attending the Air Force Academy at Colorado Springs, Colo.

DEACTIVATION-RETIREMENT CEREMONY, DECEMBER 30, 1969—CUSTER AFS, MICHIGAN PROGRAM

Invocation.
Welcome.
Reading of history.
Remarks by the commander.
Canadian National anthem.
U.S. National anthem.
Casing of the colors.
Retirement of Colonel Raymond K. Gallagher.
Reception.
Guest of honor: Major General Robert W. Burns, Chief of Staff, Aerospace Defense Command.

HISTORY OF THE 34TH AIR DIVISION

The 34th Air Division was originally activated 5 January 1951 at Kirtland Air Force Base, New Mexico, as part of the Western Air Defense Force, Air Defense Command. On 16 February 1953 command of the 34th was transferred from Western to the Central Air Defense Force. On 1 January 1960 the 34th Air Division was inactivated at Kirtland Air Force Base, New Mexico.

In 1951, just outside the main gate of a still active Fort Custer, Custer Air Force Station was established to support the 781st Aircraft Control and Warning Squadron, whose radar towers on the fort itself still stand. Fewer than a hundred Air Force personnel called Custer home.

Velled in secrecy as "Project DADS", the Detroit Air Defense Sector of the new SAGE System approached reality as ground was broken on Custer Air Force Station in 1956 for a windowless blockhouse. The initial cost for the new facilities was \$27 million. Two years later, nearly \$20 million worth of advanced computers were installed, as the new defense center neared its operational date.

On 1 September 1959, without fanfare, the Detroit Air Defense Sector went operational. Its area of control was a small section of mid-America which included southern Michigan, northern Ohio, and Indiana. A total of 800 military and civilian personnel manned the system.

On 1 September 1963, the fourth anniversary of operations, the Detroit Air Defense Sector was expanded to 220,000 square miles, becoming the largest air defense sector in ADC. Its responsibility included the protection of 22 million people. Manning topped a thousand personnel.

In 1965 the sector was judged the best in the nation, topping all other ADC sectors in the Freddie Smith Trophy Competition.

On 1 April 1966 the Detroit Air Defense Sector was redesignated the 34th Air Division. By 1968 the area of responsibility of the 34th had grown to 391,000 square miles, including all or part of a dozen mid-American states and a portion of Canada. The Division stretched from the Straits of Mackinac to the Smokey Mountains of Tennessee, from Niagara Falls to the Mississippi. 54 million citizens were protected by a defense network controlled from the Custer Air Force Station Blockhouse.

Now with the great advances of the state of the art of aerospace defense, the new BUIIC system and the remaining SAGE system, even vaster areas can be covered from one location and the 34th Air Division and Custer AFS can be retired. As of 31 December 1969 the 34th Air Division will be deactivated, and so ends an ERA in Aerospace Defense.

FORMER COMMANDERS

Colonel John W. Mitchell; Colonel Charles G. Chandler; Colonel Chester L. Sluder; Colonel Glendon P. Overing; Brig. Gen. George V. Williams; Colonel Stanton T. Smith Jr.; Colonel Raymond K. Gallagher.

NOISE CONTROL

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. RYAN. Mr. Speaker, the quality of life is an overwhelming concern of Americans today. The more visible signs of our deteriorating environment have drawn the greatest amount of public comment. We all are aware of the smog hanging over our cities and the filth-strewn rivers and lakes whose pollution is steadily increasing.

A serious but less publicized factor in the decline of our environment is the incessant, ever-present noise which assails us virtually 24 hours a day. There is scientific opinion that, not only is noise disturbing, it is also harmful to physical and mental health.

To attack the problem of noise, I have today introduced the Noise Control Act of 1970, which would establish an Office of Noise Control in the Office of the Surgeon General. Through this Office, grants will be made to States, counties, municipalities, and regional governmental bodies, commissions, and councils, to fund programs for noise control and for research into the causes, effects, control, and abatement of noise.

The bill further provides funds for research and demonstration projects to be conducted by public and nonprofit agencies and institutions. And third, the bill establishes the Noise Control Advisory Council in the Department of Health, Education, and Welfare, which shall report yearly on the activities of the Office of Noise Control, and of other agencies of the Federal Government working on the problem of noise, and of local governmental bodies.

Passage of the Noise Control Act of 1970 is essential. The problem of noise is increasing and must be addressed now. An article in the January 15 edition of the Washington Evening Star, written by Roberta Hornig and James Welsh, details in depth the problems which the Noise Control Act of 1970 attacks, and I commend it to my colleagues:

[From the Washington (D.C.) Evening Star, Jan. 15, 1970]

THE DAY L. B. J. WAS ALMOST SPEECHLESS
(By Roberta Hornig and James Welsh)

Not long after he died in 1967 poet Carl Sandburg was honored at a ceremony at the Lincoln Memorial.

President Johnson sat there while one dignity after another rose to speak. Johnson couldn't hear much of what they said. Almost all he could hear was the jets overhead, coming down the Potomac on their landing run to National Airport.

As his own turn to speak approached, Johnson turned to Interior Secretary Stewart Udall.

"Get rid of those jets," he ordered.

A startled Udall spoke to the nearest Secret Service man, who quickly telephoned the presidential command to the airport. By the time Johnson rose to speak the noise had stopped. And throughout his address, the jets remained miles upriver, circling.

As the story goes, this is a big reason Washington became as involved as it now is in trying to curb excessive noise. It wasn't long after the Sandburg ceremony that federal officials began speaking out much more

strongly about "noise pollution" than they had in the past.

More substantial reasons aren't difficult to find. Largely they stem from the widespread introduction of jet aircraft to places like National Airport, and the fact that if a citizen is bothered by the sound, he can't order the jets turned around like Johnson did.

Protests and lawsuits over noise have been on the rise. Major lawsuits are under way contesting airport noise in New York, Chicago and Atlanta.

And so noise has become the latest environmental hazard to get the federal government's seal of disapproval. Springing from 1968 legislation, a new noise-abatement office is operating from the Department of Transportation. And a few of the states have similar offices.

But should noise, which is usually defined as unwanted sound, be equated with the widely prevalent and publicized forms of pollution?

Yes, say some specialists. They cite the warning of Nobel Laureate Robert Koch some 60 years ago: "The day will come when man will have to fight merciless noise as the worst enemy of his health." They warn that if noise levels continue to rise as they have in the recent past, what is now a threat could be lethal.

No, say others. In order of magnitude and concern, noise is not in the same class as what's happening to the air and water, they say. And it is not, in a technical sense, a pollutant, since to pollute means to soil or dirty. Noise does not soil or dirty, nor does it accumulate as waste accumulates.

Yet there is general agreement that excessive noise, if not pollution, nevertheless can be a menace to health and well-being.

Moreover, if it does not threaten the environment, it lowers the quality of the environment.

The same thing is often said of other by-products of modern life, especially urban life. The billboards protrude; the power lines and freeways cut across the land; roadside commercial blight spreads; open land diminishes; ugliness prevails.

All of these things relate to the question of what can be done to make urban living more pleasant. It's a question that can lead to endless debate.

The answers are not easy. For example, if highway construction is halted, it creates greater traffic congestion. Or if housing development is blocked over a huge area, it drives prices up and contributes to the density of other areas.

One thing is certain: Concern for the amenities is assuming greater importance. It is inseparable from the over-all environmental issue.

Noise, unlike ugliness and blight, can be measured with great precision. For purposes, it is measured in decibels (db), which are units of acoustic pressure levels.

The numbers can be deceptive. The sounds inside a quiet residential home might average 40 db, the sounds of a busy downtown street 80 db, the sound of a pneumatic air hammer 120 db.

But this doesn't mean the street is twice as noisy or the air hammer three times as noisy as the home.

Decibels rise by logarithmic ratios, so that a 50 db noise is 10 times as intense as a 40 db noise. For each additional 10 db, multiply by 10. The busy street, then, is 10,000 times as loud, the air hammer 100 million times as loud as the quiet living room.

Not long ago, Malcolm C. Hope, the District's associate director for environmental health, and Harry Gilbert, his specialist for noise problems, took a ride through the Washington area.

Inside the car on upper Connecticut Avenue, the needle of Gilbert's audiometer flickered in the 50 db range. Quiet enough. A window was open; the needle went past

60 db, and when a truck passed, it went to the mid 70s.

"This is nuisance level, nothing dangerous," said Gilbert.

On to Washington Cathedral. Very quiet. Inside, the audiometer measured the hushed sounds at about 40 db, until the organ began playing. At the cathedral's great crossing, the organ measured 72 db.

Back downtown, the window open at Connecticut and K Street, the needle pointed up toward 80 db, higher when horns were sounded. It hit 95 when a bus revved up.

Hope noted that tribes in Africa living in a quiet isolated environment were found to have near-perfect hearing.

"Our 'normal' is really abnormal," he said. Around to other parts of town:

From nearly 100 yards away, a pile driver in the Southeast measured about 100 db. On the Southwest Expressway, sounds ranged in the 80s. And at the 14th Street Bridge, it went into the 90s as a plane passed overhead.

Finally, to Gravelly Point in Alexandria on the direct landing pattern to National Airport. As a jet came over, the audiometer needle swung to 114. Afterward, the needle dipped, but not too much, for the airport itself is a noisy place. The meter registered 108, 102, 105, then back to 115 as another jet swung overhead.

"Let's face it, the jet is a noisy engine," said Hope. "Exposure to that kind of noise for any period of time is dangerous."

The effects of noise generally fall into four categories.

Noise annoys. A dog barking, a siren screaming, a motorcycle tearing around a corner—any or all can be an irritant. This is not a danger, but it helps degrade the quality of urban life.

Noise disrupts. Above 50 db, it can interrupt sleep. And it can make studying difficult. Above 80 db telephoning can be next to impossible.

Noise can cause loss of hearing. Federally adopted standards say a steady 85 db is about all anyone should be asked to absorb over the length of a workday. At 95 db, the listening limit should be four hours, according to Gilbert. At 115 db, it is more like 15 minutes.

Dr. Hayes Newby, head of the Maryland University speech and hearing clinic, says "There is no doubt of the damage that can be done. What is deceptive is that the noise levels that can cause damage are well below what is painful or uncomfortable."

Dr. Lloyd Bolling, of the George Washington University speech and hearing clinic, says an increasing number of people are reporting trouble hearing, many of them older persons. "Medical science is prolonging life," he said, "but the hearing mechanism deteriorates at the same rate. And we know that exposure to high levels of noise can help speed that deterioration."

Noise may be injurious to physical and mental health. But on this point, the specialists are in sharp disagreement.

The moderately alarmist side begins from this premise:

Man evolved in a relatively quiet world. When noise did occur, it could produce a healthy response. It was both signal and warning. Now noise abounds, with the abnormal, as Hope suggested, the normal.

Britain's Dr. John Anthony Parr, asked if man has become used to higher noise levels and whether he can get used to more, replied: "Yes, that is true, but only at a price. One cannot ignore a noise, only put oneself in a condition in which we do not make any obvious reaction. It means keeping all the muscles tense so that we are not jumping up and down like a human yo-yo, and keeping ourselves in this state of permanent tension leads on to mental stress."

But some specialists go farther.

At the annual meeting of the American Association for the Advancement of Science

recently, a panel of scientists presented papers suggesting that sonic booms threaten the health of unborn babies and that noise may contribute to heart trouble and blood cholesterol. In other studies, noise has been blamed for a wide range of problems—from indigestion to an increase in the divorce rate.

But there is a conservative view, too, and it's widespread.

Drs. Newby and Bolling, for instance, say many of the claims that noise produces various ailments are highly speculative. Many scientists, too, question the validity of the research that led to these claims.

Dr. Leo J. Beranek of the Massachusetts Institute of Technology has long been one of the nation's leading acoustic experts. He believes that many people are unusually susceptible to noise, but many of the reports of the effects of noise are overplayed.

After talking with a reporter for some time, Beranek said:

"Maybe you've found I'm disappointing to interview. The stories that people might wind up dying in the streets with blood running out of their ears might be more exciting."

Beranek believes that 10 to 15 percent of any group of people are highly sensitive to noise. If they are unable to adapt, they should not live near sources of loud noise, he said.

All the experts agree that the world is getting noisier. Jets fly to once-quiet islands. Urban life and noise chase the suburbanite. The farmer uses loud new machinery.

Yet Beranek is one specialist who believes the noise levels in some cities—notably New York and Chicago—are leveling off.

"Transportation is the biggest source of rising noise levels—the planes and the road traffic," he said. "If some cities are getting no noisier, it's because they've absorbed all the traffic they can."

What angers the specialists in this field is that except for the sonic boom, excessive noise produced by technology can be suppressed by technology, and by regulation. The noise problem can't be completely solved, but it can be ameliorated.

A number of European nations are ahead of this country in reducing urban noise levels. (Not all of them, to be sure; Rome, for instance, is regarded as noisier than any American city.)

But the Swedes and the Danes, the British and the Swiss have set limits for such noise producers as motorbikes and machinery used outdoors. Moreover, while it's still a joke in this country to talk of paper-thin apartment house construction, much of the European housing industry is doing a good job with noise-cutting components.

Quiet jack hammers, air compressors and pile drivers are available. Blasting can be muffled. So can much of American industrial machinery. And the cost frequently is low.

Beranek estimates it would cost no more than \$25 a car, in mass production, to turn out quieter mufflers, better enclosed engines and quieter tires to cut down on road noise.

Col. Charles Foster, chief of the federal Noise Abatement Office, believes the cost would be somewhat higher—but not by much.

Why not require such sound-softeners?

"It's a subject of debate at present," said Foster, "and it isn't that simple."

"Setting federal standards for cars would mean getting into all manner of maintenance problems—the question of how a muffler, for example, performs after the car is older."

Foster's office now is discussing the problem with the auto industry. It hopes to produce noise-muffling recommendations upon which the government could, at the least, specify that when it purchases new vehicles for its own use they have the sound-softening devices.

Working with the National Bureau of Standards, the Noise Abatement Office also

hopes to turn out recommendations and ratings for tires, which account for a big part of road noise at high speeds.

But that won't be easy either. A total of 654 tire-tread patterns are on the market today. Some are noticeably quieter than others. Foster fears that the quietest treads, avoiding horizontal indentations, will not be the safest treads.

For regulatory purposes, Foster's office currently is in business for only one reason: to cut down aircraft noise. With its authority spelled out in the 1968 legislation, it requires all new planes to be equipped with quieter engines.

Will noise around airports go down? No. For the foreseeable future, it will go up. Foster is the first to concede that.

All but the newest planes are as noisy as ever. To refit America's jet fleet with quieter engines—up to \$5 million a plane for a 15db noise reduction is one estimate—would be economically prohibitive.

Beyond that one factor, the number of planes in the air will increase. To accommodate them, smaller airports will grow bigger and new airports will crop up.

"We're not going to improve this part of the environment fast enough to please the public," Foster said. "Someday, we may have planes making little noise at all. But right now it's tough. I think we'll see more complaints, more lawsuits."

Militancy is rising on other fronts where urban amenities are threatened. Local conservation groups are battling what used to be considered inevitable forces of development.

As often as not, open land is the focus of conflict.

In Montgomery County, Washington's wealthiest suburb, highway planners couldn't figure a better route for the new Northern Parkway than to run it through a lovely stream-valley park and Wheaton Regional Park. Public hearings in the last few days indicate a massive amount of citizen resistance.

This kind of save-the-land militancy goes beyond the crowded urban areas.

The Potomac Edison Co. wanted to build a 500 kilovolt transmission line across the Potomac about an hour and a half's drive from Washington. Citizen protests—contending the line would have ruined the scenic view of the Antietam battlefield—stopped it.

Now the power company, with the permission of the Interior Department, wants the power lines, with towers more than 100 feet high, to run adjacent to the proposed Potomac National Park. The public outcry continues, reaching a peak this week at congressional hearings.

Nationally, much of the concern for what's happening to the land focuses on parks and recreation holdings—preserving them and adding to them. This is a situation with bleak prospects.

The problem could be called simple—too many people, too few parks. And there isn't enough money to buy new parks.

This is another of the environmental issues that boils down to a question of what the government is willing to spend.

The Bureau of Outdoor Recreation has estimated it would cost more than \$300 million to acquire national parks, including Point Reyes near San Francisco and Cape Cod National Seashore, that already have been authorized. This is to say nothing of the money required for such proposed new parks as the Potomac National River and Connecticut River National Recreation Areas.

This year the Nixon administration asked for \$125 million—half of it to go to the states—and that's what Congress appropriated, despite congressional guarantees of last year earmarking \$200 million a year for parkland purchases.

From what Budget Director Robert P. Mayo told congress, the administration apparently intends to ask no more than the \$124

million in the next fiscal year. And he told Congress in effect: Don't bother authorizing any new parks since it will take years to buy the land for those already authorized.

It's uncertain whether President Nixon, now increasingly aware of public concern for the environment, will raise the ante for buying parklands.

WHAT'S THE MATTER WITH THE U.S.A.?

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. ROUDEBUSH. Mr. Speaker, Mr. Eugene C. Pulliam, publisher of the Indianapolis Star, wrote a magnificent editorial for New Year's Day, 1970.

I would hope that this message could be given to every American who has suffered through the past decade of attack and attempted debasement of our Nation's principles.

Mr. Pulliam urges the American majority to shake off its apathy and realize that those who downgrade this country at every opportunity are a danger to the future of the Nation.

This forceful editorial should be examined by every Member of Congress and I submit it for the RECORD.

The editorial follows:

WHAT'S THE MATTER WITH THE U.S.A.?

What is the matter with us in America? Here we stand, on the threshold of the Seventies—the strongest, freest, most compassionate and humane nation on earth; yet from all sides we daily hear intemperate assaults on our way of life, our cherished values, our inspired traditions and our national character. And millions of us in the "silent majority" tolerate those assaults.

For more than 10 years a hodgepodge of downgraders of America has tried to persuade us that everything we believe in, everything we have done in the past and everything we plan to do in the future is wrong. Their violent actions on college campuses, their desecration of public buildings, their despoliation in our cities—mostly unhindered and unchecked—are paraded before us in newspapers and magazines and on TV as though these people were the harbingers of some glorious future instead of destroyers of both necessary public institutions and private property. These downgraders are willing to shout out against everything that is wrong with America but they are unwilling or unable to see anything that is right with America.

The so-called "American Establishment" is accused of permitting poverty to continue in this country. Don't the accusers know that even an American living on welfare or unemployment insurance in the United States has a higher income than almost any Chinese, almost any Indian, almost any citizen of Africa or Latin America?

We are told by the downgraders of America that our system is oppressive of freedom. Can they name a country that permits more personal freedom, willingly extends more private charity (more than 6 billion dollars per year), guarantees more civil rights, has more democratic institutions, or free speech, more freedom to travel, more of every quality that makes life good, rewarding and promising?

We are told we should feel guilty for helping our allies in Korea and Vietnam maintain their independence from Communism.

We may have made mistakes in the way we have conducted these wars; but assuredly we should not feel guilt for honoring our promises, for helping others to resist aggression, and for fighting—with no hope of material reward—for the right of these people to live in peace and freedom.

What is the matter with us?

Don't we know it is not fear that brings progress and achievement? It is faith—faith in God, faith in our country, faith in ourselves.

Don't we know that cowardice will not provide security and preserve peace? It is courage and confidence in the rightness of our course and the honor of our cause.

In 1837 Abraham Lincoln warned us "never to violate the laws of the country and never to tolerate their violence by others . . . let reverence for the law . . . be taught in the schools, seminaries and in colleges, let it be written in primers, spelling books and almanacs, let it be preached from the pulpit and proclaimed in the legislative halls, and enforced in the courts of justice . . . In short, let it become the political religion of the nation."

If we object to the law, let us amend it, modify it, repeal it—but while it is the law, let us obey it. The law is a protector of all citizens, white and black dissenters and supporters. Violence in expressing opposition to the law cannot be tolerated. A permissive attitude toward such violence is one of the real evils in American life today.

What is the matter with the USA? Nothing is the matter that cannot be corrected and cured if the great "silent majority" will throw off its apathy and become involved in restoring support for the government and respect for the law. The "silent majority" must speak out, stand up, and be counted—and demand action that will put an end to the destructive blackmail by the hodgepodge of America's downgraders who would destroy the democratic foundations, on which this country was founded.

OUR INLAND WATERWAYS

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. PERKINS. Mr. Speaker, at a meeting of the Ohio Valley Improvement Association held in Cincinnati, Ohio, last October 23, a distinguished resident of my congressional district made a splendid assessment of the progress we have made in developing our great, natural water resources in the Ohio Valley.

He was Mr. Rexford S. Blazer of Ashland, Ky., the chairman of the board of the Ashland Oil & Refining Co.

In order that the Congress may have an opportunity to study this thoughtful essay, I include it in the RECORD at this point:

RESPONSIBILITY AND PROGRESS

(By Rexford S. Blazer)

There are many different ways to measure progress in the short run, but in the long run results are obvious. In the long run, it is very easy to see where one area has moved forward or another area has fallen behind. Here in the United States, with our relatively brief history, we have had the opportunity—unique among nations—of being able to review all the experiments tried in other areas of the world and to assess for ourselves whether or not these experiments have succeeded. In political terms, that outstanding intellect among the Founding Fathers, John

Adams, undertook such a survey to evaluate all the efforts that a republican form of government ever attempted in the past, to discover the reasons for consistent failure. As a result, Adams recommended—and his associates accepted—a number of checks and balances in our constitution devised to protect the government and the people against violent and hasty change.

For the first one hundred years, after the establishment of this Republic in 1789, Americans paid close attention to historical precedents in other parts of the world and maintained a steady interchange between our universities and those of Europe to ensure that we would not find ourselves unwittingly repeating errors committed in the past by other countries.

Recently, United States Senator Stephen M. Young in an essay published by the National Waterways Conference drew attention to some of these errors in regard to water resources. He mentioned, in particular, the Mesopotamian area where the great water resources of the Tigris and Euphrates rivers were allowed to deteriorate, to flood the countryside, and carry away the soil, until today they barely support two million people where once fifteen million prospered.

History recites many other instances, of course, where ignorance of proper methods of conservation has created deserts out of once fertile lands. The interior of China, a nation afflicted with virtually every ill conceivable, reveals vast deforested areas, and the annual floods of China have wrought havoc and continue to horrify the world.

When we review, therefore, the various regions of earth, we find all the information necessary for us to determine the best methods of preserving the water resources of this nation for the benefit of ourselves and future generations. It is remarkable, however, that in recent years the American educational establishment and Americans as a people have turned their backs, in an intellectual sense, on so many of the lessons and illustrations of history and seem, instead, to have embarked upon a course that repeats, instead of avoids, the errors of the past.

Some of these errors have been committed so recently that they provide contemporary examples. For instance, the City of New York is a seaport. When successive waves of immigrants from both abroad and interior agricultural areas poured into that metropolis, the city's need to improve its harbor facilities, its utilities, its water mains, its sewage system, and its subways, was completely obvious and imperative. However, the officials of the city, with an eye on the ballot box, chose instead to allocate tax funds for welfare and social-oriented programs that were both more popular and more immediately benevolent. As a consequence of this shortsighted policy, New York today constitutes a vast metropolitan area possessing the nation's largest percentage of unemployed, with one person out of every ten supported by the city itself, occupying a polluted and deteriorating environment. The once-beautiful Hudson River today is a stream so polluted that people are forbidden to enter its waters. The city is in a desperate financial condition and its press, unaware of the basic reasons for its unhappy condition, criticizes the remaining industry and its unhappy population alike.

The fact of the matter is that New York and its environment began with a great natural resource, which it dissipated. Today its position as a seaport is no longer paramount in the nation.

If we want to contrast the methods of the grasshopper with the methods of the ant, we can use New York as a grasshopper and we can use the Ohio River Valley as the ant. In this region, in 1895, it had already become apparent that insufficient attention had been paid to controlling and improving the waterways. The Ohio Valley Improve-

ment Association, established without fanfare, chose to use the arduous, time-consuming methods of persuasion and study. It embarked upon a program, in cooperation with the U.S. Army Corps of Engineers, to improve and to use these waterways in a sensible manner.

The Republic itself was only a little over one hundred years old when the OVIA was founded to cope with a situation whose deterioration was already obvious. Over the decades, countless damaging floods had taken place and it was clear that the waterways would have to be improved if they were again to become commercially viable. Working along the lines of cooperation with the Engineers, the communities, representatives of industry, and members of Congress, the OVIA obtained—with great effort—funds for the improvement of a system of locks and dams to create a minimal nine-foot channel. By 1930, a period of thirty-five years or more than a generation later, the OVIA's initial program was completed, yet already in the early stages of obsolescence.

In the early '30s, as we know, the nation underwent a tremendous economic and political convulsion and new governmental attitudes began to emerge.

It is interesting to review, in retrospect, the course of events that began with the New Deal's efforts to assist the nation's unemployed. These efforts began first with public works, with reforestation programs, with projects of flood control, and with similar attempts to combine the needs of the poor with the needs of the nation. Over the years, the work element in these projects disappeared, leaving only largesse. Today, the sums expended in direct welfare would actually transform the physical inheritance of the nation—but that factor seems to have become lost in clouds of political rhetoric. There are historic parallels for this progression, but it is not fashionable to call attention to them. In Rome, the government shifted from roads and aqueducts to circuses.

In similar fashion, the press of this nation, which once examined the nation's behavior with both a critical and a constructive eye, priding itself upon detecting chicanery where it existed and calling attention to accomplishment, seems now to have forgotten accomplishment and devotes itself almost entirely to criticism. There are historical parallels to this progression, also, but again, it is considered unfashionable to recall them. Let us mention only Athens, where the Sophists destroyed freedom.

Among the more curious signs that the press as an institution has abandoned rational analysis, is the deep-rooted habit it has developed of decrying all improvements of rivers, harbors and inland waterways as "pork barrel" projects. Every year since this nation was formed, it has been confronted with floods in one region or another. Every year since the founding of the Republic, the waterways have seen an increase in both commercial and pleasure travel. In the middle 1930's, as in the centuries before, the Ohio River overran its banks and inundated a great region extending all the way from Pittsburgh to the Mississippi River, making thousands homeless and causing millions of dollars worth of damage. One would have thought such an immense tragedy would have created a great press outcry for better flood controls and a more far-sighted policy of improving the waterways—but no such outcry developed.

In fact, the snide references to "pork barrels" and the tendency to hold members of Congress in low esteem whenever they discuss such necessary projects, remain as deep-seated during floods as during sunny days. The press has determined, to its own satisfaction, that the nation's physical needs are met by castigation and denunciation, and not by constructive efforts long sustained.

Nevertheless, the members of the OVIA and other organizations have persevered. For those who have studied this area know that there is no quick and easy way to improve an entire region; it must be done in a long-range, tireless and persistent manner.

From 1950 until 1968, the improvements of the Ohio Valley waterways have been a major factor in having attracted nearly \$32 billion worth of industry into the immediate river valley area. Today we can view the largest navigable river system in the U.S., greater than the total of the Mississippi and all its other tributaries combined. More tons of freight are carried on this system than on any other in the nation. The communities it serves directly, Pittsburgh, Huntington, Cincinnati, Louisville, and others, have not only prospered but the entire region and the entire nation have benefited.

Ordinarily, one would imagine that activities so remarkably successful—and beneficial to so many—would have attracted praise and respect, but too often the opposite has been true. A drumbeat of criticism has sometimes accompanied the OVIA efforts. The criticism has centered around two basic propositions: One, that commercial users of the waterways should pay tolls, and two, that locks and dams themselves constitute a form of legislative corruption usually referred to as the "pork barrel."

The first proposition was anticipated by the Founding Fathers when they devised the Northwest Ordinance of 1787. It is one of the errors against which they made a specific provision, stated in words so blunt that they cannot be argued away, that the waterways are free. The second proposition has an odd ring at a time when governmental expenditures of great magnitude are being made for purely welfare purposes, with no press criticism.

Most recently the argument has arisen that the U.S. Army Corps of Engineers and such organizations as the Ohio Valley Improvement Association are insufficiently aware of what is called the ecological effects of their efforts.

Ecology today, the study of the total environment, has become a fad word. Many people refer to ecology who have neither studied the subject nor are expert in it. It is, like all subjects, worthy of study and its experts are worthy of respect. But it is odd that efforts clearly based on an understanding of ecological realities should be criticized and considered misplaced. One cannot escape the suspicion that the editorial writers of some newspapers are both using terms inaccurately and reasoning from an oddly wrong-headed position. Few communities have benefited more from the efforts of the OVIA and the U.S. Army Corps of Engineers than the principal cities along the Ohio River, and few newspapers have done less to assist these efforts than some of the major valley journals. In fact, if this area were to follow the editorial advice of some of these publications in matters affecting the inland waterways and in other directions, these cities would find themselves, in a relatively short time, in the same tragic situation as the City of New York.

In measuring the progress of the Ohio Valley through the years, one can only conclude that the critics of these efforts have determined not to regard the facts and they prefer to hug their prejudices, many of which are no longer valid.

The fact is that the proper development of the river basin is seriously behind schedule, and this delay can be partly attributed to uninformed and politically motivated critics.

Let us be clear when we consider the physical nature of the world in which we live. This physical environment is no respecter of human motives or political ambitions. Archaeologists tell us today that at one time Mesopotamia was traversed with

a network of irrigation canals that kept the land fertile. The same was true in various sections of China, and in other parts of the world. The great City of Venice is, we understand, sinking into the sea because the descendants of those who created it dissipated their heritage and failed to keep up the necessary repairs and improvements to maintain their own homes.

We hear much today about the need for industry to become involved in our social problems. We hear much about the need for citizens to become involved in efforts to improve their environment. We hear much about the need for Congress and the government to become aware and responsive to national problems and we hear much about the need of the nation to change.

Yet the efforts of the Ohio Valley Improvement Association which have extended over a period almost one-half as long as the history of the United States—efforts that have consumed the time and the energies of generations of men involving the community, industry, Congress and agencies of the government—have been regarded as though they were insignificant. It seems to me, however, that the nation owes much to these efforts. It also seems to me that when the inevitable time arrives for this nation to be judged as to whether it has advanced or dissipated its unusual opportunity with respect to water resources, then history may well decide that through such far-sighted efforts as the Ohio Valley Improvement Association we have come out on the credit side of the ledger.

We must never allow ourselves to forget that those who have overcome nature to establish America must be succeeded by those who will improve nature in order to maintain America.

Let me, therefore, as one American citizen, thank everyone of you for what you have done, for what you are doing, and for what you will do in the future for our country and for the great valleys and basins which border our priceless resource—the inland waterways of America.

Thank you.

"OUR ENVIRONMENT" SEMINAR

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. BENNETT. Mr. Speaker, there is no more important domestic problem facing the next decades as the problem of our environment—how we want to live on earth.

It is important that all of us make sure our families and future generations have room to live and breathe the wonders of nature. Preserving what we still have is our greatest challenge.

On December 12, 1969, in Jacksonville, Fla., I sponsored the "Our Environment" Seminar. Federal officials from Washington, D.C., and Atlanta, Ga., discussed what the Federal Government is doing to improve our environment. Over 300 public officials, civic leaders, and interested citizens attended the half-day conference.

Because of the urgency of this problem and its importance to us all, I am including in the CONGRESSIONAL RECORD the program for the "Our Environment" Seminar, speeches by the Federal officials, and editorial comment on the seminar:

"OUR ENVIRONMENT" SEMINAR PROGRAM

(Friday, Dec. 12, 1969, Jacksonville, Fla.)

9:00 a.m. Opening Session (Auditorium South).

Moderator Harold R. Clark, Esquire.

Prayer Reverend Richard Roland, Minister, Riverside Avenue Christian Church.

Remarks Honorable Charles E. Bennett, U.S. Representative, Third District of Florida.

Welcoming Address Honorable Hans G. Tanzler, Jr., Mayor City of Jacksonville.

Presentations by Federal Officials.

Keynote Address Honorable James D. Braman, Assistant Secretary of Transportation for Environment and Urban Systems, Washington, D.C.

"Our Environment" and Water Pollution Honorable John R. Thoman, Regional Director, Federal Water Pollution Control Administration, Atlanta, Georgia.

"Our Environment" and Outdoor Recreation Honorable G. Douglas Hofe, Jr., Director, Bureau of Outdoor Recreation, Washington, D.C.

"Our Environment" and Air Pollution Honorable Gene B. Welch, Regional Director, National Air Pollution Control Administration, Atlanta, Georgia.

"Our Environment" and Housing and Urban Renewal Honorable Edward H. Baxter, Regional Administrator, Department of Housing and Urban Development, Atlanta, Georgia.

"Our Environment" and Defense Colonel John Redmond, Jr., Chairman, Department of Defense Environmental Pollution Control Committee, Washington, D.C.

10:30 a.m. Coffee will be served in discussion section rooms.

10:45 a.m. Discussion by federal officials.

Housing and Urban Renewal—Main Ballroom.

Water Pollution—Terrace Room.

Outdoor Recreation—Spanish Room.

Air Pollution—East Room.

Transportation Systems—Plantation Room.

12:15 p.m. Adjourn for luncheon.

12:30 p.m. Luncheon (Auditorium North).

Invocation Very Reverend Monsignor John J. Lenihan, Pastor, Christ the King Catholic Church.

Luncheon Speaker Honorable George B. Hartzog, Jr., Director, National Park Service. Benediction Dr. Sidney M. Lefkowitz, Rabbi, Congregation Ahavath Chesed.

REMARKS BY CONGRESSMAN CHARLES E. BENNETT

I deeply regret that, because of legislative business here in Washington, it is impossible for me to be with you today. However, I very much appreciate your being there and participating in this important discussion about how we can improve our environment. Notes are being taken on this discussion and these will help me to accomplish what you wish for me to do in Congress; and perhaps the seminar will be helpful to aid local action too.

The purpose of this seminar, bringing together a wide cross section of our community, is primarily to find what the federal government is doing to improve the quality of our environment; to see how we, as good citizens, can best utilize these programs; and to see what further government action may be needed and at what levels of government.

We are all grateful to the officials who have assembled from long distances to join in this discussion.

The greatest hope in preserving and conserving nature's handiwork is through positive action at all levels of government, local, state and federal, working with all citizens.

We not only need to set aside lands which are unspoiled, and in their natural state, but we need to clean up and revive what we have already destroyed and polluted.

Preserving what we still have is our great-

est challenge in conservation. This is particularly true in Florida, where the beauty of nature can be destroyed more easily and faster than in the sturdy mountains and deep ravines of the west.

Ridding ourselves of pollution and slums, and obtaining the preservation of natural resources, are things intertwined, and the solutions to these problems must come by coordinated efforts.

Truthfully: We have met the enemy and it is us.

We can see this here in Jacksonville and throughout Florida.

We have polluted, and are today polluting, the wonderful St. Johns River by dumping millions of gallons of waste into this waterway daily. Automobiles and factories pour pollutants into our air. Our agricultural insecticides need attention. We perpetuate slums and poor housing through inaction. We all must take part of the blame for these things. And we all must try to do something about them. That is the key reason for this meeting today.

There are many very expensive and yet unglamorous things that need to be done. I am pleased that there has been a cooperative effort between the City of Jacksonville and the federal government, and the State of Florida, to preserve, and to clean up what we have messed up.

For example, over \$1 million in Federal grants have gone to water pollution control in the last year here in Jacksonville. The Congress this year has authorized \$2,060,000 for a sewage treatment plant at the Naval Air Station, a significant step in cleaning up the St. Johns River. At the moment, the funding of this for this year seems uncertain; but it has been authorized by Congress and that it will soon be done is certain. The planned \$90 million water pollution control program for Jacksonville, I am sure, will receive substantial help from the federal government. The Housing Act of 1969 included a provision which will allow the city to acquire nine million dollars credit in its Neighborhood Development Program.

The state's outdoor recreation board, the Department of Housing and Urban Development and the Bureau of Outdoor Recreation have this year contributed some \$750,000 for the development of Seminole Beach as a recreation area—the Kathryn Abbey Hanna park. Yet this generous national gift fades in comparison with last week's million dollar lifetime savings gift of Willie Brown to our community and to future generations. He is truly Jacksonville's citizen of the year and for a lifetime. I dedicated this seminar to him in gratitude.

There are some exciting things we should do to preserve our natural beauty for ourselves and future generations:

We should establish the Thomas Creek Southernmost Revolutionary battlefield park, not only for its history, but even more to preserve the subtropical beauty and wildlife of the area. There are still deer and turkey there, in the limits of our bold new city; and right on Interstate 95!

The St. Augustine-Fort Caroline Trail, the only trail designated in Florida for inclusion in the national trails system, should become a walking trail—commemorating the oldest road in America.

The greatest immediate positive challenge we have in Florida is to make the Suwannee River valley a national park. Several national studies have indicated the feasibility of this.

The St. Johns River valley should also be considered as a scenic area for development and a scenic river parkway should be created running from the Mathews Bridge to Mayport. Such a beautiful roadway would run partly along the shore and partly on the islands which encircle Mill Cove. As part of the project, Mill Cove itself should be improved by increasing the water flow through it.

We must take care of our housing and urban problems, develop a transportation system which will blend in with the city and the town, solve the increasing air and water pollution crises, and set aside proper wildlife areas in their still existing natural state.

"Our environment" will not be worth living in if we don't meet these challenges.

TRANSPORTATION, PROGRESS, AND THE ENVIRONMENT

(Keynote speech by Assistant Secretary for Environment and Urban Systems, J. D. Braman, Department of Transportation, Washington, D.C.)

I welcome the opportunity to be with you today at the invitation of Congressman Bennett. His past activities in sponsoring protective legislation, as well as this series of seminars, are evidence that he is very much aware of the growing concern for our Nation's environmental quality.

There can be little doubt that these concerns are well justified.

T. S. Eliot, poet and critic, once said that he foresaw the end of the world as happening, not with a bang, but with a whimper. There is a growing body of opinion that he may have been right and that the first stage of the final crisis is already upon us—that the dying whimper of an environment burdened to the point of collapse may come before another 50 years have passed.

I do not necessarily subscribe to this gloomy prediction, but do believe that the time is here for all of us to face up to the monumental task ahead of us and get on with the job.

Ever since nomadic man first settled down and began scarring the soil with planting sticks, burning off the brush to win cropland, and chopping down trees to stoke his hearth fires, he has had some capacity to damage the environment. Only in the last few years, however, has mankind achieved the ability not merely to damage his environment locally, but to destroy it globally. This does not refer to the devastating ability of weapons of war, but rather to the "beneficial tools of peace".

We have termed this as progress or civilization and, through technology designed to improve our standard of living, we have created a toboggan-run down which we may be sliding to disaster—a slide smoothed by this very same technological excellence.

It is not my purpose here to dwell in great depth on the total question of environmental decay, which is beginning to concern deeply thinking people at all levels in our society. The effect of insecticides, fertilizers, and other deteriorating influences on the soil, the water, the atmosphere, and the health of the people, are indeed grave concerns and well merit the best thinking and research of which this country is capable.

As indicated in the title of my new office, environment takes a very high place. This is because the various elements used in the field of transportation do have a very serious effect either for good or evil on the environment in which we live.

It is not often that I have the chance to discuss transportation in the company of real environmental professionals like those on your agenda today. Not often enough is the subject of transportation placed in the context of environmental management. Too often transportation is considered an end in itself, rather than tool to be used to improve the quality of life.

Today, I would like to give you some thoughts on transportation and the environment, then describe briefly what we are doing in the Department, and finally, outline some ideas on which we think the Federal Government should be doing to promote a more enlightened environmental policy.

I think it would be useful at this point to describe the meaning of "environment"

as I see it. Our environment is the total of all surrounding things and influences to which we, as humans, are sensitive. The natural resources which make up the environment are the things and processes available for us to use, not only to sustain life itself, but whose proper use provides the means for such life to be full and satisfying. Ecology is the science concerned with interactions between life and elements of the environment. It is the process of looking at systems, in our case at transportation systems, both as they exist and as they are planned, and to be concerned for the consequences of actions to change or build new systems. A simple case in point is the process of building a bridge over a natural stream, rather than filling in the stream, to provide for a road. I recommend to you, if you are not acquainted with it, Professor Ian McHarg's new book, "Design with Nature", as a leading exposition of what may be called ecological planning. We are trying to promote this "ecological mentality" in the Department, particularly as we can apply it to the planning process. Part of the reason for so many urban highway and other system disputes has been the lack of enough attention to environmental and social factors early in the planning process, as well as during design and construction. We want these considerations to become a formal and required part of the planning process. Only then will our new systems properly reflect the growing concern over our environment. This means that, among other things, the impact of the facility on the land through which it passes, particularly the already too scarce public open spaces, must have been considered. As Professor McHarg would say, we are after the "least social cost" solutions, rather than simply considering the lowest cost measured in dollars alone.

I believe my office of Assistant Secretary for Environment and Urban Systems, with its role devoted, in large part, to environmental concerns, sets an interesting precedent in Washington, not only for transportation, but for the Federal structure as a whole. The office which I head was established by Secretary Volpe to give the highest priority to environmental factors in planning, promoting and building transportation systems. This development stems from an awakening on the part of concerned people to an understanding that transportation is always a major land user, always a shaper of the physical environment, sometimes a polluter as well as a major factor in economic growth, and that we had better begin to give environmental concerns a higher priority. Of course, the presence of a new role in the Federal bureaucracy does not do much in itself. What we want to do is to see that, as the Department considers and decides national transportation issues, economic efficiency is balanced with social and environmental costs and benefits, and that the user's benefits are always compared to the total social costs of the system.

To bring the issue a little closer to home, take the Miami Jetport as an example of competing forces—one of them transportation—acting on a land use issue. As you undoubtedly know, the position of all elements of the Federal Government has been that the Everglades National Park shall not and will not be damaged.

However, here is a situation where two valid and demanding public programs come into direct conflict. The Department of Transportation finds itself responsible for assisting in the provision of adequate and, above all, safe facilities for air travel in an area experiencing phenomenal growth, while at the same time, fully recognizing the necessity of protecting a unique national asset, the Everglades. Ironically, were it not a fact that virtually all land between Lake Okechobee and the Everglades has some contributing influence on the Everglades, all knowledgeable people would be applauding the Dade County Port Authority

for their foresight in attempting to solve the demanding need for better and more safe air facilities.

I am pointing up this case not because anyone will turn up as the victor or loser in the process, but simply to show that the Department of Transportation and its Federal Aviation Administration will cooperate with other Federal Departments as well as with State and local governments to produce a sensible approach to promoting essential transportation facilities, in this case, airport development. You have, in this great State of Florida, the kind of high quality environment along with a high potential for economic growth that will undoubtedly lead to other confrontations of competing uses of land, as technology and growth pressures challenge us to come up with new ways to preserve land. The kind of analysis and consideration going into the Miami Jetport issue should be part of all such problem-solving.

We are living in paradoxical times. As our technological capabilities raise our economic standard of living, they also lower our environmental quality indicators, the air we breathe, the land we use, the overall physical conditions surrounding both the urban and rural dweller. For instance, in the field of transportation technology, the private auto and highway system—and we have the greatest highway system in the world—has developed to levels of efficiency and performance beyond our expectations. But this development has been a major factor in unplanned growth, isolation of non-auto owners, increase in air pollution, and other uncomfortable pressures of urban life. While the private auto provides millions with personal mobility, millions of persons have no automobiles and cannot use our great highway system. While it is clear that the costs to date of providing this highly developed private automobile/highway service has been well worth it, I think now it may well be time to consider other priorities, namely public transportation. Of this, I will speak later.

Congress has not been silent on the need for tempering transportation efficiency with environmental concerns. The 1969 Federal Aid Highway Act, for instance, contains an amendment to the basic 1956 highway law which broadens the required considerations for urban highway location from simply "economic" considerations to, and I quote, "social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community".

I have no doubt that the Federal Highway Administration recognizes the need for this approach, particularly as major highway construction centers more and more in congested urban areas. It is my observation, however, that this understanding is nowhere nearly as prevalent in State Highway Departments as in the Federal Bureau of Public Roads. All of these organizations, both Federal and State, are finding it difficult to move from their time-tried practices which are admittedly efficient by the standard of economic cost alone. They have not as yet fully reconciled themselves to the necessity of considering the non-quantitative social values, along with economic ones, in decision-making.

Another example of Congressional concern is in the basic legislation setting up our Department of Transportation in 1967. Section 4(f) of that law—and I shall paraphrase to save time—says that the Secretary shall not approve any transportation project which requires the use of any publicly owned land from a public park, recreation area or wildlife refuge, or any land from an historic site unless (1) there is no feasible alternative to the use of such land, and (2) such project includes all possible planning to minimize harm to these lands. The

Secretary has asked my office to carry out that very important mandate and we are doing as well as we can. The problem immediately clear to you, I am sure, is that we need better criteria to support our judgments on the impact of various transportation systems on the environment. If I can draw an analogy at this point with the air pollution problem, control at the pollution source is the advisable route to take in transportation, but the source—as is true in most air pollution problems—also represents a valuable generator of economic and social activity. That is always our dilemma.

Another indication of Congressional concern is the 1965 Highway Beautification Law. As you may know, the Department is going through a re-evaluation of this program administered by the Federal Highway Administration. As you know, the objective of the program is to improve the quality of the environment by preserving and enhancing the highway corridor through the reasonable control of outdoor advertising and junkyards and to improve landscape outside the highway right-of-way.

We are considering alternative ways to accomplish without some of the friction which the 1965 Act has created. Of course, this program has shown us that no authorized program will be effective if Congress fails to follow authorization with money. The program has never been funded adequately.

We need new ways to deal with the inevitable confrontations of system and environment, economic progress and social cost. What has often been missing in transportation development is the consideration of alternatives which present varying impacts on the community and the environment. Let me be clear about this concept. It is apparent that we need to consider transportation systems which contribute to, rather than distract from, our environment. This is one reason why public transportation particularly bus transit, offers some interesting possibilities for using our current highway system more efficiently. The higher the quality of mass transit we can provide the less new ground we need to use to accommodate the private automobile. The less new ground we use for transportation, the more will be available for less consuming uses. While this is somewhat simplistic, it is the essence of the issue. I think that, above all, we must consider that in our urban areas, we must try some new ideas for improving traffic flow and efficiency.

This leads me to a current legislative program. The Administration has forwarded to the Congress the Public Transportation Assistance Act of 1969. Most of you are already familiar with this \$10 billion, 12-year program. The signs are very hopeful that this program as amended by Senator Williams will be approved by the Congress. If so, we will finally have a tool to insure that public transportation investment will achieve a parity with the various highway programs. I have long been an advocate of balanced transportation. This program offers to make that a reality, rather than a slogan. We are hoping for early passage of this legislation to provide the first real long-term commitment of Federal resources to public transportation.

Let us reflect for a moment on the role of transportation in metropolitan development, in other words, on the way land is used and the way people relate to each other as urban areas grow. I would like to make four points which relate directly to environmental management.

1. Transportation should be subordinate to the overall goals and objectives of an urban area. It should be one of the means for reaching community objectives. If the objectives are not readily apparent, then the transportation planning process should be a medium for stimulating communities to join in formulating goals before making a

substantial commitment to any particular transportation component. Elected officials should be given real policy choices, not engineering choices. As one of the two former elected officials on the Federal transportation team (the other is, of course, my boss, John Volpe), I strongly urge that elected officials be given the facts on environmental impact as transportation systems are planned and built.

2. *Balanced transportation requires balanced funding.* The Department of Transportation, under the leadership of Secretary Volpe, has made a major step in this direction—the Public Transportation Assistance Act of 1969—about which I have just spoken.

In the past, the availability of funding has tended to distort planning and to limit the choice of the mixes of systems and modes. To compound this problem, the HUD 701 Program to support comprehensive planning appears to be drying up and no replacement has appeared on the scene. Ideally, every Federal dollar should bring an opportunity for the broad consideration of alternatives based on local values. No Federal transportation dollar should be so expensive or so cheap that it propels the decision toward one mode or another.

3. *We need better ways to relate planning to implementation.* Let us call this intermediate planning, defined as the steps following what we call comprehensive planning, but preceding detailed design and construction for a project. Too often, once general land use guidelines have been set, the next step is detailed planning, at which point elected officials and other policy makers often lose flexibility in determining:

Environmental and social factors and influences of various systems.

The mix of transportation systems.

The special needs of the pedestrian, the handicapped, and the poor.

Possibilities for new ideas and experiments.

The day of the single-purpose project is fast disappearing. The day of the multi-purpose, multi-disciplinary approach to transportation planning and construction is here.

4. *The Federal Government must prepare and structure itself for the effective administration of complex environmental issues.* What Secretary Volpe has done is to give environmental concerns a high priority and exposure in the Department of Transportation. This kind of farsightedness should be manifest in every Federal activity where the principal mission is physical development. It is with this kind of office in every such agency that we can begin to build a community of environmental management and concern and, therefore, influence Federal policy in this area.

Now, I would like to be a little more specific as to the role of my office in the Department of Transportation. As I mentioned earlier, our office is a new resource for the Secretary of Transportation. It is a positive response to the growing national concern about human, engineering, and environmental values which we have been discussing. We are trying to assure that transportation systems help to resolve social and physical development problems, rather than complicating them. We see our primary mission as one of providing a bridge between purely transportation objectives and the broader and more fundamental social, economic, and environmental goals of both individual communities and the Nation. Our office becomes by definition a coordinator and evaluator of the major operating Administrations of the Department—highways, rail, urban mass transportation, aviation, and the Coast Guard. We are, for instance, the focal point for the transportation components of the Model Cities programs.

Our office is also designed to be a focus

for research in the environmental aspects of transportation system development. We have a clear mandate to improve the state of knowledge on the relationship between transportation and urban and environmental goals and problems. Further, we will be developing planning methods to assure that national urban and environmental policies are effectively implemented through Federal transportation programs. We have a real educational job, too, since what we learn must be communicated to those who plan and build transport systems, and those who are likely to be affected by them.

It has been good to speak with you today on the subject of transportation and the environment. As you can see, many of us in the Federal Government recognize the close relationship between mobility and our environment. Let us hope we can be more effective in applying what we know and what we learn to preserving and improving the environment upon which we and those who follow us must depend for a full and satisfying life.

LUNCHEON SPEECH BY GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE, WASHINGTON, D.C.

We meet here today at a time when public awareness of and concern with environmental abuse is at an all-time high.

The new Jeremiahs of conservation are abroad in the land and the spirit of their message is the same as that of the original prophet to the children of Israel.

The Old Testament Jeremiah, surveying the environmental havoc wrought by his people, conveyed the displeasure of Jehovah in these words:

"I brought you into a plentiful country, to eat the fruit thereof and the goodness thereof; but when ye entered, ye defiled my land, and made mine heritage an abomination."

Today, the message is even more grim, more direct and more personal.

Dr. Barry Commoner, the renowned ecologist puts it this way:

"The new technological man," he says, "carries strontium 90 in his bones, iodine 131 in his thyroid, DDT in his fat and asbestos in his lungs."

Dr. Commoner further warns:

"There is now simply not enough air, water and soil on earth to absorb man-made poisons without effect. If we continue our reckless way, this planet before long will become an unsuitable place for human habitation."

Through books, magazine articles, television programs and governmental action at all levels we are becoming increasingly aware of what we are doing to ourselves, our children and our grandchildren.

As the comic strip character "Pogo" so aptly put it: "We have met the enemy and they are us." And the only way to overcome this enemy is to change ourselves, our attitudes and our national priorities.

As a people, we are beginning to realize that through carelessness and greed, we are destroying the biosphere that supports us.

We are beginning to realize that it is entirely possible for the human race to commit suicide by poisoning our environment, as surely as by a nuclear holocaust.

We are beginning to realize that contrary to the gentle poet—John Keats—"A thing of beauty is NOT a joy forever." It can be obliterated by a bulldozer; buried under litter and rubble; trampled to death or polluted into extinction.

We are beginning to realize that we are faced today with a worsening health crisis of planetary proportions. DDT—that blessing turned bane—has spread throughout the earth. It is found in the flesh of penguins in the remote Antarctic, in the turkey bound for your dinner table, and in the flesh of nearly every living American.

Because of pollution massive fish kills oc-

cur in Europe's Rhine River as well as the Allegheny River of Pennsylvania and the Dog River at Mobile, Alabama.

Last year, in the United States alone, more than 15 million fish died in the polluted waters of this country, according to the Department of the Interior's Federal Water Pollution Control Administration. And this may well be a conservative figure.

Finally, we are beginning to realize that we must develop and define an ecological conscience for this fragile Space Ship Earth—and live by it—for without it, we will surely perish.

It has been said that there is no power on earth like that of an idea whose time has come.

I sincerely believe that the idea of an environmental ethic—embracing the concept of human ecology—the interdependence and the interplay of everything on this planet as it relates to the human condition—is an idea whose time is fast approaching.

There is encouraging evidence in support of this belief. A public opinion poll conducted earlier this year for the National Wildlife Federation reported that more than 85 percent of the people of the United States are concerned about the state of the environment; that 51 percent of the people expressed "deep concern" about the effects of air pollution, water pollution, soil erosion and wildlife destruction.

Perhaps even more important, the poll disclosed that three out of four people expressed a willingness to pay increased taxes for support of conservation efforts.

This concern also has been reflected in action by the leaders of our government.

Last May, President Nixon established an Environmental Quality Council composed of six Cabinet members and staffed by the President's Office of Science and Technology. Establishment of the Council is a milestone in conservation history, and the fact that the President will preside over it, emphasizes his interest and concern.

In his October 24 speech before the United Nations, President Nixon stated that "Increasingly, the task of protecting man's environment is a matter of international concern. Pollution of air and water, upsetting the balance of nature—these are not only local problems, and not only national problems, but matters that affect the basic relationships of man to his planet."

Repeatedly, the President has stressed that we must have not only a liveable environment—survival *per se* is not enough—but that we must re-create an environment that provides our people with a quality life.

Secretary of the Interior Walter J. Hickel, in a recent interview with *U.S. News and World Report*, asserted that "environment and the quality of life are close to becoming the No. 1 issue in America today."

He also pointed out that "An individual opportunity becomes someone else's problem," and has taken tough, hard-nosed action to reverse the degradation of our environment.

In the few months since he took office, he has issued regulations holding oil companies liable for cleaning up oil spills.

In September, he announced a plan to "prosecute the polluters" and took action against four steel companies, a mining company and the City of Toledo, Ohio.

He has established tough, new safety regulations for off-shore oil drilling operations.

And, as those of you here in Florida well know, he has been in the forefront of the fight to save the fragile ecology of Everglades National Park.

First, by declaring war on alligator poachers in an effort to save that ecologically valuable beast.

Second, by moving to assure the Park an adequate supply of water; and

Third, by strongly opposing the development of a commercial jetport that surely

would destroy Everglades National Park as we have known it.

Yes, the development of an environmental ethic is an idea whose time is fast approaching—but it has not yet arrived.

Consider for example, that according to official figures from the U.S. Department of Commerce, Americans in 1968 spent:

\$9.7 billion dollars for tobacco products.
\$15.5 billion dollars for alcoholic beverages.
\$5.2 billion dollars for cosmetics, toilet articles and other preparations.

\$3.8 billion dollars on beauty parlors, barbershops and baths.

Over \$800 million on horse-racing and other parimutuel events.

More than \$19.1 billion dollars for gasoline and oil.

Consider, further, that during this same year—1968:

Federal government expenditures on Natural Resources, including agriculture, amounted to less than \$3.2 billion dollars, and

Combined State and local government expenditures for Natural Resources (including agriculture) totaled some \$3.7 billion dollars.

Thus, the combined governmental expenditure on natural resources, including agriculture, at all levels amounted to less than \$7 billion dollars.

How, then, can it be said that our society is making the effort necessary to cleanse, to purify and to restore our abused environment when we spend more than twice as much on alcoholic beverages as we do on natural resources?

When we spend nearly three times as much on gasoline and oil?

When we spend almost as much on tobacco products as we invest in our total conservation-environmental preservation effort?

When the combined amount spent on cosmetics and toilet articles and pushed through the betting windows at the race tracks (\$6.1 billion) almost equals the outlay for natural resources?

Edmund Burke once said that "Society is a compact between the living, the dead and the great unborn."

And so, when we consider the development of a national environmental ethic—refined into national environmental goals—we must consider not only the present and the future but the past as well.

The social distress we are experiencing today arises in large part from the mistakes of the past . . . mistakes compounded by greed, indifference and ignorance.

These failures of our society may be categorized as the four "P's"—population, poverty, pollution and personality.

The first three problems have been widely recognized and long discussed. Not so, the fourth.

Our dazzling technology has given us unprecedented affluence, mobility and creature comforts. But in the process, it threatens our individuality as human beings.

It seems to me that if we are to recapture our sense of individuality; restore our environment and re-establish control over our technological Frankenstein, we must first rediscover our personal identity:

"Who am I? Where did I come from? Where am I going?"

One starting point might be to critically re-examine some of the concepts we have taken for granted in the past.

And I would like to begin with the so-called "cost-benefit ratio" formula that so often has been used as a handy-dandy rationale for rapping the environment in the name of "progress."

Most public works projects are analyzed in terms of their "cost-benefit ratio." Such factors as irrigation benefits, settlement opportunities, economic growth through flood control, power, area redevelopment and a broadened tax base are cranked into the formula and fed to the computer.

And the computer says "Go ahead."

The trouble with this electronic, slide-rule approach is that you get an answer based on tangible factors that can be measured in dollars and cents.

Most of what is really worth preserving in America—the intangible values—are omitted because they cannot be measured by a formula that expresses itself in cold, hard cash. They simply don't have a definable price tag.

How, for example, would you compute the cost-benefit ratio of Everglades National Park?

Here in the Everglades we are trying to preserve one of the greatest natural environments on the face of the earth—a unique ecological laboratory that took Nature millennia to create. Its value is truly without price.

And yet, by using the cost-benefit ratio to justify jetports, residential subdivisions and truck farms—with their increased tax bases and payrolls, we are in the process of destroying this irreplaceable national asset.

Or, consider the freeway in Philadelphia which has isolated Old Swedes' Church and decimated Southwark—the oldest community of Philadelphia's first settlers.

Charles E. Merriam, the political scientist, speaks of the love of locality as one of the roots of social cohesion. Our historic shrines offer us a sense of place, of identity, of locality in our increasing mobile and rootless society.

They can help nourish the deeper regard for both our history and our land that is essential to a heightened sense of environmental awareness.

This task is increasingly difficult because more and more, the children of America are being isolated from the roots of their cultural and natural inheritance. With more than 70 percent of all Americans now living in large cities our children find themselves trapped in concrete and asphalt, struggling against the onslaught of exhaust and smog.

In ever larger numbers, they grow up in congested, artificial environments deprived of the spiritual lift that comes from the song of a bird, the sight of a deer in the wild, or the quiet of a forest.

Last June, Secretary Hickel issued an 11-point policy guideline directive for the management of the National Park System. In this blueprint for action, the Secretary placed new emphasis on bringing "Parks to People" through establishment and development of new urban parks and by making existing parks more meaningful through improved and expanded programs.

He also stressed the importance of a vigorous, creative program of environmental education, starting with the very young, to increase environmental awareness throughout our society.

In an effort to provide a part of the answer to this challenge, the National Park Service has undertaken two educational programs to more effectively use our National Parks and historic sites as environmental education laboratories or outdoor classrooms.

One program is called National Environmental Education Development—or NEED, for short.

NEED is a curriculum-integrated program designed to create a greater sense of environmental awareness from the kindergarten through the 12th grade through visits to National Park areas.

Field testing of fifth-sixth grade NEED materials is currently being conducted at 25 locations across the nation in programs involving some 20,000 children of widely varied economic, social and cultural backgrounds. Pilot testing of third-fourth and seventh-eighth grade materials is underway with an additional 2,000 children at 12 sites.

The other is a nationwide network of Environmental Study Areas (ESA's) within the National Park System.

The ESA's—or Environmental Study Areas—are now operating in 44 locations throughout the National Park System. They are designed primarily for day use by school children, and are integrated with on-going education programs at nearby schools.

Through October 1969, the 44 ESA's handled some 900 groups of school children, totaling about 15,000.

Viewed against the total school population of the country, this pilot program now in its second year, may seem modest. But every journey of a thousand miles begins with a single step.

These programs are grounded in the fundamental belief that a National Park is more than a physical resource. I believe that a National Park is an idea which in the fullness of its meaning is a link between the generations of men in their continuing search to be at home in their world.

I believe many people go to the National Parks and historic landmarks not simply to satisfy a need to get back to nature from crowded cities or for outdoor recreation. Many people go to the National Parks and landmarks to strengthen their identity with their country. "Seeing is believing," and touching the Liberty Bell or setting foot in Yosemite Valley is worth a long trip to experience a sense of identity with America where it is unchanging. It isn't subtle. It's the deep human need to know "I was there" at Independence Hall or Yosemite Valley; and, as a result, "I am a little more an American." This experience is especially needed in these times of war, turmoil, and technological change.

Beyond our need to identify with the nation is the urgent need to understand our place in the world environment and to join hands in doing our part to rescue it from impending ecological disaster. As Freeman Tilden put it, we need "to understand our place in nature and among men." We will reach this objective more quickly and we will heal our environment more rapidly if we develop social cohesion "at home" by learning we are one people with a common heritage well expressed in your National Park System. As we achieve social harmony we will do better in joining together to recover our natural heritage and that of the world around us.

Thank you.

OUR ENVIRONMENT AND WATER POLLUTION
(Speech by John R. Thoman, regional director, FWPCA, southeast region, Atlanta, Ga.)

I am very happy to have this opportunity to speak to you about our environment and water pollution.

Within the past few years a new phrase has emerged in our vocabulary—Quality of the Environment. Today, almost any discussion of metropolitan areas is bound to include in that context such problems as urban renewal, parks and open space, noise reduction, and waste disposal and pollution control. In terms of public recognition and support, water pollution control stands high on that list.

I have been asked to talk about some of the things the Federal government is doing to help control water pollution. But before doing that let me first give you some background on the conditions we face.

In the past, we treated our environment and our water resources as free sinks for our untreated wastes.

As long as our population size, density, and industrialization were low, our environment—our air, land and water—could absorb these wastes and no great problems arose. But now we are confronted with new conditions.

Population growth is rapid; predictions are that it will double in 50 or 60 years. And while population doubles the demand for water triples. We are confronted with a stag-

gering increase in the output of wastes and in the pollution of our air, land, and water from all sources—municipal, industrial, agricultural, recreational. And there are new types of waste from industry—new chemicals which are more difficult to manage and control.

We are faced with increasing urbanization, industrialization, and use of technology, rising levels of income and increased outdoor recreation—all of which help to increase the output of waste and, at the same time, to increase demands for clean water, pure air, and unlitigated land.

Although the demand for water is increasing, there is, at present, no overall shortage of water for the nation as a whole—and certainly not here in Florida. Our supply of water is relatively constant, but for many uses it is declining because of pollution.

The problem is primarily one of distribution, or wide and efficient use and management of water, as well as wise design and management of all our systems and institutions for waste disposal and water use.

Another fact we are faced with is the complexity of the problems of water management and of waste disposal, and complexity of the solutions to these problems. Many skills, levels, and sectors of society are involved in the problems and in their solution.

If we are to prevent further pollution of our waters and clean up what remains, we must look at the various sources of pollution—from our cities, industries, mines, and farms, from our recreation and our boating. At all levels of government—Federal, State, regional, and local—we must design our research, planning, and operational programs to cope with each source and type of pollution.

For instance, we need to remove the backlog in construction of municipal waste treatment plants—a backlog which accumulated over the past decades during which we dumped our raw sewage into our waters. I wish to add here that much progress is being made in this area and prospects for the future are encouraging.

We need to prevent and keep pace with the forms of pollution which industry dumps into our streams—the many powerful and exotic chemical compounds which are discovered and dumped in our streams, with effects unknown. Our laboratories, let me add, are working hard in this area, and with frequent success.

We need to learn to control pollution from our farms, and the growing threat of pollution from recreational boating as well as from commercial shipping. The effects of oil disasters—such as the recent incidents in the Caribbean, in the Mississippi River, and off Santa Barbara, California—may be felt long after the immediate ecological effects have disappeared. Our coasts are not immune to such oil pollution problems created either through accident, inadvertence, or intent.

As we cope with these varied sources of pollution, we must make sure that our actions to manage our waste and water make sense from the point of larger units—watersheds, river basins, and regions.

And we need to create the larger institutional structure—the river basin commissions—to manage wisely our waste, as well as our water.

Up to now I've been talking on the national level, although what I've said is applicable to our own region. Let's narrow it down now—what are some of the problems here in the Southeast, and in Florida?

Some people consider the Southeast as one of the last frontiers of natural bounty in this country. It is true that it is still mostly green, with fertile fields and dense forests well stocked with wildlife. And there is water—an abundance of it—and especially here in Florida.

The Southeast—and particularly Florida—is one of the most rapidly growing regions

in the United States. As a result great changes are taking place. Like the rest of the nation, the population is increasing, the per capita use of water is skyrocketing, and the demand for outdoor recreation is staggering. But the most conspicuous change is the expansion and diversification of industry as the Southeast shifts from a predominantly rural-agricultural region to one that is predominantly urban-industrial.

Let me illustrate. In 1930, the population for the seven-state area of Florida, Georgia, Alabama, Mississippi, Tennessee, North Carolina and South Carolina was 16 and one-half million—and it was about evenly distributed between urban and rural. By 1960—30 years later—the population had not only tripled, but the gap between urban and rural had widened tremendously.

By 1990, the population distribution is expected to show even more startling contrasts. Of the projected 42 and one-half million population in the seven-state area, nearly 41 and one-half million will be living in urban or rural-nonfarm areas—five times the 1930 figure. Industrial expansion, of course, will continue to accompany this population growth—mostly in and around the metropolitan centers—such as here in Jacksonville.

This activity is expected to produce material prosperity, certainly. But at the same time it will put a heavy strain on the whole environment, especially on our water resources which, heretofore, have been a primary source of life, wealth, and enjoyment.

Much of the pollution will continue to stem from the tons and tons of waste discharged every day by the cities and the industries—some of which is inadequately treated or not treated at all. It would be unfair to say that industries are bigger offenders than municipalities, or vice versa, for one causes about as much water pollution as the other. However, some of the industrial wastes are more complex and more difficult to deal with than municipal wastes. Thermal pollution, caused by heated water discharged from cooling systems, also is an increasingly serious form of industrial pollution.

Let me emphasize here that the municipal sewer and the industrial plant are by no means the only sources of pollution. There are septic tanks, dredge and fill operations, agricultural fertilizers, raw sewage from yachts, houseboats and other watercraft. Builders, developers, contractors—everyone involved in disturbing the natural surface of the earth—add their bit. Highway construction, housing developments, shopping centers, these and a host of other projects that are constantly changing the face of the earth, result in serious water pollution problems when the rains come. And excessive use of pesticides and fertilizers, and the careless discard of trash and junk by ordinary citizens compound the problem.

Just what effect does all this have on our environment? Well, it doesn't take much imagination for that one—the answer is obvious to most of us.

Heavy concentration of bacteria is a hazard to health and renders water unfit for water contact recreation. Instant fish kills may result from deadly chemicals or poisons. Hot water discharged into a body of water may kill aquatic life or threaten the survival of certain species by interfering with reproduction.

In some cases, waste products do not directly kill or harm aquatic organisms but, instead, stimulate the growth of noxious plant life and micro-organisms that disturb the balance of nature.

Of increasing concern—especially here in Florida—is the spoilage of our estuarine areas. Such areas include sounds, river mouths, marshes, and all those areas where sea and fresh water meet and mix. They are etched along the hundreds of miles of coast-

line bordering Georgia, Florida, Alabama and Mississippi.

We all know of the tremendous importance these estuarine areas are to Florida. They are among the state's richest resources—richer than the land on one hand and the open sea on the other. But there is growing evidence that once they have been thoroughly poisoned, they can never be fully repaired. Untreated sewage is particularly harmful to the shellfish industry. The estuary of the Altamaha River in Georgia—just north of here—once had the highest concentration of oysters anywhere along the Atlantic coast. Now it is closed to the oyster industry because of the high concentration of coliform bacteria.

Apalachicola Bay, known as the oyster capital of Florida, produces about 70 percent of the state's total harvest. But a sizable portion of the oyster beds at the mouth of the Apalachicola River is closed at times. The reason: excessive coliform bacteria. And I could go on and on—it's the same story in Mississippi's Pascagoula Estuary and Alabama's Mobile Bay, and in rivers, creeks, and lakes from Chickamauga to Miami and from Vicksburg to Savannah.

I've given you the highlights of what the situation is. Now let me tell you something about what has been—and is—being done to prevent pollution, and to clean up our waters.

On the national level, a massive nationwide clean-up is underway. Water pollution is being attacked on all fronts—in our industries and mines, in our cities and on our farms.

During the 89th Congress three important pieces of legislation were passed: the Water Resources Planning Act of 1965, the Water Quality Act of 1965, and the Clean Water Restoration Act of 1966.

The Water Resources Planning Act of 1965 is designed to help provide coordinated plans for water resources development through the establishment of the Federal Water Resources Council and of river basin commissions which will plan for water resource use, development, and pollution control.

The Water Quality Act of 1965 contained a requirement of historic significance that water quality standards for interstate waters be set by the states by June 30, 1967 and approved by the Secretary of the Interior.

The Clean Water Restoration Act of 1966, enacted by both bodies of Congress, contains a greatly increased authorization for Federal construction funds—three and one-half billion dollars for a five-year period of construction grants to help build sewage treatment plants.

The Water Quality Act of 1965 was a policy breakthrough for the future of the whole water pollution control effort in this country. It required the establishment of water quality standards for all of the nation's interstate streams and coastal waters—and authority for the enforcement of those standards.

The idea of establishing water quality standards was not new. A number of states has had standards of quality for some of their streams and lakes for a long time. And some had brought considerable pressure on communities and industries to provide sufficient treatment for their wastes to maintain the desired quality of these waters. But this had been little more than a hit and miss affair and there had been far more misses than hits. By and large, moreover, the hits involved relatively easy situations. For the most part, the tough ones were bypassed.

What is new about the concept of water quality standards is that they are now, for the first time, national policy, backed up by the full power and influence of the Federal establishment.

To be perfectly blunt about it, the Water Quality Act of 1965 is a stick, a big one. But

Congress did not merely wield the big stick and promptly forget the whole matter. It was fully recognized, at the time of the passage of the Act, that there would need to be a massive infusion of Federal funds, if meaningful standards were to be established and enforced.

Accordingly, only a year later, the Congress passed the Clean Water Restoration Act of 1966. This Act authorized far larger expenditures for construction of waste treatment works than ever before. And it also greatly expanded the Federal role in water pollution control research, including, for the first time, direct Federal support of research on major industrial water pollution problems.

Thus, in the administration of the Federal-State-local water pollution control program we are now equipped not only with the stick but also with a large supply of carrots.

These two enactments alone—two monumental pieces of Federal legislation in two successive years—mean that we are now part way down the long road back to cleaner water across the country.

The Construction Grants Program alone is rather impressive. During the past fiscal year, FWPCA made seventy-three grants in the Southeast Region to construct adequate waste water treatment facilities. The total cost of these projects was more than 110-million dollars, the Federal share of which was more than 30-million dollars.

Bringing the regional construction grants picture into sharper focus, we will see that Florida has benefited greatly from this program. Since the present Construction Grants Program began, Florida has received nearly 32-million dollars in Federal funds to help construction projects estimated to cost a total of more than 123-million dollars. When, and if, the current recommended appropriation is approved, the state of Florida stands entitled to nearly 27-million dollars more.

How does Jacksonville and Duval County stand in this matter of Federal funds. Pretty high, I might say. Four projects—one in Atlantic Beach and three in Jacksonville, totaling nearly five million dollars—have been completed through the Construction Grants Program. The Federal share of these projects was nearly one-half million dollars.

In addition, two projects currently are in the works. One, in the city of Jacksonville, has a total construction cost of nearly two million dollars, of which the Federal share is over one-half million dollars. The other, in Jacksonville Beach, will cost nearly one and one-half million dollars. The Federal share of this is nearly 400-thousand dollars.

And that's not all. If the current recommended appropriations are approved, expected grants in the area include 101-thousand dollars for a project at Baldwin, Florida, and a grant to the city of Jacksonville in the amount of over 15 million dollars.

How about industry? Well, there have been a couple of firsts in the Southeast Region this year. In its largest industrial waste grant ever made, FWPCA offered St. Regis Paper Company a grant of nearly a million dollars to help develop a promising new method of water pollution control and water conservation. The first year's work on the jointly-funded FWPCA-St. Regis project will be carried on at the company's corporate technical laboratory at Pensacola, Florida. An additional two years will be required to build and operate a pilot plant in order to demonstrate the technical feasibility and economics of the process on a large scale. The pilot plant will be operated at one of the company's three southern kraft mills located at Pensacola, here in Jacksonville, and Monticello, Mississippi.

Also here in the Southeast Region, two pulp and paper mills undertook the first joint industry study in water quality improvement under an FWPCA grant. Interstate Paper

Corporation and Continental Can Company are cooperating in a Federal demonstration project to provide further treatment of kraft mill effluent after it has been chemically treated to achieve color removal. The joint research project is being built just north of Jacksonville—at Riceboro, Georgia. As I said, the study is the first in the nation to be conducted jointly by two companies under funding from FWPCA. And it is a splendid example of cooperation by members of an industry to solve a common problem in water pollution control. We just hope it will be the forerunner of other joint projects.

This year we also saw the completion of one major technical assistance project in Florida and the beginning of another.

FWPCA, through the Southeast Water Laboratory at Athens, Georgia, completed the Hillsborough Technical Assistance Project in the late spring of this year. The project had been undertaken at the request of the city of Tampa and the Florida State Board of Health. The purpose was to develop the technical evaluations required for a water quality management plan and waste abatement program for Hillsborough Bay.

After this project was finished, FWPCA—at the request of the State of Florida—embarked on another one in South Florida. This far-reaching project is designed to protect the estuarine and coastal waters of Florida's lower east coast. It stemmed from a request by Governor Kirk for assistance in determining the effects of heated water discharges from a planned nuclear power plant on the water quality of Biscayne Bay. Later, the scope of the project was expanded. The Florida State Board of Health, acting as an agent for the Florida Air and Water Pollution Control Commission, requested an environmental study of Biscayne Bay and a comprehensive study of Lake Worth. This project is expected to take from three to five years.

Where do we go from here? First, let me say, we must keep in mind our overall goal: To enhance and preserve the quality of the water in our streams, lakes, estuaries and coastal areas so as to assure levels which will provide adequate supplies for all foreseeable and appropriate uses.

In the past, major emphasis has been on establishment of water quality standards, financial and technical assistance, continuation of enforcement actions, comprehensive planning and development, and demonstration of new technology through research. With all standards now set for interstate and navigable waters—subject to resolution of exceptions—we have a base line from which to move toward the overall goal. Emphasis now begins to shift to improvement and refinement of water quality objectives and of the technology required to achieve them.

In administering the water pollution control program, we don't want to pre-empt the States' prerogatives. Not only do the states have to come up with water quality criteria but they also have to enforce these criteria. This may require financial allocations by the State legislatures for sewage treatment plants and the passing of new laws for administering the program. These arrangements are up to the states. FWPCA will not dictate how they are brought about. We have, however, given the States broad guidelines for formulating their plans.

The sooner the various organizations involved in the pollution problem—the Federal government, states, local communities, industry, as well as private citizens—face up to their responsibilities in pollution abatement the better off everyone is going to be.

In closing, let me say this: We cannot relax in this effort. If we want to do more than just prevent pollution from becoming worse than it already is, we must run very hard because the problem is increasing more

rapidly than population—with new industries, new sources of pollution, and increased demands for clean water.

An important ingredient, an indispensable and even optimistic one, in my opinion, is that we stop looking at the world as though it were some sort of haphazard conglomeration of independent things. We live in a pluralistic world and we ignore it at great risk. We have found, if we examine the situation, that there are systems of interacting phenomena that characterize the world. We must work with the systems.

Our salvation from pollution lies in cooperative and coordinate planning, building and operating for the benefit of all.

OUTDOOR RECREATION AND THE ENVIRONMENT
(Remarks by G. Douglas Hope, Jr., Director, Bureau of Outdoor Recreation, U.S. Department of the Interior, Washington, D.C.)

Honored guests, ladies and gentlemen. Before proceeding with my remarks, I want to commend those who organized and arranged this seminar. Those of us in Washington count on grassroots support for conservation of our natural resources. This is one of the better ways we have of "getting the message" and then of getting the job done. Meetings such as this one today give officials of the Legislative and Executive branches of your government an exceptional opportunity to hear from the individual. I am particularly pleased to see so many young people here. Your concern and ideas are needed and most welcome.

Outdoor recreation, in all of its many forms, has become one of the most important features of the American way of life. Next to the basics of shelter, clothing, food, and education, most Americans want to be able to get out-of-doors. Our studies have found that 75 percent of all recreation occurs close to home, after work, and after school, and on short outings usually involving no more than a 90-minute round trip from home.

The problems are compounded by the fact that 75 percent of our population resides in urban centers which contain only 25 percent of the recreation facilities and only 3 percent of the recreation land base.

For millions of Americans, outdoor recreation is something sometimes thought of but not experienced or enjoyed as part of a way of life.

In order to correct our deficiencies and imbalances we are going to need money, more action at the local level, and more innovation to provide recreation facilities and experiences on an everyday basis.

President Nixon and Secretary of the Interior Hickel are acutely aware of the problems of providing more outdoor recreation opportunities especially in a quality environment.

As a major thrust of his Administration, President Nixon in May of this year created a new Environmental Quality Council. The Council replaces the former President's Council on Recreation and Natural Beauty, which was largely an advisory group which conducted some environmental studies and published a few reports.

The Environmental Quality Council is an active, viable working group composed of The President, who is Chairman, the Vice President, and the Secretaries of Interior, Agriculture, Commerce, Health, Education and Welfare, Housing and Urban Development, and Transportation.

The President likened the structure of the new Council to the National Security Council and the Urban Affairs Council. He charged the Council's members with examining the full range of variables which affect environmental quality, including a thorough review of existing policies and programs.

He expressed the hope that the new Council will foster greater inter-governmental

cooperation and greater cooperation between government and private organizations. The President said: "The deterioration of our environment is in large measure the result of our inability to keep pace with progress. We have become victims of our own technological genius. But I am confident that the same energy and skill which gave rise to these problems can also be marshaled for the purpose of conquering them. Together we have damaged the environment and together we can improve it." He concluded by saying "We need a strategy of quality for the seventies to match the strategy of quantity of the past . . . I believe the Council will provide us with that strategy and will give us the means for implementing it."

At the first meeting of the full Council, President Nixon directed Secretary of the Interior Hickel to chair a standing Committee on Outdoor Recreation. Other members of this Committee are Secretary Hardin of the Department of Agriculture and Secretary Romney of the Department of Housing and Urban Development. Other key Departments and independent agencies are associate members.

The standing Committee's role is to encourage provision of adequate outdoor recreation opportunities in a quality environment. We must provide assurance that each American can engage in the type of leisure time activity which satisfies his particular need. We also are fostering a program of greater citizen awareness and involvement in environmental matters. Where inter-agency differences arise, we will attempt to resolve the problems and move forward to early solutions.

The Committee has already launched an aggressive program of identifying environmental quality problems affecting outdoor recreation. Coupled with this program is a parallel effort aimed at devising solutions to the problem.

As Executive Secretary of the standing Committee, I am able to report to you today that we have nearly completed several major policy guidelines for all appropriate Federal agencies.

The Committee is reviewing present Federal policies of disposal of real estate declared surplus to Federal needs. Present procedures and policies tend to limit opportunities for communities to acquire these areas for recreation and environmental protection. We are also examining the conversion of farm lands across the Nation which no longer are needed for growing crops to recreation facilities. Many such areas are close to population concentrations. We likewise are looking at needs for new towns, including their land, recreational, and environmental requirements. This project involves both public and privately owned lands.

Federal construction practices which may have a negative effect upon the environment are also being scrutinized. We are giving intensive review to the environmental effects of buildings and other public works which the Federal Government constructs and to other projects which the Federal Government assists through grants or otherwise. One particular example is stream channelization work carried out by several Federal agencies in conjunction with agricultural drainage efforts. We fear that in too many cases the ecology of an area is damaged as a result of unnecessary alteration of the natural environment.

Of direct interest to you as citizens of a rapidly growing State is what the Bureau of Outdoor Recreation is unable to do to assist in your most immediately pressing problems.

My Bureau administers the Land and Water Conservation Fund, which since 1965 has provided over \$6.6 million to Florida for recreation land acquisition and development. A project just recently approved will

assist in the acquisition of important beach lands here in Jacksonville.

We are considering program changes which will make greater amounts of money available to urban areas to enable them to improve the quality of their recreation environment.

We are also re-directing our efforts toward attacking today's problems and the problems of the 1970's and beyond.

Secretary Hickel has directed us to come up with new ideas and new programs which call for: innovation in planning and development; identification of potential environmental problems; better utilization of existing resources; and better use of available funds and programs.

Citizen awareness of the complex problems which confront us is one of our goals. Meetings such as this one today in the Bold New City of the South will help achieve this goal.

OUR ENVIRONMENT AND AIR POLLUTION

(By Gene B. Welsh, Regional Air Pollution Control Director, National Air Pollution Control Administration, Consumer Protection and Environmental Health Service, Public Health Service, Department of Health, Education, and Welfare, Region IV, Atlanta, Ga.)

It is a pleasure to participate in Congressman Bennett's seminar on Our Environment. I welcome the opportunity to talk about the air pollution problems and their impact on our environment with the concerned citizens of Jacksonville.

Air pollution poses a very serious and significant threat to the quality of our environment. Human beings must have air to sustain life, but just as the fish must use the water that is available human beings must use the air that is available. Although the air resource is not unlimited, there is a sufficient quantity available for our use. The main problem is not the quantity of air but the quality of the air that is available for us to breathe.

Air pollution comes from a variety of sources and activities. Many people feel that all of the air pollution problems come from industrial activities, not realizing that their own individual activities also contribute to the total air pollution problem. Automobiles contribute a very significant amount of air pollution to our environment and they are an outstanding example of the general public contribution to the problem. The goods and services we require for our way of life contribute directly or indirectly to the total air pollution problem. In addition to the automobile we need electricity, solid waste disposal, a wide variety of food, clothing, housing and other usable products. All of these may contribute to the total air pollution problem.

The air pollution threat to our environment is shown by two separate and distinct problems, namely a potential threat to our health and a great economic cost.

The air pollution disasters experienced in Donora, London, New York City, and other areas have shown that high levels of air pollution over a period of a few days can contribute to sickness and increased deaths. In addition to potential disasters caused by high levels of air pollution we must be greatly concerned about the low levels of air pollution that millions of people are exposed to day after day and year after year, especially in many of our large and complex metropolitan areas. We are not completely sure as to the possible health effects of long term low level exposures to many of the common air pollutants, but we are quite sure that this exposure does significantly contribute to respiratory problems such as emphysema, chronic bronchitis and lung cancer.

Various studies and estimates indicate that air pollution is imposing a great eco-

nomical burden on the people of this country in the amount of 11 to 12 billion dollars per year or about 60 dollars per person per year. This figures does not include any estimate of health costs. This estimated cost is due to air pollution damage to property and materials; agricultural losses; reduced property values and reduced visibility that may contribute to automobile accidents and airport delays. Jacksonville has experienced two separate incidents of this type, in 1948 nylon blouses and stockings actually disintegrated on the wearers and in 1961 severe vegetation damage was experienced in the residential areas on both sides of the river. There is very little doubt that both of these incidents were caused by air pollution. We are faced with a problem that is costing about 11 to 12 billion dollars per year and yet we are spending less than 10 percent of this amount to control the problem.

Either one of these threats to our environment is adequate justification for public concern about the air pollution problem. When these threats are combined there can be no doubt that additional efforts are needed to prevent and control air pollution so that we can protect our environment. Although some additional research work is needed, for the most part the equipment and technology is presently available to control most of our current air pollution problems.

Many people find it hard to believe that there are significant air pollution problems in Jacksonville and the State of Florida. Granted, the air pollution problems in Jacksonville may not be as serious as they are in some cities, but on the other hand, it is worse than some other cities. As in many cities the Jacksonville air pollution problems are due to people, power, and production. In other words, the Jacksonville air pollution comes from automobiles (people), electric generation (power), and industrial activities that produce pulp and paper, paint, and phosphate fertilizer (production). In many respects this also outlines the type of air pollution problems experienced throughout the State of Florida. Air pollution problems of this type are usually shown by: suspended particulate material that reduces visibility and contributes to corrosion; sulfur oxides that damage vegetation and nylon materials and causes a high rate of corrosion; and other sulfur compounds that cause odor problems, silver tarnishing and paint damage. In general, this describes some of the more significant Jacksonville air pollution problems.

The Federal air pollution program was started in 1955 as a very modest effort. As the national air pollution problem continued to get worse it was apparent that a more vigorous effort would be needed. This led to the enactment of the Clean Air Act in 1963 with subsequent amendments in 1965, 1966, and 1967. All of this legislation has clearly stated that the prevention and control of air pollution is the primary responsibility of the State and local governments. Under this approach the Federal program is directed at the following efforts: (1) conducting research; (2) providing technical assistance and financial grants to the State and local programs; (3) control of air pollution emissions from new motor vehicles; (4) compilation and publication of the latest available information on air quality criteria and control techniques; and (5) implementation of the air quality control region approach. As an example of the financial assistance we recently awarded a grant of \$60,264 to the City of Jacksonville to improve the air pollution control program efforts. This is the first year of a three year project which will provide about \$250,000 in Federal funds to improve and expand the city air pollution control efforts. In addition, Federal funds of about \$135,000 per year are also being provided to the Florida Department of Air and Water Pollution Control. Another example is

the Federal control of air pollution emissions from the new gasoline powered motor vehicles. Beginning with the 1968 models all gasoline powered motor vehicles, both American made and foreign imports, had to comply with Federal air pollution standards. More stringent Federal air pollution standards were recently adopted that apply to all of the 1970 model gasoline powered motor vehicles.

The 1967 amendment to the Clean Air Act outlines a comprehensive plan to control air pollution on a regional basis in a logical and orderly way. In brief, this approach requires that the Federal government designate specific air quality control regions after appropriate consultations with the State and local authorities. So far, 57 areas have been listed by the Federal government for air quality control region designation and we hope to have these all designated by the summer of 1970. This list includes the Miami area. The States are also being encouraged to propose additional areas to the Federal government for air quality control region designations.

At the same time, the Federal government is required to compile and publish air quality criteria and control techniques documents for a pollutant or a group of pollutants. On February 11, 1969 the air quality criteria and control techniques for suspended particulate material and sulfur oxides were officially released.

Following these actions the 1967 amendment of the Clean Air Act sets up a timetable for the States to adopt ambient air quality standards and develop implementation plans. After the official designation of an air quality control region, the State has 90 days to signify their intent to set air quality standards; an additional 180 days in which to hold public hearings and adopt air quality standards; and an additional 180 days to develop an implementation plan for the control of air pollution within the designated air quality control region. If the State air quality standards and implementation plans are inadequate the Federal government is empowered to initiate certain actions.

Although the Clean Air Act outlines a comprehensive and systematic approach for air pollution control on a regional basis it will not solve the problem immediately. The need for action, mutual understanding and cooperation in controlling air pollution has never been so great or more urgent than it is today. We have a great opportunity to take effective action to control air pollution and improve our environment, but this action cannot and will not be effective without public involvement. The air in Jacksonville or any other area will be as clean or as dirty as the public wants it to be.

OUR ENVIRONMENT AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(By Edward H. Baxter, regional administrator, Department of Housing and Urban Development, Atlanta, Ga.)

I am pleased to have this opportunity to participate in a seminar on "Our Environment" with so many distinguished associates from the Federal establishment. I am also impressed by the subjects covered here today.

The Department of Housing and Urban Development is the direct descendant of many Federal agencies of the past which pioneered in home mortgage insurance, public housing, slum clearance, community facilities, urban planning, and other related programs. When the Department was created in 1965, it was a logical attempt to bring all the programs for our cities under one roof where they could function more effectively, and where they could be supplemented by new programs and new concepts.

And supplemented they have been. The

wide range and diversity of HUD programs, some dating back to 1934, illustrate how complex our problems have become. At latest count, I believe, HUD administers some 73 programs, of which over 20 were added in the Housing Act of 1968. While it would take too much time to discuss each one in detail, I would like to describe a few of the more significant programs.

First, let me give you some idea of Region III's scope and activities. The Region, currently one of seven in the Nation, includes the eight Southeastern states with boundaries from the Ohio River to the Gulf of Mexico and from the Mississippi River to the Atlantic Ocean. Nearly 1,800 communities from all eight states—Alabama, Florida, Georgia, Kentucky, Mississippi, both Carolinas, and Tennessee—have participated and are participating in HUD program activities.

The first public housing project built in the Nation is located in Region III. Atlanta's Techwood Homes were built under the Public Works Administration before the U.S. Housing Act of 1937. Today there are nearly 800 housing authorities in Region III—more than any other Region. They operate more than 20 percent of all the Nation's low-rent housing—more than 250,000 units, in management and development. In addition, Region III has been the first to promote new programs like turnkey, rent supplements and the Section 235 Home Ownership Program for Low-Income Families.

Urban renewal has also been a prominent feature in Region III's operations. Only the Northeast has more communities involved in renewal activities.

Fifty percent of all public facility loan projects have been handled in the Region III office. There are more active Workable Programs for Community Improvement in Region III than any other and 23 communities out of a 150 national total, are participating in Model Cities Programs. We also lead the Nation in providing homes for the elderly and handicapped. Yet, this is not enough. Our problems change and grow and while ongoing programs continue at an unabated rate—depending on funds—new programs are being added.

At this point, I would like to touch on one of the realities we live with every day at the Federal level. That is, the constant need to make hard decisions within tight constraints from among a wide-range of competing demands. We want to carry out the goals expressed by Congress on its level of authorization, but we also have to live within the funds they finally make available to us. We want to build houses, but we must also fight inflation. Because there is so much that needs to be done and because the search for reasonable and sensible resolutions to difficult problems is made more difficult by the seemingly limitless demands, we must concentrate on forging a partnership of mutual cooperation and understanding. Our problems at both the Federal and local levels are so big we simply must preserve an effective partnership if we are to make any headway at all.

I am sure you are aware of President Nixon's national goals, settling the war in Vietnam, curbing inflation, and meeting the problems of our cities. The goal of HUD is a decent home and suitable living environment for every American family. Measured out by Congress, this means 26 million units of housing in the next decade.

As Secretary Romney has repeatedly stated, "America's greatest physical need is housing." In total volume, the housing shortage is greater than ever in our history. We have experienced a dramatic decline in the rate of housing production during the course of this year. Millions of Americans are cut off from decent housing. Over half our families cannot afford to live in the new housing built at today's prices.

Yet, at the same time, housing is the greatest undeveloped market in this country today. Meeting the housing shortage offers us an unparalleled opportunity to reap economic and social benefits. Meeting the shortage in the right is essential not only to easing the explosive confrontation which threatens our cities but to providing a sound stimulant to accelerated economic growth, employment, and enterprise.

However, a total cooperative effort will be required; first, on the part of the Federal government to define the commitment and lead the Nation; second, on the part of all Americans to control inflation; third, on the part of State and local governments to move on restrictive zoning practices and outdated building codes; fourth, on the part of private industry to develop new techniques for volume production of housing; and fifth, perhaps the most important, for the Congress to provide the need to consider drastic reallocation of national resources.

Secretary Romney has taken several forward-looking steps recently in the mortgage field by increasing borrowing authority and releasing Special Assistance funds. Another effort to break the technological barrier and develop new ways of achieving volume production of good low-cost housing has been the new Operation Breakthrough. At his request, the Department invited and received some 650 separate prototype proposals from almost every major firm in the country. After HUD has decided which of the various proposals are more appropriate, we should be able to award production contracts. Successful test performance will lead to HUD approval for use of the concepts in HUD-financed and insured programs. Volume use of the concepts will be given priority under our loan and grant programs.

Perhaps it should be emphasized that the Department of Housing and Urban Development is a unique Federal agency. We do not build houses. We do not build or rebuild cities. Our efforts and achievements depend almost entirely on the action of State governments, municipal governments, community groups, non-profit sponsors and private individuals. We provide financial and technical assistance, but local initiative is necessary if anything gets done. Better than that, without it nothing can be done.

The Department is also diligently examining many of its regulations and procedures to see what can be simplified, streamlined, decentralized, or dropped. When the President addressed the American people two months ago, he spoke of a "New Federalism." This "New Federalism" is designed to improve the system—to provide more substantial results and simpler, more effective ways to get things done. It gives increased recognition to the importance of State and local political units in solving the Nation's problems. It seeks to decentralize the Federal effort and to restore a balance between local leadership and Federal assistance. HUD is taking a number of steps in this direction; there is increasing delegation of authority at the regional level.

Early in November, Secretary Romney announced some significant changes in the organization of the Department designed to make it easier for states, local units of government, and private organizations to do business with us. As of January 1, all responsibility for housing production and for rehabilitation programs will be concentrated under one Assistant Secretary for Housing Production and Mortgage Credit. Planning functions the Workable Program and Comm. Fac. Programs will be consolidated under an Assistant Secretary for Metropolitan Planning and Development. All research activities and Operation Breakthrough will be pulled together under an Assistant Secretary for Research and Technology. New emphasis on the management of our existing housing in-

ventory along with Revenue programs will be placed under another Assistant Secretary.

At the same time, the Department will be giving long range consideration to decentralizing field operations by establishing HUD area office. Perhaps eventually in each State offering a broad range of Departmental services. To the greatest extent possible, decision-making responsibility and authority would be delegated to these area offices.

Further, the number of Regions will be expanded to ten. I must state, however, that this expansion will only affect Region III by giving it a new number. We will be the only Region that is not affected in area. We will retain our eight states and approximately 25% of the workload in the Nation.

The Department is also examining proposals which will place maximum trust, maximum responsibility, and maximum accountability upon local officials. Power did not accumulate in Washington simply because power goes where power is. It was simply a matter of local government ignoring the needs and desires of local people. We finally had our long hot summers. Now, it seems to be clear that the Federal government cannot dispense all the services we need. We must look to local government.

To summarize, emphasis in the future will be placed on housing, although other programs will be sustained. Modern management and technology will be adapted to solve housing and community development problems. All programs will be administered in a manner that will assure opportunities for all citizens to share in the development and the end product.

The problems are great, so are the opportunities, but with new ideas, new attitudes, and the application of ingenuity, I am confident we will achieve our goal of livable towns and cities.

OUR ENVIRONMENT AND THE DEFENSE DEPARTMENT

(Col. John Redmond, chairman, Department of Defense Environmental Pollution Control Committee)

I welcome this opportunity to tell you about the Department of Defense's Program of Environmental Pollution Control. In view of the time element, I will restrict my comments and make them brief.

The previous speakers have represented the Departments that are the proponents of programs dealing with the environment. The Department of Defense (DOD) on the other hand is a participant of those programs and is the largest participant in the Federal Government.

In earlier days it was the policy of DOD to stay abreast of the efforts of communities and industries in the field of environmental control. In many respects and in many areas we were actually the leaders in providing adequate environmental management techniques.

With the advent of the Clean Air and Clean Water Acts and Executive Orders from the President the Federal Government was charged with providing leadership in the practices of environmental control. In order to discharge this responsibility we have developed 5-year plans for both air and water pollution abatement at all existing DOD facilities. These plans are re-evaluated and updated annually to take into account changing requirements and projects that were not funded earlier. Included in the 5-year plans are such projects as the 2 million dollar Industrial & Domestic Waste System Project for the Naval Air Station, Jacksonville, that Congressman Bennett mentioned in his presentation.

Another area that is probably of significant interest to you and one that is certain of continuing study on behalf of DOD is the treatment of sewage from vessels. Studies are underway to provide the most economical approach to this problem and I can inform

you that the Department of the Navy is planning to expend 200-400 million dollars over the next 5 years to accomplish adequate treatment of sewage from vessels. Both on-board treatment plants and shore disposal plants are being considered.

In conclusion, the Department of Defense is very concerned with the prevention of pollution and is trying to do its part to preserve our environment. The Department of Defense consists of people who want to be good neighbors and we are pleased to be able to participate in discussing these important items of mutual interest with the people of the communities in which we live.

Thank you.

[From the Jacksonville Journal, Dec. 10, 1969]

SIX FEDERAL OFFICIALS TO SPEAK

Six key officials in federal agencies dealing with environmental problems, use and preservation of natural resources and conservation will speak at the "Our Environment" seminar to be held here Friday under the sponsorship of U.S. Rep. Charles E. Bennett.

The seminar, the fourth to be held here under Bennett's sponsorship, is designed to "explain and discuss what the federal government is doing to improve the quality of life and the environment in which we live" to Bennett's constituents in the 3rd Congressional District.

James D. Braman, of Washington, D.C., assistant secretary of transportation for environment and urban systems, will deliver the keynote address following the seminar's 9 a.m. opening in the Hotel George Washington.

Mayor Hans G. Tanzler Jr. will deliver a welcoming address to the group. Bennett will speak to the group during the morning session.

George B. Hartzog Jr., director of the National Park Service, will deliver the luncheon address.

Other federal officials appearing on the seminar program are: John R. Thoman, Atlanta, Ga., regional director of the Federal Water Pollution Control Administration, speaking on water pollution; G. Douglas Hofe Jr., Washington, D.C., director of the Bureau of Outdoor Recreation, speaking on outdoor recreation; Gene B. Welsh, Atlanta, regional director of the National Air Pollution Control Administration, speaking on air pollution, and Edward H. Baxter, Atlanta, regional administrator for the Department of Housing and Urban Development, speaking on housing and urban renewal.

Subjects for discussion during the morning session include housing and urban renewal, transportation systems, outdoor recreation, water and air pollution.

The seminar will end with the luncheon.

[From the Jacksonville Journal, Dec. 12, 1969]

CHALLENGE COMPUTER APPROACH TO PROJECTS (By Joe Caldwell)

George B. Hartzog Jr., director of the National Park Service, today called for a critical examination of the "cost-benefit ratio" concept as the determining factor in deciding whether public projects should be undertaken.

Hartzog, delivering a luncheon speech to more than 200 persons attending today's "Our Environment" seminar under the sponsorship of U.S. Rep. Charles E. Bennett, declared that the nation's "dazzling technology has given us unprecedented affluence, mobility and creature comforts but in the process, it threatens our individuality as human beings."

The speaker suggested that the nation needs to restore its environment and re-establish control over "our technological

Frankenstein" if it is to recapture a sense of individuality.

"I would like to begin with the so-called 'cost-benefit ratio' formula that so often has been used as a handy-dandy rationale for raping the environment in the name of 'progress.'"

"Most public works projects are analyzed in terms of their 'cost-benefit ratio.' Such factors as irrigation benefits, settlement opportunities, economic growth through flood control, power, area redevelopment and a broadened tax base are cranked into the formula and fed to the computer.

"And the computer says 'Go ahead.'"

Hartzog said the trouble with "this electronic, slide-rule approach is that you get an answer based on tangible factors that can be measured in dollars and cents."

"Most of what is really worth preserving in America—the intangible values—are omitted because they cannot be measured by a formula that expresses itself in cold, hard cash. They simply don't have a definable price tag," he said.

The parks service director cited the Everglades National Park as a case where the formula fails to measure the true worth of "one of the greatest natural environments on the face of the earth—a unique ecological laboratory that took nature millennia to create."

James D. Braman, assistant secretary of Transportation for Environment and Urban Systems, also called for a balance between tangible and intangible benefits.

In the keynote speech to more than 300 registrants at the seminar, Braman said, "What we want to do is to see that, as the department considers and decides national transportation issues, economic efficiency is balanced with social and environmental costs and benefits and that the user's benefits are always compared to the total social costs of the system."

Bennett, who planned the seminar, delivered his address to the group by long distance telephone from Washington instead of in person so that he could maintain his long record of continuous voting in the House.

Bennett cited the pollution of the St. Johns River as one of the prime cases of a defiled environment and noted that "over \$1 million in federal grants have gone to water pollution control in the last year here in Jacksonville." He added that the \$90 million water pollution control program here "will receive substantial help from the federal government."

Mayor Hans Tanzler, in his welcoming speech to the group, cited figures on the local housing problem which he said he presented yesterday to Housing and Urban Development Secretary George Romney.

Tanzler said 63 per cent of the dwelling units in Jacksonville's core city area are substandard and in one area, 80 per cent are substandard. He noted that Jacksonville is the "last major city in the country to apply for federal housing assistance grants" and added that every effort is being made to recover the city's eligibility for the past four years of federal benefits in this area.

[From the Florida Times-Union, Dec. 13, 1969]

NONPOLLUTED AIR UP TO PUBLIC (By Tom Longhurst)

Jacksonville can have federally controlled, pollution-free air—if an aroused and determined public pushes hard enough for it, says a top federal pollution control expert.

"The air here will be as clean or as dirty as the public wants it to be," Gene B. Welsh, regional director of the National Air Pollution Control Administration, said Friday at the "Our Environment" seminar held at the George Washington Hotel.

Welsh was one of six federal officials who addressed several hundred conservation-con-

scious citizens at the seminar sponsored by U.S. Rep. Charles E. Bennett of Jacksonville.

Speaking at a separate discussion on air pollution following a formal presentation by each of the officials present, Welsh said an air quality control region, such as that recently announced for the Miami-Palm Beach area, will receive top priority for federal funding to combat air pollution.

Answering a question put to him by Mrs. Mimi Adams, a member of the Jacksonville Air Pollution Control Board, Welsh said the best way for the city to get a similar federal designation is to convince Gov. Claude Kirk of the need.

He indicated a request by Kirk would receive favorable consideration. "I predict the State of Florida will be knocking on our door in the next few months for additional air quality control regions," he said.

Among those attending the discussion were Mrs. Jean Hayes, president of the League of Women Voters; Tom Ard, head of the city's pollution control department; and Morton Kesler, newly appointed chairman of the Air Pollution Control Board.

At a luncheon following the discussions, about 200 persons heard George P. Hartzog, director of the National Park Service, condemn the dollar and cents approach taken to most public works projects affecting the environment.

In an obvious jab at the Army Corps of Engineers that brought a sharp burst of applause from a segment of the audience, Hartzog called the cost-benefit ratio formula used by the corps a "handy-dandy rationale for raping the environment in the name of progress.

"The trouble with this electronic, slide-rule approach is that you get an answer based on tangible factors that can be measured in dollars and cents," he said.

But most of the things really worth saving in America—the intangible values—cannot be measured in cold hard cash, he declared.

"How, for example, would you compute the cost-benefit ratio of Everglades National Park?" he asked. "Here in the Everglades we are trying to preserve one of the greatest natural environments on the face of the earth, a unique ecological laboratory that took Nature a millennia to create. Its value is truly without price."

Bennett, who was to address the gathering in person, was forced to do so by phone from Washington due to a heavy workload there, but his talk was delayed 45 minutes due to a communications snarl.

Mayor Hans Tanzler, who welcomed the visitors, commented on his trip Thursday to Washington where he sought federal urban renewal funds.

He said between 84 and 90 percent of all housing in the affected core area is substandard, 4,000 homes get along on an income of only \$2,000 and 45 percent of the area's inhabitants are Negro.

"I know of no other city in greater need of funding to help solve its problems than the 'Bold New City of the South,'" Tanzler said.

[From the Jacksonville (Fla.) Times-Union, Dec. 13, 1969]

WE HAVE MET THE ENEMY, IT'S US!

Rep. Charles Bennett wasn't at the "Our Environment" seminar held yesterday in Jacksonville, yet he aptly provided the theme for the session, dedicated to combating pollution, via a telephone-loudspeaker hookup. "We have met the enemy," he said, "and it is us."

He elaborated: "We have polluted, and are today polluting, the wonderful St. Johns River by dumping millions of gallons of waste into this waterway daily.

"Automobiles and factories pour pollutants into our air. Our agricultural insecticides need attention. We perpetuate slums and poor housing through inaction.

"We must all take part of the blame for these things. And we must all try to do something about them. (We must) . . . clean up what we have messed up."

The congressman's pointed view, it is to be hoped, will remind all citizens that pollution truly is everybody's concern—not just the affair of the federal officials and public officials and concerned citizens who attended the seminar on pollution.

In such a seemingly innocent activity as driving to work or home, we pollute the air with our automobile exhaust.

By looking the other way when driving past a slum street, we compound the error of commission with one of omission, as poor housing grows poorer through public inattention.

Effective pollution control, assuredly, will require vast expenditures of money, from all levels of government—local, state and federal.

But it will require something more as well: a wide recognition that so vast a problem cannot be solved by only a few, that pollution is everybody's challenge, and will require the cooperation of all to save our imperiled environment.

The enemy, truly, "is us."

[From the Jacksonville (Fla.) Journal, Dec. 18, 1969]

POLLUTION CAN BE SOLVED

Americans are beginning to awaken at last to the seriousness of the environmental problems the nation faces.

Additional evidence of the extent of this awakening was given last week when several hundred persons turned out to the seminar sponsored by U.S. Rep. Charles Bennett of Jacksonville.

Problems at the meeting—called a seminar on "Our Environment"—ranged from those of pollution to the protection of natural resources.

The present concern over what is happening to our air, waterways, and the land itself seems, in general, to have been long in coming—too long, some fear. But the reasons are easy to discover.

It has not been too many years since the United States seemed almost boundless and its resources without end.

Great expanses of lands stretched out on all sides before the relatively small population—our ancestors. And the lands were filled in abundance with everything man needed to make his life better.

There were great forests on every hand, kept green and pleasant by countless clear streams and pure rivers. The air carried the scent of life and of things growing.

Vast acres of grasslands lay fallow, awaiting only the plow to turn them into fecund granaries.

Wildlife proliferated; the earth literally thundered under the hooves of migrating herds.

Everyone knew that it would last forever.

It was not until the rivers and streams were dark and odorous with pollutant, many of the forest lands laid bare, the wildlife decimated, the land eroded and the air foul with acrid fumes that they realized it would not.

There is more to it than the fact that we have squandered a rich heritage; what we have done in many instances is to create conditions that are actual threats to health and even life itself.

Rivers that are cesspools and air that is laden with industrial effluvia are not only unsightly; they are the breeding places of disease, menaces to physical well-being.

Speaking on only one area of concern, air pollution, Gene B. Welsh, regional director of the National Air Pollution Control Administration, told the audience here that Jacksonville's air "will be as clean or as dirty as the public wants it to be."

The statement oversimplifies somewhat. But essentially it is true.

What we have created over several generations will not be wiped out overnight.

But it can be corrected. Concerted action, coordinated with neighboring communities who have interrelated problems, can restore many of our resources and prevent further damage to others.

Gatherings such as those sponsored by Congressman Bennett, which bring together those most interested to seek out workable solutions, are a first step.

SANTA BARBARA DECLARATION OF ENVIRONMENTAL RIGHTS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. TUNNEY. Mr. Speaker, one of the most critical threats to our environment is the continued despoliation of ocean waters, shorelines, and marine life caused by ill-planned offshore oil drilling. Nowhere has this tragedy been more in evidence than within my State of California, in Santa Barbara. The continual stream of oil that has been emitted from the drilling rigs of the Union Oil Co. in the Santa Barbara Channel has caused irreparable harm to that portion of the magnificent California coastline. Esthetically, environmentally and materially the citizens of Santa Barbara have suffered continual losses.

In an effort to articulate their plight and help prevent these events from being repeated elsewhere, a group of citizens from Santa Barbara have drafted the "Santa Barbara Declaration of Environmental Rights." This declaration points out that "centuries of careless neglect of the environment have brought mankind to a final crossroads," and that, "the quality of our lives is eroded and our very existence threatened by our abuse of the natural world."

The declaration points out many of the ills that have caused the rapid deterioration of our ecological heritage. It is a declaration of action and of hope. Because of its importance and the importance of this issue, I have today introduced a concurrent resolution embodying this call to action which I am inserting at this point in the RECORD. I urge that my colleagues direct their attention to the text of the Santa Barbara declaration in the hopes that through our concerted attention this problem and further tragedies of this type might be avoided.

The resolution follows:

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring), That the following declaration of environmental rights expresses the concern of Congress over the tragic desecration of our Nation's precious natural resources and the deterioration of our quality of life, and embodies the principles which should guide Congress in its legislation to protect, preserve and restore our environment.

"Santa Barbara Declaration of Environmental Rights

"All men have the right to an environment capable of sustaining life and promot-

ing happiness. If the accumulated actions of the past become destructive of this right, men now living have the further right to repudiate the past for the benefit of the future. And it is manifest that centuries of careless neglect of the environment have brought mankind to a final crossroads. The quality of our lives is eroded and our very existence threatened by our abuse of the natural world.

"Moved by an environmental disaster in the Santa Barbara Channel to think and act in national and world terms, we submit these charges:

"We have littered the land with refuse.
"We have encroached upon our heritage of open space and wildland.

"We have stripped the forest and the grasses and reduced the soil to fruitless dust.

"We have contaminated the air we breathe for life.

"We have befouled the lakes and rivers and oceans along with their shorelines.

"We have exterminated entire species of birds and animals and brought others close to extermination.

"We have made much of the physical world ugly and loud, depriving man of the beauty and quiet that feeds his spirit.

"Recognizing that the ultimate remedy for these fundamental problems is found in man's mind, not his machines, we call on societies and their governments to recognize and implement the following principles:

"We need an ecological consciousness that recognizes man as member, not master, of the community of living things sharing his environment.

"We must extend ethics beyond social relations to govern man's contact with all life forms and with the environment itself.

"We need a renewed idea of community which will shape urban environments that serve the full range of human needs.

"We must find the courage to take upon ourselves as individuals responsibility for the welfare of the whole environment, treating our own back yards as if they were the world and the world as if it were our back yard.

"We must develop the vision to see that in regard to the natural world private and corporate ownership should be so limited as to preserve the interest of society and the integrity of the environment.

"We need greater awareness of our enormous powers on the fragility of the earth, and the consequent responsibility of men and governments for its preservation.

"We must redefine "progress" toward an emphasis on long-term quality rather than immediate quantity.

"We, therefore, resolve to act. We propose a revolution in conduct toward an environment which is rising in revolt against us. Granted that ideas and institutions long established are not easily changed; yet today is the first day of the rest of our life on this planet. We will begin anew."

THE 50TH ANNIVERSARY OF THE
FOUNDING OF UNITED STATES
JAYCEES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, this month marks the 50th anniversary of the founding of the United States Jaycees—a youth-oriented organization which has been the training ground for tens of thousands of our Nation's leaders during the past half century.

As a former Jaycee myself, I am proud to say that I am personally familiar with

some of the ideals, goals, and purposes of this outstanding organization. Scattered throughout my congressional district are scores of public officials and civic leaders who received their introduction to public service through Jaycee activities. Their number includes State legislators, mayors, supervisors, councilmen, and businessmen. I know that this record is duplicated in each of the other 49 States, and even carries through into the Halls of Congress, where many former Jaycees now serve as Representatives and Senators.

The history of the Jaycees formally dates to a caucus held January 21 and 22, 1920, in St. Louis, where representatives of young men's groups from 29 cities gathered to discuss the possibility of a national organization for young men.

One of the key men in the caucus was Henry Giessenbier, head of a St. Louis social group founded in 1914, and later called the Junior Chamber of Commerce because of its affiliation with the St. Louis Chamber of Commerce.

Out of the January caucus in 1920 came the U.S. Junior Chamber of Commerce, which held its first convention the following June in St. Louis. Giessenbier was elected first national president, with an organization of 12 chapters and 4,000 members.

During the succeeding years, the Jaycee movement grew and prospered at an amazing rate—86 chapters and 15,000 members in 1930, 861 chapters and 64,000 members in 1940, 1,800 chapters and 124,000 members in 1950, and nearly 4,000 chapters with over 200,000 members in 1960. In 1965, the name of the group was formally changed to the United States Jaycees.

Today, there are 6,005 Jaycee chapters in the United States, with 309,614 members. In addition, the Jaycee idea has been carried throughout the world, with 2,546 chapters and 89,499 members in more than 80 nations.

The complete history of the Jaycees would be impossible to recount, for it would have to contain the dreams and achievements of hundreds of thousands of young men in thousands of chapters throughout the world. The success of their many projects is American democracy at work—the grassroots story of young men building a better world by developing themselves and their communities.

The Jaycee creed, written by C. William Brownfield in 1946, summarizes the faith and confidence of the Jaycees in God, in humanity, and in America:

We believe that faith in God gives meaning and purpose to human life;

That the brotherhood of man transcends the sovereignty of nations;

That economic justice can best be won by free men through free enterprise;

That government should be of laws rather than of men;

That earth's great treasure lies in human personality,

And that service to humanity is the best work of life.

Mr. Speaker, I am pleased to pay tribute to the Jaycees on this significant anniversary, and I want to offer my best wishes for many more years of service to humanity.

POVERTY TO PLENTY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. ASHBROOK. Mr. Speaker, in 1968 Arlington House published a revealing and provocative book entitled, "Poverty Is Where the Money Is," by Sherley Scheibla, an enterprising reporter in the fields of finance, economics, and labor. The book reviewed the highly touted war on poverty, a program which appealed to the humanitarian instincts of all of us but which has garnered precious few results in practical applications. The Office of Economic Opportunity and its various programs are revealed as at times blundering and inadequate to the detriment of the needy poor, the supposed beneficiaries of the poverty campaign.

Sherley Scheibla again looks at the OEO and its operations, this time in an article published in the January 19 issue of Barron's, the business and financial weekly. The article is especially timely for the OEO has recently been mandated to come up with innovative approaches to the poverty problem. In a short paragraph Mrs. Scheibla gives us an insight into a bureaucratic agency at its bureaucratic best—or worst:

Once OEO proceeds with an "innovative" program, it frequently hires outside consultants to furnish "technical assistance." After that, experts are hired to provide "evaluations" of what has been achieved. Then comes "monitoring" of contracts for the evaluations as well as for the technical assistance.

The article, "Poverty to Plenty," by Mrs. Sherley Scheibla follows:

POVERTY TO PLENTY: "MONITORING" AND "EVALUATION" PAY OFF FOR FORMER OEO STAFFERS

(By Sherley Scheibla)

WASHINGTON.—One of the first orders of business when Congress reconvenes this week will be to vote an appropriation for the Office of Economic Opportunity. The House already has approved \$1.9 billion (the same as last year), and the Senate is expected to follow suit.

Watching the proceedings closely doubtless will be an elite group of professionals who have discovered that poverty pays very well, especially for those who once worked on programs from inside OEO and now have stepped outside to benefit from lucrative contracts with the agency.

Once OEO proceeds with an "innovative" program, it frequently hires outside consultants to furnish "technical assistance." After that, experts are hired to provide "evaluations" of what has been achieved. Then comes "monitoring" of contracts for the evaluations as well as for the technical assistance.

LAUNCHED THEMSELVES

In some notable cases, the outside consultants have evaluated programs that they launched or once ran. Some firms even have hired personnel still employed by OEO to serve as consultants in "outside" evaluations.

While OEO's own evaluation of the evaluations and monitoring has concluded that they are virtually worthless, they also happen to be big business for those involved. For instance, according to Rep. Edith Green (D., Oreg.), Head Start alone has been eval-

uated 44 times, at a cost of \$10 million. The Congresswoman puts the total cost of "outside" evaluations at \$31 million, exclusive of technical assistance and monitoring.

Though opponents of unwise OEO spending, like Rep. Green and Rep. William J. Scherle (R., Iowa), concede that for all practical purposes the fight for fiscal 1970 is over, they already are preparing to take up the cudgels again. With fiscal 1970 already half gone, Congress soon must deal anew with the agency. Their hope is that it finally will take a hand in matters which to date it has virtually ignored.

One of the outstanding cases which Rep. Green has described (in the Congressional Record, issue of December 6, 1969) concerns Leo Kramer, Inc., organized by Mr. Kramer following his employment by OEO as associate director of the Selection and Training Division of Volunteers in Service to America (VISTA). Kramer has \$1,944,681 worth of contracts for VISTA support services, involving seven different VISTA contracts, all but one awarded without competitive bidding. (On the seventh contract, OEO received a competitive bid from Policy Management Systems, Inc., headed by Gary Price, also a former VISTA official. Mr. Price, however, subsequently withdrew his proposal, thus making Kramer, "in effect a sole source supplier.")

OVER \$1 MILLION

Contract B 89-4515 calls for Kramer to provide "Support for VISTA associate programs" for \$1,214,216. It was negotiated by a Kramer official named James M. Harkless, former executive secretary of OEO. The firm's latest VISTA contract was awarded under OEO's new director, Donald Rumsfeld. Executed October 9, 1969, the estimated cost is \$185,399.

In the Congressional Record, Rep. Green sets forth another example of veteran poverty warriors being paid "to evaluate the programs that they formerly administered." As acting deputy community action program regional administrator for the Mid-Atlantic region, Peter Davis "was responsible for assisting in the development of the first regional Community Action Agency evaluation system." He subsequently went to work for Cole, Sanchez & Associates and became project director for \$86,158 worth of OEO contracts, which required the evaluation of CAAs in OEO's Mid-Atlantic region. One of the principals of Cole, Sanchez was Leveo Sanchez, former Mid-Atlantic regional director for OEO. Last July the firm was dissolved and Mr. Sanchez formed Development Associates, Inc., with Mr. Davis as vice president. Mr. Davis told Barron's that the new firm has three small contracts with OEO involving regional CAAs.

Another firm that handles evaluations for OEO is Fry Consultants, Inc. Its employees include Bertrand Harding, former acting director of OEO, so the General Accounting Office told Rep. Green. Fry's contracts with OEO come to a total of \$367,348.

GAO also reported to the Congresswoman that Robert Levine, formerly associated with Rand Corp., went on to head Research, Plans, Programs & Evaluations for OEO. In this position he originated and supervised a procurement request which resulted in the award of a contract for \$561,650 to Rand for a "study of manpower programs and their evaluation." The contract was let on a sole source basis and was the result of an unsolicited proposal. According to GAO, Mr. Levine resigned from his OEO post last January, but served as a \$100-a-day consultant to the agency until the end of June.

Volt Information Sciences, Inc., which has a whopping \$25 million worth of OEO contracts, has a new marketing director, William P. Kelly, GAO reported to Rep. Green. Mr. Kelly served on the task force which

drew up the War on Poverty for presentation to Congress. Upon passage of the Economic Opportunity Act, he became assistant director of OEO for management and later headed the Job Corps. GAO informed Rep. Green that Job Corps contracts with Volt required Mr. Kelly's signature on procurement requests.

Among other things, Volt has contracted with OEO to evaluate its Legal Services Program. Rep. Paul G. Rogers (D., Fla.), asked GAO to investigate an evaluation of the South Florida Migrant Legal Services Program, Inc., of Miami done by Volt. The Congressman wrote GAO: "Of 46 people interviewed, 33 were employees, clients or inside directors. Only 13 others, including several outside directors, were included. I have wired these individuals, since by implication the report suggests they support the existing program. Every single one who has replied to date indicated opposition."

PAID EMPLOYEE

"The evaluation team consisted of four individuals. I was shocked to see that one was a paid employee of another OEO project and that another was a member of the firm of Arnold & Porter, when the deputy director of the program being evaluated was formerly an associate of the same Arnold & Porter."

GAO found that the evaluation team members were selected by an acting regional director for LSP who formerly had worked with SFMLSP under assignment from the University of Pennsylvania Law School. "The Volt regional representatives informed us," GAO said, "that the normal practice . . . was for OEO to select the evaluators, usually from the listing of Volt consultants." GAO explained that OEO does not object to its employees serving as paid consultants to Volt so long as they take leave to do so. GAO found that the "employee of another OEO project" mentioned by Rep. Rogers was a director of another LSP which had employed the former deputy director of SFMLSP. Moreover, it reported he accepted pay from Volt when not on leave from OEO, contending that he did the work at night and/or on a weekend.

The Representative also told the House that John G. Murphy, Jr., Professor of Law, Georgetown Law Center, Washington, D.C., headed the team of Volt evaluators at OEO request. "Yet the records of the OEO program being investigated show that this man was also the Washington representative of this same program (SFMLSP). And OEO required its supposedly independent evaluation firm to pay this man for his services and submit his report as his independent evaluation," Rep. Rogers revealed.

Without naming names, GAO reported that a private attorney on the evaluation team previously had discussed refunding SFMLSP at OEO headquarters and, according to a SFMLSP staff memo of March 18, 1969, "is doing all he can to help us work out a viable program for next year."

Last February, Fry Consultants, Inc., furnished OEO its evaluation of Volt's performance under an OEO contract calling for Volt to provide 18,000 man-days of technical assistance and support to Community Action Programs through the nationwide utilization of specialists' services.

FRY'S REPORT

Fry reported in part, as follows: "Volt has not fully met the contract specifications for training and orienting specialists. Only a limited number of the training conferences which were contractually required have been conducted. While there has been some confusion as to regional OEO expectations, the contractor has failed to establish minimum training requirements for its specialists and has taken little initiative to obtain clarification from OEO. . . . By the end of the contract year, February 15, 1969, actual admin-

istrative costs will exceed original estimates by \$310,000-\$340,000, or 80%-90%. . . . Since Volt was awarded the . . . contract largely because it was the low bidder, the actual cost experience raises serious questions about the validity of Volt's initial cost estimates and OEO's acceptance of them."

GAO reported to Rep. Green that in bidding for the cost-plus contract, Lear Siegler, Inc., estimated it would come to \$1,176,456 and later modified the figure to \$1,020,397. Volt gave an original estimate of \$801,825 and a modified one of \$917,825.

Dr. David Snyder, vice president of Volt, told Barron's the contract in question was B89-4391 and that the final price came to \$4,595,783 (as reported to Rep. Green by GAO). Dr. Snyder explained that the contract was increased in scope to call for rural development programs and for over 30,000 man-days of technical assistance and support instead of the original 18,000. He said Volt does not have a breakdown to show the actual cost of services called for in the original contract. Asked for its comment on the substantial increase in the contract figure, OEO's reply was not yet forthcoming at press time.

Last July OEO announced that the Peoples Development Corp. (PDC) will contract with Volt for help in setting up business facilities. PDC is wholly owned by the People's Involvement Corp. (PIC), one of 14 community development corporations OEO has funded. It has \$700,000 from OEO for a printing plant "and the training of indigenous private enterprise technicians," and another \$93,384 to "attempt to show that residents of a poverty neighborhood can, with appropriate technical assistance, develop competence to assume responsibility for the neighborhood center program."

GAO reported to Rep. Green that OEO has approved around \$1.5 million altogether to support PIC activities, including technical assistance from the Organization for Social & Technical Innovation, Inc. (OSTI). The latter, according to GAO, has an OEO contract for \$473,032 for technical assistance in such community development. OSTI also has a cost-plus OEO contract estimated at \$245,513 to develop a tenant management corporation in a large public housing project in Baltimore (Barron's, December 8, 1969).

In a feasibility study which preceded the latter contract award, OSTI said a council made up of tenants might use the threat of sanctions to obtain requested changes. It also suggested they might form a development corporation to operate such commercial facilities as a laundromat, convenience store or drug store.

According to that study, the officers of OSTI include Thomas W. Firor and Joan Cole, both formerly with the United Planning Organization (the top community action agency for the District of Columbia, funded by OEO) and Carla Okigwe, formerly with Action for Boston Community Development (OEO-funded community action agency).

OEO maintains it lacks the staff to see that OSTI carries out its contract obligations for the Baltimore project. Accordingly, it has hired Urban America, Inc., to monitor that OSTI contract and 17 other projects for \$490,548. On June 30, 1969, a contract modification provided an additional \$219,000 for Urban America to provide training and technical assistance in housing to selected cities with populations of over 25,000, GAO reported to Rep. Green.

In the aforementioned OEO evaluation of its evaluations, titled "Evaluating OEO Programs" and completed a year ago, OEO itself concluded: "The only way to ensure that a contractor adheres to the original evaluation design is to have a strong monitoring capability within OEO itself—something which OEO has not had. . . . By placing the monitoring function in the hands of a contractor one merely adds another party to what ought to be a direct-line management rela-

tionship between OEO and the grantee. . . . It is no exaggeration to say that some grantees resent being monitored by third parties. Moreover, there is no guarantee that unsupervised consultants are doing an effective monitoring job, since what they say must be accepted on faith."

It went on: "Contractors are generally profit-minded, research-minded, or both, and thus are inclined to 'do their own thing' regardless of the original intent behind the evaluation outcome. . . . It is common practice (for contractors) to hire shorter specialists to write proposals and then, if the contract is won, to staff up. Consequently, the quality of the personnel hired to conduct an evaluation is not necessarily reflected in the proposal itself. The upshot of these observations is simply that contractors cannot be left to their own devices."

As for the many evaluations of Head Start, the report stated: "In a recent—and hotly contested—analysis of 30 Head Start impact evaluations, RPP&E (the Research, Plans, Programs & Evaluation branch of OEO) concluded that 'it is difficult to draw general, program-relevant conclusions from the evaluation research on Head Start.' They cited the absence of a guiding plan as the underlying reason."

Moreover, "from its inception, Head Start relied heavily on the independent Research Advisory Council for advice not only on setting up the programs, but also on plans for evaluating them. In effect, the same outsiders who had a vested interest in the structure and operations of the programs were determining the nature of the evaluations."

Regarding a three-year evaluation of three community action programs by eight different contractors, the study found that "only two have produced something that holds promise, and at least one has been dropped for refunding because of poor quality."

On April 28, 1969, Resource Management Corp. reported to GAO on OEO evaluations and concluded, in part, as follows: "The standards of meaningful evaluations of poverty programs are quite low, but we conclude that OEO has generally failed to meet these minimal standards. . . . Community action programs have such nebulous objectives as eliciting maximum participation of the poor which are not subject to quantitative evaluation under any presently available techniques of measurement. (Yet Rep. Green reports that OEO has spent over \$6 million on 29 evaluations of community action programs and community action agencies.) . . ."

"Only 25 of 200 OEO studies could be considered research and the vast majority of the 25 can best be characterized as 'moseying around.' . . . There is little agreement as to what constitutes a measure of program success primarily because there is little agreement as to what the program objectives really are."

In its own "Review of Economic Opportunity Programs," GAO found that information needed for evaluation was unavailable, incomplete or of doubtful reliability. Moreover, it said OEO has no procedure for relating evaluation studies to "the decision process."

BLUEPRINT FOR FINANCIAL DICTATORSHIP—THE TRAP IS SET

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 20, 1970

Mr. RARICK. Mr. Speaker, on December 19, 1969, this body marked an unusual and tragic anniversary in a startling manner. Without hearings or any other consideration, under the pressure to adjourn for Christmas, we

adopted a conference report—CONGRESSIONAL RECORD, volume 115, part 30, page 40243—and enacted a bill entitled "The Credit Control Act," granting to the President an authority for which he had not asked and for which he claims no desire.

I should note that, despite the obvious excellent opportunity to prevent our error from becoming law by simply not signing the act, the President declined to utilize the pocket veto, and the Credit Control Act is now law, signed on December 23.

I am talking about a measure which bears the generally well intentioned title "An act to lower interest rates and fight inflation; to help housing, small business, and employment; to increase the availability of mortgage credit; and for other purposes." It is difficult to disagree with legislation purporting to achieve such universally desirable objectives as recited in the express elements of this title, but it is the "for other purposes" section that should be brought to the attention of responsible citizens.

The anniversary which we marked, although few of us noted it at the time, was the creation of the Federal Reserve System in 1913. This act was passed on December 23 of that year, by the adoption of a conference report, when Members were in haste to adjourn and return home for Christmas. In each case, many Members had already left Washington.

The tragedy of the event lies in the fact that the Congress in 1913 gave private bankers—not necessarily Americans—the full control over entire financial structure, abdicating its responsibility under the Constitution. Our people are being bled white by the cabal which we invested with such unheard of power. Last month we laid the foundation for granting the same privileged few total credit control, the last remaining link in our economic structure which was not in their hands.

What the Congress has done amounts to executing a blank check—payable to the private international bankers—and handing it to the President, to deliver at his pleasure. This check represents total power over our financial structure, and can be handed to the bankers by the President—or by any of his successors—without even the necessity of declaring a national emergency.

This is not a temporary measure. It is permanent law.

The trap is set. All that remains is for the opinion makers to sell an unsuspecting people on the idea that while tight credit controls may hurt a little, it is for their own good, and that the international bankers who can manipulate such esoteric things as "paper gold" will make it all come out well in the end.

When the trap is sprung, the United States will join Great Britain and France as victims of the new financial colonialism, while the Federal Reserve System gains the same dictatorial powers as the Bank of England and the Bank of France, owned by the same private citizens.

I include at this point in my remarks the full text of the Credit Control Act, together with a clever and readily un-

derstood allegory published in Conservative Viewpoint, in which the diabolical simplicity of the Federal Reserve scheme is exceptionally well described:

CREDIT CONTROL ACT

TITLE II—AUTHORITY FOR CREDIT CONTROL

Sec. 201. Short title

This title may be cited as the Credit Control Act.

Sec. 202. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section apply to the provisions of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to any person who extends, or arranges for the extension of, credit, whether in connection with a loan, a sale of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any rental-purchase contract and any contract or arrangement for the buying or leasing of property when used as a financing device.

(h) The terms "extension of credit" and "credit transaction" include loans, credit sales, the supplying of funds through the underwriting, distribution, or acquisition of securities, the making or assisting in the making of a direct placement, or otherwise participating in the offering, distribution, or acquisition of securities.

(i) The term "borrower" includes any person to whom credit is extended.

(j) The term "loan" includes any type of credit, including credit extended in connection with a credit sale.

(k) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(l) Any reference to any requirement imposed under this title of any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

Sec. 203. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Sec. 204. Determination of interest charge

Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined under the regulations of the Board as the sum of all charges payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

Sec. 205. Authority for institution of credit controls

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

Sec. 206. Extent of control

The Board, upon being authorized by the President under section 205 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum rate of interest, maximum maturity, minimum periodic payment, maximum period between payments, and any other specification or limitation of the terms and conditions of any extension of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

(10) prescribe maximum ratios, applicable to any class of either creditors or borrowers or both, of loans of one or more types or of all types

(A) to deposits of one or more types or of all types.

(B) to assets of one or more types or of all types.

(11) prohibit or limit any extensions of credit under any circumstances the Board deems appropriate.

Sec. 207. Reports

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this title, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this title. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this title including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

Sec. 208. Injunctions

Whenever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted

without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this title.

Sec. 209. Civil penalties

(a) For each willful violation of any regulation under this title, the Board may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding \$1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

Sec. 210. Criminal penalty

Who ever willfully violates any regulation under this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

THE TEMPLE OF THE 13 SUNS

(A mini-course in economics in a change-the-world effort.)

[The fraud of false-debt usury is perhaps the most astounding sleight-of-hand ever devised by man or devil. It is clearly revealed in the following fable written by the late R. H. Hemphill (an ex-banker) and amplified by L. E. Fleischer.]

Once upon a time to the Temple of the Thirteen Suns came the rich and powerful chief, Omar the Third, who said to the goldsmith of the temple, "I have much gold and am about to depart for a far country. Will you keep this gold safely for me against my return a year hence?" "I'll pay thee well."

The wily goldsmith coughed loudly and covered his countenance with a cloth lest the rich Omar the Third observe his joy to have this treasure in his possession. When he was calm and could look serious he said to Omar, "It's a very great responsibility and risk. But I'll undertake it for a tithe of one shekel in every ten (10%)." Then said the Chief Omar, "It's a deal." And forthwith his slaves delivered many bags containing in all a thousand shekels of gold for which the goldsmith gave the chief a parchment deposit writing (the forerunner of the banknote) payable "to whomsoever." And thereupon Chief Omar departed happily upon his journey.

As soon as he was well out of the country, the shrewd goldsmith called his confidential scribe and bade him thus: "Go thee now to the merchants whom I tell thee of and say to each that thy master hath a little gold for hire upon good security." And the servant departed swiftly.

Soon there came a great merchant who said, "Goldsmith, you old crook, I'm in a jam for a few shekels of gold. Will you lend me?" And the goldsmith replied: "Money is very tight these days, but it might be so arranged. What is thy need?" The merchant answered, "Two hundred shekels." Then said the goldsmith, "It is much money. What security couldst thou pledge for so great a sum?" Then the merchant showed the goldsmith a writing of his possessions of merchandise to the amount of a thousand shekels. The goldsmith said, "It is not enough. Thou must also pledge thy dwelling and thy slaves and thy raiment." Whereupon the merchant, after much protest, pledged all his possessions, even to his innermost personal raiment. (Now watch this next part carefully because here is where the mischief starts; here is where the false debt gets created.)

Then said the merchant to the goldsmith, "I have no place to store so much money. Keep it safe for me but give me a writing, give me a deposit receipt, which will show that I have left the money I borrowed with you for safekeeping and that you now owe me the money that I owe you. Then when I

buy something I'll give my deposit receipt over to the seller and let you owe him instead." And the goldsmith did even so.

[Note that it is mathematically impossible for a debt to exist between the so-called lender and the so-called borrower. Why? Because each owes the other exactly the same amount of money and each has the other's note to prove it. Equal debts between two parties cancel out, so there is no debt. Since there's no debt, there's no loan; there's only the illusion of a loan.]

The next day came another merchant and another and yet another. And to each the goldsmith loaned a portion of the gold of Omar the Third, taking from each as security his entire possessions, including his innermost personal raiment. And he gave to each in writing upon parchment (the equivalent of a banknote) showing that each had on deposit the money he had borrowed and that therefor the lender owed the borrower the money which the borrower owed the lender. Upon the tenth day he had given parchment deposit writings (banknotes) for the whole of the thousand shekels. But yet he had all the gold.

The goldsmith reflected much upon this curious state of affairs and said to himself, "These fools know not how much gold I possess. They obviously do not want the gold itself; what they really want is credit (barter credit), that is, a deposit writing which they may pass from hand to hand as money. Actually, all they need is the figure which appears on the gold, just a figure to pass from buyer to seller to show how much in goods or services the borrower-buyer owes to any holder of the money figure. *I have one grand idea.*

On the next day came another merchant and another and yet another. And to each the goldsmith showed the great store of gold of Omar the Third. And to each he pretended to loan a portion, altho he had previously loaned it all to the first ones who came. And it came to pass that, at the end of another ten days, the goldsmith had pretended to loan to many more merchants and had given special writings of deposit (banknotes) for another thousand shekels, making two thousand in all, altho he had only one thousand shekels of Omar the Third. And yet he had all the gold!

Whereupon the goldsmith reflected to himself: "What a cinch, what a leaden pipe cinch! I wonder I didn't think of this before; I can collect just as much interest, just as much usury, from the phony deposit writings as from the genuine. In other words, I can collect just as much ransom from fake loans as from genuine loans. Verily I am a financial wizard."

Thereupon the goldsmith caused it to be noised about that he possessed a vast store of gold for hire. And many more merchants came to borrow. And to each the goldsmith delivered writings of deposit (bank notes) and collected generous usury and demanded pledges from each of all his possessions, even to his innermost raiment, until he had issued writings of deposit (bank notes) for ten thousand shekels and held mortgages on substantially the whole city.

Then went the goldsmith to the Wise Man of the city and said unto him: "Verily, I have discovered the greatest racket of all time; I have learned the magic of making gold out of baloney thru fake loans and incidentally creating the public money supply. The process is as follows:

"A man cometh unto me to borrow. (Even the King!) I give him my writing upon parchment (or a ledger entry) which showeth him how much money I owe unto him. He likewise gives me his writing (even the king) which showeth that he owes unto me exactly as much money as I owe unto him, thus cancelling out the debt. But he's too stupid to comprehend this! (Even the king!) So therefor my writings, i.e., my notes (including my ledger-entry notes) then pass

from buyer to seller as money, gathering for me, thru the so-called debtors, a perpetual ransom in usury which grows by a geometrical progression. Meanwhile their equivalent notes, even the king's lie immobilized in my strongbox, gathering for them only dust. [Note: Modern dust-free bank vaults prevent the immobilized notes from gathering even dust!]

"Furthermore, in addition to borrowers' notes I also buy property with my notes and ledger entries, which then circulate as money, thus giving me the counterfeiter's advantage, i.e., something for nothing.

"This is my fake-loan, my false-debt, formula. And if I can keep it a secret for a few years I'll collect a fortune that will make Solomon's treasury look like a secondhand store. And eventually I'll totally enslave the people thru false debt yet make them pay the costs of their own enslavement. Better yet, they won't even know they're enslaved, nor who enslaved them, nor how. Now tell me, Wise Man, tell me how I may keep secret this bonanza for mine own profit."

Then said the Wise Man: "Look wise and say little, and only upon little-known matters afar off. Obtain the ear of the town crier. Engage him to spread the impression that money is a mysterious subject which no one understands save thee alone. Be friendly with the king's counselors and grant their favors, that the king may smile upon thee. Have him declare thy notes, including thy ledger-entry notes, the lawful money of the land. And have him forbid the people to exchange thy notes for gold."

And the goldsmith did as he was bid and collected much usury from his phony loan deposits, from his fake loans and counterfeit

investments. In fact, he collected the rental value of money, which is the difference in value between whole barter and split barter (i.e., between 2-party and multi-party barter, which money makes possible) which in turn is the value of the division of labor and of all labor-saving devices, which of course is the value of civilization itself. And since all new money created as fake loans can demand and collect that ruinous ransom, all existing money actually loaned or invested can likewise demand and collect the same ruinous ransom. That ruinous ransom is Usury (which the Bible condemns again and again and again. And for good reason; Usury is on the verge of totally destroying Christianity by transforming the world into a totalitarian slave state wherein Christianity will be systematically and ruthlessly destroyed, as was done by the same satanic swindlers who conquered Russia in 1917). In other words, the goldsmith and his fellow money-creating usurers collected the value of communal living, i.e., the value of living in an organized society. In short, he collected an utterly ruinous ransom for providing the public with a money supply in the form of bank credit, a money supply created as a gigantic, colossal swindle, an utterly evil fraud!

And that is the reason most banks have great marble pillars and bronze doors, so that they may resemble, outside as well as internally, the "place of imaginary money," the false debt factory, if you please which the goldsmith, the banker, using modern banking principles, builded with phony loans and investments on the gold of Omar the Third in the Temple of the Thirteen Suns.

Postscript.—The goldsmith (and today's

banker) soon discovered an even more potent and effective method than false-debt usury for dispossessing the public on a grand scale; he discovered the fleecing cycle known as the "Business Cycle." Here is how he explained it to his five sons:

"By increasing or decreasing the flow of my phony loans and investments, I increase or decrease the volume of money and cause a boom or a depression. I buy up and foreclose during the depression, then sell out later at high inflation prices during the following boom, which I create by rapidly increasing the flow of my fake loans and investments, thus increasing the money supply faster than the public can back it (i.e., earn it back) with goods and services; I repeat the cycle again and again, alternately granting and then withholding my phony loans and investments. The people are like unto a great flock of sheep, which I thus periodically fleece on an even grander scale than my constant fleecing of them thru false-debt usury."

Note.—When the volume of money increases faster than the volume of goods and services, we have inflation. But because of the false accounting of the banking system we must have inflation or perish. Why? Because bank credit, which we use almost exclusively as money, is nonexistent debt which carries a perpetual compound interest charge that must be added to prices, causing price inflation. If money inflation does not then follow, a depression does and we perish because businessmen and farmers cannot then recover their costs and so go bankrupt. When producers cannot recover their costs, consumers will have nothing to consume and will perish.

SENATE—Wednesday, January 21, 1970

(Legislative day of Monday, January 19, 1970)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose mercies are new every morning, make all things within us new this day. Renew our faith and hope and love. Renew our wills that we serve Thee with all our soul and mind and strength. Renew our longing to know Thee in Thy fullness and to show it by service to all the people. Renew our love of country and give us wisdom to help make her good and great. So lead us through the day that when evening comes we may hear Thee say, "Well done, good and faithful servant."

In the Redeemer's name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, January 20, 1970, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period

for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today: DOMINICK, TOWER, and YOUNG of Ohio.

RECESS SCHEDULE FOR THE SENATE DURING THE NEXT SEVERAL MONTHS

Mr. MANSFIELD. Mr. President, for the information of the Senate, the joint leadership has approved a recess schedule for the Senate during the next several months.

It is an abbreviated schedule and does not go beyond the July 4 recess.

I ask unanimous consent that this schedule be printed in the RECORD.

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

Lincoln's Birthday (Thursday, February 12)—From conclusion of business Tuesday, February 10, until Noon, Monday, February 16.

Washington's Birthday (Sunday, February 22)—Reading of the Farewell Address on Monday, February 23, followed by normal legislative matters.

Easter (Sunday, March 29)—From conclusion of business Thursday, March 26, until Noon, Tuesday, March 31.

Memorial Day (Saturday, May 30)—From conclusion of business Thursday, May 28, until Noon, Monday, June 1.

July 4 (Saturday)—From conclusion of business Thursday, July 2, until Noon, Monday, July 6.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. I am delighted to yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. We on the minority side agree with the proposed truncated and abbreviated recess schedule. We believe that if we are to get our work done, we must stay on the job. If we are to get the work done, we will have to have long sessions. The distinguished majority leader has indicated that we may well have some Saturday sessions. If we do, it will be our responsibility to be on hand to help him.

Individual Senators will have to accept and assume the risk of being absent if they have already made engagements. Let me say that my heart goes out to all our colleagues who may find themselves in that predicament, and I may