the veterans hospital system; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BRINKLEY:

H.R. 17765. A bill for the relief of Modesto Marcial Ferrer; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 17766. A bill for the relief of Richard C. Walker; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

491. By Mr. LONG of Louisiana: Petition of Louisiana AFL–CIO as per resolution adopted by its convention held in Baton Rouge, La., April 13–16, 1970, urging that action be taken to reduce these high-interest rates by the President of the United States, that the Congress of the United States take action immediately to force a reduction in the interest rates to a reasonable level in the interest of the people of the United States; to the Committee on Banking and Currency.

492. By the SPEAKER: Petition of the Presbytery of Potomac, Synod of Virginia, Presbyterian Church in the United States, relative to Cambodia; to the Committee on Foreign Affairs.

# EXTENSIONS OF REMARKS

## BUFFALO ARMY NURSE TO GET STAR

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. DULSKI. Mr. Speaker, a native of my home city of Buffalo, N.Y., who has risen through the ranks to become the Chief of the Army Nurse Corps, Col. Anna Mae Hays, has been nominated by President Nixon to be one of the first two women generals in our Nation's history.

Congress authorized general officer rank for women 3 years ago, but this is the first time that a President has submitted a nominaion for this rank to the Senate for confirmation.

This is a great honor for Colonel Hays, and while she has been away from our city for a long time, we still consider her a Buffalonian. I know I can speak for Buffalonians, in general, that they are proud to have one of their own achieve this high and responsible position and honor.

Mr. Speaker, as part of my remarks I include the Associated Press story on the nominations which was published by the Buffalo Courier-Express on May 16:

BUFFALO WOMAN IS NAMED GENERAL IN A FIRST FOR U.S.

WASHINGTON.—President Nixon has nominated the first two women generals in the history of the U.S. armed forces, it was announced Friday.

The Pentagon said Col. Elizabeth P. Hoisington, director of the Women's Army Corps, and Col. Anna Mae Hays, chief of the Army Nurse Corps, have been selected by the President for promotion to the temporary rank of brigadier general.

FIRST TIME

Congress authorized general officer rank for women three years ago, but this is the first time that any woman in uniform has been picked to wear a star.

Col. Hoisington, a native of Newton, Kan., enlisted in the World War II Women's Army Auxiliary Corps in 1942 and was commissioned a year later. She became director of the WAC in August 1966.

Col. Hays, born in Buffalo, N.Y., Feb. 16, 1920, also entered the Army in World War II, first serving in 1942 as an operating-room nurse. She became chief of the Army Nurse Corps in September 1967.

When asked about her days in Buffalo, Col. Hays said, "I'm afraid I don't remember the city because I spent only a few years of my early childhood there. But, I do remember being told that there was plenty of snow around when I was born."

FROM NEWSMEN

Col. Hays learned about her nomination from a newsman after she had left her office for the day.

She seemed skeptical, saying, "I'll have to call somebody and find out."

She said she had left her office during the afternoon "because I had to get my uniform fixed."

About the only other thing that Col. Hays could say, in her surprise was, "My Goodness."

Col. Hoisington's Pentagon office was the scene of great jubilation.

The WAC chief told a reporter over the phone that about 25 of her male officer friends had come in to congratulate her, and "they all are kissing me."

NO INDICATION

Col. Hoisington said she had learned of her nomination only a few minutes before the public announcement and that she had had no advance indication of it.

Neither of the women colonels said they regarded their promotion as a strike for womankind.

"We've always gotten our due from the Army," said Col. Hoisington, who described herself as "an Army brat." Her father was a colonel and her three brothers all went to West Point.

"The army is my first love," she said.

PAVING WAY

Col. Hoisington said more and more women colonels are being named and "they are paving the way for others to follow."

Col. Hays, when asked about the drive for women's liberation, said "let's not talk about that."

She said she regarded her promotion as "recognition for service."

Col. Hoisington is 51, Col. Hays is 50.

Col. Hays, a widow, served in India during World War II, in Korea and Japan during the Korean war and later rose to head nursing positions in a series of Army hospitals, including Walter Reed.

## ONE CENTURY LATER: THE REPUBLIC LIVES

### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. SIKES. Mr. Speaker, as we approach Memorial Day, I wish to call attention to a touching editorial which appeared in the Pensacola News-Journal, Sunday, April 26. It refers to Confederate Memorial Day, which more and more is overlooked as new problems and new people crowd onto the scene. There are still many of us who carry in our veins the blood of those who fought in that tragic conflict in the 1860's. As the years pass, the right or wrong of it fade, but not the heroism and the courage. The editorial is one of the finest documents that I have read and I am pleased to submit it for publication in the RECORD:

ONE CENTURY LATER: THE REPUBLIC LIVES

There are those who think it should be forgotten—this brief, bitter, and bloody, but somehow glorious, period in American history.

There are those who would hide the flags, raze the monuments, and blot from the pages of history the only war America ever lost; lost because its people fought not other nations but each other, friend against friend, brother against brother.

There are those who say that the American Civil War—or the War Between the States—should not be remembered; the Southern dead not honored, the causes forgotten.

For, they say, the flag and the causes of the Confederacy symbolize only a shameful period of history, when white men held black men enslaved in chains and drove them to fields like beasts of burden.

They are wrong, these people. Wrong in their contention that any chapter in history should be forgotten, whatever cause; wrong most of all in their contention that the war was prompted by and fought by slave owners unwilling to give up the trade in human lives.

Certainly, the issue of slavery was one of the factors which led eventually to a break between the Northern and Southern states; but it seems somehow to have been forgotten that Abraham Lincoln, at the time of his election, had asked that a resolution be passed in Congress promising never to alter the Constitution to interfere with slavery where it was already established, and that the Confederate Constitution itself abolished the African slave trade.

The issue, in fact, revolved primarily around Article X of the United States Bill of Rights, which says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, and to the people."

The war was fought in an attempt to halt the centralization of power in Washington, D.C., and retain it to the respective states and local government.

It is an issue not dead these 105 years after the war; indeed, now many former advocates of a strong federal government are becoming aware of the need for decentralization of power.

But it is not for the political reasons, of that time or this, that Southerners each year

set aside one day to do honor to those who fought the battles of a war a hundred years gone.

The average foot soldier, indeed, was too poor to afford a slave, and often didn't want one; and usually too uneducated to understand the issue of states' rights.

What he understood was that he was fighting in defense of his home and his country, with no hope of reward, no pay, scanty rations and the probability of an unmarked grave.

The monument at Vicksburg, Miss., at the graveyard battleground perhaps expresses it as well as can be expressed:

*"Here brothers fought for their principles*
*"Here heroes died to save their country*
*"And a united people will forever cherish the previous legacy of their noble manhood."*

Today—Sunday—is Confederate Memorial Day in Florida.

We hope that all the people of the nation, North and South, black and white, can lay aside their differences, their notions of rights and wrongs, and remember only that these brave men, on both sides, fought for what they believed to be right.

Time has shown that the nation is stronger because of the Union victory, and time has convinced all but the most recalcitrant that slavery and its aftermath, racial prejudice, was and is wrong.

While the South, a budding republic caught in the chaos of disunity, crumbled from what many Southern historians dub an "overdose of states rights," America itself emerged victorious. The republic survived, its fabric made stronger by the strength, wisdom and bravery of men in blue and gray.

True, it is a time when the Confederate battle flag and the snappy tune "Dixie" spark anger and protest from persons with a shortsighted view of American history, but nothing can ever detract from the bravery, the courage and the spirit brought into this war by the men and women of the South; proud even in defeat.

Sometimes, wearing rags of butternut, they fought with cornstalks; their leaders were innovative and ushered into history modern techniques of warfare. Sometimes, barefoot, they ate gobber peas and drank parched corn coffee and filled their canteens with water from muddy ditches on bloodstained fields.

They were the Confederates, sons of the South.

And it is the kind of spirit and loyalty and duty to country we hope never fades from the mainstream of our cherished American republic.

## FRANK A. HERDA, JR., CONGRESSIONAL MEDAL OF HONOR WINNER

### HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. MINSHALL. Mr. Speaker, in sharp contrast to the droves of youthful protesters thronging the corridors of House and Senate office buildings last week, I had one quiet, unassuming young visitor who was in Washington on a far different mission.

Frank A. Herda, Jr., had come to the Nation's Capital to receive from the President of the United States the highest honor our country can bestow, the Congressional Medal of Honor.

Both because of his innate courtesy and our friendship dating back 2 years, Frank stopped by my office with his parents and sister, Mr. and Mrs. Frank A. Herda and Miss Roseanne Herda of Parma, Ohio. In July 1968, I first met Frank when he was flown back to be treated at Walter Reed for the critical wounds he had received in Vietnam. I drove out to Andrews Air Force Base to meet his plane and I shall never forget that despite the fact that he was in such serious condition, he managed to look up at me from his hospital stretcher to muster a grin when he realized someone from home was there to welcome him. I was deeply moved by Frank's courage at the time. The outlook was not altogether good for his recovery and I followed the progress of his case as treatment progressed at Walter Reed, keeping his family advised.

As the story unfolded of how Frank Herda had proven his heroism in battle, I was even more deeply impressed with the devotion of this man to his country and to his comrades in arms. Certainly no one except his immediate family could have felt more pride and satisfaction than I did when I learned that Frank was to receive the Congressional Medal of Honor.

After days of talking with young people who, no matter how sincere they might be, appeared in many instances not to understand what our Nation really is, who even in a few cases sneer at patriotism and shrug off responsibility as American citizens, it was inspiring to sit down and talk with one of their peer group who was willing to make the supreme sacrifice for our Nation and for his friends. Frank Herda not only honors the flag, he has proven his willingness to defend it with his life.

There is much talk among young people of Frank Herda's generation of man's responsibility to mankind. They might look to this Medal of Honor winner as a man who was willing to pledge the truth of the verse from the New Testament, "Greater love hath no man than this, that a man lay down his life for his friends."

I am honored to include the citation read when Frank Herda received his medal from the President last week, and the front page story from the May 14 Plain Dealer recounting the ceremony:

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Specialist Four Frank A. Herda, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Specialist Four Frank A. Herda, (then Private First Class), distinguished himself on 29 June 1968 while serving as a grenadier with Company A, 1st Battalion (Airborne), 506th Infantry, 101st Airborne Division (Airmobile) near Trang Bang, Republic of Vietnam. Company A was part of a battalion-size night defensive perimeter when a large enemy force initiated an attack on the friendly units. While other enemy elements provided diversionary fire and indirect weapons fire to the west, a sapper force of approximately thirty men armed with hand grenades and small charges attacked Company A's perimeter from the east. As the sappers were making a last, violent assault, five of them charged the position defended by Specialist Herda and two comrades, one of whom was wounded and lay helpless in the bottom of the foxhole. Specialist Herda fired at the aggressors until they were within ten feet of his position and one of their grenades landed in the foxhole. He fired one last round from his grenade launcher, hitting one of the enemy soldiers in the head, and then, with no concern for his own safety, Specialist Herda immediately covered the blast of the grenade with his body. The explosion wounded him grievously, but his selfless action prevented his two comrades from being seriously injured or killed and enabled the remaining defender to kill the other sappers. By his conspicuous gallantry at the risk of his own life in the highest traditions of the military service, Specialist Herda has reflected great credit on himself, his unit and the United States Army.

[From the Cleveland Plain Dealer, May 14, 1970]

PARMA MAN WINS MEDAL OF HONOR

A Vietnam veteran from Parma will receive the nation's highest military award—the Medal of Honor—from President Nixon in a White House ceremony today.

Former Army Spec. 4 Frank A. Herda Jr., 22, of 5815 Thornton Drive, is the first Greater Clevelander to receive the coveted medal for Vietnam action.

An Army spokesman said Herda saved two lives and was seriously wounded when he jumped atop a Viet Cong grenade June 29, 1968.

Herda, at the time, was a grenadier with the 101st Airborne Division patrolling mountains near Dak To close to the Laotian border.

Herda already has received the Distinguished Service Cross, the Silver Star and the Bronze Star for heroism in the four months and nine days he was in combat.

After treatment for wounds in Walter Reed Army Hospital, Washington, D.C., and being discharged last June, Herda enrolled at Cuyahoga Community College.

U.S. Rep. William R. Minshall, R–23, notified Herda's parents, Mr. and Mrs. Frank Herda, last July their son had been nominated for the Medal of Honor.

"The whole neighborhood felt a sense of honor when we learned of the award last week," said Mrs. Margaret Manti, 48, of 5811 Thornton, next door to the Herdas.

"It came as sort of a surprise," she added, "because Frank was always a quiet, shy type who kept busy at school or whatever he was doing."

Herda's parents accompanied him to Washington for the ceremony that will include presentation of Medals of Honor to 11 other Vietnam veterans.

He was drafted in September 1967, the day before his 20th birthday, and took basic training at Fort Knox, Ky.

As a student at Parma High School, where he was graduated in 1966, Herda spent three years in the school concert and marching bands.

Sixty-two servicemen have received the award for heroism in Vietnam and more than 3,000 have received it since it was first awarded in the Civil War.

Eighteen Greater Clevelanders have won the medal since 1863.

Pentagon statistics show the ratio of Medal of Honor winners in Vietnam is much lower than during the Korean war or World War II.

## YOUNG AMERICANS RISK SEVERE PENALTIES FOR VIOLATING FOREIGN DRUG LAWS

### HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BURTON of Utah. Mr. Speaker, the Department of State has written to

all congressional offices of the alarming increase in the number of young Americans being held abroad for violation of foreign drug laws. In an effort to alert our citizens to this serious problem, I am putting the letter from the Department, and the accompanying fact sheet, in the RECORD. The letter follows:

DEPARTMENT OF STATE,
*Washington, D.C., May 19, 1970.*

DEAR CONGRESSMAN: You may already have heard about the increasing number of young Americans who are under detention abroad for violating foreign drug laws. However, we view the problem so seriously that we wish to make doubly sure that all Members of Congress are fully informed. The number of young Americans under detention abroad at the end of March last year was 142. A year later it had risen to 522.

We believe that many young Americans who go abroad do not realize that they are subject to the laws of the countries which they visit; nor do they realize that in many countries the penalties for possessing drugs are severe while the penalties for trafficking can be very serious indeed. The fact sheet attached to this letter will give you an idea of what can happen to the boy or girl who is apprehended abroad on this type of charge. Prison conditions in many countries, particularly in the Far East, Middle East and Latin America are severe; an individual who must serve a jail term faces a most distasteful ordeal. A person who has been apprehended must often spend several months in prison awaiting trial. In many instances, this time of incarceration is not subtracted from the sentence imposed by the court.

Our consular officers do the best they can to assure American citizens fair treatment under the legal procedures of the country involved. They cannot, however, represent them legally nor request special treatment on the basis that they are Americans. Moreover, the consular officers are unable to expend any U.S. Government funds in their behalf.

The Department has taken several measures to warn young people about the penalties of violating foreign drug laws. These warnings have included TV and radio interviews by the Administrator of the Bureau of Security and Consular Affairs, Miss Barbara M. Watson; a press release which has been reprinted and widely circulated to almost 6,000 colleges and college newspapers; and instructions to our consulates abroad to use posters and notices in order to warn American boys and girls who are visiting their countries. Our purpose has been to alert them to the danger before they get into trouble.

I am sending you this letter because I believe you would want to know how serious the situation has become. Please feel free to use this letter and the enclosed fact sheet in any way you deem helpful in alerting your constituents to this problem.

Sincerely,

DAVID ABSHIRE,
*Assistant Secretary for Congressional Relations.*

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FACT SHEET: AMERICANS ARRESTED ABROAD ON DRUG CHARGES

1. Total Americans Arrested and Under Detention Abroad on Narcotics Charges:

*Arrests*

| | |
|---|---|
| During March 1969 | 57 |
| During March 1970 | 221 |

*Under detention*

| | |
|---|---|
| As of March 31, 1969 | 142 |
| As of March 31, 1970 | 522 |

2. Top 20 Countries in which Americans are Under Detention for Narcotics:

| Country | Arrests in March 1970 | Total under detention, March 1931 |
|---|---|---|
| Mexico | 52 | 145 |
| Spain | 20 | 63 |
| France | 23 | 33 |
| Japan | 10 | 26 |
| Jamaica | 3 | 25 |
| Sweden | 10 | 23 |
| United Kingdom | 16 | 22 |
| Italy | | 20 |
| Israel | 10 | 18 |
| Canada | 11 | 17 |
| Lebanon | 5 | 17 |
| Germany | 5 | 16 |
| Greece | 1 | 12 |
| Panama | 8 | 8 |
| Netherlands | 4 | 7 |
| Bahamas | 5 | 6 |
| India | 5 | 6 |
| Turkey | 1 | 6 |
| Bolivia | | 5 |
| Denmark | | 5 |

3. Representative Penalties for Possession and Trafficking in Narcotics:

Bahamas: Possession—Americans have been sentenced to from 3 months to 1 year in jail.

France: Possession—varies, but less than for trafficking. A minimum of 3–4 months pre-trial confinement; Trafficking—1–5 years jail.

Germany: Possession—One American sentenced to 2 years for possession of large amount of hashish.

Greece: Possession—Fine and sentence to few months jail. Trafficking—One American recently sentenced to 18 months, another to 5 years.

Italy: Possession—One American recently fined $317 and sentenced to two years jail. Trafficking—3 to 8 years.

Jamaica: Possession—minimum of 18 months.

Japan: Sentences are based on the quantity of narcotics involved. For small amounts, as are usually the case, sentences are light, are often suspended, followed by deportation. One American found with 600 grams of hashish was sentenced to two years. Most Americans arrested on narcotics charges are seamen.

Lebanon: Possession and use—1 to 3 years in detoxification asylum (usually a mental hospital). Trafficking—3 to 15 years.

Mexico: A minimum of 6–12 months pre-trial confinement; then, sentence usually *under* 5 years unless more than one-half ton of drugs involved.

Spain: Penalty depends on quantity of drugs involved: Less than 500 grams—fined and released or released on bail until trial.

More than 500 grams—heavy fine plus minimum of 6 years jail.

Sweden: Possession—One American recently sentenced 1 year jail. Attempted sale—One American sentenced 1 year, 9 months. Permanent expulsion from Sweden usually follows release.

Turkey: Possession—3 to 5 years.

Trafficking—10 years to life.

U.S.S.R.: Trafficking—3 to 10 years.

4. Approximate Age of Persons Arrested for Narcotics Violations:

According to a sample of about ⅓ of the cases in our card file, by far the greatest number arrested are below 30 years of age.

5. Distribution of Arrest Reports:

Initial reports of an arrest are sent to the Department of Justice as well as the Department of State.

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## THE "BREATHE-IN" AT FULLERTON JUNIOR COLLEGE

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### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. HANNA. Mr. Speaker, last April 22, the students and faculty at Fullerton Junior College staged a dramatic and successful "Breathe-In." Two-thirds of the 8,500 member campus participated.

The "Breathe-In" was designed as an impressive demonstration of concern. It was that and much more. For not only was the point made well, it also reflected that people are willing to use alternatives to the polluting automobile if they are given the alternatives.

I believe the FJC "Breathe-In" tells the Congress that we had better begin producing these alternatives rather than just talking about them. I fully endorse and support their thinking.

I commend to the attention of my colleagues two letters from Mr. Lawrence O'Hanlon, who served as adviser to the FJC "Breathe-In":

FULLERTON JUNIOR COLLEGE,
*Fullerton, Calif., April 22, 1970.*

Congressman RICHARD T. HANNA,
*House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN HANNA: The students and faculty at Fullerton Junior College, in recognition of the threat to the life-support systems of our planet by the internal combustion gasoline engine in its present form, have joined together in large numbers to show their concern. The 2,000 signatures on the long scroll which accompanies this letter are of those students and faculty who pledged to travel to the college on April 22, today, either without using an automobile or by reducing their use of the automobile to a minimum.

Today, the scene in the parking lots of Fullerton Junior College is, to say the least, hard to believe. It is obvious that far more than the 2,000 who signed the pledge have participated in this activity, called the "Breathe-In." We estimate that about two-thirds of the 8,500 students and faculty at our college have participated. All of us, even those most optimistic about the degree of possible participation, are somewhat amazed to see the parking lots of Fullerton Junior College two-thirds empty on a Wednesday morning during full-time class sessions.

The theme of this activity has been that it is time *now* for action, not just words. Those who are participating today in our "Breathe-In" show by their own actions that they expect their legislators to act accordingly.

We ask that you include a report of today's activities at Fullerton Junior College in the *Congressional Record*, as one means of impressing upon your fellow Congressmen the urgency with which we regard the issue of environmental pollution. We assume also that you yourself recognize this urgency, and we look forward to seeing evidence of your personal efforts to enact legislation or to support whatever action necessary to bring the internal combustion engine, as well as all other similar threats to the survival of mankind, under control.

We demand action now!

Yours very sincerely,

LAWRENCE O'HANLON,
*Adviser, FJC "Breathe-In" Committee.*

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SOME REFLECTIONS ON THE "BREATHE-IN"

First, we would like to extend both our thanks and congratulations to those who participated in and supported the "Breathe-In." We never really expected to see too much of a "dent" in the school parking lots, since we thought probably the "Breathe In" would just cut down on the overflow into nearby streets. The degree of participation, especially from the faculty, was most encouraging.

But the obvious questions arise—"What was accomplished?" "Was it just a lark?" There is no doubt that for many it was a matter of "fun and games" or an emotional

catharsis for individual frustrations about pollution. But we believe that the "Breathe-In" was more than that. One positive result, for example, has been the formation of a student car-pool structure, one which will hopefully be the forerunner of a carefully planned car-pool clearing-house to be operational as part of the registration procedures for the fall semester. Other results may be less measurable—matters of states of mind, for example. In this regard, let us explain what thoughts remain in the forefront of our minds in the wake of April 22.

*The lack of options:* In conversation with the congressional field representative who came to accept the 2000 signature-pledges received for the "Breathe-In," he expressed the conviction that individual action was the key to solving the problems of pollution. Though the *general* truth of his statements can hardly be denied (for example, the individual responsibility regarding litter), we found difficulty in relating them to some of the *particular* situations in which we find ourselves. Before one can be blamed for polluting the air by using an automobile powered by an internal-combustion gasoline engine, he must have some alternative transportation choice which avoids or reduces such pollution. Obviously, few such alternatives are available at present. Public transportation is almost non-existent (though surprisingly there are a few RTD busses—usually empty—which pass regularly near FJC). Bicycle-riding is impractical for many because of distance, and even for short-runs, it is not very safe. (There even seems to be some question as to whether bicycles have the right-of-way on our streets. How about it, faculty lawyers?) Housewives have little alternative but to use detergents, judging by what we see on the shelves of the supermarkets. And usually we have no choice but to buy products which come in non-salvageable packaging. Even when the packaging is salvageable, usually no practical means exists for recycling it.

Therefore, we as individual consumers and citizens cannot be *totally* blamed for polluting the environment unless business and/or government offer us some alternatives, or at least the opportunity to develop some alternatives. Accordingly, we believe that it must be in the area of identifying and developing such options that our efforts must be directed. This, then, is the primary lesson that we have learned from the "Breathe-In." We intend to direct our own efforts toward the development of some practical alternative choices to those present acts of pollution in which we are now forced to engage.

In addition, we intend to focus our attention on those areas where we can have the most effect. Before we can realistically conceive of improving the problems of environmental pollution on a statewide or nationwide basis, we must make our college and our local communities into "working models" of improved environment. The question which we face, then, is, "How can we identify and develop practical working alternatives to existing local pollution problems?" The FJC car-pool project now underway is one such alternative, and we are searching for others. Will you join us in the search?

WALTER DUDEK,
LARRY O'HANLON.

## EARL WARREN, PIED PIPER OF THE NEW YORK LAWYERS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RARICK. Mr. Speaker, by this time, most Members are well aware of the "political" views of those New York attorneys who have swarmed over the House today in another "visit."

The fact that I was elected by the people of the Sixth District of Louisiana to represent them—and their views—seems to be of little persuasion to these New Yorkers. Their paramount reasoning apparently is that all Members should disrupt their schedules and give audiences to New York lawyers—who incidentally, do not extend the same courtesies of appointments to busy Congressmen as they would expect at their office.

Nevertheless, two different groups came by my office to present their one-sided opinions and simple solutions to the Vietnam conflict. That they disrupted the work of my staff seemed not to matter in the least. To them, my staff members were only serving the people of my district back home, and New York City issues should be given priority.

The New Yorkers must like it here, for they seem to come at the drop of a hat, almost as if on signal, to force their opinions down the throats of other Congressmen. They apparently were not satisfied with their already achieved successes in defeating the Haynsworth and Carswell nominations to the Supreme Court.

Mr. Speaker, I remind the Members that it is the average citizen back home who cannot run to Washington at every new moon, who deserves to be heard and represented.

Would it not be interesting to find out who is organizing and financing these trips and who is actually directing the so-called lawyers.

Certainly those Members from the Empire State are interested in New York City lawyers' views on the war in Southeast Asia, but I think most Members are primarily concerned with the views of their own constituents back home—and not those of manipulated individuals from a distant area.

Like many other Members who are attorneys, I believe in the adversary settlement of disputes—but in court and not in the street. I also hold sacred my oath as a lawyer to use my talent and training to aid in solving the problems of society—not to create or aggravate issues.

Mr. Speaker, Earl Warren's endorsement and support of this new field of legalistic lobbying should remind many just who has created the crisis America faces today.

I insert related newsclippings at this point:

[From the Washington Post, May 20, 1970]

WARREN PRAISES ANTIWAR LOBBYISTS

(By Haynes Johnson)

NEW YORK.—Led by some of the most eminent names in American life, a cross-section of New York's legal establishment—pin-stripes, Wall Street portfolios, impeccable credentials and all—is heading for Washington Wednesday to lobby against the Indochina war.

"You are inaugurating what I believe can become a rebirth of the tradition of active involvement by lawyers in pressing public problems," former Chief Justice Earl Warren told a cheering crowd of more than 1,000 lawyers today in the New York City Bar Association headquarters.

A similar group of 1,000 Washington lawyers will gather at 12:30 p.m. Wednesday at the New York Avenue Presbyterian Church to set up their task forces for a long-range lobbying effort against the war.

Speakers will include Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, Sen. ———— and Rep. ————.

A spokesman for the Washington group, which calls itself Lawyers Against the War (LAW), said it plans to help organize lawyers in other states.

The 1,000 New Yorkers will leave for Washington at 6:30 a.m. in a chartered train. After arriving about 10:30, they will go to the Capitol, separate into about 150 small groups begin meeting with senators and congressmen. They plan to meet with every senator and about half the members of the House.

Among their ranks are former Supreme Court Justices, government officers, presidential advisers, judges, and men who represent the bluest of blue chip corporations.

They joined together after American intervention in Cambodia, slayings on college campuses, and a counter violent reaction in New York City where construction workers attacked antiwar demonstrators.

Their action to attempt to convince the Congress that it should reassert its constitutional role in regard to the Cambodian situation is virtually unprecedented.

Earl Warren, in his address to the lawyers today, said that so far as he can recall never in his 56 years as a lawyer "has any large aggregation of lawyers such as this gone to Washington in a body to make its political views known on a great issue before our elected representatives."

He also said, "There have been no crises within the memory of living Americans to compare with" the crisis America faces today.

"We are torn by frustration, distrust and rage to an extent unparalleled in my lifetime," he said. "And our people are confused and upset to the point that they are questioning the verities that have made our nation great—faith in our democratic institutions, faith in mankind, faith in individual liberties, a vision for the future, and courage to meet the problems which must be faced wherever they might be."

Warren said that because he was still a judicial officer, although in retirement, he would not suggest the answers to any of these questions. But, departing from his text, he said, "I think I know what your answers are and I'm almost certain I don't disagree with you." He added:

"I do want to tell you specifically why I'm so pleased that you are undertaking this pilgrimage. First, it is because you are brought together on an issue which is shaking the foundations of American life. Secondly, you are acting in the finest tradition of our profession and entirely in the spirit of our democratic institution."

That same theme was shouted by other speakers at the convocation held to launch the move to Washington. Among the speakers were New York's Mayor John V. Lindsay, Plimpton, Bernard Botein and Orville H. Schell.

These men were an indication of the range of the group. Schell is a senior partner in the firm of Hughes, Hubbard & Reed, bearing a One Wall Street address. Plimpton, in addition to heading the New York Bar, is senior partner in the firm of Debevoise, Plimpton, Lyons & Gates at 320 Park Ave. Botein is senior partner in Botein, Hais, Sklar & Herzberg of 200 Park Ave. and is a former residing justice of the New York State Supreme Court.

Plimpton stressed that this was not "a politically partisan group. To be sure, there are an inordinate number of permanent Democrats among the 27 sponsors of this gathering. However, there is a non-silent minority of at least six registered Republicans, including that stalwart Bruce Bromley and such dubious characters as John Lindsay and myself."

He drew loud applause when he told the lawyers:

"When the President ordered American troops to invade Cambodia, he was acting on his own, in blithe and unilateral disregard of the Congress, which under the Constitution has the sole right to declare war . . ."

Botein said that as men who are wedded to the rule of law, "We, above all other people, realize that the rule of law in its broadest sense is eroded by government officials so unresponsive to lawful protest that in effect they refuse a fair hearing."

Lindsay recalled that Abraham Lincoln, newly elected to the Congress, left his law practice and travelled from Springfield to Washington in 1847 to denounce the American intervention in Mexico.

"Tomorrow," the mayor said, "You will leave your law practices to make a similar journey."

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[From the Sunday Star, May 17, 1970]

ONE THOUSAND DISTRICT LAWYERS JOINING ANTIWAR RALLY

(By Robert Walters)

More than 1,000 Washington lawyers, many of them senior partners in some of the city's best law firms, will join their New York City colleagues Wednesday in a campaign "to reverse the administration's war policy in Indochina."

The Washington attorneys will meet at 12:30 p.m. at New York Avenue Presbyterian Church, 1313 New York Avenue, NW, to hear a series of speakers, including Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, and Sen. Blank.

Earlier that day, a large delegation of New York City lawyers—originally estimated at 200 to 300 but now numbering 1,000 or more—is scheduled to arrive in Washington for an unprecedented effort to seek an end to the war in Southeast Asia.

They will spend the day meeting with members of Congress and the Nixon administration, and that evening will have a convocation, with speakers including former Chief Justice Earl Warren.

PHILADELPHIA GROUP DUE

A smaller delegation of Philadelphia attorneys also is expected to arrive in Washington on Wednesday, and there is talk within the legal profession of expanding the effort into a continuing nationwide drive.

In addition, 20 lawyers in the Department of Health, Education and Welfare revealed plans yesterday to lobby in support of the amendments tomorrow and to ask HEW Secretary Robert H. Finch to sign a petition urging President Nixon to withdraw all U.S. troops from Southeast Asia.

Organizers of the Washington effort, expected to attract 1,000 to 1,500 lawyers, said yesterday their initial concern would be to muster support for an antiwar measure pending in the Senate, sponsored by Senators and others.

That amendment expected to be considered in about a month, would deny the use of appropriated funds for U.S. military operations in Laos and Cambodia, and would permit the use of appropriated funds for U.S. military operations in Vietnam only until June 30, 1971.

In addition, the Washington lawyers plan "to provide support services—including office facilities, accommodations, appointments with congressmen and legal memoranda—for groups coming to Washington to work against the war," according to a statement.

"The group will also work on programs involving direct political action," the statement said.

DIRECT POLITICAL ACTION

"The expansion of the war in Indochina has been deeply troubling to all of us. As attorneys, we are supporting the efforts of senators, congressmen, students and others to bring the war to a prompt end."

Among the Washington attorneys participating in the effort are:

Edward Burling, senior partner in Covington & Burling; and John Douglas, a former assistant attorney general now with Covington & Burling;

John Pickering, senior partner in Wilmer, Cutler & Pickering; and Louis F. Oberdorfer, a former assistant attorney general now with Wilmer, Cutler & Pickering;

E. Barrett Prettyman Jr., a former White House Aide, and Seymour Mintz, both senior members of Hogan & Hartson;

Abe Krash, William D. Rogers and Stuart J. Land, all senior members of Arnold & Porter.

The Washington lawyers organized their anti-war effort following last week's announcement by the New York group, whose sponsors include the presidents of both the city and state bar associations; Mayor John V. Lindsay; Robert B. McKay, dean of New York University Law School; William C. Warren, retiring dean of Columbia University Law School, and Michael Sovern, dean-designate of Columbia Law School.

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[From the Washington Star, Washington, D.C., May 16, 1970]

WARREN DEPLORES NEGLECT OF RIGHTS

NEW YORK.—Former Chief Justice Earl Warren says many of the nation's problems today can be traced to neglect of the ideal of equality and a failure to enforce the Constitution's guarantee of civil rights.

"We have had many crises in prior years, but none within the memory of living Americans which compares with this one," Warren told a civil rights luncheon yesterday.

"Our problems have grown in size and intensity with the result that we are now torn by distress, frustration and dissent," he said. Contributing factors, he said, include war, unemployment, inflation, a deteriorating environment and "an atmosphere of oppression."

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## CAMBODIAN INVASION VIOLATES INTERNATIONAL LAW

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FRASER. Mr. Speaker, the number of legal scholars voicing their opposition to President Nixon's Cambodian invasion is increasing every day. Mr. Richard Edwards, Jr., a distinguished member of the District of Columbia Bar Association, has joined that opposition by preparing an excellent legal brief decrying our latest action in Southeast Asia.

The brief calls the invasion "a blatant violation of obligations the United States and South Vietnam have under international law." The Cambodian action further serves to mock the United Nations and its charter and seriously questions the American commitment to an international order based upon law, according to Mr. Edwards.

It is because of the gravity and importance of this legal crisis that I place into the RECORD the entire text of this brief.

THE CAMBODIAN INVASION VIOLATES INTERNATIONAL LAW

(By Richard W. Edwards, Jr.)

The attack by United States and South Vietnamese armed forces across the Cambodian borders, announced by President Richard M. Nixon on April 30, 1970, is a most regrettable and blatant violation of obligations the United States and South Vietnam have under international law to the people of Cambodia. U.N. Secretary-General U Thant on May 5 described the invasion of Cambodia by the United States and South Vietnam as "the new war in Cambodia." He went on to say that "we are viewing a situation even more dangerous than the one created by the conflict which ravaged Indo-China before 1954."[1] This memorandum examines the neutrality of Cambodia, the actions of the participants in the new Indo-China conflict, and appraises the invasion of Cambodia by the United States and South Vietnam in terms of international law.

In July 1954 the Royal Government of Cambodia made a formal declaration of neutrality and peaceful relations at the time the Geneva Accords on Indo-China were concluded. The full text of the declaration reads:

"The Royal Government of Cambodia is resolved never to take part in an aggressive policy and never to permit the territory of Cambodia to be utilised in the service of such a policy.

"The Royal Government of Cambodia will not join in any agreement with other states, if this agreement carries for Cambodia the obligation to enter into a military alliance not in conformity with the principles of the Charter of the Unted Nations, or, as long as its security is not threatened, the obligation to establish bases on Cambodian territory for the military forces of foreign powers.

"The Royal Government of Cambodia is resolved to settle its international disputes by peaceful means, in such a manner as not to endanger peace, international security and justice.

"During the period which will elapse between the date of the cessation of hostilities in Viet-Nam and that of the final settlement of political problems in this country, the Royal Government of Cambodia will not solicit foreign aid in war material, personnel or instructors except for the purpose of the effective defense of the territory."[2]

The parties to the Geneva Accords of 1954 formally "took note" of the Cambodian declaration and were obliged under international law to respect Cambodia's neutrality.[3]

Under the terms of the Geneva Accords, the customary international law of neutrality, and the principles embodied in the United Nations Charter; the United States, South Vietnam, and North Vietnam had a duty to respect Cambodia's independence and territorial integrity and, in accordance with Cambodia's neutrality, not to establish bases for military forces on Cambodian territory. And, Cambodia had a reciprocal obligation not to permit its territory to be used by North Vietnam or South Vietnam as a base of operations for military actions.

In recent official statements attempting to justify the invasion of Cambodia, it is said that beginning about 1965 the North Vietnamese and Viet Cong began a series of violations of Cambodian neutrality. Perhaps as many as 40,000 North Vietnamese and Viet Cong according to official estimates have stationed themselves in areas of Cambodia adjacent to South Vietnam. It has been asserted that for five years areas of Cambodia have been used as bases for supply and command of forces challenging the South Vietnamese Government and, it is argued, the continued use of the "sanctuary areas" by the North Vietnamese and Viet Cong would pose a serious immediate threat to the "Vietnamization" program when U.S. military troops were withdrawn.

Cambodia by its own 1954 declaration had an obligation not to permit its territory to be used by North Vietnam as a base for military forces or in the service of an aggressive policy. Cambodia as a declared neutral in the Vietnam conflict had an obligation under customary international law to "use the means at its disposal" to this end.[4]

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Footnotes at end of speech.

The United States has not claimed that Cambodia has failed to carry out its international obligations. The U.S. and South Vietnamese invasion of Cambodian territory came only a month and a half after a new government had come to power in Cambodia. Was the United States sure that the new government would be unwilling or unable, even with appeals to other countries not directly involved to provide assistance, to end the North Vietnamese intrusions? On April 25, 1970, only five days before President Nixon announced his decision to invade Cambodia, Secretary of State William P. Rogers in an address to the American Society of International law said:

"[I]t is encouraging to note that the Foreign Ministers of such nations as Indonesia, Thailand, and Japan are initiating consultations to determine what action they can take in the international community to protect and restore the independence and neutrality of Cambodia.[5]

The invasion by the United States and South Vietnam to clear the "sanctuary areas" in Cambodia, announced by President Nixon on April 30, came before the efforts of Cambodia and other neutral countries to remove the North Vietnamese forces and supplies had been tried and found wanting.

Even if the United States and South Vietnam had a right *as against North Vietnam* to destroy its supplies and capture its personnel using Cambodian "sanctuaries" as bases for attacks into South Vietnam, the U.S. and South Vietnam had no right *as against Cambodia and its people* to invade its territory, destroy its villages, kill and wound Cambodian people and drive them from their homes.

The official digest of U.S. international law practice, the *Digest of International Law* by Marjorie M. Whiteman, under the heading "Belligerent Remedies for Breach of Neutrality,"[6] reports only three cases in the last thirty years that might even remotely justify the U.S. actions. One case involved the removal by Great Britain of British prisoners from the German ship *Altmark* in Norwegian territorial waters. A second case was the action of the British and French in laying mines in Norweigan territorial waters in World War II. The third case involved the assertion by the United Kingdom during World War II of the right to destroy German aircraft using neutral Syrian airfields as staging points.

None of the three cases is at all comparable in magnitude to the invasion of Cambodia by the armies of the U.S. and South Vietnam. This invasion involves armies of thousands of men crossing a land frontier in a major engagement.[7] In the cases approved by the *Digest's* compilers the actual damage to the neutral state was minimal—a splash in its territorial waters. In the present case the destruction of Cambodian people and property has been large. At the time this memorandum is written, figures on the number of Cambodians—not North Vietnamese—who have been killed by United States and South Vietnamese troops are not available. The figures on the overall casualties of the operation are indeed large and growing every day, and it is safe to assume that a significant portion of the dead and wounded are Cambodian citizens.

The invasion by United States and South Vietnamese troops was, according to official U.S. statements, initiated without the consent of the Government of Cambodia. The subsequent "consent" of General Lon Nol does not absolve the U.S. and South Vietnam of responsibility. The "consent" of a general who has taken power in a recent coup does not give the U.S. the legal right to kill Cambodian people. The invasion violates the rights of the Cambodian people who live in a neutral state that is relatively powerless.

In a letter of May 5, 1970, from the Permanent Representative of the United States to the President of the U.N. Security Council, the United States accused North Vietnam of aggression and described the sending of U.S. and South Vietnamese troops into Cambodia an "appropriate measures of collective self defense by the armed forces of the Republic of Vietnam and the United States of America" permitted by Article 51 of the United Nations Charter.[8]

That article, indelibly etched into the minds of State Department legal officers, appears to be the perennial cornerstone of official justifications for violent U.S. military actions abroad. It must be borne in mind that Article 51 did not create new rights to take military actions. It only says that "nothing in the present Charter shall *impair* the *inherent* right of individual or collective self-defense . . ." (emphasis added) It has never previously been claimed that Article 51 permits an attack against the people and into the territory of a neutral state. Where an action would be unlawful under customary international law, which is clear in the Cambodian case, Article 51 does not provide a justification.

The attack by United States and South Vietnamese armed forces across the Cambodian border, announced by President Nixon on April 30, is a clear and most serious violation of obligations owed under international law to the Cambodian people.

In the debate on the Cambodian invasion it is well to keep in mind some broader concerns in addition to the violations of international law:

1. The action of the United States mocks the United Nations and the Charter which is its foundation. No serious attempt was made in the recent critical weeks to get the Security Council to address the violation of Cambodian neutrality by North Vietnam. There is a hint by U.S. officials that if the matter had been raised in the United Nations, the credentials of the Lon Nol Government might have been challenged. This is hardly an excuse, and raises some doubt about the judgment of the U.S. in relying upon Lon Nol as the chief representative of the Cambodian people.

2. The invasion and its aftermath weaken the posture of Cambodia (or at least the Lon Nol Government) as a neutral entitled to assert neutral rights. It has become a U.S. ally.

3. Issues relating to the future of Cambodia and who should govern that country have been raised to the international plane. The invasion further complicates the settlement of the Vietnam War by negotiation. Who are to sit at the table in Paris?

4. The invasion widens the area of combat geographically and brings the terrible suffering and inhumanity of war to a new population.

5. It can be anticipated that difficulties may be encountered in promptly withdrawing South Vietnamese and U.S. troops. There is a risk that the troops will not all be withdrawn, and there is the possibility of a Cambodian-South Vietnamese border dispute. What if South Vietnamese forces continue to occupy portions of Cambodian territory to protect the South Vietnamese capital of Saigon?

6. The secrecy and haste with which awesome decisions were made raises fundamental domestic questions about whether the President makes effective use of talents within the Executive Branch; about the standards of truthfulness, confidence, and respect between the Executive and Legislative Branches of the U.S. Government; and the limits of the President's authority to initiate and wage military actions.

7. On April 25 Secretary of State Rogers said, "We must take steps which will build international confidence in international law." The march into Cambodia leads in the opposite direction.

FOOTNOTES

[1] U.N. Press Release WS/449 (May 8, 1970).

[2] Document IC/46/ Rev. 2 (July 21, 1954) issued by the Secretariat of the Geneva Conference on Indo-China.

[3] In a diplomatic note to the Royal Cambodian Government of December 4, 1967, the United States stated that it "continues to respect the neutrality, sovereignty, independence, and territorial integrity of Cambodia." U.S. Department of State *Bulletin*, Vol. 58, p. 124 (January 22, 1968). The letter of the Permanent Representative of the United States to the President of the U.N. Security Council reporting the U.S. invasion of Cambodia states, "The United States wishes to reiterate its continued respect for the sovereignty, independence, neutrality, and territorial integrity of Cambodia." U.N. Doc. S/9781 (May 5, 1970). The actions of U.S. forces against Cambodian people, property, and territory deprive the quoted words of meaning.

[4] The phrase "use the means at its disposal" is a recurrent phrase in the definitions of the obligations of neutral states in the 1907 Hague Convention Respecting the Rights and Duties of Neutral Powers and Persons in Cases of War on Land and in the Harvard Draft Convention on the Rights and Duties of Neutral States in Naval and Aerial War. American Journal of International Law, Vol. 33, Special Supplement, p. 204 (1939). The commentary to the Harvard Draft states: "A neutral state is not an insurer of the fulfillment of its neutral duties. It is obliged merely to 'use the means at its disposal' to secure the fulfillment of its duties." Philip C. Jessup, who recently retired as a Judge of the International Court of Justice, was the reporter for the Harvard Draft.

[5] U.S. Department of State Press Release No. 132 (April 25, 1970).

[6] Volume 11, p. 190 (1968).

[7] The only cases cited in the *Digest* that are comparable in magnitude to the Cambodian invasion, where a belligerent has taken measures of "self help" allegedly because a neutral had failed to fulfill its responsibilities, were the German invasions of Norway, Denmark, and Romania in World War II. The compilers of the *Digest* treat these actions, properly, as violations of the international law of neutrality. Pp. 195–97.

[8] U.N. Doc. S/9781 (May 5, 1970).

## DDT PRODUCTION BANNED IN SOVIET

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. OBEY. Mr. Speaker, in light of the difficulties we have had in banning the use of DDT in this country, I think it will be of interest to the Members of Congress to note that even the Soviet Union has now taken action to regulate the production of that hard pesticide.

I insert the following article for your attention:

DDT PRODUCTION BANNED IN SOVIET; RUSSIANS ALSO ACT TO CURB USE OF OTHER PESTICIDES

Moscow, May 13.—The Ministry of Agriculture disclosed today that it had banned the further production of the pesticide DDT which is used to protect food and fodder crops.

In reply to criticism leveled by the newspaper Komsomolskaya Pravda about careless use of such chemicals, the ministry also said that it was taking steps to restrict the use of other pesticides, including zinc phosphides, which were recently blamed for the killing of some rare wildlife.

A letter from the ministry printed in the newspaper, for years an advocate of conservation measures, said that "starting in

1970, it is forbidden to produce preparations of DDT for the protection of food and fodder crops."

No further details were available on the DDT curtailment, and it seemed that the Ministry was not ordering a ban on the use of DDT already in stock.

The Soviet Union has said little about the threat to the environment from chemicals, possibly because the leadership up to now has felt that it was more important to take whatever steps necessary to insure a good harvest than to worry about how chemicals might affect the cycle of life in nature.

The Soviet media, for instance, paid nearly no attention to the steps taken by the United States Federal and state governments last year to take DDT out of wide use and the subsequent anti-DDT legislation in other countries.

UNITED STATES ACTED IN NOVEMBER

The United States Government announced last November that it planned to phase out most domestic uses of DDT over a two-year period. It began by ordering the halt of the use of DDT in residential areas by the end of 1969.

Secretary of Agriculture Clifford M. Hardin's order last Nov. 20 left the door open for the chemical's use in emergencies, such as epidemics of infectious diseases caused by insects that cannot be killed by other pesticides. The order affected "all DDT uses for shade-tree pests, pests in aquatic areas, house and garden pests, and tobacco pests, currently using 14 million pounds, or 35 per cent, of the total DDT used in this country."

Two months ago, the Agriculture Department banned the use of two pesticides, aldrin and dieldrin, in wet areas.

## WATCHMAN'S BACK ON FREEDOM'S WALL

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. DERWINSKI. Mr. Speaker, certainly objective reporting and commentary is in the public interest at this time. One of the most thoughtful articles I have noted recently was carried on Friday, May 15, in Chicago Today by columnist John P. Roche. It follows:

WATCHMAN'S BACK ON FREEDOM'S WALL

(By John P. Roche)

President Nixon's decision to burn out the wasps' nests in communist Cambodia sanctuary was sensible and merits wide support. He did not "widen the war." Hanoi widened the war.

In February, for example, I pointed out that Hanoi was fighting a war for Indochina, while we were in grave danger of getting wholly engrossed in Viet Nam. "To concentrate on Viet Nam," I wrote, "to the exclusion of the rest of former French Indochina is as dangerous as concentrating on Berlin in isolation from Germany."

As we persisted in fighting a war in Viet Nam, a half-war in Laos, and no war in Cambodia, I confess I became gloomy. This led me to misjudge seriously President Nixon's judgment and courage—I hope he will accept my apologies—and to be convinced that we were mired in the swamp of isolationism.

The Cambodian speech struck a new note—or rather, an old note that has been muffled these last few years. In a broad, symbolic sense it represented Mr. Nixon's reassertion of the principle of American responsibility, the end of his flirtation with the proposition that the "cold war is over." It was hardly accidental, as they say in Moscow, that the President's action in Southeast Asia paralleled a new firmness in the Middle East.

Every President has to pay for an education on the subject of the cold war. Always he enters the White House with the suspicion, perhaps the hope, that the sources of trouble with the Russians was his predecessor's failure to communicate our willingness to implement detente. The Russians, for their part, break out their "President-testing" scenarios.

Meanwhile the Soviet offensive platoon goes to work. Its top priority over the last year has been the Middle East, and it has wasted no time on rhetoric.

The mission was to neutralize Israel's air supremacy over Egypt; the method: install SAM-3 missiles and put Soviet pilots in Egyptian MIGs.

The key to Israel's survival has been its ability to police the Arabs from the air; to pre-empt enemy ground operations and to maintain full intelligence on activities on the other side of the hill. As far as Egypt is concerned, this reconnaissance has now been imperiled if not destroyed. Will the Russians move to Syria and repeat the operation?

For the last year the Russians have been applying this split-level strategy (a variation on "talk-fight") to Mr. Nixon. Unlike many American liberals, the Russians are aware that if the American people go isolationist, it will be universal rather than selective in impact. (If we write off the Vietnamese, or the Khmers, we also will write off the Berliners and Israelis. Willy Brandt and Golda Meir have doubtless lost some sleep worrying about this chilling proposition.)

So President Nixon, and particularly Secretary of State William Rogers, have been encouraged by Moscow to think that "negotiations" can replace "confrontations."

The result was the great withdrawal syndrome of 1969 as the American people, led by their intelligentsia, tried to find a hole and crawl into it. And the President played soothing music.

Mr. Nixon's speech marked, I hope, the end of this witless flight from responsibility. While the focus was southeast Asia, let us trust that the message will go out to Jerusalem, to Berlin, to Tokyo, and that the watchman (in John Kennedy's words) is back on the wall of freedom.

## POW WIVES REPLY TO VON HOFFMAN

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Washington Post, May 17, 1970]

POW WIVES REPLY TO VON HOFFMAN

Nicholas von Hoffman with his vitriolic venom splattered the prisoner-of-war issue all over the pages of this newspaper last week. The League of Families of American Prisoners in Southeast Asia was stunned. They had long been seeking Washington Post publicity, hoping to arouse public opinion to the plight of their men. But not this way.

"How cruel!" one wife cried. "How could he use this issue to get across his personal point of view on the war? It's not fair."

Mr. von Hoffman's treatment of this issue was not fair. What's worse, it was not even accurate.

The League does not consider the prisoner-of-war issue political. It is a humanitarian issue that transcends whatever an individual feels personally about the war. The League is a loose-knit organization of all kinds of different people from different parts of the country with but one agonizing common bond—a relative missing in action or held prisoner in Southeast Asia. The League members themselves do not agree on the war. But there can be no disagreement on the POW issue.

Contrary to Mr. von Hoffman's insinuation that our government says North Vietnam has "kidnapped thousands of our servicemen" and holds them as 'hostages," we have made no such accusations. We do not even ask for the release of these men, although we continue to pray it will be possible soon. All the League asks is: 1) a complete list of those held prisoner; 2) adequate food and medical care for prisoners; 3) release of the sick and wounded; 4) impartial inspection of prison camps; and 5) free exchange of mail between the prisoners and their families.

Nobody has ever said that "there are thousands upon thousands of our men incarcerated in North Vietnamese camps." The facts are public knowledge. There are 1,500 men missing in action in Southeast Asia—about 800 in the North, 500 in the South, and about 200 in Laos. The 800 downed in North Vietnam are all fliers, none of them draftees as von Hoffman implied.

About 400 of the 1,500 are known to be prisoners, but these names were *not* provided by the Committee of Liaison With Families of Servicemen Detained in North Vietnam, as von Hoffman states. This simply is not true.

The Committee of Liaison was formed at the request of the government in Hanoi, and its members are among the most militant of the peace groups. Although 75 percent more mail has been sent from prison camps in the past year than in all the previous five years, only 16 new names have come out since last Thanksgiving. The Liaison Committee has said that every prisoner may write. But fewer than 200 have been heard from. The North Vietnamese say some men do not wish to write their families. It is impossible to believe that any American man imprisoned for years would deny his family the opportunity of knowing he is alive.

Mr. von Hoffman's comments about mail were misleading. POW next-of-kin have always been permitted to write letters. A six-line letter restricted to remarks about health and family members is permitted each month, although wives and parents have no way of knowing if they are received. Many have written letters for years but have never received a reply.

Packages for prisoners, however, were not accepted until Christmas of 1968. The following July, families were permitted to send a second package. It wasn't until February 1970 that families were told they could send a package every other month.

There have been American men imprisoned in Southeast Asia since March of 1964. Can you imagine the despair of a young mother who for six years has not been able to get a simple answer to her heartbreaking question: "Am I a wife or a widow?"

Perhaps Mr. von Hoffman should meet some of these families. It would give him much needed insight into a problem that cries out for editorial comment, demanding humane treatment for all prisoners-of-war, in accordance with the Geneva convention.

Let Mr. von Hoffman talk with these young wives who are living in a hellish limbo where they cannot buy or sell property; cannot borrow money for a son's college education. Let him talk to the children—the four-year-old boy who has never seen his father; or the seven-year-old girl who can't remember hers.

He should talk to one of the prisoners—one of nine released from North Vietnam in six years. Let him hear about the solitary confinement—of sitting on a bare board bunk with nothing to read, nothing to do, for hours, days, months on end. Let him hear about losing 50 pounds on the twice-a-day diet of pig fat and pumpkin soup; of never being allowed to communicate with another

human being, much less his family or the outside world.

And he really should talk to H. Ross Perot, the Texas billionaire he accused of publicity seeking. Here is a man who did meet the families, was appalled by their problem, and tried to do something about it. Because he has money, he has accomplished more than the rest of us, but his motives are mistrusted. Mr. Perot has given the prisoners' families reason to hope. Von Hoffman's acid-dipped pen tried to tear that slim hope down.

The League of Families is not asking for any special privileges. All they ask is that the minimum standards of human decency be extended to those who are imprisoned, at the mercy of their captors. All they ask for themselves is the barest solace of knowing whether their husband, father, son, brothers, is alive or dead.

Why do the North Vietnamese refuse even this small concession to human decency? Even the peace groups are embarrassed by North Vietnam's continuing refusal to release the names of the prisoners they hold. No one knows why they persist in inflicting this unnecessary anguish on innocent families.

Why should wives have to travel around the world seeking the answer to that question that haunts them day and night: "Am I a wife or a widow?" Wives have appeared before the North Vietnamese delegation to the Paris peace talks, who looked them right in the eye and promised they would hear. They have not heard.

Why should wives have to deal through a Liaison Committee established by the enemy? Most of them are so desperate they would accept information from any source, but why should they be reduced to this? In no other armed conflict in history have the wives and families of military men been exploited in this cruel manner.

For years these families suffered silently. The world knew nothing of their plight. By their silence, they hoped to protect their men from harsh treatment, torture, perhaps even death at the hands of their captors. But after five years, they wearied of the lack of progress on the prisoner-of-war question. They worried about the state of their loved ones—mentally and physically. They began to speak out.

Families and friends of the 1,500 men missing in action in Southeast Asia have written thousands of letters—to newspapers, congressmen and senators, to the presidents of the United States and North Vietnam, to the United Nations and the Red Cross, to foreign governments, to everybody they could think of who might add a voice to theirs in their search for information and their demands for humane treatment for prisoners.

They have spent a year of dedicated—and courageous—effort to make this issue known to the public and to urge support for their simple humanitarian aims. Articles like von Hoffman's completely undermine their efforts. It is articles like von Hoffman's that the North Vietnamese take delight in reading to their prisoners.

Only world opinion will persuade Hanoi to change its policy on prisoners. It is known that the North Vietnamese cannot believe that the American public really cares about "just 1500 men." The words von Hoffman used are the words Hanoi uses—"just 1500 men." To the League of Families these are not "just 1500 men." The plight of these men is a personal daily hell that each family member endures as best he or she can.

The only thing the families would like to ask Mr. von Hoffman is: "What would you be writing if it were your son, your brother, who was among the missing? What would you do after years of not knowing if he were alive or dead? Just what would you do?"

BARBARA P. ONDRASIK,
*Member, League of Families of American Prisoners in Southeast Asia.*
ROCKVILLE.

## CONGRESSMAN HARSHA'S WASHINGTON REPORT

## HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PEPPER. Mr. Speaker, in the April 28 edition of the West Union (Ohio) News there is a timely column by our colleague, Congressman BILL HARSHA, that appeared on the editorial page.

Congressman HARSHA writes about drug abuse, particularly the milder hallucinogen marihuana. I am pleased to note that he speaks favorably of a number of recommendations our Select Committee on Crime proposes in its "Marihuana Report."

Mr. HARSHA has done a service to the citizens of the Sixth District of Ohio by reporting on the marihuana controversy. I insert the text of Congressman HARSHA's column in the RECORD so that its many readers might benefit from his observations:

WASHINGTON REPORT

(By Representative WILLIAM H. HARSHA)

There is an old cliche about drug addiction: One shot or one joint is too much and a thousand reefers or a thousand shots are not enough. The reasoning behind this concise assessment of drug abuse has often been re-worded into the many campaigns now being launched to stop its encroaching influence on our society. Indeed, the dangerous epidemic of drug abuse afflicting, for example, our educational levels from college to junior high school has stimulated serious National concern over the drug problem on the campus and elsewhere.

One extensive and thorough investigation of this subject, and marihuana in particular, was recently completed by the House Select Committee on Crime. The hearings conducted by the committee delved into the many facets of this drug, airing the pros and cons of legalization, the circumstances surrounding its use and the effectiveness of the existing penal laws and methods of rehabilitation for offenders.

The most revealing conclusion of this report characterizes marihuana as an "entry port to drug culture." In every instance, except for one, the drug addicts who testified before the committee were drawn further into a world of other more powerful narcotics—the type of never-neverland from which it is extremely difficult to escape—by a few enticing puffs of marihuana. This is extremely important. It's what the use of marihuana leads to rather than the temporary effects of this use of marihuana that is so dangerous.

The committee further concluded that the legal approach to the problem must be reconsidered and revised to effectively meet the many and varied challenges of coping with marihuana. It found that many of the current laws were not enforced and urged that a more uniform enforcement of the laws be implemented. In addition to this suggestion, however, is the committee's recommendation to "make the penalties relating to violations rational" first. One such application, of these concepts that the committee found already in existence is a law in Nebraska dealing with first-offenders on marihuana charges. Briefly, this law provides:

(1) a maximum of 7 days in jail; (2) segregation of user from all other prisoners; and (3) requirement to take a drug abuse education course. The ramifications of such a law are many. First, it would separate the first-time offenders—often young students—from the hard core criminals while they are in jail, thereby reducing the possibilities of introducing them to any further avenues of crime. Secondly, the educational provision of this law wisely allows society to take the time to explain to the violator why he has been apprehended and sentenced.

In one of my previous Washington Reports this year, I emphasized the grave importance of initiating effective educational programs for alerting all phases of society against the dangers of drug abuse. It would be ideal if we could reach potential drug experimenters and even potential addicts before they take their first puff of marihuana or whatever, but we should not abandon our educational campaign once they have been incarcerated on narcotics charges. That is why I view the provisions of this Nebraska statute favorably—as do my colleagues on the Select Committee on Crime. A uniform application of such a law could produce favorable results.

Another proposal related to the control of the narcotics problem I believe also merits serious consideration is one put forth by President Nixon. Recently, he suggested that the communications media could be used in a variety of ways to reach the public effectively about the dangers of drug abuse. One suggestion, for example, is the broadcasting of spot announcements on the disadvantages of drug usage similar to the ones now aired on the dangers of cigarette smoking. In addition, the initiation of a television series on this subject or the broadcast of more in-depth specials on narcotics could reach a broad audience of all ages and certainly better inform this audience on the real problems of drug abuse.

I am encouraged by these recommendations and I would hope the communications media and other influential organizations will seriously consider the possibilities of taking up the President's suggestion. Such an action would definitely be in the best interests of public service and could aid considerably in the campaign we are conducting to develop a solution to our drug problems.

Furthermore, I believe that the House Select Committee on Crime's investigation of marihuana offers valuable insight into a problem not so simply answered by more laws, more educational and rehabilitation programs unless an effective approach is taken with them. We do not know all the effects of this drug and others on an individual, and on society in general, but we must move ahead as this report recommends in the line of prevention, research and control as well as we are able at the moment.

## JOBS PROGRAM IN OAKLAND, CALIF.

## HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. MILLER of California. Mr. Speaker, I am informed by the Office of Information, U.S. Department of Labor, San Francisco, that a consortium of three Oakland employers under the leadership of the Oakland Chamber of Commerce will hire and train 46 jobless, disadvantaged persons in a new JOBS—job opportunities in the business sector—program.

Kenneth C. Robertson, the Department's Regional Manpower Administrator, said his agency was investing $87,511 in the program—a joint venture of his agency and the National Alliance of Businessmen—NAB. NAB chairman in Oakland is Edward J. Daly; metro director is Charles J. Patterson.

I want to compliment Mr. Edward J. Daly, who is president of World Airways of Oakland, Calif., for the very fine work he has done as NAB chairman in Oakland. Mr. Daly is a very generous man who is conscious of the plight of his fellow men and does what he can to alleviate it.

The three firms comprising the new consortium are Owens-Illinois, Oakland, Kay Manufacturing, and Oliver Tire & Rubber Co.

Training courses up to 39 weeks in length will be given to trainees the employers select from candidates referred to them by the California Department of Human Resources Development.

Hourly wages on completion of training range from $2.93 to $3.32 an hour, depending on the job. Occupations include rubber tubing splicers, floor boys, machine coil assemblers, wooden frame builders, and box spring makers.

Unions participating in the new program include Local 414, Glass Blowers Association; Local 262, United Furniture Workers of America, AFL–CIO; and Local 64, United Rubber Workers of America.

## A CLERGYMAN ON CAMBODIA AND UNREST ACROSS OUR NATION

### HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BOW. Mr. Speaker, the following sermon was delivered on Sunday, May 11, by the Reverend James Millar, rector of St. Timothy's Episcopal Church in Massillon, Ohio. It was subsequently printed in the Massillon Evening Independent. I wish to share it with my colleagues.

LOCAL CLERGYMAN, WHO HAD TWO SONS IN VIETNAM, SPEAKS OUT ON WAR, VIOLENCE

Many thoughts crossed my mind this week—

As I tried to keep abreast of the goings on around us—

While trying to live as your pastor and friend—

And, as a responsible citizen who has some concern for the well being of all people.

All of us, I'm sure, were shocked by the tragic death of four young college students—on a campus—not too far from where all of us live.

It makes little difference now whether they were participants in a violent demonstration or merely spectators, soaking up that illigitimate thrill which comes from breaking the law.

They are dead, now—And their death has led to a national uprising which may cool down over the weekend, but will not subside completely until some solutions are found to a series of problems.

I may be wrong in my feelings about Vietnam—but I believe that people with much greater knowledge than I made the decision that we send our armed forces there.

It is difficult for me to believe that those we have put in power to make these decisions are less concerned about our young men dying there than I am.

As you know, I have had two sons in Vietnam for a total of 26 months. There wasn't any whimpering from them because of this demand for service to their country. They felt it their patriotic duty. (One came back with malaria, a purple heart and a bronze star and is now on duty in our nation's capitol.) And, at the present time, we have more than 16 of our young men directly or indirectly related to this parish serving in uniform.

I like to believe that their being in uniform is for an honorable cause and representing a great country. I will trust the judgment of our national leaders who know why it has to be.

I have difficulty in believing that Vietnam or Cambodia is the real cause of the unrest across our nation.

We are the victims of an outspoken minority (who have every right to express their convictions), but who themselves, I fear, create the climate which allows for the militant, the anti-American, the bums, to take over buildings, to destroy property, to desecrate the moral values which caused this nation to be born and which have held it together for 200 years. I see nothing wrong with the use of the word "bums." I have had three kids in four different colleges and I have seen members of the student body who fit this description—those who refuse to work, who look like bums, who dress like bums, and who talk like bums.

The everything-for-nothing-people who will take everything they can get for nothing and contribute no more than a warm body to a college campus.

I think, too, we older people have to get over a lot of our puritanical ideas, insofar as language is concerned. Our kids are using four letter words (as well as others) in perhaps too graphic a way, but they picked up a lot of this stuff from you and me—parents—many of whom pull no punches in a family hassle. So let's not be too upset when they bring the placards off their college room walls and parade them down the street.

The right to dissent must always be a part of our American system. This is a freedom which must be preserved at whatever cost. But let's not lose our heads in the manner of dissent! There are ways to do this. And when we take the law into our own hands—we are creating a kind of chaos which can only lead to the loss of all freedom, not only for the majority, but for the dissidents as well.

We are living in sober times and we ought to spend some time in self-examination. It could very well be that the sins of our generation, and before, are finally catching up with us! Our easy way of life! Our to-hell-with-the-other-guy philosophy! The attitudes (as well as the language) expressed by parents may not be too different from that expressed by our kids!

Bitterness begets bitterness!

Violence breeds violence! And it is wrong to think that everyone else is out of step except you and me.

Somehow or other we have to get the respect for authority it one time had. It must first of all be deserving of our respect and then be strong enough to keep it. For if truth with justice is to cover the earth—it must come from hearts which sow love and understanding—on a day-to-day basis—in a person to person relationship. And so I admonish you this morning—to do what you can, where you can, to affect a better world.

It begins in your home.

It ends when there are no more people to worry about.

Let's not bail out on our country!

Support that which you believe to be right—

And take every legal means to change that which is wrong.

This is the American way! Let's not lose it!

## SOUTHEAST ASIA REPORT

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RHODES. Mr. Speaker, there has been widespread debate in recent weeks concerning our military operations in Southeast Asia, with the result that some of the more basic issues in that conflict have become clouded.

Let us look at the situation as we find it today: Whether we like it or not, we are in Vietnam. Most Americans want us out of Vietnam, including President Nixon. The question is how best to accomplish that goal, protect American troops in the process, and insure that millions of South Vietnamese will not be killed immediately following our departure.

When President Nixon was inaugurated there were approximately 546,000 American troops in Vietnam. The President reasoned that lasting peace in Vietnam must depend upon the ability of the South Vietnamese to determine their own form of government and to defend it against aggression from the north. While the President did not abandon the negotiating table, he directed that top priority be given to the training of the South Vietnamese so that they would be able to assume the burden of their own defense. This is the program of "Vietnamization."

The result of this policy has been the withdrawal of 115,000 Americans from South Vietnam to date, and the announced withdrawal of another 150,000 Americans by next spring.

I was in Vietnam a short time ago and am pleased to report on this situation firsthand. I have never seen finer or better equipped troops than I saw there. I have never seen higher morale or stronger dedication than I saw among the troops wearing the uniform of the United States of America in Southeast Asia. I can also report that these men are actively pursuing their objective of training the popular and regional forces of South Vietnam so that they may keep their country free once the Americans have gone.

Vietnamization is working. The 1st South Vietnam Infantry Division, for example, is an outfit that can stay on anybody's battlefield, and any American officer will tell you this is so. A number of other divisions are approaching that stage of training. This is in striking contrast to the situation I found there in 1964 when every South Vietnamese I met gave me the impression that the North Vietnamese were invincible on the battlefield. Today it is different. They have confidence. They know they can do the job because we have given them the arms and equipment with which to get the job done. So, while it takes time, Vietnamization is showing strong signs of success. It is working.

The true test of Vietnamization, however, will come when the second 150,000 U.S. troop increment has been removed

from that country. Remaining in Vietnam will be American troops—mainly communications, maintenance, and supply personnel. This is when the danger may come. This is when the North Vietnamese may decide that they can strike quickly at our diminished force, humiliate the United States of America, and earn a cheap victory. The real mettle of the South Vietnamese will be tested when they try to defeat this attack which, I fear, will come from the North Vietnamese at the time when the balance of American troops in South Vietnam is such that the leaders of North Vietnam will deem the time proper and right for the success of such a mission.

The President of the United States knows that. The Secretary of Defense knows it. Practically everyone who is connected with defense problems in the Congress knows it. We have been worried about this fateful day when we might be faced with such a situation. We all want to do everything possible to insure that this attack, if and when it comes, will be unsuccessful.

The neighboring nation of Cambodia had for many months been an unwilling sanctuary for the troops of North Vietnam. At the end of the Ho Chi Minh Trail and the Sihanouk Trail supplies were cached, first in South Vietnam, but later in Cambodia, in sanctuaries which our troops and allies did not hit. They did not hit them because Cambodia was a neutral nation. As a result, the supplies in these areas were built up and the areas of South Vietnam nearest to Cambodia, particularly in the IV Corps Mekong Delta, became strongholds of the Vietcong and the North Vietnamese.

Not too many months ago the situation changed because Prince Sihanouk, then the ruler of Cambodia, was able to see that his people did not like the idea of so many Vietnamese being on their territory. He could see that there were so many of them and they were so well equipped that they were a danger to his own regime. Consequently, he started to cut off the supplies which came through the port of Sihanoukville. He asked the Soviet Union and Red China to order the North Vietnamese to leave, without success.

Subsequently, when he left the country, he was overthrown and another government took control. Not only did this government continue to cut off the supplies at Sihanoukville, but it also cut off the Sihanouk Trail. In addition, the Government let it be known that it expected the North Vietnamese and the Vietcong to quit using Cambodia as a sanctuary.

This put the North Vietnamese to the test because they had some extremely difficult decisions to make. One alternative, of course, was to withdraw troops before they used up their supplies. A second alternative was to keep their troops in place and try to supply them, using the Ho Chi Minh Trail. A third alternative was to attack, widen their area of domination, and increase their supply system's capability. Soon, movements of North Vietnamese into the interior of Cambodia and toward Sihanoukville made it apparent that Hanoi had chosen the third alternative, and was trying to turn all of Cambodia into a real supply-and-operations bastion of Communist aggression in the South.

Such a bastion would outflank the Mekong Delta and the Saigon area. The delta situation has so improved that American troops had been pulled out. The improvement had accelerated after the closing of Sihanoukville.

Sihanoukville supplied the IV Corps, which is the Mekong Delta of Vietnam and the III Corps, which is the area in which Saigon is located, with great quantities of goods and supplies. In fact, it is my understanding that the IV Corps got 75 percent and the III Corps got 50 percent of their supplies and equipment from Sihanoukville. Thus, this was a very important port. No wonder the North Vietnamese were most anxious to reopen it.

So the action which they took, after being faced with this decision, was to widen the area which they occupied in Cambodia and start a drive in the general direction of Sihanoukville.

It was at this time, and this time only, that the President of the United States and the President of South Vietnam went through what I am sure was rather agonizing reappraisal. As long as the troops who occupied these sanctuaries were in relatively small pockets, there was not an overwhelming danger that could not be contained even by our diminished American forces and the South Vietnamese.

However, when the North Vietnamese began to connect those pockets and build them into a continuous chain of supply depots, thereby increasing the supply capability of the Ho Chi Minh Trail, it became apparent that Cambodia was about to become a real arsenal for attack against the South Vietnamese and the remaining Americans. It was at this time that the President of the United States and the President of South Vietnam came to the conclusion that this constituted a risk to the lives of our men which they could not and would not take. So, as a result, the Cambodian operation was decided upon.

As a consequence of this operation, the threat to the continued withdrawal of American military personnel from South Vietnam has been met. The elimination of these sanctuaries, I believe, will prove to have saved American lives, allowed Vietnamization to proceed on schedule, and made possible the continued withdrawal of American troops.

As the first American troop withdrawals from Cambodia got underway, President Nixon characterized the operation to clean out these Communist sanctuaries as "an enormous success—far exceeding expectations." American and South Vietnamese units have already captured or destroyed enough equipment to supply 20 enemy battalions for upward of a thousand battalion-sized attacks, and the tally grows daily. I recently received a report that more enemy materiel had been either captured or destroyed in the first 2 weeks of the Cambodian operation than in the previous 19 months of the war.

By destroying the enemy's logistics systems, facilities, supplies, and equipment, the operation in Cambodia makes it impossible for the enemy to use these areas effectively for many months. While the North Vietnamese can conceivably replace these installations, it will prove to be extremely difficult. This is true because the rainy season will delay any reconstruction or reinstallation, and because all equipment and materials must be brought down from North Vietnam, since main Cambodian supply routes have now been cut off.

Meanwhile, the United States and South Vietnamese forces have been given vital additional time to prepare the South Vietnamese to handle their own defense. All of this has taken place in one of the swiftest military operations of this magnitude. Within no more than 8 weeks from its starting date, all U.S. forces will have been withdrawn from Cambodia.

Recently, however, in the wake of the wide-ranging national debate concerning the military action in Cambodia, various amendments have been offered in Congress which would deny to the President the use of funds to conduct various types of military operations or would curtail his authority in other respects. In effect, Congress, through its power of the purse, rather than the President, as Commander in Chief of our Armed Forces, would shape future military operations in a war in which we are already deeply involved.

I oppose this position. I believe that it would undercut the real hope we have for peace in Southeast Asia today.

Historically, it should be noted that President Wilson sent American troops into the Republic of Mexico in 1917 to attack the protected sanctuaries of Pancho Villa, who was using those bases to launch attacks upon American citizens. President Truman ordered American troops into Korea without prior consultation with Congress, as did President Eisenhower in Lebanon. Neither President Kennedy nor President Johnson consulted with Congress when plans were laid for the invasion of Cuba and the Dominican Republic.

With regard to the present conflict, there were no such amendments offered at the time American forces in Vietnam were increased from the 653 there when President Eisenhower left office, to over 16,000 by the late President Kennedy.

There were no proposals offered to limit the authority of President Johnson as Commander in Chief of the Armed Forces of the United States when he ordered the bombing of North Vietnam. There were no such limitations offered when this same President raised our troop level in Vietnam from time to time until it reached 546,000, as it was when President Nixon was inaugurated.

The mistakes of the past cannot be remedied by cutting the ground out from under the President today in the midst of an ongoing, inherited war. On the contrary, one of the worst mistakes we could make today would be to issue an open invitation to the North Vietnamese to return to their privileged sanctuaries

and, henceforth, to use them freely as bases from which they could attack and kill our diminished forces. This is no way to protect American lives. It would actually give encouragement to the enemy at a highly critical juncture. In short, such an action, in my opinion, would prolong the war rather than hasten the day when American troops can return home.

I know of no one who wants to end this war and withdraw American troops more quickly or more urgently than I do. In addition to grounds of policy, I have some very personal reasons for wanting to end this war, one of which is in the form of my eldest son, who is now serving in Army intelligence in Vietnam. But I want to see American troops withdrawn after we have fulfilled our objective of seeing the process of Vietnamization through to its culmination; of seeing a courageous people choose their own national destiny in freedom. This will occur when the South Vietnamese can really defend themselves against North Vietnamese aggression. I am satisfied that we will be able to see this process through. I am satisfied that the actions which President Nixon has taken will bring us a step closer toward that end and, in turn, toward a just and lasting peace in Vietnam. I support the President in his efforts to achieve that long-awaited peace.

## THE TRAGIC DEATH OF WALTER REUTHER

### HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 11, 1970*

Mr. GALLAGHER. Mr. Speaker, the rational forces of reason in this Nation suffered a severe blow with the untimely and tragic death of Walter Reuther. At a time when amelioration of social problems by making the system work is a national priority, he is especially missed and mourned.

Walter Reuther was an outstanding man, his personal frugality and rigid ethical code turned his aggressive and imaginative leadership of the auto workers into what was one of the most respected moral forces of the past several decades. He was a shrewd negotiator and a hard bargainer; the economic success and security of the union's members are a constant testimony to his effectiveness. He clearly saw the dangers of allowing black Americans to be outside organized labor and he took courageous action to bring dignity and hope to all workingmen. In addition, he lent his valuable time to many international questions, especially for arms control and limitation.

Mr. Speaker, all those who believe in fulfilling the American dream have lost a great friend and powerful ally in the death of Walter Reuther. We desperately need men of his compassionate spirit today; we sorely miss the inspirational and effective leadership he gave to the continuing struggle to unite all men in understanding and brotherhood.

## VFW NATIONAL COMMANDER ANSWERS JUNIOR SENATOR FROM SOUTH DAKOTA

### HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BERRY. Mr. Speaker, on May 14 the junior Senator from South Dakota took occasion to make a speech on the Senate floor chastising the national commander of the VFW, Ray Gallagher of Redfield, S. Dak.

Mr. Gallagher does not have the privileges of the Senate floor to answer the Senator but has done so in a speech made in Deadwood, S. Dak., as reported by the Associated Press.

Mr. Speaker, I insert the report of the Gallagher speech in the CONGRESSIONAL RECORD. It is as follows:

GALLAGHER LINKS UNREST TO SENATORS

DEADWOOD.—In remarks Saturday night at the annual meeting of the South Dakota National Guard Enlished Men's Association, Ray Gallagher, Redfield, national commander of the Veterans of Foreign Wars, charged that anti-war senators' continued attacks upon the United States are a main contributing factor in the student unrest in this country.

Gallagher commented on Sen. George McGovern's statement on the Senate floor May 14. "McGovern has complained that (national) Commander Milton Patrick of the American Legion and I were playing politics by supporting the Nixon policy.

"Our statement is in support of our convention mandates which include cleaning out the privileged sanctuaries of the enemy," stated Gallagher.

McGovern had criticized both Gallagher and Patrick claiming they could not represent the views of the members of their organizations.

Gallagher said, "If McGovern, as a member of our organization, were more familiar with our mandates, he would know that we speak for the members of our organizations."

It has been a long time since he has paid any heed to veteran organizations in their support of this and the preceding administration's foreign policy or attended any of their meetings, Gallagher charged.

"He indicates that as a member we do not speak for him. Likewise, I charge that as a South Dakota Democrat, and one who has been in close contact with the people of South Dakota, McGovern has long since failed to speak for me," Gallagher said.

Gallagher, who served as local campaign chairman for McGovern four years ago, told the Rapid City Journal earlier, there is nothing partisan when it comes to veterans of our country.

Gallagher supported President Nixon's move into Cambodia to remove the enemy from its heretofore privileged sanctuaries as a direct move to protect our allies and to provide for an orderly withdrawal of American troops from Vietnam.

He pointed out the Cooper-Church amendment and the McGovern-Hatfield amendments were further encouragement to the enemy and would limit the President's ability to conduct essential military operations against the enemy.

Some of these congressmen claimed we called them unpatriotic and un-American, said Gallagher. There is nothing in our statements to that effect, "But if McGovern has a guilty conscience, that's his problem," Gallagher said. "We don't say he is unpatriotic. We say he is wrong."

Gallagher told the National Guardsmen that "we still have many prisoners of war held by the enemy, and these senators fail to show any compassion for their families.

"It would appear those supporting these amendments are closing their eyes to the Communist aggression throughout Southeast Asia," he said. So far, he added, these senators have not criticized the enemy's invasion of the neutral countries of Southeast Asia.

The amendments referred to, presently in debate in the Senate, would compel a June 30 cutoff of U.S. operations in Cambodia.

In reference to McGovern's advice to Gallagher and Patrick about sticking to the job of securing bipartisan support for veterans programs, Gallagher "wondered if this were a veiled threat that veterans cannot be involved in government in other than veterans' benefits . . . that the congress might withhold benefits from the men who have served their country?"

Gallagher also was to have revealed at the evening banquet the contents of a wire sent by McGovern to National Guard commanders concerning their resolution which supported the Cambodian action.

Gallagher told the Guardsmen. "The anti-war senators' continued attacks upon the United States are a main contributing factor in the student unrest in this country."

## A TRIBUTE TO WALTER REUTHER BY FORMER CONGRESSMAN GEORGE M. RHODES

### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. YATRON. Mr. Speaker, along with many of my colleagues I mourn the untimely and tragic death of Walter Reuther. His service to his union, to the labor movement, to the less fortunate and to the Nation is outstanding.

A high tribute was paid to Mr. Reuther in a recent article in the New Era, Reading, Pa., written by my distinguished predecessor, Congressman George M. Rhodes. Mr. Rhodes was a local and State labor leader before his election to the House of Representatives, where he served for 10 terms until his retirement at the end of the 90th Congress.

The article follows:

RHODES HAILS REUTHER AS "GREATEST" LABOR LEADER, MOURNS LOSS

(By George M. Rhodes)

In the tragic death of Walter Reuther the labor movement has lost a great leader and the people of our country have lost a dedicated and courageous fighter for social and economic reform and progress.

He was a practical idealist with outstanding ability and intelligence. To me Walter Reuther was the greatest of all labor leaders in U.S. history. He was honorable, decent, responsible and unselfish. There was never a taint of corruption or any doubt about his honesty and sincerity

Under Reuther's leadership the automobile workers were organized into the nation's largest industrial union which brought them good wages and many fringe benefits. Besides winning improved living standards for workers in the automobile industry, the auto union became a powerful force in promoting educational activities, particularly on social, economic and political issues.

Walter Reuther was most responsible for progress of the auto workers and for their cooperation with other unions in pushing legislation beneficial to all workers and to the nation.

To Walter Reuther belongs some credit for

liberal and progressive legislation enacted by Congress in recent years. He was a tireless and forceful champion of improved social security, medicare, public housing, slum clearance, improved educational opportunities for the nation's youth and numerous other progressive programs.

He appeared many times before Congressional committees to press for these programs. He was an effective and highly respected witness who played an important role in having Congress enact legislation beneficial to all workers, the aged and handicapped, our retired senior citizens and the nation's youth. He was helpful in the election of liberal candidates to the Congress.

It was my pleasure and good fortune to know Walter Reuther as a very close personal friend. I shared his liberal and progressive views and philosophy. I admired him for his unselfish spirit and his devotion to the cause of social justice, decency and human progress.

Reuther projected a good image for the United States in non-communist nations and particularly in Western Europe where he was respected and held in the highest esteem as a great American. Millions of people will mourn the death of Walter Reuther and his lovely wife, not only in the United States but throughout the world.

## THE SST: SUBSIDIZED POLLUTION

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. VANIK. Mr. Speaker, during the years Congress has been considering the feasibility and the wisdom of building a supersonic transport plane, we have heard much from those who would build the airplane, but relatively little from those who would be hurt by it.

This is not very surprising, since the benefits to its builders are quite clear and tangible right now, while its harmful impact on everyone else would be felt directly only if the plane were built and put in service. As a result, the builders have had a strong incentive to promote the SST, but no one has had a corresponding incentive to advocate its defeat.

In recent weeks, however, there has been a growing public effort to remedy this. Seven environmental organizations in northeast Ohio, for example, recently banded together to oppose the SST, urging that the $290 million budgeted for the project in fiscal 1971 be diverted to solving pollution problems instead of creating them.

The Cleveland area organizations that have urged the President to withdraw support for SST development are the Air Conservation Committee, Area Councils Association, Lake County Citizens for Clean Air, Citizens for Clean Air and Water, Mothers' March on Pollution, Northeastern Ohio Air Conservation Committee and the Task Force on Pollution.

If there is any remaining doubt about the environmental impact of the SST, it should be settled by the testimony of Russell Train and Gordon J. F. MacDonald, of the White House Council on Environmental Quality. They testified last week in hearings before the Joint Economic Committee, citing two major environmental problems of the SST for which no solutions are in sight.

In terms of airport noise, council chairman Train testified:

The SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747.

Mr. Train continued:

I doubt that communities adjacent to our large international airports will accept this added noise burden if it should extend beyond airport boundaries—a circumstance which seems likely in the case of most existing airport facilities.

The second major problem mentioned by Mr. Train is one he said has not received the attention it deserves—the question of the SST's effect on climate. Messrs. Train and MacDonald pointed out what they believe to be a significant risk involved in the introduction by the SST of large quantities of water vapor into the stratosphere. Mr. Train said :

Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports.

In view of these problems, I intend to oppose any Federal subsidy toward the building of the SST. I hope my colleagues will join me in voting against this new polluter before it gets away from us.

I include at this point an article concerning the SST from the Cleveland Plain Dealer of May 14:

GERMAN VISITOR CITES SST PERIL

(By William D. McCann)

The supersonic transport (SST) plane is a "big mistake" which could create serious physical and psychological hazards to millions of persons, an expert on noise pollution said here yesterday.

Dr. Walter Carlein, mayor of Baden-Baden, West Germany, and a member of the national board of directors for the West German noise abatement council, told The Plain Dealer:

"It would be best for mankind if plans for the supersonic transports were halted now."

Too much money has been invested by the United States and other nations for them to even consider a halt, he said.

"So the best we can do is make sure that such planes are restricted to flying over the oceans," he added.

U.S. transportation officials have promised STTs would not be allowed to fly supersonically over U.S. territory. Conservationists fear the promise will be broken when the planes are in operation.

Dr. Carlein was here to speak to the two-day Michigan-Ohio Pollution Conference. It is cosponsored by Cleveland State University.

Dr. Carlein said a giant passenger plane flying at supersonic speeds across a continent would create shock waves on the ground 40 to 50 miles wide the length of the continent.

These could cause heart attacks and hearing impairment in humans and extensive structural damage to buildings, he said.

The United States has invested some $640 million in its SST. The administration seeks another $290 million to continue the program for fiscal 1971.

England and France are jointly building and test flying an SST. So is the Soviet Union.

U.S. officials contend the SST should be built to preserve this country's aviation industry from foreign competition.

Seven northeast Ohio conservation groups, representing several thousand persons, this week urged President Nixon in a letter to withdraw the $290 million request.

"National priorities demand these funds be diverted to environmental medical research and to solving pollution problems, rather than creating them," the letter stated.

## MASTER OF SCIENCE DEGREE FOR RADIOLOGIC ADMINISTRATORS

### HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. TAFT. Mr. Speaker, this Friday, May 22, 30 leaders in the field of radiation will meet to discuss a breakthrough in relieving the present shortage of medical personnel. They represent the American Medical Association, the American Hospital Association, the American Registry, the American Society of Radiologic Technologists, the American Association of Physicists, the American College of Radiology, the Public Health Service, the Atomic Energy Commission, and various hospitals and schools of medicine.

The results of a 4-year project conducted jointly by the University of Cincinnati Medical Center and the Bureau of Radiological Health of the U.S. Public Health Service will be presented. This project—the development of a master of science degree program for radiologic administrators is the first of its kind in the United States. These radiologic administrators will be qualified to manage the departments of radiology at the numerous hospitals of our Nation. This approach will free the physicians from the complicated and time-consuming duties connected with the management of our hospitals' departments of radiology and allow him to devote full time to his patients.

This is a first in the use of paramedical personnel in the field of radiology. It is not the only first, however, to have resulted from the activities carried out by the Public Health Service in Cincinnati. In 1913, a four-man team was sent to Cincinnati to study pollution conditions on the Ohio River. From that humble beginning, the environmental field control programs of the Public Health Service have grown. Public Health Service operations in Cincinnati have served as the birthplace of its research and technical assistance programs in which pollution, air pollution, milk and food protection, shellfish sanitation, radiological health, occupational safety, housing hygiene, and solid waste management.

It was the Cincinnati-based staff that developed the air pollution potential network, the instrumentation for measuring X-radiation from color television, that identified the presence of endrine during the Mississippi fish kills. These staffs are working on projects ranging from the conversion of cellulosic wastes to proteins, to the training of health educator aides to work in our inner cities.

It is difficult to find any department of government, industry, or universities working in the environment that does

not have staff trained by the Cincinnati-based Public Health Service training programs. To date, over 80,000 individuals have received their advanced training in the environmental fields.

We wish to take this opportunity to express our appreciation of the valuable contributions that the Cincinnati staff of the U.S. Public Health Service have made to the health of our Nation.

## HIRE A YOUTH WEEK

### HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FULTON of Tennessee. Mr. Speaker, the latest figures from the Bureau of Labor Statistics indicate that unemployment among American teenagers is almost 16 percent.

This report comes at a most regretable time. Thousands of American young people are about to leave their schools, colleges, and universities for the summer who will be seeking employment at a time when the unemployment rate for their age group is already intolerably high.

The situation is particularly acute here in the Nation's Capital where college students have turned for many years for meaningful summer employment in congressional offices and within the departments of the Federal Government. This year the jobs are just not to be had because of reductions in personnel and restricted hiring policies brought about by budget demands.

Nonetheless, the job market will soon be flooded with these youthful applicants seeking and needing work.

What is the solution?

One very good approach to this problem is being taken in my district of Metropolitan Nashville-Davidson County, Tenn., as well as other communities across the Nation.

Under the able, imaginative, and industrious leadership of a local young businessman, Mr. Don Hunt, a program has been launched to provide summer jobs for youth through local business and enterprise.

The program is "Hire a Youth Week." It is sponsored by the Nashville Area Chamber of Commerce which is giving it full support.

Mr. Speaker, I believe the goals of and opportunities offered by "Hire a Youth Week" are best outlined in a letter requesting support which was sent to hundreds of businesses and organizations in Nashville by Mr. Hunt, the chamber's "Hire a Youth Week" chairman and I include the letter in the RECORD at this point:

HIRE A YOUTH WEEK, MAY 18 TO MAY 23

Sponsoring agencies: Metropolitan Youth Employment Service, Council of Community Services, *Mayor's Council on* Youth Opportunity, Metro Action Commission, Metropolitan School System, Nashville Urban League, Youth Opportunity Center, Allegiance for Businessmen.

DEAR CITIZEN OF NASHVILLE: This letter was written to inform you of a serious problem effecting the city of Nashville this summer. This letter also contains a solution to this problem. It is our sincere hope that you will join with the thousands of Nashvillians who have already committed themselves to a course of positive action.

This summer for the first time, many Nashville young people will be unable to find either full-time and part-time employment. Many of these young people depend on the money earned during the summer vacation to pay for their education in the fall as well as to buy the clothes they will need during the school year. The problem has arisen for several reasons. First of all, due to slow economic conditions, many firms who normally hire our youth in the summer will be unable to do so this year. Second, our Metropolitan Government will not be able to hire 500 young people this year as they have in the past. Both of these conditions will have an adverse effect upon youth and our community when you consider the fact that many of our recreational areas will also be closed due to a shortage of funds.

There are many reasons why our youth must have the opportunity to find employment. In addition to the money reason, which is quickly apparent, there are several other very strong reasons. Our Chief of Police, Mr. Hubert Kemp, says, "Unless jobs are made available to our youth this summer, there will be a definite tendency for crime to increase in the streets during the summer months". Our President has said that, "Unless our youth are given the opportunity to participate in our basic economic system, and actually feel the pride of a dollar earned by an honest day's work, they can never really appreciate the aspects of our economy that have made the United States the greatest country in the world".

The problem—jobs for our youth. The solution—"Hire a Youth Week". Thousands of private citizens as well as all of our high-school students have joined forces to bring the critical job shortage into focus. During the week of May 18th to May 23rd, Nashville, with the cooperation of its news media, will celebrate "Hire A Youth Week". It is our sincere hope that you will join this campaign and do all you can to make everyone that somehow our youth must find jobs this summer.

We thank you for your patience in reading this letter. We will appreciate your help in making the "Hire A Youth" program a fantastic success. In closing, let me remind you that our youth are one of our greatest assets. However, their true potential can only be realized if we are willing to help them help themselves.

Please call and pledge today.

Sincerely yours,

DONALD A. HUNT,
*Chairman, Hire A Youth Committee.*

Mr. Speaker, America's young people today are pleading for understanding and for an opportunity to participate in American life in a meaningful way. No better opportunity could be afforded them than for programs such as "Hire a Youth Week" to be an unqualified success across the Nation.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

## REPRESENTATIVE FREY SPEAKS ON THE YOUTH "INVESTMENT"

### HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. HASTINGS. Mr. Speaker, my colleague, Representative LOU FREY, JR., of Florida, made a speech on May 15 before the Mortgage Bankers Association of Florida at its annual convention on Grand Bahama Island.

It is an eloquent address, expressing the concern we all feel over what tomorrow holds for our country in the face of a great wave of disillusion sweeping over our youth today.

Representative FREY tells it like it is, bringing insight and understanding, rather than wrathful rhetoric, to a question, which, as he says, is basically one of protecting our investment in today's youth so that tomorrow's world does not end up morally and socially bankrupt.

I want to commend Representative FREY for his talk. It is forthright, full of good sense and offers a balanced appraisal of what our Nation faces. I believe my colleagues in the House will find it of much interest and deserving of their close attention. Therefore, I include the talk in the RECORD at this point:

REMARKS BY CONGRESSMAN LOU FREY, JR.

You depend on investments for a living. Today I would like to discuss another investment we all have, the youth of our country. At times, many of us wonder if this investment has gone sour.

Last Saturday in Washington, some 60,000 to 70,000 came to protest the movement of U.S. troops into Cambodia. This action, together with the Kent State tragedy, had triggered student protest throughout the nation, and as of this week, resulted in 286 colleges and universities being shut down until the end of the current term. During the last two weeks some of us met with these students to discuss issues they felt were important and to get a few words in ourselves.

Most of the students who came to our offices were not the radicals who don't believe in our system and who want to destroy it, but were instead intelligent, emotional, concerned, and highly frustrated youth. There was no question about the seriousness and depth of their feeling. For instance, three young clean-cut girls, when discussing the possible dangers, said, "We're ready to sacrifice our lives." Now, there is a long gap between saying and doing, but this feeling is present.

On Saturday, together with Congressmen Bill Steiger of Wisconsin and Pete Biester of Pennsylvania, fellow group leaders on last year's campus tour and report to the President, we watched the rally and spent a good part of Saturday afternoon wandering around downtown D.C. where the action was. We did this for two reasons. First we felt we had a responsibility to see for ourselves what was going on and not what someone else said. Second we had been requested to do so by people in the Administration. This was quite an experience. The atmosphere was completely different from the talks in our office and around the Capitol with small numbers of students during the week. To be frank, the continual flow of young

Americans in their uniform of the day, spasmodically shouting obscenities and slogans, made me wonder about the future of this country. I couldn't help but think of scenes from Shirer's book *The Rise and Fall of the Third Reich*. When I heard the so-called speeches and read the handouts and student newspapers, my concern increased. For instance, a paper "The Student Mobilizer," vol. 3, No. 5, dated May 9, 1970, had a telegram from the North Vietnam National Union of Students asking for mass action to "stop Nixon's war of Escalation." Another paper termed, "The Daily Planet," Saturday, May 9, 1970, is headlined, "A Call to Impeach Nixon and Agnew" and in part said: "We see that America has become a brutal and malevolent state. We see that it is preoccupied with power, its people with keeping what they have and getting more."

"The Daily World," dated May 9, 1970, had as its front page story regarding the President the following: "The blood of Mylai reaches out to the blood of Kent, to the blood that has been shed by the youth in the ghettoes. His hands are stained with the blood of four more young Americans as fresh and innocent as the children the women the victims of the many Songmys of Vietnam."

After the rally at the mall the students were in the area around the White House. To prevent them from getting too close, city buses were parked end to end. Behind the buses in quiet rows were police with gas masks and guns. Police on rooftops had rifles, helicopters circled overhead in case of trouble. I kept asking myself, "Is this really America?"

Of course the news media were there. And in some ways it had its humorous aspects. Small men carried large heavy TV cameras on their backs while large men trailed them with light weight microphones interviewing demonstrators. As the speeches at the rally denounced the establishment, the demonstrators complained of no TV time to rebut Nixon. TV dutifully reported the words they used to condemn the establishment—with a pause of course, for a friendly commercial. The watching TV cameras were a signal for the marching students to start chanting slogans and show some action.

New industries have been created. At the present rate I'd advise investments in tear gas masks, buttons, poster and sign companies—as they were doing a booming business. You could tell the experienced demonstrators by his emergency equipment including canteens and gas masks. The only thing missing was a score card. It wouldn't have shocked me to hear the public address system say, "Now demonstrating from Colgate, #6, Jones . . ."

The march was well organized. It had its commissary and medical units, its legal aid and marshalls. I heard one marshall say, "Go to the right if you don't want trouble. To the left is the pig line and tear gas." One marshall was practically hysterical, begging marchers to stay away from trouble areas. He would run back and forth grabbing the marchers and when he couldn't stop one group, he would race on to another group. Many students, when a serious incident was developing, would shout for all in the area to move on and not to start trouble. Although the air was charged, amazingly enough there were few incidents and these were caused mainly by the hard core radicals late at night.

The police did a great job; they enforced the law, yet did it using only the necessary, not excessive, force. Two incidents stick in my mind. We happened to be at an intersection blocked by demonstrators. The police tried to move them but it didn't work. So in an unmarked car, they moved in and unloaded needed equipment including gas masks. But the police didn't put the gas masks on. They just held them and went back to make the necessary arrests. All the time they talked and kidded with the students, keeping emotions at a low level.

Another time the policemen was clearing the streets. One young policeman dropped his stick in the middle of a crowd. For a moment everyone was tense. He leaned over and very slowly picked it up and jokingly said to the crowd, "If I lose that, they'll dock my pay, baby." The crowd laughed and moved on. In terms the students use, the police never lost their cool. I was very proud of the job they were doing under very trying circumstances.

There were a wide variety of students present. Of course, there were the hard core radicals, intent on overthrowing the government. But even here there were differences. We were in a group listening to several black panther spokesmen and they were chewing out the students for being more concerned with Cambodia and the death of the four at Kent State than the black problem. And let me tell you there was no question of the hardness of their position and the contempt for those who didn't agree.

The militant version of the women's liberation movement was present and apparently upset because the male students wouldn't pass out their literature. The kooks were present in all kinds of outfits, carrying Viet Cong flags, caskets and every other kind of anti-U.S. propaganda imaginable. It seemed that shirts with symbols were worn by every other person.

Yet some students we came into contact with were there more as spectators than as participants. A good example came when one student told his friend that trouble was starting up the street. His friend replied, "Let's go." The other student said, "Are you crazy? Why do you want to get in a fight?" The student replied, "Fight, hell—I just want to see what's going on."

There were other signs of normality, such as the wading and bathing in the pools, and boys and girls—oblivious to all—talking to each other, and I might add, not all about the war. The atmosphere at this march was somehow different from the October and November Moratoriums, perhaps because this time there were so many moderate students participating who had never before been involved in demonstrating.

As I said when I started, it's awfully hard not to shake your head, look with disdain on the long hair, dungarees, and dirty clothes and give up. Or even worse, give way to unreasoning anger and disgust. In all honesty, this was my initial reaction. Yet I ask each one of you here, if we lose our investment in the youth of this country, what future does this country have? The question is obviously rhetorical. Somehow, someway we must turn from the politics of confrontation, the hysteria which is building in our youth, the frustration of working Americans, and the rhetoric on both sides. We must come up with some answers.

Last year I was one of the group leaders of 22 younger Congressmen who toured over 50 college campuses to listen to students and report back to the President. I led the group which visited 20 campuses in the Southeast. In our report to the President we stated:

"We came away from our campus tour both alarmed and encouraged. We were alarmed to discover that this problem is far deeper and far more urgent than most realize, and that it goes far beyond the efforts of organized revolutionaries. By the same token, we were encouraged by the candor, sincerity and basic decency of the vast majority of students we met. Too often, however, we saw their idealism and concern vented in aimless or destructive ways."

This statement today is outdated. It is no longer merely urgent; it is now critical and can blow sky high at any moment. Cambodia is not the total problem; it's just the fuse that touched off the explosion. In a report on student attitudes entitled "Social Issues and Protest Activity: Recent Student Trends," the American Council for Education found that in 1969 more than ⅓ of the students felt that the individual could not do anything to bring about a change in our society. The report clearly pointed out that those freshmen entering college in the fall of 1969 were "more concerned with effecting social change, more oriented toward activism and more likely to exhibit characteristics which incline them to protest against the status quo." One can readily see the depth of their frustration and their feeling of futility.

Our major concern in the report we made to the President was the potential of radicalizing the moderate student. This is happening. However this is not happening only among students, but nationwide. It's becoming easier and easier to polarize Americans each day. We are using labels and being pushed from one side to another. You're black or white, labor or management, liberal or conservative, Southern or Northern, youth or Establishment. I don't like it. I deeply disagree with the New Left and *radical* students who are attempting by force to destroy our university system and our society.

Their mood and philosophy of life is not one of support for America and its traditions, of upholding moral and democratic values. Rather, it is one of defiance, hostility and opposition to our free society. These youth want to destroy, not to build. By their own admission, they don't believe in our system, see no way to improve it and are dedicated to destroying it and starting again. They are not concerned with the problems we face here and abroad, such as war, dival rights, hunger, poverty. These are just means to create the chaos necessary to pull our society apart. One of the tragedies of any movement of protest that refuses to find an outlet through legitimate channels of society and in cooperation with other groups is that it moves to more radical, bitter and extreme positions.

The New Left as it sometimes terms itself knows that if a revolution is to be brought about, they must discipline and organize their movement. FBI Director J. Edgar Hoover, in a message to all law enforcement agencies recently, pointed out the following:

"Never before in this country has there been such a strong revolutionary Marxist movement of young people so eager to destroy established authority. Furthermore, the New Left movement has made it emphatically clear that mere change and revision are not its objectives. Its immediate goal is the complete overthrow and control of our educational system. We all know what its ultimate goal is."

Although percentage wise, such people are few, they have had an effect much beyond their number. We must do more both legislatively and through law enforcement to curb such antagonizing activities.

My feelings on the student problem are obviously a political handicap. Because I oppose the radicals, because I believe college is no excuse for law breaking, because I disagree with college presidents who refuse to enforce the rules, vacillate or grant amnesty, and because I advocate stricter enforcement of the law, some students call me a right wing pig or anti-intellectual. Because I worry about the concerned students, because I am interested in their views even when I disagree (as on Cambodia), because I refuse to label all students as radicals, those on the other side say I'm soft on the students.

But it's time to stop this polarizing process. It's time to try harder. It's time to stop demonstrating and marching and instead work together. It's time to stop taking the law into our own hands, whether student or establishment. In the midst of the rally, I vowed that I was going to redouble my efforts to find answers. This was not the America I knew and loved. This was not the America I want to leave for my four children. There has to be a better way. Finding fault and pointing accusing fingers will not solve this problem. To put it in your lan-

guage, it's not time to sell short. The investment in our youth will decide the fate of this country.

There are answers, obviously. The suggestions I'm about to make are only some possibilities which should be expanded and explored further. Yet if all of us start thinking and acting instead of just talking, I'm convinced that we can come up with answers. For you see, this system of ours does work. It has built a great nation, and can build an even greater one. When I heard these young men and women chanting slogans running down our country, I wanted to stop them and ask them if they thought they would be able to complain this way in North Vietnam, China, Cuba, or Hungary. This very system they were knocking was allowing them this right. I felt like asking them to listen to part of an address by Penn State President Dr. Eric A. Walker, who used their parents as his theme last September before a graduating class:

"These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 percent—who while cutting the working day by a third, have more than doubled per capital output . . .

"These remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had . . .

"Because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places and have more of a chance to follow your life's ambitions . . .

"These are also the people who fought man's grisliest war. They are the people who defeated tyranny of Hitler, and who when it was over, had the compassion to spend billions of dollars to help their former enemies to rebuild their homelands . . .

"They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy boy . . .

"They have had some failures. They have found no alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills."

I think that these areas of emphasis are important: first, the colleges themselves must exert more leadership and control. Codes of conduct should be adopted, published, explained and quickly and fairly enforced. Vacillation just breeds trouble. If and when necessary, injunctions and other legal remedies should be used. There should be no hesitation to do what is right even if it is unpopular with the students, such as expulsion for serious violation of college rules. The purpose of the college should be reexamined and new directions given. It should be remembered that education is a privilege, not a right. Yet the colleges should not be afraid to meet and discuss problems with the students. Colleges in many cases have not been prepared for the seriousness of the student problems. Some administrators just don't seem to know what it's all about. Leaders are needed as presidents. No longer will a mere money-raiser do. Colleges can help to resolve the frustration by guiding students to constructive projects in the surrounding communities. Colleges must remember that there are students who are not involved in protest and that they also have rights—the right to attend classes in an open college.

A second area of concern is our government. It has not been responsive enough and where responsive has done a poor job of communicating with young people. There is not one central point to look to in our government for leadership and guidance. Many departments and agencies have programs, but there is no real coordination; also the young are totally unaware of the programs. We need this badly and I have requested that the President take the necessary steps to provide it. It doesn't matter if it's a new cabinet post, or agency, that's up to Mr. Nixon. It does matter that it be done. College students very badly need a dramatic symbol of our concern. As part of the program, a series of meetings between young people and government officials, including Congressmen, should be held state by state. If this is impossible, TV may be used. Not only would we learn a lot but the many Federal programs could be related and new ideas developed. From the meetings I've had, especially the last several weeks, I'm convinced they do a lot of good. I have also recommended that a high school intern program be established on a national basis, modeled on the one in our district. In our program, a junior from each high school, picked by the students themselves, comes to Washington for 7 days, not just as a tour but to see government in action. Sure it would cost money, but what a small price if we can convince our young people the system works. Let me read part of a letter from a sixteen-year-old intern who came to Washington convinced the system and all in it were crooked. This letter is typical of the response:

"Before we made our trip, lots of guys at school and other friends told me all about how Washington was such a grubby city and how many government officials are rotten to the core. But now that I've been there, I can tell everyone how mistaken they were.

"I've realized that the government is only as far away from the people as they choose to make it. But the people really do run the government. I tell you, this trip has shown me that our government is greater than any person could ever tell me. I now have great confidence in our government, and instead of facing the future with fear, I look forward with great optimism. You, as a representative of the government, have shown me the government is bound to change for the better."

One last idea regarding our government. Congress itself must face up to the problem of becoming more responsive to the needs of this country. It needs modernization—badly among the changes needed are reform of the ethical code, seniority system, committee system, and information-gathering system. Congress is a full time job now and it must be so treated. This, together with the reform legislation the Administration has requested in areas such as taxes, the draft, Presidential elections, voting age, will go a long way toward showing all Americans the system does function. The third area of concern is that of individual responsibiliy.

Each of us has an obligation to level with the young and demand the best from them. It seems fashionable today to sink to the lowest common denominator. For instance, if you can use an obscene four letter word to express yourself, do it. This proves little to me except the person talking has a limited vocabulary and very little respect for the people around him. Let's tell it like it is. When you honestly have a position, state it. I found that even though a student might disagree with me on Cambodia and Vietnam, there could still be mutual understanding and respect. Too many people say what they think people want to hear, including students. No one has all the answers, or even knows all the questions. This includes students and Congressmen. Let's challenge the young to get more involved in our system. This is a political year. Here's the opportunity for them to work, not just talk, about these beliefs. Let's not be afraid of open and honest debate. Let's encourage it. Encourage them, for instance, to go to class reunions to talk to the people who have fought 3 wars, survived a depression, the atomic age and are still going strong. There are plenty of people around who are willing to listen if approached in a reasonable and orderly fashion. Politics is where the action is. Demonstrations and marches are not accomplishing much but are polarizing this country. Work, unusually hard tough work in a political campaign, and more work, can bring about changes. Let's challenge the young to put their money where their mouth is.

The time to take action is now. This is a crisis, and must be faced as such. All levels of government and all Americans must address themselves to this problem. We cannot just turn our backs. If we cannot find the answer then the radicals will have won. They gained new footholds during the past two weeks, using the great majority of young people sincerely questioning our latest moves in the Vietnam War to their own advantage.

This energy and dedication to a cause can turn cities into battlegrounds or build new and better cities. It can destroy America or make this great country even greater. There has been too much rhetoric on both sides. Let's stop talking and start listening and working together. Let's deal quickly with the lawbreaker but give the concerned youth, willing to work within our system, the opportunity to do so. Let's get rid of the anger, hate and mistrust and try instead to understand all aspects of the problem and come up with some solutions. Let's respect each other's integrity and individuality and be willing to take that extra step. Admittedly it's hard—admittedly it's emotional. Admittedly there are some who hope we fail. This is one investment that cannot fail.

## "DEAL" REPORTED ON BILL ON COLLECTIVE BARGAINING

### HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BLACKBURN. Mr. Speaker, in the Monday, May 18, Evening Star, there was an article by Joseph Young regarding the possibility of complete compulsory unionism within the whole Federal service. It has been traditional that all citizens should be able to work for their Government without having to join an organization such as the union in order to secure a position as a Government employee.

I feel very strongly that the requirement that Federal employees join a union before they can secure a position in our Government violates one of our most basic freedoms. Earlier this session I introduced legislation with the cosponsorship of many Members of this body which would guarantee the right to refrain from joining Government employment unions to all employees.

I urge this House to favorably consider that legislation.

For the information of my colleagues, I hereby insert a copy of Joseph Young's column into the RECORD:

"DEAL" REPORTED ON BILL ON COLLECTIVE BARGAINING

(By Joseph Young)

There are reports on Capitol Hill of a "deal" between AFL–CIO President George Meany and the Nixon administration for support of legislation to grant all federal workers collective bargaining rights for pay and other benefits.

Such legislation could also provide for a "union shop" and compulsory unionism in all government offices and installations where unions represent a majority of employes.

This collective bargaining package already has been agreed to by the administration and the AFL–CIO and its affiliated postal employe unions on behalf of postal workers under the pending postal reform bill.

Reports are that Meany, in return for his key role in getting the administration and postal employe unions to agree on a postal reform settlement that ended the postal strike, also exacted promises from the administration for similar collective bargaining rights for federal classified and blue collar workers.

An alliance between the conservative Nixon administration and the AFL–CIO is rather a strange one.

But insiders at the negotiations ending the postal strike and taking the Nixon administration off the hook and still enabling it to gain labor's support for an independent postal system, say that Meany was the major figure in hammering out an agreement. The administration is very grateful.

Some AFL–CIO postal employe unions were not at all enthusiastic about abandoning their system of dealing with Congress for a collective bargaining system in which they will deal directly with postal management.

But Meany bluntly and brusquely got the unions to agree.

In return he got concessions from the administration.

AFL–CIO officials already have announced the drafting of proposed legislation to set up a collective bargaining system for federal employes.

What's in the draft has not been disclosed. But it is expected to include provisions for government unions to deal with government management on pay, fringe benefits and all other phases of working conditions, with impasses to be settled by compulsory arbitration.

If Meany's past utterances on the subject are followed, a union shop would be required in units where the unions represent a majority of the employes. Under such a system employes would have 30 days in which to become union members in order to retain their jobs.

Of course, the prospect of a union shop in government depends to a great extent on the outcome of the union shop provision in the postal reform bill.

Although both the House and Senate Post Office Committees have agreed to the provision that a union shop would be a negotiable issue under the collective bargaining system set up for the proposed new independent postal agency, many conservative members in Congress will try to knock out this provision when it comes up for a floor vote.

The National Right to Work Committee is spending considerable sums of money to defeat the provision and has stirred up lots of opposition to the concept of the union shop in government.

Bill of rights.—The Senate Judiciary Committee has approved the bill of Sen. Sam Ervin, D-N.C., to establish a "bill of rights" for government employes.

The Ervin bill would prohibit agencies from snooping into the private lives of government workers, forbid agencies from inquiring into the political views or sex lives of their workers and protect employes from being coerced into political or social activities sponsored by their agencies.

Help for lower echelons.—The Civil Service Commission has unveiled an eight-point plan for improving career opportunities for federal employes in the lower grades. The program mainly is aimed at minority groups but applies to all employes in move to help them get better and higher-paying jobs.

The program directs agencies to establish system to improve the training and education of employes in lower grades, provide career guidance and counseling, restruction jobs establish more meaningful consultation with employes, etc.

It all has a familiar ring. The CSC has been issuing such guidelines to agencies for years. Only tough investigative and enforcement policies by the CSC will bring about the desired results.

Payless paydays averted.—Congress has approved and sent to President Nixon an emergency resolution allowing federal funds to be used to pay government employes their salaries on schedule and thus avoid payless paydays.

The crisis arose when the recent federal pay raises were passed into law without the formality of appropriating funds to pay for them. The emergency resolution permits government agencies to make the salary payments from other funds until regular appropriations are voted.

## COL. HAL FITZPATRICK WRITES ABOUT CAMBODIA ACTION

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include a letter from a constituents, Col. Hal L. Fitzpatrick, who recently returned from an assignment in Vietnam. He is obviously a knowledgeable man about the propriety of knocking out the supply dumps in Cambodia. In order that this knowledge may be shared with others who are interested, I am inserting it in the RECORD. The letter follows:

KERRVILLE, TEX., *May 16, 1970.*

Hon. O. C. FISHER,
*House of Representatives,*
*Washington, D.C.*

DEAR SIR: About two weeks ago, when I returned from a one-year tour of combat duty in Viet Nam, I was reasonably optimistic about our prospects there. I appreciated the opportunity to express that optimism and my support for the Administration's policies in the questionnaire which you sent out to your constituents.

My feeling of optimism was greatly strengthened by the President's action in attacking the enemy strongholds in Cambodia; like other officers in Southeast Asia, I had long been concerned by the threat which those complexes posed against all our current positions from Tay Ninh south, against the ARVN after our withdrawal, and especially against our own troops during the latter stages of the withdrawal. We must not play Dunkirk on the beaches of South Viet Nam.

The move into Cambodia not only made military sense; it also indicated that the President was placing the long-term welfare of the country and the immediate safety of our troops ahead of the short-term political problems posed by articulate and sometimes violent minorities in the country. It therefore created real hope for additional realistic actions to get us out of Southeast Asia as quickly as possible without creating a tragedy for ourselves or our allies.

Naturally, the Cambodian action was played up by our news media as an invasion comparable to the Normandy operation, if not the beginning of World War III, and the cut-and-run advocates were properly and loudly outraged. That was to be expected, and should have been no great cause for concern. What did concern me, however, was a TV program on which four United States Senators asked public support for a bill intended to limit the President's actions in Southeast Asia, complete with timetables. Even aside from the pernicious effects of the bill itself, the Senators displayed an appalling ignorance of the military realities of the situation. Such ignorance would have been amusing if displayed by a college sophomore; displayed by four powerful members of the United States Senate, it was frightening.

The truth is that the President needs, at this critical time, the fullest possible freedom of action, if he is to get us out of Southeast Asia as scheduled, without a catastrophe, and if he is to negotiate successfully with our enemies, both in Paris and at the SALT conference.

Though I have finished my own service in Southeast Asia, I have two sons of military age. As a father, as a soldier, and as a citizen, I respectfully urge you, sir, to oppose with all your strength any effort to limit the options open to the President.

Sincerely,

HAL L. FITZPATRICK,
*Colonel, USAF.*

## SOMEDAY, PEACE WILL REIGN

### HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. QUILLEN. Mr. Speaker, in the last few weeks some of our young college and university students across the country have been lured into the position of supporting the professional anarchists and agitators in their attempt to consequently overthrow our Government.

And, undoubtedly, never have so few been heard by so many. Their "peaceful" demonstrations have turned into violence and the violence has resulted in the deaths of some students. Indeed, this is regretful and it is utterly useless.

As I have stated on many occasions, I strongly believe in the right to dissent. However, violent dissent, such as we have witnessed recently, should not be tolerated.

Mr. Speaker, there are many persons who are willing to protest if they are opposed to something, but how many of these persons are willing to express their opinions on matters they support?

I am convinced that the rabble rousers on our campuses today represent only a minority of our students; the silent students represent the majority.

This silent majority must become an aroused majority.

Recently, I was furnished a copy of an editorial which was written by Mr. John Coward, a 19-year-old native of Johnson City, for his school newspaper, the Pirate Press, at East Tennessee State University in Johnson City. Mr. Coward is a sophomore at the university and serves as editor of his university's newspaper. I feel his editorial accurately reflects the feeling of the silent student majority, and it is gratifying to me to know there are some students who have the courage to speak out, even if it may not be popular to do so in the particular circumstance.

I submit Mr. Coward's editorial for the RECORD in order to contrast the radical thinking being emphasized by some of our students:

SOMEDAY, PEACE WILL REIGN

Kent State is a tragedy. Four students killed, several guardsmen and students injured, a building burned; it is all tragic. And it is all so very useless.

The students there and around the nation are mad. They don't want to fight in Vietnam, much less Cambodia. They don't like the war and they're vocal in their opposition to it. They don't want the war, so they protest.

They have every right to protest. They have a right to an opinion and to express that opinion. They should make their feelings known. But they have no right to turn to violence and destroy. They have no right to damage property or threaten lives.

Four students now lie dead. They were victims, probably innocent victims of the forces of chaos. The guardsmen were in danger, or so they thought, and they fired to protect themselves. The students were scared and confused, caught up in a useless battle. Four dead, 11 injured.

Demonstrations, are too emotional. They turn into riots too easily. They ask for trouble and get it.

The government expects the worst. They are frightened and bring in the troops. The showdown is almost unavoidable.

Then in a confused and pitiful moment, the battle begins and ends, the dead and injured fall.

It is not worth the price. Violence is trouble, it may be death. And for all its danger and high price, it is useless. Violence does little to help the cause. If anything, it makes the opposition more determined.

We would like to see an end to campus violence. But we are not optimistic. Someday, maybe, peace will reign. We hope it is soon.

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## THE REAL F-111

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. TEAGUE of Texas. Mr. Speaker, my good friend and colleague, the Honorable JIM WRIGHT of Fort Worth has written an article to the Washington Post which they have carried on their editorial page for Wednesday, May 20 concerning the F-111 which has become a most controversial aircraft due in a large part to the press and a general misconception on the part of the public.

The article which Mr. WRIGHT has written I believe is one of the finest I have seen, and I join with my colleague in his statements.

The article follows:

THE REAL F-111

(By JIM WRIGHT)

Lest I appear to fly under false colors, let me acknowledge in all candor that I have a legitimate parochial interest in the F-111. It is built in my district and some 20,000 of my constituents are employed in its production. It galls hell out of me to see them and their product made the whipping boy of demagogues and the butt of street corner humor.

Like Dr. Jekyll and Mr. Hyde, there are two F-111s.

One is the real, honest-to-goodness, nuts and bolts machine. By any measure, it is one of the most extraordinary warplanes ever fashioned. It can do more things better than any other aircraft our defense industry has built. This real F-111 is little known outside the Air Force.

The other F-111 is the monster of popular fantasy, well known to the public—conceived in the mind of a senior senator, fabricated in a stormy set of hearings, flight tested on page one, and sent shivering into combat on the Huntley-Brinkley report.

For whatever reason, the substantial array of important and affirmative facts have escaped general publication. The facts are far from unimpressive.

Forgive me, then, if in the interest of balanced coverage I spend a few paragraphs accentuating the positive.

(1) Contrary to popular misconception, the F-111 has the best safety record (number of accidents per hours flown) of any new military aircraft built in this country since the early 1950s.

(2) It surpasses more of its original specifications than it fails, meets fully 99 per cent of them, including the most important ones.

(3) The F-111 can carry three times the bomb load for better than twice the distance as the next best tactical bomber in our inventory.

(4) Before the bombing of North Vietnam was discontinued, an F-111 detachment flew more than 50 combat missions there—all of them at night, 80 per cent in weather so bad no other aircraft were operating. Bombing accuracy was better than our other planes were achieving in daytime.

(5) Air Force pilots who have flown the F-111 are enthusiastic about it. The Russians apparently are impressed by its capability. It is the only American aircraft over which Soviet representatives have expressed specific concern in the SALT conferences.

(6) The House Armed Services Committee last week reported that no other aircraft in our inventory can "adequately substitute" for the F-111 and officially invited the Defense Department to order more.

Each of the above facts is part of the record, undisputed and clearly verifiable. Yet, most Americans have never read them. Professional viewers-with-alarm continue to refer to the swing-wing plane by such unfactual terms as "dangerous," "defective," and "subpar."

Take the question of safety. Many Americans, intelligent and otherwise well informed, understandably think that the F-111 has a bad safety record—not just bad, but very bad.

The facts reveal the exact opposite. It has the best safety record of any aircraft in the Century Series—nine of them, beginning with the F-100. This has been true at every stage of its development—for the first 5,000 hours of flight, for the first 25,000 hours, for the first 40,000—and it's true today.

The F-111 has had a total of 18 serious accidents—21 if you count the three lost in Vietnam. Each of these has been headline news throughout the nation. What isn't commonly realized is that, for the comparable number of hours in flight—and none of this in combat—the F-106 had 22, the F-105 had 34, the F-102 had 40, the F-104 had 51 and the F-100 had 59, more than three times as many as the F-111!

Or consider the matter of performance. Air Force experts say the F-111 is the best aircraft in the world today for delivering a payload on a heavily defended target, at night as well as daytime, and in the very worst of weather.

A revolutionary terrain-avoidance system, one of the F-111's numerous leaps forward in technology permits the plane to fly "on the deck" under enemy radar, avoid mountains or structures not visible to the pilot, and be gone before defending anti-aircraft can zero in on it.

The value of this unique all-weather capacity? In Asia, targets are weathered in as much as 70 per cent of the time in certain seasons. In Eastern Europe they may be protected by weather as much as 40 per cent of the time. The Battle of the Bulge in World War II was mounted during 19 straight days of weather so bad that Allied planes were grounded.

Or think about cost effectiveness. Four F-111's, on a 1,000 mile trip without refueling, can drop a given number of bombs on an enemy target. The exact figure is classified. But to deliver the same bomb load to the same distance, without F-111's, would require a total of 31 different aircraft including tankers, radar scramblers and fighter escorts.

The four F-111's can be maintained and operated for $5.2 million a year. The retinue necessary to perform the mission otherwise costs $37.8 million in annual operation and upkeep—seven times as much.

This plane has cost a lot of money to develop, no question about it. The aircraft now being delivered are running about $8.7 million each. If you go back and calculate all that we've invested from the inception of the program and divide it by the number of delivered aircraft, the average unit cost to date comes out at a lot more.

The basic fact is that the big cost in any new airplane embodying sophisticated technology is in the research and development phase and in the tooling up. Witness the C-5A. Let's face it, there just aren't going to be any more cheap new airplanes.

The only way this nation can realize cost effectiveness in any aircraft procurement program is by building enough to do the job for which the program was devised. The early estimate of $3.8 million a copy, on which the McClellan Committee harps, was based on a buy of 1,200 planes to be delivered at the rate of 24 a month. We're currently buying at the rate of eight a month.

With the F-111, we're just now approaching the pay-off stage on our investment. For an additional $1.5 billion—less than one-fourth the amount we've already put in the program—we can secure the additional 324 planes which the Air Force considers necessary. Average cost: $4.6 million, which compares favorably with unit cost on older aircraft of substantially less capability.

As for the investigation, it must be obvious to all who've followed it closely that Senator McClellan shot his arrow seven years ago before the first F-111 was even off the drawing board. Ever since, he's been trying doggedly to paint a target around the spot where the arrow hit. He reached his conclusion and then went searching for facts to support it.

His real target, of course, is Bob McNamara. The Senator is determined to crucify the former Secretary upon the gavel. If a needed warplane gets in the way, well, *C'est la guerre.*

Recent F-111 criticism centers around selective comparisons between actual performance and the optimistic goals originally set by DOD sponsors. That's like measuring one of us mature mortals against the man his mother hoped he'd be. I'd hate for Senator McClellan to gauge me by that yardstick!

More to the point, every aircraft ever built would suffer by the same comparison. None has met all its design objectives. The farther we set out to stretch untried technology, the bigger the expected "short fall." The amazing fact is that the F-111 meets more of its design specifications than any other modern aircraft.

In the real world we judge an article's worth by comparing it with similar things, not with what its inventor first hoped to achieve. We are balefully told, for example, that an F-111 requires about 770 more feet for take-off than its planners hoped. But the gloating detractors gloss over the more significant fact. The F-111 requires only one-half—repeat, one-half—the take-off distance consumed by any other combat aircraft with

the single exception of the F–4 and less than the F–4.

And the landing distance, equally significant but never mentioned in any news account I've read is 19 per cent better than the specifications called for!

On balance, the F–111 is a damn fine airplane. It's time this fact were more generally recognized.

## A UNIQUE LETTER FROM THE FATHER OF ONE OF OUR FIGHTING MEN

### HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. GOODLING. Mr. Speaker, once in a while a Congressman receives a letter that is unique because of its forthrightness and clarity, a letter that has the ring of conviction and sincerity.

Just recently I received such a letter from one of my constituents, a communication which is timely because it deals with the Cambodian situation.

Because this letter was sent to me by the father of a young man who is fighting in Cambodia, I feel it is deserving of insertion into the CONGRESSIONAL RECORD. I commend this letter to the attention of my colleagues:

MAY 11, 1970.

DEAR MR. GOODLING: As the parent of a fine son in Cambodia, I suppose you would guess that I am storming mad at President Nixon for sending him there. Quite to the contrary, and immediately after President Nixon's fine talk on sending troops into Cambodia, I told my wife that this was a move in the right direction. Being a veteran, perhaps I see some things different than those opposing this move.

Yes, my wife and I have many sleepless nights. Yes, we read all the news we can lay our eyes on. And, yes, we would rejoice if President Nixon would give the order for the boys to pack their bags and go home; however, down deep in my heart, I believe the President's decision was the right one.

I also believe the President and those in authority are far too lenient on our college students. It really makes my blood boil to see these hippies and others who cause trouble in our educational system get away with little or no punishment. Surely these people are only there to stay out of the war, and this just is not fair to the boys that must go.

May I say that most of the people I come in contact with share my views, and this includes parents who have children in colleges, but thank goodness their children are there for education and not disorder.

I realize you don't receive many letters from people who agree with the President, because these people just don't take the time to write, but be assured there are many more of this type than you realize.

Our only child, Jeff, graduated from high school in 1967, took a two-year college course in Williamsport, and graduated there with an associate degree in electrical construction. After graduation, he took a job in Danville, Pennsylvania, worked three months there, and then was drafted. Not once has he ever complained about the army.

I wrote to Jeff and asked his views on the President's decision. His answer was very much in favor of the President, as were the answers of most of his buddies. Jeff is very much in favor of doing all he can as quickly as he can so that he can get home as soon as he can. We pray that this will not be too long.

I might add that Jeff is no white collar boy over there. He is P.F.C. in the 14th Infantry Regiment (Part of the 25th Infantry Division) in the mortar platoon.

Sorry for taking so much of your valuable time.

Sincerely yours,

———— ————.

## COMMENTARY ON OUR SOUTHEAST ASIAN POLICY

### HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. McCLOSKEY. Mr. Speaker, I have just received a thoughtful commentary on our Southeast Asian policy from 426 San Franciscan attorneys. Included in their number are many of the ablest members of the legal profession in the San Francisco Bay area.

In view of the major issue we face next month, that of voting for a cutoff date for funding the war in Vietnam, I commend this statement to the attention of my colleagues:

The signers of this statement are San Francisco attorneys of varied experiences and political persuasions. Our common concern is the recent turn of events in Indochina.

The United States has now begun an offensive against the North Vietnamese sanctuaries across the border of Cambodia, and is now supplying arms to the Cambodian government. The President has stated that these initiatives are intended to facilitate withdrawal, to protect American lives, and to avoid the humiliation of a great power. He states that it is his continuing purpose to terminate the present war.

We respectfully record our dissent.

The war can be terminated at any time by our orderly withdrawal. Such a course would not risk American lives. We maintain full command of the air and the sea, and can bring home our troops at will.

The new offensive, limited in purpose though it may be, can only be explained as a further effort to achieve political results in Vietnam and Cambodia by the use of military force. The attack is not related to a planned withdrawal; on the contrary, it risks a greater involvement.

The lesson of Vietnam is that we cannot gain or keep military control of any area, in the absence of strong popular support, without a massive and sustained deployment of forces on the ground. An advance into new territory merely expands the area we are required to police.

In broader terms we have learned, or should have learned, that military operations cannot achieve our objectives in Vietnam. Our experience has been one of tragic and continuous failure.

We have failed to win a military victory, despite the commitment of overwhelming power.

We have failed to negotiate a peace, despite our willingness to make ever greater concessions.

We have failed to eradicate corruption or to build a popular and democratic government.

We have failed to protect the lives and property of the people of South Vietnam, although we originally intervened for this very purpose. Instead, in response to the military needs of the moment, we have spread explosive and chemical destruction up and down the nation, from which the land and the people may never recover.

Our failures in Vietnam itself, however, are but a part of the tragedy. The indirect damage caused by the war, on a worldwide scale, may well have more permanent impact.

We have countenanced an expansion of the war powers of the President beyond the fair intendment of the Constitution, to the point where Congress and citizens alike begin to fear for the future of the democratic process.

We have come close to alienating an entire generation of young people, who are compelled to fight in a war which most regard as futile, if not immoral. The strain of the war sharpens our existing divisions and strengthens the opponents of our essential institutions of law and government.

We have diverted our energies from pressing needs at home and abroad because of the war. While we have witnessed the proliferation of weapons of mass destruction and the rapid and dangerous deterioration of our environment, we have wasted our major resources on a war which is insignificant with respect to our national security, and irrelevant to our survival.

We cannot remedy past failures by compounding them, nor salvage our national pride by extending a war we cannot win. What we can do and should do is withdraw, so that we can start afresh. Then, and only then, can we effectively set about building a secure and inhabitable world.

## NIXON IS RIGHT

### HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FOREMAN. Mr. Speaker, one of New Mexico's leading daily newspapers, the Lovington Daily Leader, summarized President Nixon's announcement of the Cambodia action very ably in an editorial on May 1, 1970. I include the editorial for the review of my colleagues:

NIXON IS RIGHT

Last night President Nixon announced the most important decision he has made since he was elected a year and a half ago.

In a real sense, it is the first decision he has made that was not so strongly conditioned by decisions that had been made before him as to make everything he said merely a reaction.

He has chosen a stern and courageous path for the administration, and I believe that the nation—in spite of the many leaders who now wish to ignore our international responsibilities—will follow.

Certainly his decision, like some of those made by President Johnson before him, was non-political. From a practical standpoint, the political risks of such a decision at this time are too great to knowingly take. But he pushed that aside.

The United States must complete the duty it has accepted in Southeast Asia, costly and unpleasant as it is. Our president is being nothing more or less than a realist in a world where totalitarianism still flourishes.

It is not a case of merely saving face for a proud nation. We could—and should—swallow our pride if we are wrong. But, as Nixon says, "Does the richest and strongest nation in the history of the world have the character to meet a direct challenge by a group which rejects every effort to win a just peace, ignores our warning, tramples on solemn agreements, violates the neutrality of an

unarmed people, and uses our prisoners as hostages?"

Last night holds the promise of being a turning point in a long and painful and tragic international involvement for the United States. We have not had our determination enunciated so clearly, so unmistakably, since that youngster of a president, John F. Kennedy, told the Russians to turn around and go home or get clobbered.

They did, to.

## A SALUTE DESERVED

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BIAGGI. Mr. Speaker, too often the various ethnic groups of our country are held up to unwarranted criticism and ridicule simply because negative group myths are perpetuated in newspapers, movies, radio, television, and on the bigoted lips of large numbers of Americans across the Nation.

The Italian-American Community in the United States has been a dominant victim of such activity in spite of its long history of cultural, scientific, political, and economic contributions to the American way of life. To a large extent, this has been so because negative aspects to which all groups are susceptible have been over-emphasized in the case of the Italian-American. Perhaps the Italian-American Community must share in the blame for this unfortunate situation. First, they have tolerated too long these affronts to their collective dignity and second, they have not acted forcefully enough to make known their achievements and concerted efforts at self-improvement.

While major accomplishments on the part of Italian-Americans are more easily made known to the world, the numerous basic programs which are undertaken by prominent citizens of the Italian-American Community principally to enhance the contributions of their succeeding generations are too often unannounced and unknown to but a few.

I, therefore, would like to bring to the attention of my colleagues a typical group effort that is widespread but relatively unknown in America—the Enrico Fermi Fund For Education. An editorial column from a recent edition of the Record of Yonkers aptly describes the aims and goals of the Enrico Fermi Fund—only one of the many positive undertakings of the total Italian-American Community in America.

The editorial follows:

A SALUTE DESERVED

This week in one of this city's largest halls, for the seventh time, a group of Italian-American citizens rewarded four deserving high school seniors with scholarships which will enable them, in part, to pay for their continuing education.

The program, we learned from the principal speaker, a well-known educator, is unique in respect to efforts being made by Italian-American groups in the entire United States. From his experience here, Dr. Peter Samartino, the speaker, indicated that he was going to generate as many other like projects as he could.

It is noteworthy that this educational effort by the Enrico Fermi Fund for Education each year gains in stature and is able to award more money and more scholarships than in the past. Just like one of Professor Fermi's explosive clouds, it is growing like a mushroom, spreading like an umbrella over those children of Italian-American heritage who have the ambition but might lack the money to continue their education.

The efforts of the Enrico Fermi Fund, unlike some unsavory operations of Italian immigrants and their despicable descendants among us, rarely achieves front page prominence in some newspapers, particularly the dailies which are content in displaying the achievements of gangsters on the front pages and relating educational efforts such as those of the fund to inside pages.

Through the efforts of so many of our prominent and good Italian-American citizens, the Fermi Fund will continue to prosper and send more and more deserving children on to higher education.

Educated members of our Italian-American community add greatly to the business and professional successes of this land of ours. May their numbers increase by the thousands—the hundreds of thousands.

## HIGHWAY HOAX

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BINGHAM. Mr. Speaker, severe imbalances have characterized our national transportation investments for many years. As a result, the quality of our total transportation system, particularly in and around major urban areas, has declined. The superhighways in which we are placing so much money and effort, are clogged with automobiles which more and better highways seem to attract. At the same time, mass transit facilities continue to decline.

Our procedures for allocating funds are a major cause of this deplorable situation, and I have, therefore, proposed that major changes be made in them. The highway trust fund should be transformed into a broad transportation trust fund, from which all modes of public transportation would be funded. In addition, the procedures for considering transportation legislation, particularly in the House, need to be revamped. Jurisdiction over transportation funding is currently divided among three committees in the House, making it impossible to coordinate funding levels or enact comprehensive transportation legislation.

Two recent editorials in leading newspapers have made a strong case for expanded use of the highway trust fund. The first, "Time to Close Out the Highway Fund," appeared in the Sunday, May 17, Washington Post. "King Auto" appeared in today's, May 20, 1970, New York Times.

Finally, a most provocative and informative book by Helen Leavitt, entitled "Superhighway, Superhoax," was recently published by Doubleday & Co. Mrs. Leavitt's book is a fascinating revelation of the scandal accompanying our highway mania. It was recently reviewed by A. B. C. Whipple in the book review section of the New York Times.

The two editorials, and the review of "Superhighway, Superhoax," follow:

[FROM THE WASHINGTON (D.C.) POST, MAY 17, 1970]

TIME TO CLOSE OUT THE HIGHWAY TRUST FUND

In the decade or so, the federal government has spent more than $40 billion in an effort to create the world's greatest highway system. It has succeeded, of course, and the interstate highway system, which will have cost more than $50 billion in federal and state funds by the time it is completed, is a great monument to the country's love of the automobile and the mobility it has brought. But it is time for Congress to look at the country's transportation needs in a broader context than just highways and this is the year in which that reexamination ought to begin.

The key to the interstate highway program has been the trust fund created in 1956 to receive and hold the revenue derived from taxes on automobiles, trucks, gasoline and other highway-related products. The money in that fund can be spent only on the interstate system and it is now going out to the states in 90–10 matching funds at the rate of about $4 billion a year. The authorization for this trust fund runs out on Sept. 30, 1972, and the House Public Works Committee is even now holding hearings on proposals to continue it through 1978. But there is an effort afoot among some congressmen either to abolish this fund and thus force highway appropriations to compete with other projects for the federal dollar or to transform this specialized fund into a broader trust fund for all kinds of transportation systems—airways, railroads, buses, subways, and so on, as well as highways.

There is, no doubt, a substantial segment of opinion in the country which holds that more highways are needed and that the taxes paid by those who use highways ought not to be used for anything else. Francis C. Turner, the federal highway administrator, expressed this position well when he told a House appropriations subcommittee recently, "The highway users—and I use that term to indicate not a specific group but highway users in general—who support with their taxes the highway trust fund and the highway program, are generally much opposed to the diversion of any of these funds for other forms of mass transit. . . . I think all of us recognize that any effort to tamper with the highway trust fund for a purpose other than highways would run into a great deal of opposition."

Among the things we would like to say about this argument is that, as highway users, we totally disagree with it and hope that any effort to continue the trust fund as it now exists runs into a great deal of opposition. The argument has a certain appealing simplicity but it is superficial and is one that if accepted would either result in a countryside covered with concrete and smothered in exhaust fumes or in a federal government unwilling to tax highway-related products. It is sort of like the argument that only those who currently use the schools should be taxed to pay for them or that only those who draw welfare payments should pay the taxes necessary to finance those payments.

The least that Congress can do in revising the highway trust fund is to write into it a provision allowing each state to choose whether its share shall go exclusively to highways or can be used on other transportation projects. What Congress really ought to do, as long as it desires to cling to the trust-fund approach, is to lump the highway tax money with the money raised by taxes on other forms of transportation in one big kitty and then let it be divided up between the competing needs of highways, airways, railroads, waterways, and mass tran-

sit. A simple extension of the existing trust-fund situation would be an abdication by Congress to the highway lobby of its power to raise revenue and to decide what projects are most worthy of public support.

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[From the New York Times, May 20, 1970]

KING AUTO

Hearings now being held by the House Public Works Committee provide a perfect opportunity to reopen the question why at this point in history the American people should be paying sixteen times as much for highways each year as they do for mass transportation. The disaprity would be great even if the population were ideally dispersed throughout this vast country. With close to 80 per cent of the people jammed into urban areas, it is wildly irrational.

The Highway Trust Fund, which makes possible an almost cancerous spread of concrete, rests on the thesis that the money it receives from automobile users in the form of gasoline taxes should be spent on facilitating their chosen mode of travel. This argument is the most obvious kind of special pleading. Revenues from cigarettes are not used to finance medical research that might lengthen the lives of smokers, and drinkers do not get bigger and better bars out of the taxes they pay on their whiskey. Why should gasoline taxes be reserved for highways?

Except for a newly passed scheme to finance airport improvements, the Highway Trust Fund is, in fact, unique—and with due respect to the contribution of the automobile, it has not been so unmixed a blessing as to merit the exceptional treatment. It has its virtues of privacy and convenience, but the automobile also accounts for some 60 per cent of air pollution. The superhighway's laid out to accommodate it are all too frequently destructive of the countryside, bulldozed across the land without regard for any other factor than brute efficiency—and all too often lacking even that. Not least, automobile worship and the federally supported proliferation of roads to serve it have completely undermined passenger rail carriers, which could be twenty times as efficient as highways and no threat whatever to the environment.

Congress has the option of abolishing the discriminatory Highway Trust Fund or making it serve the financial needs of other forms of transportation as well. The highway lobby—including organized labor as well as the automobile and construction industry—is far too powerful to encourage the hope that gasoline taxes will suddenly be diverted to the Treasury, to be parceled out, like other revenues, on the basis of nationally determined priorities. But until that is done, the least Congress can do is to enlarge the scope of the Fund to provide that "balanced transportation system" to which President and Congress alike are so fond of paying verbal tribute.

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[From the New York Times book review section]

SUPERHIGHWAY—SUPERHOAX

(By Helen Leavitt)

(Reviewed by A. B. Whipple)

(NOTE.—Mr. Whipple is an editor of the Time-Life Books Division.)

A few years ago some highway engineers planned a new freeway for Washington, which would cut through an area containing some embassies, foreign restaurants, a bit of a slum and some renovated houses. One of those houses was owned by a lady named Helen Leavitt, and thus the highway engineers made a major miscalculation.

Hell hath few furies like a lady confronted with a highway through her living room, and the result in this case is a highly indignant book which should be read (at least in part) not only by those whose neighborhoods have been threatened but also by everyone who has bogged down in a traffic jam on a supposedly high-speed thruway (and who has not done that?). "Superhighway—Superhoax" is as one-sided and admonitory as it sounds. It is a slashing attack on the entire Interstate Highway System and on the philosophy of superhighway engineering itself.

Reading the book is a bit like driving cross-country. There are long arid stretches of statistics, transcripted remarks from interminable and countless hearings, committee reports and testimony in mind-dulling detail. And then there are striking glimpses of fascinating facts and compelling arguments. The reader, unlike the driver, can fly past the barren stretches and linger over such intriguing facts as these:

The Interstate Highway System has so far cost $33-billion, and it is only two-thirds completed. In other words, the United States has spent more in getting to California than in going to the moon.

Americans spend twice as much on highways as on education.

In 1967 the Air Force experienced 70 per cent more deaths in private off-duty motor vehicle accidents in the United States than from enemy action in Vietnam. (Mrs. Leavitt does not neglect to mention the already well-publicized statistic that automobiles have killed more Americans than all our wars combined.) You might try this one on your teen-age son: his chances of survival are greater in Vietnam than at home driving a car.

In car-truck collisions, for every truck driver killed 38 auto drivers are. (I wonder what the ratio is for those tractor-trailer drivers.)

When you buy a $3,000 car you are committing yourself to an expenditure of $11,000 over the next 10 years even if you can keep the car running that long. If you trade your car in every year, add $8,420. (These figures do not include financing costs.)

In Tokyo the carbon-monoxide situation is already so bad that traffic police have to take time out to inhale oxygen every two hours.

In some cities the school playgrounds have been made into parking lots for the teachers' cars.

But Mrs. Leavitt's major criticism is that the American superhighway program, "the largest public works program ever undertaken by man," with all its expense and destruction of city and countryside, has not accomplished its one objective: to keep traffic moving. The more highways we build, the more automobiles pour onto them and clog them.

"For the past 30 years," she claims, "the number of persons entering the central business district of our major cities has remained constant. Interestingly enough, the number of automobiles entering the same area has steadily *risen* over the same period of time." In other words, more people aren't clogging those highways. More cars are.

Evidently the more highways the engineers build, the more cars appear from nowhere to crowd them. Long Island is an impressive example of this frustrating balance of nature. The ground on that island is nearly covered with concrete. And yet such thoroughfares as the Long Island Expressway are known as "the longest parking lot in the world." Mrs. Leavitt estimates that a car-borne commuter on Long Island moves at the rate of six to twelve miles per hour, which is a slight improvement over pedestrian locomotion but not as fast as a horse and buggy and a great deal slower than a Boston Whaler with an 18 h.p. motor.

This phenomenon has some complex political causes. Local mayors seize the opportunity to divert highways into their cities, which helps provide commuter thoroughfares but clogs and slows interstate traffic and has the longer-range effect of crippling such mass transit as railroads. And by the time the railroad has limped to a halt, the highway system cannot handle the former trainriders' cars. Commuters who are serviced (one is tempted to use the farmer's definition of the word) by the Penn Central Railroad have a vivid example of this.

Mrs. Leavitt is at her best at what she obviously enjoys most: exposing and condemning the superhighway proponents whom she calls the "highwaymen"—the construction firms, the auto manufacturers, the oil and rubber companies who band together to support more and more highways for more and more cars.

They are silly, of course, when they argue that superhighways could evacuate cities in time of war; anyone who has seen a rush hour in any city knows that it is impossible. And Mrs. Leavitt is understandably sarcastic about one highway proponent's claim that highways are good for fish because trout like to nap under bridges. But she lets her indignation run away with her when she caustically quotes the Clay Report's claim that the automobile "has restored a way of life in which the individual may live in a friendly neighborhood . . . it has made us one country and a united people." This is true. The problem is that we have let our cars get out of control.

The answer? Abolish the Highway Trust Fund, Mrs. Leavitt urges. It is a repository for all auto-associated taxes, which by law can be spent only on highways. She claims that when Federal and local auto taxes are added together, they amount to a slush fund of nearly $15-billion a year. And since most of this money can be spent only on highways, Parkinson's Law goes into effect: instead of questioning what our highway needs really are, our politicians merely decide how to spend the money.

Mrs. Leavitt makes sense to me when she argues that the tax money collected from auto drivers should be used for some of our other pressing needs instead of only for highways as it is today. If we use Highway Fund money only for highways, why not confine cigarette-tax money to a massive program to find a safe cigarette? To confine auto-tax revenues to highways, she says, is like earmarking all liquor-tax revenues for improving saloons. She urges that auto-tax revenues be put into the general treasury, and highway needs should compete with other pressing needs—for education, ghetto renovation and even mass transit, which our highways have done so much to cripple.

She quotes a "Prayer for America's Road Builders," which was intoned for a Virginia Road Builders Association meeting by the Rev. Raymond F. Wrenn, presumably with a straight face. It goes like this:

"O Almighty God, who has given us this earth and has appointed men to have domination over it; who has commanded us to make straight the highways, to lift up the valleys, and to make the mountains low, we ask thy blessing upon these men who do just that. Fill them with a sense of accomplishment, not just for the roads built, but for the ways opened for the lengthening of visions, the broader hopes and the greater joys which make these highways a possibility for mankind.

"Bless these, our Nation's road builders, and their friends. For the benefits we reap from their labors, we praise thee; may thy glory be revealed in us. Amen."

Mrs. Leavitt had better brace herself for counter-attack from armies of superhighway proponents, some perhaps motivated by greed but many others as dedicated to the public welfare as she is. Judging by her polemical style in this book, I'd say she is quite capable of taking them on.

## THE PERVERSE IDEOLOGY OF VIOLENCE

**HON. RICHARD BOLLING**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BOLLING. Mr. Speaker, the "Perverse Ideology of Violence" by Sidney Hook appeared in the Sunday, May 17, 1970, Washington Post and is a thoughtful analysis of a critical and little understood problem. It follows:

THE PERVERSE IDEOLOGY OF VIOLENCE

(By Sidney Hook)

I cannot recall any period in American history in which there has been so much extenuation and glorification of the use of violence—not as episodic forays of symbolic character to call attention to shocking evils, but as a legitimate strategy in social, political and even educational reform.

Until recently, those who defended the role of violence in social change did so in the main from a revolutionary perspective that forthrightly repudiated democracy as a political system either as a sham, covering up class rule, or as an inadequate institutional expression of self-government.

What is comparatively novel in our time is the defense of violence by those who are not prepared openly to abandon the standpoint of democracy but who, out of design or confusion, contend that a "healthy" or "just" or "progessive" democratic society will tolerate violence, recognize its productive, even creative role and eschew any strategy for the control of violence by resort to the force of the civil authorities or to police power.

A report of one of the task force of the National Commission on the Causes and Prevention of Violence ("The Politics of Protest") concludes by repudiating the conventional wisdom of the so-called "two-pronged approach" to violence. (The first prong seeks to control or restrain violence, the second to meet genuine grievances by appropriate reform.)

On this view, once the demands made by those who are violent are distinguished from the causes of the violence, the major effort must go into meeting the demands, into reforming society, not into curbing violence.

It goes almost without saying that this sympathetic approach to manifestations of violence is limited only to particular groups and to special causes. It is not generalized to hold for all public violence, especially violence against good causes.

We are therefore not dealing with general principles of social action; we are dealing with a proposed strategy in a struggle for power—a strategy that appears to me both arbitrary and short-sighted.

There are certain common sense objections that are flagrantly overlooked in this rejection of the "two-pronged approach." First of all, to urge that we treat only the causes of violence, and not divide our energies by efforts to curb violence, overlooks the obvious fact that we do not always know what the causes of violence are when the facts of violence are quite manifest.

Second, even if we believe we know what the causes are, treating them properly, remedying the evils, changing the behavior patterns necessary to change the situation may require time.

For example, if the existence of slums is regarded as the chief cause of urban violence (something not really established), rebuilding the city ghetto or dispersing it cannot take place overnight. If violence meanwhile is not curbed, more buildings may be burned than can be constructed in the same time period. To this very day the scarred, desolate streets of our riot-torn cities are a gaunt and painful reminder of the ineffectuality of violence. And why is it assumed that violence will result in the mutual accommodation of interests rather than in further provocation and escalation of violence and counterviolence?

Thirdly, let us suppose we escape this danger and violence does not call into existence its own nemesis. Is there nothing illegitimate and blameworthy about the action even if it turns out successfully?

One of the most frequent confusions in the apologetic literature of violence is the identification of force and violence. Since all government and law must rest ultimately—although not exclusively—upon force, the universality of the actual or potential exercise of force prepares the ground for a slide to the view that violence, too, is universal and therefore an inescapable facet of all social life.

But violence is not simple physical force, but the illegal or immoral use of physical force. Force is neutral in meaning, though it is necessary to sustain or enforce legal rights wherever they are threatened. When James Meredith was denied the right to study at the University of Mississippi, when Negro children were prevented from attending school at Little Rock, it was force that protected and redeemed their right against the violence and the threat of violence of the Southern mob.

Where a party resorts to violence in order to breach the rules of the political game, to disrupt or destroy the game, it cannot justifiably equate its violence with the force used to sustain the rules so long as it professes allegiance to the political system defined by those rules.

Some resign themselves to the suicide of democracy by inactivity in the face of violence. But a democracy has the moral right to protect itself. Its legitimate use of force to preserve the rules of a democratic society, to enforce the rights without which democracy cannot function, may be wise or unwise, judicious or injudicious. But such use cannot sensibly be classified as violence.

SIMPLISTIC RATIONALE

The importance of considering the question of violence in a political context is apparent when we examine some typical syndromes of apologetic justification for violence.

1. The first was exhibited by Rap Brown in his now classic observation that "violence is as American as cherry pie." This piece of wisdom is the gist of the findings of several task forces of the National Commission on the Causes and Prevention of Violence, the most notable of which has been Prof. Jerome Skolnick's "Politics of Protest," to which I have already referred. They gravely inform us that violence is customary in American life, as if that made it more acceptable, as if it proved anything more than that the democratic process in America has often broken down in the past, as if the fact that something is authentically American necessarily made it as praiseworthy as cherry pie. Certainly, lynching is as American as cherry pie!

2. A second popular apologetic justification for violence may be called the Boston Tea Party syndrome. Since our patriotic American forebears dumped valuable property into the harbor and engaged in other acts of violence, why is it wrong, we are asked, for present-day rebels to follow suit?

The total disregard of the fact that the American colonists had no means of remedying their grievances by peaceful constitutional change is symptomatic of the grossly unhistorical approach to problems of social change.

To be sure, democratic institutions work slowly and, like all institutions, imperfectly. That is the price of democracy which the democrat cheerfully pays because he knows on the basis of history and psychology that the price of any other political alternative is much higher. The integrity of the process by which a minority may peacefully become or win a majority is all-important to him. If the democratic process functions in such a way as to violate the basic moral values of any group of citizens, they have a right to attempt to overthrow it by revolution, but they cannot justifiably do so in the name of democracy. And it is open to others to counter these efforts on the basis of their own revolutionary or counterrevolutionary mandate from heaven.

3. The third syndrome challenges the contention that a principled democrat cannot reform an existing democracy by violence without abandoning democratic first principles. This position asserts that existing means of dissent are inadequate, that the wells of public knowledge are poisoned, that the majority has been misled by its education, corrupted by affluence or enslaved by its passions.

Allowing for certain changes in time and idiom, this indictment against democracy is as old as the Platonic critique. (But Plato did not pretend to be a democrat.) That the institutional life and mechanisms of American democracy are inadequate is undeniable. But just as undeniable is the fact that in many respects they are more adequate today than they have ever been in the past; that dissent has a voice, a platform, a resonance greater than ever before.

REWRITING THE RULES

And what is the test of the inadequacy of existing democratic mechanisms to remedy grievances? That the minority has failed to persuade the majority? This is like saying that a democrat will be convinced that elections are truly democratic only when *he* wins them. Having failed to persuade the majority by democratic and constitutional means, the minority claims the right in the name of a hypothetical, future majority to impose its opinions and rule by violence on the present majority. And by a series of semantic outrages it calls this a democratic method of reforming democracy!

It is easy enough to expose this when it is—as it has often been in the past—a stratagem in the propaganda offensive of totalitarian groups. But the difficulty is greater when these contentions are put forward by individuals who sincerely believe themselves committed to democracy. What they are really saying in their sincere confusion is that in any democratic society that falls short of perfection—that is, in any democratic society in which they fall short of winning a majority—they have a democratic right to resort to violence—which is absurd. Unfortunately, as Cicero once observed, there is no absurdity to which some human beings will not resort to defend another absurdity.

4. The fourth syndrome in the contemporary apologetic literature of violence is the justification of the tactics of violent disruption and confrontation on the ground that the state itself employs force, and sometimes makes an unwise use of it either in war or in preserving domestic peace. Only an anarchist who does not recognize any state authority can consistently make this kind of retort—and even anarchists would not be likely to be much impressed by it if it were to be mouthed by raiding parties of the Ku Klux Klan and similar groups. In any society, democratic or not, where the state does not have a monopoly of physical force to which all other sanctions are ultimately subordinate, we face incipient civil war.

Nor is the situation any different when the state embarks upon actions that offend the moral sensibilities of some of its citizens. In a debate with Noam Chomsky at Oberlin College last year, I was asked by Prof. Chomsky:

"How can you reasonably protest against the comparatively limited use of violence by the SDS at Columbia University and elsewhere [of which incidentally he did not approve] in view of the massive use of violence by the United States in Vietnam?" It is a retort frequently heard when student and black militant violence is condemned.

For one thing this type of question overlooks the obvious fact that one can be opposed *both* to student violence on campus and to the American involvement in Vietnam just as one could bitterly resist *both* the Stalinist goon squads and Hitler's terrorists. And even if this were not the case, the comparison is specious and question-begging to boot.

THE OTHER VIEW

The objection to violence in a democratic society stems from various sources—not all of them narrowly political.

The first reflects the civilized and humane belief that the amount of physical coercion of men over other men can be reduced although it cannot ever be eliminated. Even those who are wedded to violence as a strategy of social change profess to believe that their actions will produce a world that ultimately will be less violent. This is extremely unlikely although not inconceivable either theoretically or practically.

Another source of opposition to violence is the desire of men for continuity and predictability in their social life within the limits of what is humanly sufferable. It is the certainty of the law, the knowledge of what can be relied on as we go about arranging our affairs and tying them into the future, rather than our expectation that the delicate balance of justice will be precisely achieved in human relations, that is its chief desideratum.

Violence, especially chronic violence, upsets the normal expectations of orderly procedure. Unless a new pattern of stability is quickly reached, an atmosphere of impending chaos and catastrophe is generated that prepares the ground for the growth and tolerance of despotism. Despotism is not easily or freely chosen. It is accepted more readily when men become fearful of anarchy.

It is in the light of these considerations that we must examine what seems to be the most pervasive as well as the most persuasive argument for violence. This maintains that the threat of violence, and its actuality which is necessary to make the threat credible, are the most effective means of achieving reforms; that without the violent extremists, the moderate reformer has no chance to implement his program; that the prospects of reform are always enhanced by the fear generated through the threat of violence and its sporadic outbreaks.

Without doubt, there is some truth to this view. But it is a half-truth and a dangerous half-truth at that. From the abstract proposition that the threat or exercise of violence *may* faciliate enlightened social change or policy, it is the sheerest dogmatism to assume that in any particular situation violence or its threat will in fact serve a beneficial purpose. It may just as likely set up a cycle of escalating violence and counterviolence that will be more costly and undesirable than the reforms subsequently instituted. It all depends upon the case.

PEACEFUL PROGRESS

It would be a fantastic misreading of European and American history to assert that the fear or actual outbreak of violence has been the sole, or even the most important, cause of reform. Vast amounts of social welfare legislation cannot be explained in terms of fear or violence. The motives and causes for their adoption are mixed, but among them an expanded social consciousness and sense of responsibility rank high.

No one in our times rioted for Social Security or the National Health Service or Medicare or the acceptance by the federal government of the revolutionary principle of a national minimum of welfare payments. Tremendous advances have been made on both sides of the Atlantic in the defense and extension of civil rights and liberties, in judicial and penal practice, liberalization of laws relating to marriage, divorce, birth control and abortion.

All of these measures, and many more, have been adopted in the absence of any credible threats of violence. Not a single one of the great landmark decisions of the U.S. Supreme Court (including its 1954 school desegregation decision and mandatory state political reapportionment a decade later) was made under the threat of the gun, the mob or the torch. It was not to violence or the threat of it that we owe their enactment, but to the growth of enlightenment, the enlargement of imagination and the development of the democratic idea.

Still, there is no need to deny that fear of violence does often have an influence upon the willingness to reform conditions. And up to a point it is altogether reasonable that it should have an influence. But this is not true to the same extent of overt, repeated *threats* of violence. And least persuasive of all is the brute outbreak of violence that imperils security of life, of one's home and property. For the consequence of such violence is the generation of hysteria and panic among its victims and all elements of the population who identify with them.

Mass hysteria and panic are blind. They mistake fantasy for reality and breed unreasoning, not intelligent, fear and hate. If enough people among the majority are swept up in these emotions, a reaction sets in, all the more intense for being delayed, that makes reforms more difficult to achieve, not less. It not only can stop the movement toward reform—it sometimes reverses it.

Whoever, then, calculates on the educational value of violence for the community is taking a foolish and criminally irresponsible risk. He risks the hardening of opposition to further reforms and a counterviolence that, as it escalates, moves the conflict toward civil war, the cruelest form of all wars.

In short, violence more often drowns out the voice of moderation, narrows options, destroys the center and polarizes the community into extremes.

The American Civil War is a case in point. It did not solve the Negro question. And since the Civil War, the greatest gains in the condition of the Negroes in the United States were won not in consequence of violence or the threat of violence but by the use of democratic administrative and legal processes fortified in recent times by the nonviolent civil rights movement headed by Dr. Martin Luther King.

The ghetto riots that periodically swept cities during the first three decades of this century brought no substantial reforms despite great loss of life. Anyone who compares the state of the U.S.A. before World War I and today will testify to the remarkable progress made—granted, of course, that this progress has still far to go to achieve the substantial equality to which all groups are entitled in a democratic community.

THE CAMPUS CRISIS

That some good results from violence does not justify the violence unless it can be proved that the good so achieved was necessary, could not have been achieved more effectively and at a lesser cost in other ways, and did not result in evil that outweighed the good.

The truth of the matter is that most educational reforms in most institutions have come about without a show of force, where arguments have been the only weapons, where dissenters and protesters have evinced not only zeal but persistence in a good cause. Where violence has been used, a grievous wound has been inflicted on the fabric of the university community life. It may take a generation to heal it.

REASON DROWNED OUT

Some faculty apologists for the student rebels have sought to play down the enormity of the offenses against intellectual and academic freedom by dismissing them as inconsequential. "Just a few buildings burned," they say. This is as if one were to extenuate the corruption of justice by the numbers of magistrates not bribed, or lynchings by their infrequency.

The sober fact is that violence has reached such proportions on the campuses today that the whole atmosphere of American—and many European and Japanese—universities has been transformed. The appeal to reason is no longer sufficient to resolve problems or even to keep the peace. In order to make itself heard in some of our most prestigious institutions, the appeal to reason must appeal to the police.

Violence in the academy is an out-growth of violence in the streets and cities of the country. That is where the gravest current danger lies. Were violence confined to the universities alone, its evils could not long continue if only because the state and society on whose support the universities ultimately depend would restrict and perhaps cancel their precarious autonomy.

In the democratic community at large, the resort to violence attacks that community at its foundations. And this regardless of the merit of the cause or the sincerity and self-righteousness of the *engages* and the *enrages*. For every such outbreak of violence makes other outbreaks more likely by serving as a model or precedent to some, or as a provocation to others—in either case escalating the violence.

In this connection, Alexander Hamilton was truly prophetic. In the Federalist Papers he warned us of this:

". . . every breach of the fundamental law, though dictated by necessity, impairs that sacred reverence which ought to be maintained in the breast of rulers (the people, in a republic) toward the constitution of the country, and forms a precedent for other breaches where the same plea of necessity does not exist at all, or is less urgent and palpable."

Hamilton unerringly cited, on the basis of evidence from the past, the great danger of situations of this kind—the likelihood that citizens "to be more safe . . . at length become more willing to run the risk of becoming less free."

In the end, then, the great paradox and the great truth is that in a democratic society freedom, which is often invoked to justify violence, is itself imperiled by the exercise of violence. The ideologists of violence in a democracy are the sappers and miners of the forces of despotism, the gravediggers—willing or unwilling—of the precious heritage of freedom.

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## SPEECH OF CALIFORNIA STATE CONTROLLER HOUSTON FLOURNOY

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## HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. McCLOSKEY. Mr. Speaker, with respect to the concerns of our young people, the most perceptive words I have heard recently have been those of Cali-

fornia State Controller Houston Flournoy in a speech he gave recently. In these Chambers, where so many of us have served this Nation as soldiers in World Wars I and II, Korea, or Vietnam, I think it particularly appropriate that we pay heed to Mr. Flournoy's comments:

REMARKS OF HOUSTON I. FLOURNOY

You are meeting on the brink of another election campaign, in the first year of a new decade, during a time of extraordinary tension and uncertainty for the American nation. The war in Vietnam, the Kent State slayings, the uncertainty of the national economy, the pollution of our environment, the testing of the Federal system of government, the youthful challenge of our political system, the all-too prevalent resort to violence, and other momentous problems are all too apparent as we start this new, perhaps critical, decade and approach our 200th birthday as a nation.

There are challenges aplenty for the seventies. Most fundamental, I believe, will be the challenge to our capacity to govern ourselves. Will we be able to sustain our fundamental assumption that man, capable of reason, can rule himself? Will emotion, self-interest, and intellectual laziness under the name of dogmatism triumph over reason, logic, common interest, a recognition of realities and a pursuit of pragmatic solutions?

If reason, logic, and a recognition of changing realities are to lead to pragmatic solutions and mutual understanding within this country, I hope that the Republican party will begin to analyze and understand some of the crucial problems that currently arouse and divide this country. For instance, do we really understand why the Vietnam war has roused such an outcry from the young people of this nation? Has something happened to destroy their willingness to defend their country? Why are they so different from those of us who fought in World War II or the Korean War?

To try and answer these questions, is it too much to ask that we put aside the cliches about the radical professors, the permissiveness of parents, the conspiracy within, and recognize that there is a gigantic difference between the impact of World War II and the impact of the Vietnam war? World War II was a war for survival, during which England's capacity to maintain the peace of the world was liquidated, with the result that the United States was thrust into that role—unaccustomed as we were—and we have become involved in both the Korean and the Vietnam wars as limited wars, for policy ends, not as wars for America's immediate survival. Is it too much to point out and understand that these last two wars have placed most of the burden upon a very limited portion of our population in terms of the sacrifice required? World War II was a war which affected everyone, in both military and civilian life. It was a total national effort. Even as a boy, I can remember gas rationing, victory gardens, sugar and coffee rationing, wage and price controls, tin foil drives, and, living close to an Air Force Base, I remember that we helped in the housing shortage by renting out spare rooms to Air Force personnel. Full scale military mobilization involved a substantially higher proportion of our population in the armed forces. Victory meant survival and freedom. Defeat meant subjugation or worse.

I remember the Korean War, too, both before and after I went there in the Air Force. From 1950–52 I was a graduate student at Princeton, and, to be honest, I don't believe that the Korean war intruded upon my personal life much at all, apart from reading and following the developments in the paper. In 1952, it intruded when the Air Force called me up to put in my two-year commitment under my ROTC commission. By then, the Korean war had settled down to a traditional story on the front page—a live, meaningful war primarily to those who were there and their families. Few were affected, few concerned, and most uninvolved personally.

As a result of that experience, I think I understand more of the feelings of the young people about the Vietnam war today than those of our population who would reflect upon the patriotism of our youth from the vantage point of World War II experiences—experiences which are as remote to the student generation as World War I and Kaiser Wilhelm are to me. When Lyndon Johnson escalated the American involvement in the war in Vietnam, it was almost exclusively *their* lives that were being affected. What risk does the most hawkish spokesman over 26 personally take? What inconvenience or self-denial is required?

Furthermore, while the goals of securing peace and non-Communist security for Southeast Asia are obviously desirable ones, it is equally obvious that they are not on the same plane as the goal of victory and survival in World War II. Therefore, to question the cost of achieving these latter-day goals is not to throw question upon our survival as a nation.

The war in Vietnam has become a tragic event in American history, even if, as I personally devoutly hope, President Nixon's most recent action in Cambodia ultimately proves to be a total success in stabilizing the situation and expediting the complete American withdrawal. It is tragic, fundamentally, because it has told us so much about ourselves. It has graphically demonstrated that perhaps we are losing our ability for humility, candor, emphathy, and that most devastating destroyer of false pride—the capacity to admit error. All sides to the Vietnam debate have participated in this demonstration. There are sides, not forums—much heat and little light.

It is not Vietnam that is most important in this regard, but it is over Vietnam that we have begun to display the characteristics that relate to so many other public policy issues and our capacity to resolve and understand them.

The confrontation with youth over Vietnam demonstrates, to me, that in great part their concern and challenge has been met with not only parental-like disdain, but also parental-like pre-occupation with presumably more important activities. On this question, like other social questions raised by our young people, I wonder whether there aren't at least two root causes for their complaint that "No one is listening"—the unwillingness to re-examine comfortable, convenient rationalizations of long standing; and the selfishness which relegates the anguished concerns of our youth to annoying irrelevancies.

The questions which the youth have been asking with persistence are not easy questions to answer. "Why was so much racial discrimination allowed to persist for 100 years after the civil war and so little done about it?" For questions like this, too many of our people have fallen into the convenient habit of not thinking about them at all, having reached some convenient rationalization some time ago. In addition, such questions are not questions that require an answer or examination as they pursue their daily lives, their jobs, their private goals, their quest for security or advancement, or a better standard of living. Therefore, they are not only consumptive of difficult, time-consuming analysis and discussion, possibly embarrassing, but also irrelevant to too many of our citizens.

The challenge of the 1970s for the Republican party and the nation, is whether we can reawaken our critical analytic rational capacities, and put them to work on the questions that affect our future as a nation, as a society, as a self-governing people with freedom and equal justice. It is this capacity that will provide the staying power for self-government. It is this capacity which will eschew a "tell them what they want to hear" politics, for a "tell them as it is" politics.

To open the dialogue necessary for self-government: to not only "hear" the other fellow, but to try and understand why he feels the way he does: to concede merit where merit is undeniable without necessarily conceding the conclusion: to seek common grounds of understanding: these are the qualities that I hope the decade of the 70s will restore to American life. This is what I think most of the students are crying for, to be "heard" in this way. They are now, I believe, about to take up the challenge of working through the system. I believe that they will be far more active in political elections, working for candidates, to support those who tell it like it is. I believe that more colleges and universities will follow Princeton's lead in rearranging their academic schedules to allow students time off to actively participate in the fall campaigns. I hope they do. For years at Pomona College I tried to stimulate students to active participation in politicals during what could only be called an "era of apathy."

The "era of apathy" is gone from the campuses. I hope the "era of violence" is ending, too. Let the "era of constructive political participation" begin. I believe it has. I believe our youth will be heard—I hope we are listening.

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## PROFILE OF A GUARDSMAN

### Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. MONTGOMERY. Mr. Speaker, of late much has been in the news concerning the abilities or inabilities and training or lack of training of the National Guard. Much of this criticism has come as a result of emotional statements following tragic events and not as a result of facts. I would like to share the following article concerning the activities of the National Guard over the last 2 years and the profile of a guardsman:

THE NATIONAL GUARD IN CIVIL DISORDERS

Periodically in recent times, the National Guard has become the target of extensive adverse comment and criticism, resulting from its employment to halt civil disorders. Habitually, the negative comment is focused on such terms as "poorly-trained" or "trigger-happy," and almost always are written or uttered in the heated, highly-emotional aftermath of a specific incident, before the actual facts surrounding that incident are known. A factual examination of the Guard's performance, however, tells an entirely different story. It's a story of restraint in the face of extreme provocation and abuse, and of effective performance with minimum use of deadly force.

Between January 1, 1968, and May 1, 1970, National Guardsmen were called to duty on 191 occasions to aid civil authorities in the control of civil disorders. Those calls to duty involved 224,500 Guardsmen. That period included the massive riots of April, 1968, with their accompaniment of rioting, looting and burning. Yet the record shows that virtually no fatalities were caused by the acts of National Guardsmen during that entire period of nearly two-and-one-half years! A hasty review of records seems to show no more than *two deaths* attributable to a Guardsman!

Following is a profile of what might be termed the average Guardsman, drawn from

official records. As the Guard's actual record of performance belies intemperately uttered charges of trigger-happiness, so is the real-life Guardsman considerably different from the individual pictured in some of the criticism. The description provided below may serve to put National Guardsmen into better perspective.

PROFILE OF A GUARDSMAN

First and foremost, he is a responsible member of his community, who took a dual oath to defend the Constitution of the United States and to defend his nation and his State. He is sworn to obey the orders of the President of the United States and of the Governor of his State.

He joined the National Guard when he was about 21 years old and currently is in the 22–25 age bracket (64 per cent of the Guard fits into that category). He currently is about 23 years old, is healthy and physically fit.

Educationally, he has completed high school (94 per cent of all Guardsmen have), and very likely attended college for a year or more (approximately 60 per cent have a year or more of college). In fact, about 11 percent of all Guardsmen possess college degrees, a recent survey revealed.

The chances are approximately 50–50 that he is married, and he may be one of the 21 per cent who are fathers. The chances are better than 80 per cent that his annual income exceeds $5,000 and better than 50 per cent that it exceeds $7,500. (Nearly one in seven have incomes exceeding $10,000 annually).

He most likely is employed in the managerial, professional or technical fields (about one-half of all Guardsmen fit that description, although he may be one of the one-in-five whose jobs involve physical labor of some kind.

He received 5–6 months of active duty training following enlistment, given by Active Army instructors at an Active Army Training Center. Since returning to his hometown unit for continued spare-time training, he has received *at least* 16 hours of training in civil disturbance operations and riot control. He *probably* has received more than that amount, particularly if his unit is in a State that has been subjected to numerous disorders.

As a typical Army Guardsman, the chances are good that he himself has served in a civil disturbance operation, particularly if his unit is headquartered in or near a large urban center or trouble-prone campus. Many Guardsmen have served repeatedly in disorder duties, such as those in Wisconsin, Ohio, California and the District of Columbia. Thus, the typical Guardsman is not an untrained, inexperienced amateur in this field, nor are his officers and non-commissioned officers.

The average National Guard officer, for example, is 30 years old, married, father of two, and with 13.4 years of civilian schooling. He has been in the National Guard nine years, has acquired a considerable range of experience in military leadership, and has received civil disturbance training specifically designed for leaders, as well as the normal training given his unit.

SUMMARY

In summary, National Guardsmen are mature individuals who are old enough to have developed an adult sense of duty and responsibility yet young enough to understand and sympathize with college students. In most cases, they themselves are students or have recently been students, and are aware of today's cross-currents of unrest and dissatisfaction. Attitude surveys show that they tend to reflect the same attitudes, in the same proportions, as other young men their age, although their service in the Guard has given them a deeper awareness of the full responsibilities of citizenship in a free society. They privately will express pride in their National Guard unit and understanding of its important role, although a large majority will not extend their service beyond the initial six-year tour. They almost universally regard civil disturbance duty as unpleasant and regard the use of unnecessary force against disorderly elements as repugnant. Analyses of attitudes show, however, that they have a remarkable depth of understanding of their oath, their responsibility and their role.

## GOVERNMENT IS NOT GUILTLESS

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. DERWINSKI. Mr. Speaker, the Suburban Life of La Grange Park, Ill., a community newspaper serving the western suburbs of Cook County, has an intriguing policy of carrying a column devoted to the viewpoint of staff members. Associate Editor Dean Linton on Thursday, May 14, discusses in a very forthright and responsible fashion the contribution of government to the emotions of the day. His article follows:

GOVERNMENT IS NOT GUILTLESS

(By Dean Linton)

These past 10 days we have witnessed more disrespect for law and order by the various segments of our society than perhaps ever before in the history of our country.

Law enforcement agencies across the nation have been hard-pressed to cope with the disorders resulting from President Nixon's Cambodian decision and the tragic killing of four students at Kent State University in Ohio.

Dissent is one thing. Wanton destruction of life and property is another.

This disrespect for governmental authority, whether federal, state or local, has not just happened. It has been growing for some time, and not only with the younger generation.

Police have had to endure indignities in recent years which would not be tolerated 25 years ago. What has led to this change in society?

Dozens of contributing factors can be given, but many of our governmental agencies must share in some of the blame. Laws, both major and minor, are broken daily, with violators going unpunished.

Federal and state agencies get tangled in bureaucratic red tape and accomplish little until there is a hue and cry from the citizenry that can no longer be ignored. Such has been the case with America's enviromental pollution problems for years.

Young America is leading the way to combat the air, water and land pollution that we have ignored far too long. Military installations and sanitary districts have been among our worst polluters. How can any government get tough with industrial polluters when such conditions exist? Progress has been made, but not fast enough.

Last week a new federal policy position was announced which bans all hot water discharges into Lake Michigan which exceed a one-degree Fahrenheit rise over the existing water temperature. Seven or eight months of hearings and administrative work is expected before the policy can be adopted and enforced by Illinois, Wisconsin, Michigan and Indiana. Although slow in coming, this is a step in the right direction.

Laws go unenforced daily. Police cars pass parking violators and overweight trucks without action. Respected citizens who "don't want to get involved" fail to cooperate with police when complaints need to be signed. All too lenient judges give a slap on the wrist when stronger punishment is warranted.

All these breed disrespect for law, and without law there can only be the chaos which has occurred in recent days. A time of re-examination is needed by all. If we learn from our mistakes, all is not lost.

## NATIONAL RETAILER OF THE YEAR

### HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. GOLDWATER. Mr. Speaker, I wish to take a few moments from today's proceedings to salute a fine American, who has been selected as the National Retailer of the Year by the Brands Foundation. The category was new-car dealerships. This award is a fine tribute to American free enterprise and I am pleased my constituent has been selected.

H. F. "Bert" Boeckmann II, owner and chairman of the board of Galpin Ford Motors, Inc. in Sepulveda, Calif., commented:

Winning the Brand Names Award for top automotive retailer in the nation is most gratifying for the entire Galpin Ford organization. Many people have worked over the years to build this dealership into something special, where customer confidence is established over a long and happy relationship. It means a great deal to all of us.

Recognized as a "flagship" agency in the automotive industry, Galpin Ford Motors was founded in 1945 in the city of San Fernando, Calif. From a humble beginning with a total of eight employees and a total of 46 new cars sold in their first postwar year of business, the agency has developed into one of the moving forces in automotive retailing.

In 1953, Boeckmann joined Frank Raipin in his small automotive business to earn funds for his education while a prelaw student at the University of Southern California. He soon showed a natural ability at sales, and Galpin sent him to the Ford Marketing Institute at Detroit, where he graduated in 1955. In 1957, he became general manager of the agency—at the age of 26.

He was chosen from the district in 1959 to attend Ford's Dealer Management School in Detroit, and in 1960 he became vice president of Galpin Ford. By 1964, Boeckmann held a majority interest in Galpin and became the organization's president and chairman of the board of directors.

From that point on, Galpin Ford began to move. Recognizing that location was a key factor in retail marketing, he scouted the entire San Fernando Valley for a new dealer site. Finally, a deal was closed on 5½ acres in the geographical center of the valley, in the community of Sepulveda. A new way of doing business was built into the blueprints for Galpin Ford Square, with the idea of an automotive complex which would serve, as nearly as possible, every transportation need of the car and truck buying public.

Since its opening in May 1966, Galpin Ford sales growth has continued at an

ever-increasing rate. Soon the original 5½ acres was expanded, with the addition of a used-car facility and a complete body shop.

Galpin Ford was entered in the Retailer of the Year competition by the Brand Names Foundation's Advisory Council. After a screening of Galpin Motors by a reviewing panel, they were advised that Galpin Ford was chosen as a finalist in the automotive category, and was asked to prepare a presentation of material on the activities covering the 12 months of 1969.

After 3 days of intensive study and evaluation by a panel of judges, Galpin Motors, Inc., was named "Retailer of the Year" in the automotive category.

Boeckmann was recently elected to the position of chairman of the Western Regional Dealer Council and represents the western area of the Nation in meetings with top company officials in Detroit. He is also a member of the executive committee and chairman of the marketing committee of the National Dealer Council, a member of the executive committee of the Ford Import Dealers Association, and a member of the Motor Car Dealers Association of Southern California.

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## THE CAMBODIAN INVASION AND INTERNATIONAL LAW

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**HON. WILLIAM F. RYAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RYAN. Mr. Speaker, the executive editor of the Columbia Journal of Transnational Law has prepared an analysis of international law aspects of the Cambodian invasion. The paper specifically addresses the President's argument that, since the Cambodian sanctuaries were occupied by the North Vietnamese and, therefore, were not under the control of the Cambodian Government, the invasion was "not an invasion of Cambodia." From that questionable argument flows the contention that there was no breach of international law. The conclusion of the author is that, in fact, international law was violated. I commend this paper to my colleagues as a forceful, cogent, and informed analysis which makes eminently clear the enormity of the President's unilateral, unauthorized action.

The paper follows:

VIOLATION OF CAMBODIA'S NEUTRALITY—THE "SANCTUARY" ISSUE

The Executive, in defending its move into Cambodia, has maintained that the action was not an invasion because the area already was occupied by other troops and, therefore, the act was not a breach of international law.

Clearly, if our participation in the Vietnam War is illegal, then intervention in Cambodia is illegal. If the war is of dubious legality, then the Cambodian invasion further confuses the question and has the harmful consequence of intensifying the constitutional crisis at home, as recent events have proven. Even assuming the war is legal, the movement of American troops over Cambodia's borders was a breach of international law because Cambodia is a neutral state whose territorial integrity may not be violated except under certain limited conditions which were not present in this case.

I. PRINCIPLES OF INTERNATIONAL LAW: NEUTRALITY, SANCTUARIES AND FORCE

Cambodia has for years been recognized as a "neutral" state. This is a legal status which, according to long-standing international principles, as well as those established by the United Nations Charter, grants such a nation immunity from territorial violation by other warring nations. To maintain this status, the country claiming it must assert a policy of impartiality toward all the belligerents, one element being to keep any side from establishing or continuing a troop sanctuary within its borders. If one belligerent feels the neutral has failed to uphold that duty, international rules require the belligerent to take certain procedures to effect restoration of neutrality.

The elemental procedures which must be observed before intervention are that the belligerent first request the neutral to meet its obligations. If the neutral is unable to do that satisfactorily by itself, it may suggest aid in the form of matériel or it may invite the complaining belligerent into its country to help it re-establish its neutrality. Only if there is a showing of emergency—that is, a sudden, imminent and overwhelming threat to the belligerent's security which cannot be met except by the use of force in self-defense—may the belligerent violate the territorial integrity of the neutral, and then only in order to eliminate the threat by action proportionate to the danger it presents.

The principles ordering the limited conditions under which a neutral's sovereignty may be impinged upon represent guidelines evolved from international practice, treaties and tacit agreement over the centuries. At this stage in history, they are so well established as to be binding international law. (See treatises and texts by Oppenheim, Hyde and Friedmann-Lissitzyn-Pugh.) Like most of international law, the principles regarding neutrality stem from practical considerations, in this case that, during war, those not actively engaged in the fight must feel secure from invasion in order that the war not be expanded by the entrance of those merely seeking to guarantee protection from one side or the other. A second reason, and one of the origins of the theory of neutrality, is that non-belligerents must feel free to carry on normal industry and commerce, necessary to both sides.

The principle that no force may be used without a showing of imminent danger demanding self-defense is a concept originated in the nineteenth century and is the standard interpretation of these relevant sections of the Charter of the United Nations:

All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. (Art. 2, Par. 3)

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, in any manner inconsistent with the Purposes of the United Nations. (Art. 2, Par. 4)

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs. . . . (Art. 51)

An example of its application is the decision regarding Germany's invasion of Norway on the grounds that Great Britain had been planning to launch a front from that base. The defense was rejected at Nuremberg because there was no proof of immediacy or imminent need.

II. AMERICAN BREACHES OF INTERNATIONAL LAW

A. *International law was breached by the United States in its forceful, uninvited crossing into Cambodia before determining that that country could not maintain its own neutrality and without taking the necessary preliminary steps.*

1. Cambodia was still a neutral.

As outlined above, each belligerent must respect the territorial integrity of a neutral as long as it upholds its duties of impartiality toward all. These duties include either refusing to allow others' troops within its borders or disarming those sanctuaries remaining.

While it is understood that those measures had not been well enforced by Cambodia for many years, there is extensive evidence that the new government would have fulfilled its country's obligations, if given the opportunity and the aid it asked for. The present regime took power on the avowed stand that Sihanouk had been too weak regarding Vietcong infiltrators and that they would purge Cambodia of the compromising sanctuaries, in order to regain full neutrality. At the time U.S. troops invaded, Cambodian soldiers already were fighting the infiltrators and the leaders had requested arms aid to insure their military capacity.

It was clearly possible that by such force, plus diplomatic pressure, the Cambodians could have moved the Vietcong out of the sanctuaries. The least that can be said is that the situation had not yet crystallized, and the Cambodian government should have been given the opportunity to reestablish its neutrality before the United States violated its territorial integrity, with the result of killing civilians, destroying villages and rendering the landscape useless for years to come.

2. Neither request nor consent was given, to legitimize the impingement upon Cambodia's sovereignty.

Even if it had been proven that the Cambodians could not accomplish the task, the United States breached international law by ignoring the basic tenet of waiting to be asked into the country, or at least suggesting an invitation. The requirement of request or consent by the neutral is absolutely essential, according to every scholar of international law and every interpreter of international relations. It is included in each treaty touching on the subject, including SEATO, and was explicitly included in drafting the Tonkin Resolution. To have ignored such a fundamental principle was to have indicated total disregard for a foundation stone of world peace.

It cannot be said that Cambodia "tacitly" consented to our intervention to eliminate the sanctuaries, either because she had allowed the staging areas to exist within her borders or because she eventually acquiesced to the invasion.

To the contrary, it might as easily be argued, if one considers nonaction to represent an official position, that the United States and South Vietnam "agreed" to the sanctuaries because we did not take any of the recognized procedures to activate their elimination for the many years that they operated in Cambodia.

To the second point it must be answered that, since the primary concept in modern international law is prohibition of the use of force, no *ex post facto* acquiescence is acceptable. By analogy to municipal law: society does not excuse one who has assaulted another on the basis of his victim's forgiveness at any time, and certainly not while the attacker remains with a boot on his neck.

3. The use of force was unjustified.

There was no showing that waiting for an invitation or, at the least, consent would have been hazardous to troop security, due to some sudden development constituting an immediate and overwhelming danger, which

is the sole justification for the normally forbidden use of force.

The Administration mentioned "new threats" on the evening of the invasion but failed to substantiate such a justification. On the contrary, investigations since have illustrated that the situation was no different from that tolerated by us for years under Sihanouk. The sanctuaries existed, certainly, and a steady stream of enemy continued to move in and out of Cambodia as usual, but there was no critical event underway or anticipated which necessitated our abrupt intervention, without waiting for Cambodia's approval.

B. *Even if entrance into Cambodia had been legally justifiable and such use of force permissible under the circumstances, United States forces should not have been involved. Further, the scope of the action was and remains illegal under international law.*

1. American troops should not have participated in the action.

If it is clear that a neutral country has failed to maintain its neutrality, then the belligerent whose survival is endangered has the right to eliminate the threat present by action proportionate to the danger presented.

In this case, allowing that Cambodia was not able to retain its status—and that proposition is very doubtful, as already discussed—then it was the security of South Vietnam, not that of the United States, which was threatened. If the policy of "vietnamization" has been as effective as claimed by the Administration, it must be aksed why American troops took the initiative . . . unless, as has been observed by the commentators around the world, our purpose was to broaden the war in Southeast Asia.

This aspect of the sanctuary issue may well result in serious damage to America's international reputation.

2. The extent of the destruction has not been proportionate to the danger presented by the sanctuaries.

The principle governing violation of neutrality is that such unusual action may be taken only proportionately to the threat presented. In this instance, the danger presented by the sanctuaries was that the Vietcong used them as staging bases to launch attacks into South Vietnam. Therefore, the scope of permissable entrance into Cambodia would be, under international legal principles, only to eliminate the staging centers.

A reasonable way to accomplish that objective would be pinpointed air strikes, as done to North Vietnam and Laos, because such a tactic is calculated to accomplish the purpose of destroying threat centers without causing excessive damage to civilian life and property. Any right of attack, if it exists, presumes eradication of the sanctuaries but certainly not devastation of peaceful village lands and homes.

Instead, the method employed has been ground troops, which have swept through the entire area of and surrounding the sanctuaries, indiscriminatingly laying waste everything in their path. This clearly is not a "proportionate" measure. Rather than limiting the destruction to isolated Vietcong headquarters and weapons caches, U.S. troops have converted large segments of the Cambodian countryside from village and farming populations into uninhabitable combat zones. Their defoliation and ruination techniques have rendered the wide circle surrounding their invasion barren stretches devoid of vegetation and unable to sustain life for years to come.

3. The military procedures in Cambodia should be limited to those objectives permitted by international law, i.e., destruction of the sanctuaries, only.

The right of elimination of a threat, the single exception to the general rule that a neutral country must not be invaded, cannot exist without limit. The right must be strictly construed; otherwise, it would be too easily abused and extended.

It must be insisted that if the United States chooses to ignore international law, our troops at least should be required to limit their attacks to individual staging areas. If such controls are not imposed, it can be foreseen that when the Vietcong move into western Cambodia or Thailand or further into Laos, the United States will use the recent action as a precedent to turn all those countries into wastelands of combat zones.

It is imperative that such a course be avoided for the safety of our troops, the sake of those countries, and the goal of world peace.

III. SOME CONSEQUENCES OF BREACHING INTERNATIONAL LAW

North Vietnam's entrance into Cambodia's territory was a technical violation of her neutrality, in using her border areas as sanctuaries from South Vietnamese and American advances. Our violation of Cambodia's neutrality, on the other hand, has become less a battle against the Vietcong than retaliation against Cambodia. Our troops seem to be trying to destroy the whole band of Cambodian land along the Vietnam border. This may be tactically sound from a military view, but no interpretation of international principles implies a right of retaliation against a neutral for the other belligerent's use of its territory for sanctuaries.

By its brusque action, this country has shown its contempt for a smaller nation's sovereignty and right of self-determination, two of the most fundamental precepts of the United Nations Charter, as well as its utter disregard of the amenities of international relations. (U.N. Ambassador Goldberg understood this factor when he advised against a 1966 plan to invade Cambodia because it would "appear that the United States was 'contemptuous of the rights of nonwhite, weak countries.'" N.Y. Times, May 14, 1970, at 41, col. 1.)

It is possible that this aspect of the American move is the most serious, for it undermines the very foundations of modern world order. By refusing even a pretense at following the law, this government has set a disastrous example for its own people and the rest of the world's governments. It is hardly a coincidence that the Cambodian invasion was soon followed by increased civil disorders and student strikes across this country and an eerily similar invasion of Lebanon by Israel.

If the United States continues to illustrate such disregard for established international principles, we can expect an expansion of the war for purely military objectives and further breakdowns in respect for laws. How can citizens—of the world community or of our own nation—be expected to have respect for rules of order when their leaders exhibit none?

It is vital that we recall our forces from Cambodia and make creditable our policy of ending the war in Indochina. We must prove we want peace, to avoid civil and world war.

## STAND FAST MR. NIXON

### HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FOREMAN. Mr. Speaker, I have just received a copy of a telegram sent to President Nixon on Monday, May 11, 1970 by Dr. Roger B. Corbett, president of New Mexico State University at Las Cruces, N. Mex.

Undoubtedly, Dr. Corbett is one of the most responsible, capable, effective university administrators in our country today. Dr. Corbett is an experienced, successful businessman, a dynamic civic leader, an accomplished educator and a respected gentleman. He directs one of the most forward looking, progressive, growing, educational institutions in America, New Mexico State University. He maintains an orderly university campus that provides the environment and academic climate for those desiring to improve their education. He maintains an open, understanding communication with the students. Our students appreciate Dr. Corbett. More importantly, they respect him.

I include his excellent telegram to President Nixon for the review of my colleagues:

NEW MEXICO STATE UNIVERSITY,
*Las Cruces, N. Mex., May 11, 1970.*

Hon. RICHARD M. NIXON,
*President, The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: For the future welfare of the United States, please stand firm against the young dissenters and radicals. The record is clear in South America. Government officials and University administration capitulated and now higher education is virtually worthless.

The record in this country is clear. Those universities which have allowed free speech and academic freedom without standards and responsibilities are now virtually the captives of their radical students.

It is a sad commentary that no democracy has lasted 200 years. Ours has approximately six years to go to reach the 200 year mark. Recent developments have cast grave doubts as to our making it.

Our only salvation is strong, resolute leadership. We must depend on you. Stand fast so the majority of our young people can obtain an education.

Faithfully yours,

R. B. CORBETT,
*President.*

## ATLANTIC AMVETS SUPPORT PRESIDENT

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. SCHERLE. Mr. Speaker, Atlantic, Iowa, AMVETS Post No. 1, strongly supports President Nixon's recent decision concerning Indochina.

Their resolution asks that Congress "employ every means within their powers" to support the policies of our President regarding his decision to protect American troops in Southeast Asia.

These sentiments are expressed by many patriotic Americans.

The resolution follows:

THE ATLANTIC AMVETS POST NO. 1

We, the members of the Atlantic AMVETS Post No. 1, meeting in a regular session this date of 13 May, 1970, in Atlantic, Iowa, do strongly and wholeheartedly support President Richard M. Nixon, for his courageous

address to our nation on Thursday, April 30, 1970, which will go down in history as the turning point for the war in South Vietnam and for the defeat of the Communists.

Whereas, President Nixon has ordered the destruction of the sanctuaries which the Communists have in Cambodia, this timely action being the first of this nature, since the time that President Truman fired General MacArthur because he wanted to bomb the privileged sanctuaries which the Communist were using beyond the Yalu River.

Whereas, we do strongly agree with the President when he says that, "We will not be humiliated. We will not be defeated. We will not allow American men by the thousands to be killed by an enemy from privileged sanctuary." Or as he says, again, "If when the chips are down, the world's most powerful nation—the United States of America—acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world."

Whereas, the President spoke of the great decisions which led to victory in World War I, and which led to our victory in World War II. We do insist that the President is accurate in his analysis as it relates to the Communist activity in Indo-China, in that, their answer has been "Intransigence at the conference table, belligerence at Hanoi, massive military aggression in Laos and Cambodia, and stepped-up attacks in South Vietnam designed to increase American casualties."

Whereas, we join with President Nixon when he makes it clear to the world that he does not, and will not, accept surrender, and that immediate withdrawal which is being demanded by Hanoi, and by the Moratorium and hippie groups in the United States, does mean surrender!

We, the members of the Atlantic AMVETS Post No. I, meeting in a regular and duly authorized session this 13th day of May, 1970, DO HEREBY RESOLVE, that, our elected Senators and Representatives in the Congress of the United States, employ every means within their power to support the policies of our President (who is the Commander of The Armed Forces), for a complete victory over the communist Forces because we, as men who have fought for our country in our country's wars, know that this is the only way that life, liberty and the pursuit of happiness in the United States of American can be attained.

And, be it further resolved, that, we can assure the President that there are no doubts nor fear of defeat among the returned war veterans, nor among the grassroot Americans airplane accident.
of this country the communications-media and the free press to the contrary.

BERDON FICKEL,
*Post Commander.*
CARROLL HAYES,
*Post Adjutant and Finance Officer.*

## CORPS OF CADETS AT TEXAS A. & M. UNIVERSITY STAGE DEMONSTRATIONS OF THEIR OWN

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. TEAGUE of Texas. Mr. Speaker, for the past several weeks we have been reading of campus demonstrations which have resulted in death, violence, and burning. We read very little of the students who do not engage in such activities. The information officer of the corps of cadets at Texas A. & M. University took it upon himself to apprise the President of the activities of the students at that university, and with leave to extend my remarks in the RECORD I wish to include the letter which was written to the President:

TEXAS A. & M. UNIVERSITY,
*College Station, Tex., May 14, 1970.*

Hon. RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Sunday afternoon there was a demonstration on our campus which probably escaped the attention of your office. As in the other demonstrations across the nation, the participants here were thousands of young, idealistic, intelligent and concerned Americans expressing the intensity of their feelings. There were, however, two striking differences between occurrences here and those elsewhere. First, there was a surprising absence of the photographers, cameramen and reporters who so readily covered other campus demonstrations; second, the purpose of this demonstration was a radical departure from those so widely publicized events elsewhere.

You see, Mr. President, these students were demonstrating their respect and love for their parents, as well as their patriotism, their faith in the American system, and their confidence in our future.

The occasion was Parents' Day and a morning program held to honor parents was attended by upwards of 4,000 students. A review by the Corps of Cadets drew in excess of 10,000 spectators in the afternoon. These events were witnessed by thousands of parents, friends and the local press. Sadly enough, elements of the national press corps were absent. On the other hand, one can only speculate on the amount of publicity the occasion would have received, had a small handful of individuals with far different purposes interrupted these proceedings.

The blame for the obvious disparity in the amount of attention given to this responsible, sincere point-of-view lies not only with the news media, but also with our elected public leaders. The 14,000 students at Texas A&M (Cadets and Civilians alike) are not an unusual minority. Their views are not peculiar to this region alone, nor are their admirers and supporters merely localized. But until the time that their actions receive more attention than an occasional "letter to the editor", or until their intentions and ambitions are recognized by public officials such as yourself, then the distorted and unfortunate image of the American student may continue.

In just another week, another such demonstration will take place on our campus. This time it will be the commissioning of officers for the Armed Forces and Final Review of the Corps of Cadets. At that time, it will be our pleasure to have the Army Chief of Staff, General William C. Westmoreland, as guest speaker and Reviewing Officer. It will indeed be interesting to see if this "demonstration" will pass as unnoticed as those in the past. If it does, it will not alter the ideas and beliefs of the participants. They do not thrive on publicity, and their faith and sincerity will remain constant in even the most difficult of situations. Nonetheless, it would be refreshing if such an event were to be in the spotlight for once.

Any attention which you, Mr. President, would give to these students in their activities would be an overdue reflection of the mood of many Americans. Your assistance, in any manner possible, would be sincerely appreciated, not only by the students here, but also by their friends, families and associates.

Most respectfully yours,
THOMAS C. FITZHUGH III,
Cadet Lieutenant Colonel.

## WALTER REUTHER LEFT LEGACY TO WESTERN NEW YORK

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. DULSKI. Mr. Speaker, a man of his times was lost to our Nation when Walter Reuther was killed recently in an airplane accident.

In due course, he will be given his proper place in our Nation's history for his inspiring leadership in many areas of our economy in addition to the work he did for workers in general and the union he headed for so many years.

The needs of his own workers had his first priority, but he did not neglect the rest of society in so doing. He was vitally and enthusiastically concerned with all that was going on in his native land, whether it be in the field of labor, of government, of public service, of the environment, indeed of virtually every phase of life one can name.

We in western New York came to know well of him and his work. The United Auto Workers has more members in western New York than any other union.

The role of Walter Reuther in my home city of Buffalo, N.Y., and in the surrounding area of western New York, has been well capsulized in a feature story in the Buffalo Evening News by the newspaper's veteran and very able labor affairs reporter, Ed Kelly.

Following is Mr. Kelly's thoughtful article from the May 16 edition:

THE LEGACY WALTER REUTHER LEFT TO WESTERN NEW YORK

(By Ed Kelly)

Because the United Auto Workers has more members in Western New York than any other union, Walter Reuther left a larger imprint on this region than any other labor leader.

Buffalo knew him in both word and deed.

The late president of the UAW was here in 1949 to boost the morale of his union's members during their marathon strike against Bell Aircraft.

In 1952 he told a local rally of union political activists that, fundamentally, "the struggle for peace is the struggle to retain prosperity in America" because "dictatorship rides on the backs of unemployed people."

He was here twice in 1956, once to outline with characteristic eloquence the aims of labor at a testimonial dinner for a former UAW aide, once to whip up support for Democratic presidential candidate Adlai Stevenson.

KNOWN FOR HIS DEEDS

His last official appearance in these parts was in 1962 when he pleaded before the Greater Buffalo Advertising Club for a renewed commitment to social justice by American labor and management.

These were the messages by which Western New York knew Reuther personally. But it knew him far better by his deeds.

For the concepts generated and implemented in union councils and at the bargaining table by the UAW leader have permeated for decades much of this region's economic, political, civic and social-service life.

Reuther was an idea man. The UAW was his vehicle for converting those ideas into realities. And many of those ideas—bold, new, precedent-setting—helped transform dramatically the postwar living standards and way of life in Western New York.

MANY RODE UAW COATTAILS

Those ideas affected not only the members of Reuther's own union in this region, but members of many another union which rode to bargaining gains of their own on the coattails of the UAW.

The immediate and direct beneficiaries of Reuther's imaginative, dynamic leadership at the negotiating table are the more than 40,000 UAW members in the union's Western New York area, which includes Monroe County as well as the eight counties that make up the Eighth Judicial District.

These 40,000 members include nearly 30,000 who work in General Motors' Chevrolet plants in Buffalo and the Town of Tonawanda, in GM's Harrison Radiator plants here and in Lockport, in GM's Rochester Products plant and in Ford Motor's Buffalo stamping plant.

COST-OF-LIVING PIONEER

Every time these workers' pay envelopes are swelled by an increase to compensate for a rise in consumers' prices, they can thank Reuther and their union who in 1948 secured the first cost-of-living escalator clause in a national agreement negotiated with a mass-production industry.

Reuther left many another legacy to his union's members in this area—and to members of other unions which benefited from UAW pioneering.

They include the annual improvement factor which provides additional pay increments based on productivity increases (a UAW landmark in 1948); the non-contributory, fully-funded, jointly-administered pension fund (a UAW milestone in 1950), and the supplemental unemployment benefit, called SUB, the UAW breakthrough of 1955 which brought the guaranteed annual income into view for hourly-rated employes.

EXTENDED TO POLITICAL, CIVIC LIFE

Reuther's shadow touched more than the industrial life and economy of Western New York. It affected its political and civil life as well.

Reuther preached political activism in the UAW and saw to it that his union put its money and manpower where its mouth was at election time.

Consequently, UAW endorsements have been sought by many area politicians. Several officeholders in Buffalo, Erie County, the Legislature and Congress owe part of their victory to the backing of Reuther's union here.

Reuther's social consciousness moved many of his members into activities benefiting the community at large, like the United Fund campaign, safety drives, senior citizen programs, etc.

And the Buffalo high school-equivalency programs the UAW conducts for some members—under an innovative tuition-refund program which Reuther negotiated into auto contracts—enrich the lives of many workers and their families and redound to the welfare of all the community.

A FITTING EPITAPH

Walter Reuther spoke here in 1956 in the Town Casino. He addressed his message personally to his thousands of fellow UAW members in Buffalo, Jamestown, Niagara Falls, Lockport, Batavia, Rochester and all points between. He said:

"We took hundreds of thousands of nameless, faceless clockcard numbers and gave them the status of human beings. We helped win for them a dignity to which they were entitled as men. Before their union, men would leave their rights and hopes at the plant gates. When their union came, that ended.

"We dared to dream about a better tomorrow in which man's exploitation of man and his inhumanity to men could be ended. But we dared to do more than dream. We dared to build our dreams."

UAW members in Western New York could find no finer or more fitting epitaph for their departed leader than those words he spoke to them 14 years ago.



## TRAUMA IN SUBURBIA

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. NELSEN. Mr. Speaker, I have believed for some time that the unfortunate emphasis accorded by the press and mass media of communication to a handful of irresponsible militants has distorted the true picture of our fellow Americans of other races, religions, and generations. Insofar as Negro Americans are concerned, this view is echoed by Mrs. Mary Kyle, editor of the highly respected Twin Cities Courier, published in Minneapolis, Minn.

Mrs. Kyle points out in a May 2 editorial that:

Not since slavery and the period immediately following Reconstruction has the black race been projected in such an unsavory light, thanks to cameras and notepads hot on the trail of radical sensationalism.

This is tragic, as the incident to which Mrs. Kyle alludes most certainly illustrates. I include the full text of Mrs. Kyle's editorial at this point in my remarks:

TRAUMA IN SUBURBIA

Columbia Heights parents and school board are taking their lumps for turning down a proposal that might have built one tiny bridge of understanding between teenagers of different racial backgrounds.

The proposed plan was innovative but not earth-shattering by any means. Ten white seniors from Columbia Heights would exchange schools and homes with ten Negro seniors from Minneapolis Central and Washburn for a week this Spring, and possibly get together to talk over experiences when the exchange program ended. Had the program been implemented, at least 20 students would be introduced to each other and their environments.

Neither set of ten would know all about the other race through that limited exposure. Nor would they discover all facets of variation between the inner city and suburbs. But they would be taking the first small step necessary to overcome racial distrust and animosity . . . "getting to know you." Almost certainly, the most astounding revelation for students and parents would come when the project ended and each had returned to his or her own everyday world. That's when they would wake up to the fact that teen-agers of any race are very much alike, and the American home is just that, no matter which complexion occupies what house.

But Columbia Heights went into a tizzy at the dire prospects awaiting their young should such a plan come to fruition. Under ordinary circumstances, this complete lack of understanding, coupled with abject fear of the unknown, would be ludicrous in the year of 1970. It just happens that circumstances have not been "ordinary" since the early 1960's. That's when the general news media went to work on the nation's nonwhite minority with imbalanced reporting, destined to go down in history as the age when journalism forgot to be responsible.

Not since slavery and the period immediately following Reconstruction has the black race been projected in such an unsavory light, thanks to cameras and notepads hot on the trail of radical sensationalism. Something less than two per cent of some 25 million Americans stay in the headlines and on the TV screen, while 98 per cent go quietly about the business of living and working for a better nation and world. Little more than token attention is given in the media to a point of view not expressed in raucous ranting and vulgar idiom. With rare exception, the words of a Roy Wilkins can be drowned out any day by the ravings of a felon. The antics of a destructive handful continue to be more newsworthy than the positive actions of a multitude.

Columbia Heights residents should know better than believe everything they read in the newspapers or see on the TV screen. But the public in general is influenced more by the written word and projected film image than most of us care to admit. White America never did know too much about its non-white counterpart. Thanks to the media, that limited knowledge is more distorted and non-factual today than ever before in history, despite greater coverage given minority groups.

It's regrettable suburbanites aborted a plan for interracial understanding. They and their youngsters are the real losers in choosing sterile isolation over broadening enrichment. Someday, perhaps, the young generation will search out the truth and be set free from foolish, unfounded fears. Meanwhile, the media has an obligation to do more than relect sensational events of an era. Mistakes of this past decade will not be corrected until journalism keeps those events, and the people who shape them, in clear perspective and unshakeable balance.

## SAUGANASH ECHOES SUPPORTS WAR ON WATER POLLUTION

### HON. ROMAN C. PUCINSKI

IN THE HOUSE OF REPRESENTATIVES

OF ILLINOIS

Mr. PUCINSKI. Mr. Speaker, recently, the Sauganash Echoes, a newspaper of substantial circulation in the Edgebrook area of my congressional district, carried an excellent article on my legislation proposing restrictions on phosphates in soap detergents.

In a column written by Rev. C. K. Richards, editor of Sauganash Echoes, the details of my "Detergent Pollution Control Act of 1970" were spelled out, and I was pleased to see Reverend Richards so strongly endorse the enactment of this legislation.

Reverend Richards added substantially to my own research on the menace of phosphates in soap detergents and the relationship to water pollution. Reverend Richards fortifies the arguments in support of this legislation, and he has performed a notable public service by calling this legislation to the attention of his readers. For this, I am most grateful. Reverend Richards' column is journalism at its very best.

Reverend Richards' column follows:

AH, DETERGENTS

(By Rev. C. K. Richards)

In a recent personal letter from U.S. Congressman Roman C. Pucinski the congress-

man informs me that he has introduced legislation to combat one of our most serious water pollutants—phosphates in detergents.

The bill is "Detergent Pollution Control Act of 1970."

The congressman also sent me a copy of his supporting statement in introducing the legislation.

Excerpts of Congressman Pucinski's statement follow (in quotes).

"Phosphates, a basic ingredient is 90 percent of all detergents and household cleaning products are being dumped into our lakes and streams at a fantastic rate. Recent studies have indicated that detergent sources account for 70 percent of the phosphate inputs that compose our municipal wastes in the United States. This fact coupled with the startling revelation that municipal wastes are responsible for over 60 percent of the pollutans that affect our lakes and streams makes very evident the urgent need to take effective action."

"It has been estimated that the phosphate inpute annually into Lake Michigan is over 15 million pounds and the lake retains over 95 percent of that amount."

"In a 1968 study conducted by the Federal Water Pollution Control Administration, it was determined that approximately 3,500 square miles of inshore areas of Lake Michigan were extensively polluted."

"Swimming beaches have been closed in Chicago, Milwaukee, and other areas when large mats of foul-smelling algae have been deposited on the beaches. This tragic situation is compounded by the health hazards that are posed by dead and rotting fish as well as the water being contaminated by the sewage."

"Although there are many other sources of pollutants to our environment, detergents are flowing into our water resources and creating havoc and destruction with our plant and animal life at a rapid pace."

"Unless we act to control the polluting of our water resources, we will continue to degrade our waters beyond the point of no return, and lose one of our priceless recreational and lifegiving bodies."

"My bill takes a very important step in ending pollution caused by phosphates in detergents by declaring that phosphorous would be banned in detergents by June 30, 1972, under the enforcement of the Secretary of the Interior."

"My bill also provides the Secretary of the Interior with the authority to establish standards of ability, biodegradablity, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents. Under this section, the Secretary will prescribe and publish the standards in the Federal Register on or before June 30, 1971. Detergents will be required to be in compliance with the standards a year later, after June 30, 1972,"

"I have introduced this legislation to combat one of the most devastating pollutants of our water resources. If we refuse to act to restore our waters to a pure state we will have destroyed a basic link in our ecological cycle. In our quest for growth we have bypassed the repair of the damage inflicted upon our natural resources. If we continue to do so, the problem will cease to exist and so will human beings."

A front page story in the Chicago Daily News (2–10–70) reports that a geochemist at the University of Kansas has found, through laboratory tests, that eight laundry products contained alarming levels of arsenic.

The U. of K. chemist found increased arsenic in the Kansas River after the water had circulated through homes.

It is stated that no major metropolitan area has water filtration plants fully equipped to remove arsenic from the water supply increasingly being polluted by enzyme detergents.

Congressman Pucinski's legislation needs—and deserves—our full support.

In terms of survival—the human species is surely moving toward the point of no-return.

The time to effectively minimize pollution is now.

Television detergent commercials should constantly remind us that the time to act is now.

## SECRETARY LAIRD'S MISDIRECTED ATTACK ON HENRY FORD II

### HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. NEDZI. Mr. Speaker, the Ford Motor Co. and its board chairman, Henry Ford II, can usually take care of themselves. And they do a good job of it.

A recent incident, however, is worthy of note because it involved the Secretary of Defense, Melvin Laird. Mr. Laird made some uncalled for innuendos about Henry Ford a few days ago with the statement:

I am against exporting American technology to the Soviet Union while they are sendin trucks to North Vietnam.

While it was true that the Ford Motor Co. had undertaken discussions with the Soviet Union concerning the construction of a truck factory in Russia, it is also true, and this must be underlined, that Henry Ford II had kept our Government apprised of his actions and made it clear that no deal would be consummated without approval of the State Department and the President himself.

Under leave to extend my remarks in the RECORD, I set forth below three editorials commenting on the questionable wisdom and fairness of Mr. Laird's comments:

[From the Detroit Free Press, May 9, 1970]

LAIRD'S MUTTERINGS HARM FORD AND FREE ENTERPRISE

The tendency of some of our national administration leaders to shoot from the hip first and then think about it later was illustrated recently by Defense Secretary Laird's criticism of the Russian trip of Henry Ford II. It amounted almost to an accusation of treason.

Laird did not name either Ford or his firm but the reference was obvious. As Secretary of Defense, of course, Laird has a legitimate concern about the possibility that Russian-trucks built with American expertise might some day transport material for use by the North Vietnamese against us.

Ford, however, has made it clear all along that any business dealings between Russia and his firm would have to be cleared by the State Department and by the President himself. He has been giving detailed accounts of what he is doing and what the Russians are saying.

It may be that events will make it inadvisable for the Ford Motor Co. to offer even a little advice on how to construct the Russian plant at Kazan, much less participate in building it.

We are not, however, at war with Russia. Where it's possible we are attempting to break down our mutual suspicions of each other by swapping tourists, meeting to discuss nuclear disarmement, exchanging cultural programs and engaging in such trade as is to our mutual advantage.

It could be argued that a box of American toothpicks in Russia contributes to her military capabilities. They might prevent cavities among Russian soldiers. We have been shipping wheat to communist countries for years, and food is certainly important to an aggressor.

It is to our interest that people be fed, whether they love us or not, rather than yearn for our food because they have too little. Russia has large undeveloped areas and a transportation problem. She needs trucks, probably a lot more for civilian purposes than military.

If helping Russia build trucks would make her a more prosperous, more contented nation, the idea is worth taking a look at, which is all Ford has done so far. No deals have been made. It has probably done us all a lot of good to have the Russians eyeball an honest-to-goodness economic entrepreneur and his pretty wife and discover that capitalists are human, too.

Laird's dark mutterings do Mr. Ford and the free enterprise system a disservice.

[From the Christian Science Monitor, May 16, 1970]

NO FORDSKI TRUCKS

Repeatedly the question arises whether trade with the Soviet Union and its satellites harms American security—and whether it contributes anywise to the cause of world peace. The issue is raised again by the Soviet bid to the Ford Motor Company, seeking Ford know-how in building a major truck plant in Russia which would turn out 150,000 heavy trucks a year.

In turning down the Soviet offer, Ford officials said criticism of such proposed joint ventures by Defense Secretary Melvin Laird and others was an influencing factor.

Surely it can be noted, as did Mr. Laird, that heavy Soviet trucks are shipped by the boatload to North Vietnam, for use in carrying supplies down the Ho Chi Minh Trail. The prospect that trucks developed by American enterprise would carry war materiel to kill American troops is hardly a pleasing thought.

On the other hand, it can be argued that if Ford does not build the Soviet truck plant, some British, French, or Japanese auto concern probably will. The Soviet Union has the wherewithal to make attractive bids. Foreign firms are clamoring for business deals with Moscow. And there are no prohibitions extant against trade in nonmilitary items. It can be argued that Soviet trucks already are in Vietnam, and that the Vietnamese war would be finished before the Ford plant was finished. There is finally the prospect that the trucks might well be employed in transporting the ingredients of a Soviet consumer society.

As a general rule, world trade helps the cause of peace. It is an emphasis away from wars and confrontations. The Ford Company is miffed, as Henry II made clear at the annual stockholders meeting, that the Secretary of Defense had entered the argument. Mr. Ford said other kinds of business cooperation had been invited by Moscow, involving consumer products and nonstrategic technical information. Whether rejection of the truck bid ends any Ford cooperation with the Soviets remains to be discovered.

The Soviet economy has been running downhill, due to mismanagement. Ford know-how might have helped revive production in an important sector. On the ground that a consumer-prosperous country is less likely to be a bellicose country, one can reason that it is unfortunate that the truck deal has fallen through.

[From the Washington Post, May 17, 1970]

A CHEAP SHOT AT EAST-WEST TRADE

Henry Ford has good reason to be mad at the United States government for blocking the deal he was weighing to help build a truck factory in Russia. Trucks can hardly be deemed "strategic." They involve no secret

or special technology. They can and will be built in Russia without the Ford company's help. The auto magnate, who had gone to Moscow last month to open discussions, had done so in good faith. The State Department had encouraged him to proceed on a business basis. The Soviet government had made him an offer. There was no threat then of government intervention to spoil the deal.

Yet Defense Secretary Melvin Laird barged in, in a magazine interview. "Before giving away the technology to construct trucks in the Soviet Union, and establishing plants for them," he declared, "there should be some indication on the part of the Soviet Union that they're not going to continue sending the trucks to North Vietnam by shiploads for use on the Ho Chi Minh trail." This was a cheap shot. Ford was not going to "give away" anything. He was perhaps going to sell something that is easily available to the Russians elsewhere.

The link to Hanoi, aside from being an unwarranted aspersion on Henry Ford's patriotism, was silly. Soviet trucks will go to North Vietnam, regardless. By the Laird logic, all commerce and contact with the Soviet Union must be halted, since it all benefits the Soviets in some way. The trouble with that line is that commerce and contact can benefit Americans too. Short of a national interest that can be plainly demonstrated, there is no ground for the government to intervene in a private business decision.

Five years ago, Firestone was about to build a synthetic rubber plant for Rumania. A competitor, Goodyear, helped light a backfire and the deal was called off. Free traders and advocates of civilized East-West relations made common cause then to protest, and they should do so again.

## SILENCING DISSENT

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. QUIE. Mr. Speaker, the ebb and flow of opinion on college campuses is most interesting to observe. In the 1950's, "guilt by association" was condemned by the intellectual community as the most despicable characteristic of McCarthyism. Yet, today demands emanate from the college campuses for the resignation of men who have come from those colleges to assume positions of responsibility in the government.

The Daily Republican Eagle published in Red Wing, Minn., carried a piercing editorial on this subject in its May 13 edition, which I draw to the attention of my colleagues. The editorial follows:

SILENCING DISSENT

The fury on the campuses over the U.S. war effort is understandable. But what is not understandable is the academic blackmail being used by previously respected educators and scholars who seem determined to purge campuses of those who support the war.

Take the example of Harvard and MIT, where professors are demanding that former colleague Henry Kissinger resign as the President's national security advisor. The only acceptable alternative, they say, is for Kissinger to somehow effect a reversal of U.S. policy in Indochina.

According to columnist Mary McGrory, the professors are saying that if Kissinger doesn't meet their demands, Harvard will never take him back. There also are hints that Kissinger might meet the fate of his predecessor, Walt Rostow, once of MIT, who has been banished to Texas to do paperwork for Lyndon Johnson.

One former colleague told Kissinger in a telegram that he stands to face disgrace for the rest of his life if he doesn't change his stance.

Since when has it subjected a man to disgrace to support his nation's foreign policy. And even if the policy were wrong, which we don't think it is, since when has academic freedom been so curtailed that there is no room in our nation's universities for a "wrong" point of view?

## ANNUAL PRESENTATION TO CONGRESS BY THE SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. EVINS of Tennessee. Mr. Speaker, one of the truly outstanding small business organizations is the Smaller Business Association of New England (SBANE), with a membership consisting exclusively of the owners of about 1,000 small business concerns located in the New England States.

Annually, these businessmen have visited Washington and called on the Congress—particularly the House and Senate Small Business Committee—to present their recommendations for legislation and administrative changes needed to help the small business community. These presentations represent the studied and informed views of the owners of these small business concerns. The members of our Small Business Committee have profited by listening to their suggestions.

Earlier this morning, SBANE presented their proposals for 1970 to the members of the House Small Business Committee and to the members of the congressional delegations from the New England States. Their suggestions and recommendations were limited to three areas which were believed to be of greater importance; namely, tax reform and improvements in tax policy relating to small business, assistance in antipollution grants and loans, and improvements in administration of programs of the Small Business Administration.

In this connection, I include in the RECORD herewith the SBANE recommendations dealing with small business problems within these three areas:

PROPOSALS FOR CONGRESSIONAL ACTION BY SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND, INC., MAY 20, 1970

TAXATION

Limited increase in surtax exemption to $50,000

One of the three major problems confronting small business is its need for capital to sustain its operations and to provide for growth. This need is recognized by all who concern themselves with small business. The means for satisfying this need are twofold; infusions of capital from the outside and the retention of internally generated resources. The report of the President's Task Force on Improving the Prospects of Small Business recommends, among other things, the application of tax incentives to aid in accomplishing desired results. The report recommends that those suppliers of credit and equity capital to small business be provided with favorable tax treatment on the income from their loans and that a preferential rate for capital gains on investments in small enterprises be provided. Further, the report recommends the establishment of a ten-year carryover period for net operating losses during the first ten years of business existence and a deduction from taxable income for an addition to a "small business risk reserve." SBANE endorses these proposals. However, we also recommend that the exemption from surtax be increased for small businesses as a means of directly building up working capital.

Since 1938 corporations have paid a tax at a normal rate on the first $25,000 of income and at a surtax rate on the income in excess of $25,000. The difference in tax rate on the first $25,000 has since come to be known as the surtax exemption. The exemption has remained the same for 32 years and in view of the elimination by the Tax Reform Act of 1969 of multiple surtax exemptions, we believe this to be an appropriate time for a limited increase in the exemption to $50,000.

The simplest means of effecting an increase in the surtax exemption would be to make it applicable to all corporations; however, the following schedule indicates that to do so would result in a reduction in the revenue of approximately 368.9 million dollars. This estimate, as are all of the succeeding estimates, is based upon statistics taken from 1965 corporation income tax returns which were the latest data available to SBANE. We do not believe that a reduction in corporate income taxes of such a substantial amount is appropriate at this time as a matter of fiscal policy. In addition, over $258 million of the tax reduction would inure to the benefit of corporations having taxable income in excess of $50,000.

TAX EFFECT OF UNLIMITED INCREASE IN SURTAX EXEMPTION TO $50,000—UNCONTROLLED CORPORATIONS HAVING TAXABLE INCOME BY INCOME CATEGORIES

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|---|---|---|---|---|
| Number of corporations | 43,735 | 20,913 | 9,187 | 73,825 |
| Taxable income (millions) | $26–50 | 50–100 | 100–150 | Total |
| Tax savings (millions) | $110.8 | $135.9 | $122.2 | $368 |
| Tax savings as percent of total tax savings paid by group | 24.9 | 24.6 | (1) | ---- |
| Tax savings as percent of total tax savings by all | 30.03 | 36.84 | 33.13 | 100.00 |
| Average tax savings per corporation | $2,533 | 6,500 | 6,500 | ---- |
| Tax savings as percent of total corporation tax revenues collected in 1965 | | | | 1.41 |
| Tax savings as percent of total taxes collected in 1965 | | | | .32 |

[1] Figure not meaningful due to limitations of data.

Since we believe that the increased exemption should apply only to smaller corporations, it becomes necessary to define what a smaller corporation is for this purpose. There are several criteria for distinguishing between smaller and larger businesses, such as gross assets, net worth, and gross sales. However, after a considerable amount of study, it would appear that to restrict the benefit of the increased surtax exemption using one of these standards would result in its inequitable application in many cases. Thus, we believe that a standard that is based on the tax itself would be most direct and equitable.

Accordingly, SBANE proposes an increase in the surtax exemption as follows:

1. Corporations having taxable income of $50,000 or less would have a surtax exemption of $50,000.

2. Corporations having taxable income of more than $50,000 but less than $100,000 would have a surtax exemption of $50,000

reduced by 50% of each dollar of taxable income in excess of $50,000.

3. Corporations having taxable income in excess of $100,000 would have a surtax exemption of $25,000.

Only a single surtax exemption would be available to members of a controlled group of corporations consistent with the provisions of the Tax Reform Act of 1969.

The application of this change in the surtax exemption to corporations having varying levels of income, is set forth below:

| | |
|---|---|
| Taxable income | $40,000 |
| Surtax exemption | 40,000 |
| Tax: 22% × $40,000 | 8,800 |
| * * * * * | |
| Taxable income | 80,000 |
| Surtax exemption: | |
| Basic exemption | 50,000 |
| Less 50% (80,000—50,000) | 15,000 |
| Total | 35,000 |
| Income subject to surtax | 45,000 |
| Tax: 22% × $35,000 | 7,700 |
| 48% × 45,000 | 21,600 |
| Total | 29,300 |
| * * * * * | |
| Taxable income | 120,000 |
| Surtax exemption | 25,000 |
| Income subject to surtax | 95,000 |
| Tax: 22% × $25,000 | 5,500 |
| 48% × 95,000 | 45,600 |
| Total | 51,100 |

We recommend that Congress consider phasing in the limited increase in surtax exemption over the period of time that the multiple surtax exemption is being phased out under the Tax Reform Act of 1969. Benefits of multiple surtax exemptions will be gradually reduced beginning in 1970 and will be completely removed by the end of 1975. We believe that the increase in revenue achieved by such phase-out should be considered in reaching a decision whether the limited increase in surtax exemption should be adopted.

SBANE's interest in the Small Business Administration dates back many years to the preceding agencies such as the Reconstruction Finance Corporation and the Smaller War Plants Corporation which were charged with some of the same responsibilities prior to the creation of the Small Business Administration in 1953.

SBANE's role in shaping the SBA Act is well known to the Congress and it is only natural that the Association should continuously scrutinize the functions and operations of the SBA and offer both deserved praise and constructive comment.

INTERVIEW OF FORMER ADMINISTRATORS

To provide a more complete assessment of this agency and its problems, members of the Association have interviewed several former Administrators. Nearly every previous Administrator for the past two decades was interviewed for his evaluations of the agency as its roles and areas of concentration have varied.

This project was initially undertaken in an attempt to determine the cause of the excessive turnover of Administrators especially during the past 10 years. We thought that maybe a pattern could be determined as to why there had been as many as nine Administrators in the last 11 years. We had expressed alarm last year that this short term of leadership made it difficult for the agency to maintain continuity of direction and purpose.

During interviews with these past Administrators, it became evident that there was no single reason for their departure from the SBA except for more attractive offers in related fields of interest. Although job stability in the position of the Administrator was our initial reason for the interviews, they all had additional comments about the functioning of this Agency which we will share with you.

First, they mentioned the apparent shifting of the loan policy from a merit basis to one more socially motivated without the usual standard, business-like requirements especially with minority loans. Behind this concern over the SBA's loan procedures lies this question: What will happen to the SBA should facts reveal a high percentage of minority loan failures? The Congress has always held the SBA in high regard and provided good support. However, since the SBA is lending public money, what will happen to the future of the agency should the Congress react if it feels that SBA loans were instead grants or subsidies? It is the feeling of many that safeguards should be developed that will prevent the devastating effects of a possible over-reaction to the SBA on its financial programs.

For this reason, this Association recommends that minority loans be handled through a Special Management-Finance Group within the SBA with its own funding programs. In addition, we believe that the Office of Minority Business Enterprise, established within the Department of Commerce last year to promote and expand business ownership by minority groups, should be the complete responsibility of the SBA. Further, that the SBA should be properly manned to carry out these responsibilities rather than the past policy of manning new programs by shifting personnel into unfamiliar areas at the expense of other important programs.

MINORITY ENTERPRISE STUDIES

Much has been said and written about minority entrepreneurship or compensatory capitalism. This Association has studied the report of Sam Harris Associates that evaluated the SBA and its role in minority economic development from August, 1968 to February, 1969. We were very impressed with this report and its recommendations, and we urge they be given careful thought and consideration.

We also recommend that the committee obtain a copy of a very interesting thesis by W. Bruce Springer, entitled, "The Prospects for Black Business Development." This recent Harvard graduate wrote this thesis after studying a vast number of census reports, studies and books on the subject of black business development.

It is interesting to note some of the similarities of the Harris Report and Springer's thesis.

The first is that SBA's past emphasis has been quantitative rather than qualitative. It would seem that the agency was more interested in the "numbers game" and promoting the establishment of "Mom and Pop" stores rather than emphasizing the growth and development of more stable, promising companies. Both studies also point up the need for more management and technical assistance in developing companies and recommend that the SBA put more emphasis on nonretail businesses, such as services, manufacturing, wholesaling and construction. Both Springer and Harris also recommend more attention be paid to the Local Development Company or "502" loan programs in the black community. We would recommend that, rather than devoting so much emphasis on starting marginal businesses, the SBA develop programs to upgrade existing operations.

SBANE agrees with Springer's recommendation that SBA should scrap its goal of 20,000 minority loans a year and replace it with programs that have qualitative dimensions: for example, $40,000,000 in minority loans a year, at least one-fifth of which is to be granted in loans of $100,000 or more as compared to the average minority loan during the first five months of 1969 which was $19,829.42.

The Harris report stated that 45% of the Minority Entrepreneurship Program (MEP) team members, who felt the effect of Project Own would be insignificant, gave the reason that the "size and volume of loans granted is too small."

We would also recommend that the SBA develop comprehensive data, on the distribution of its loans by size and type of business and, in addition, follow the progress of the companies carefully to determine a pattern and level of progress with which to guide future loan commitments.

Both the Springer and Harris studies represent exhaustive, intelligent appraisals of the SBA involvement in Project Own. The Association believes strongly that the SBA should be the agency to foster entrepreneurship and realizes the great challenges it faces. If the agency is to merely serve as a transfer of resources to marginal companies in the ghetto, then it is wasteful. In our opinion, programs should be developed to provide financial and technical assistance to develop larger, non-retail business firms for minority entrepreneurs and not the present emphasis on number of loans rather than number of dollars loaned.

Many recent studies have revealed the lack of sufficient management assistance follow-up to recipients of SBA loans. Many small businesses have failed after receiving financial assistance and then being left alone to face the many problems that confront beginning business during its formative years. The problem is further aggravated by lack of sufficient manpower to carry out the SBA's mounting responsibilities. To some the SBA is almost exclusively a lending institution. We believe this is wrong. The original Act calls for technical and management assistance programs, among others. We believe the only way this important function can be accomplished is by making the necessary manpower provisions.

MANPOWER REDISTRIBUTION

We would, therefore, recommend that the manpower distribution of the SBA should be reduced in the Washington office in favor of more representatives in the field, particularly in management assistance. When a small business has a problem or needs assistance, he does not have the manpower or time to travel about to seek solutions. The SBA would be much more effective if it had more qualified management assistance representatives in the field to offer help to small businesses.

As of January 1, 1970, some 23% of the total SBA manning was in Washington. (Total 4,032—Washington 929—Field 3,103). Many states have but one or two specialists in procurement, management assistance and financial assistance available. A serious workload burden presently exists in many states particularly in the rural states.

With some 5,000,000 small businesses throughout the country, it is obvious that Washington is not "where the action is". Not only should the manpower be redistributed but the Administrator's major emphasis should be on visitations into the field to highlight SBA programs through an extensive program of public information.

POLLUTION

Over 100 years ago a famous New England philosopher, Henry David Thoreau, sounded a warning of our environmental crisis by stating that machines "insult nature." In the ensuing decades man pushed westward industrializing and developing new tech-

nologies to meet society's demand for greater consumption and affluence. Now the frontiers are gone and man must truly pay the price of progress by improving the environment and quality of life or he faces extinction.

Business and the government should share the responsibility of improving our environment. For many small businesses cost of pollution control through capital expenditures will be substantial—it may even be insurmountable. Corrective deadlines will be difficult to meet especially in industries where the state of art in pollution control lacks sufficient technology.

What concerns small business most are the methods by which the government requirement will be carried out in directly dealing with the problem. Such government characteristics as overlapping responsibilities, excessive bureaucracy, impersonal, haphazard and unbending interpretation of government regulations and a lack of comprehension of the economic effects of control devices are matters of serious concern to small business everywhere.

One United States Senator has advocated what may be the best approach to alleviate these problems. Senator Edmund Muskie has submitted legislation to create an Environmental Control Administration, "an independent agency charged with the responsibility for developing and implementing Federal environmental quality standards, supporting basic research on problems of environmental quality, stimulating and supporting basic research, control techniques and providing technical assistance to State, interstate and local agencies which would reflect the national commitment we need if we are to avoid ecological disaster."

To determine the effect of our environmental quality programs on small business, SBANE recently surveyed its membership. Response was large, immediate and representative. It reflects the intense interest that small business has in this subject. The results of the survey are as follows:

28% indicated they are facing a pollution problem, or were not sure if they were causing pollution.

30% indicated they had no knowledge of federal or state requirements.

62% indicated that the Small Business Administration should give loans correcting pollution a priority.

59% felt that the Small Business Administration should create a separately funded loan program for pollution equipment and abatement.

Our survey indicates that many small businesses either already have or are in the process of solving their contribution to the problem. Some of those that have not yet begun to take corrective measures are hampered by a lack of technology in their particular problem area, or have not yet solved the problem of how to finance their pollution problem. It should be noted that not only will the private capital expenditure produce no financial return, but it will also increase operating costs on a continuing basis.

Based on SBANE's survey and frequent discussion of small business pollution problems, we strongly recommend the following programs to enable small business to meet the environmental crisis.

1. That the Small Business Committees hold hearings to determine the economic effects of environmental control on small business.

2. That the SBA loan program be specifically adjusted to give loans at special rates for pollution control and be placed equal to disaster loans on the loan priority list. Similar to Senator McIntyre's Bill, S. 3528.

3. That the SBA through its Technology Utilization Program, establish Field Specialists to assist small businesses in pollution control counselling.

4. The creation of tax incentives to spur business to correct pollution problems.

## TIME FOR A NEW STRATEGY

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FINDLEY. Mr. Speaker, Farm Journal magazine, in its June editorial, does an outstanding job of bringing together all the items necessary for a new farm program which can help solve the problems created by the outdated, unwise, and wastefully expensive farm programs now in operation.

This leading national farm publication in its editorial entitled, "Time for a New Strategy," outlines the factors necessary for a farm program which will help the farmer, who is in unquestioned need of help, and at the same time turn away from programs which have been costly failures from both the farmer's viewpoint and the position of taxpayers. All are growing increasingly disappointed with farm program spending—too much of which is simply fattening the pockets of a few large landholders.

More farmers receive Farm Journal than any other farm publication in the Nation. It has gained the respect of this major segment of our agricultural producers by accurately reflecting their views on items of serious concern to them such as Federal farm program. We all need to consider proposed farm legislation in light of the editorial in the June issue which I am attaching to these remarks.

Before reading the editorial consider that the program provisions called for in it are nearly all contained in legislation now pending in the House Committee on Agriculture. The general farm program provisions suggested to help lead away from our current expensive government-payment-treadmill program is contained in my bill H.R. 9009 and similar legislation sponsored by 45 other Members of the House on a bipartisan basis. This legislation is also sponsored by 20 Members of the Senate. Steps toward improved farmer bargaining, also called for in the editorial, are contained in another bill I have introduced—H.R. 14496, the Agricultural Marketing and Bargaining Act. Here again, similar legislation has been introduced by six other Members of the House and four Members of the Senate.

The editorial calls for an active program for countryside growth and improvement, which is a program President Nixon is deeply committed to and I am confident will be generally favored by nearly all of us.

Unquestionably in this situation with the House Committee on Agriculture seemingly deadlocked, now is certainly an appropriate time for new strategy in gaining approval of a new farm program and the time is long overdue for a new direction for farm programs—one which leads away from the current heavy dependence on Federal checks by our Nation's farmers and away from the scandalously large Federal payments going to a few of our larger farmers or corporations who happen to own farm land. I am glad to add here the text of an editorial which so well outlines the current situation and at the same time provides an effective alternative to our current farm program impasse:

TIME FOR A NEW STRATEGY

That farm program ruckus that's about to break out on the floor of Congress should be a dandy. It is full of intrigue.

There's crafty Bob Poage, head of the House Agriculture Committee, who will be booming his fog-horn voice across the chamber trying to sell Congress a program as much like the Freeman '65 Farm Act as possible.

Then there's Page Belcher, who a year ago, as the ranking Republican member of the House Agriculture Committee, was livid because the Nixon people failed to pay him much heed in naming a new Secretary of Agriculture. Now Belcher has suddenly emerged as the Administration's "broker" in farm bill maneuvering.

*The Farm Coalition, made up mainly of the same cast that rallied support for Freeman program strategy, will try to add more "supply management" and higher and bigger government payments to the farm bill.*

Lying in wait on the House floor are Congressmen Paul Findley and Silvio Conte who got the House to clamp a $20,000 limit on payments to big farmers in 1968. They were finessed out of that by the Senate, but these two will be back stronger and wiser than before.

*Then there's the big American Farm Bureau Federation which has stood patiently on the sidelines sharpening its knives for the infighting that's ahead.*

One could almost get entranced by the intrigue and the political warfare, and stand back enjoying the whole scene, if farmers' future weren't at stake. Viewed from that summit, what has happened thus far is a disappointment—and the prospects are tarnished with doubt that we'll get something to gird agriculture for the new 1970's.

A major disappointment to many is that the bill which is expected to emerge from the Ag committee's heaving and haggling is pretty much the same old knobby-kneed '65 Farm Act. It isn't likely to be sporting even a new dress—just a patch or two on the old garment.

Others are disappointed in the performance of the Nixon Administration thus far. The farm and small town people of the nation put Nixon in the White House in 1968 when their votes off-set the urban majority who voted otherwise—and one would assume that farmers expected a change. After all, Freeman's popularity as the co-architect and purveyor of '65 Farm Act programs had dipped about as low as a thermometer will go.

The election put the Administration in a position to help move onto the House floor with a new program and develop a new design for the 1970's. Leading Republican Congressmen wanted a change. Many Democrats were disillusioned with the '65 Act programs. The White House had a veto to use for "persuasion" against too many compromises.

Instead, the Administration walked into Bob Poage's tent at the House Agriculture Committee to "work something out." With wily Bob Poage on one side—a battle-scarred veteran of years of hard farm program infighting—and with the soft-handed neophytes of the Administration on the other side, it was like the wolf inviting Red Riding Hood into the house to "work something out."

When the compromising on program principles was done, it was the Administration that had made most of the concessions. Now unless there is a last-minute change, the Administration will walk onto the House floor with its feathers picked. It will already have done its compromising and essentially will be supporting Poage's bill.

*Bob Poage is a sincere person—he tells you forthrightly that he thinks his approach is best for farmers. But it embraces the principles that sent cotton down the chute, has*

*left wheat growers clinging to government payments by their fingernails, and has heaped scorn on farmers.*

It might not be too late to write a really new farm program on the floor of the House. If they are listening, we hope that they will:

1. Set up a special program to help small farmers get bigger or ease into off-farm opportunities if they prefer. These are the people that need government help in a way that urban Congressmen can understand.

2. *Develop a separate program for commercial farmers—the ones who sell 90% of the nation's farm products and who need strong commercial markets and more freedom to plan their own management.*

3. Strengthen farmers' ability to bargain for fair prices in the framework of the private economy—instead of scurrying, tin cup in hand, for crumbs from the government table; which leads to becoming a regulated utility.

4. *Set up long-range reserves of land—which farmers would bid in—to meet the future needs of a country where 100 million more people will be added in the next 30 years.*

5. Develop an active program for countryside growth to invigorate rural towns and farm communities—making them better places to live and the nation better off.

## A BLONDE HURRICANE WITH TALMUDIC WISDOM

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PUCINSKI. Mr. Speaker, the very talented writer of the Chicago Tribune, Margo Coleman, has captured the poignant personality of a blonde "hurricane," Mrs. Mildred Hurwitz.

Mrs. Hurwitz has devoted most of her time and energy unstintingly to a most inspiring project—the sale of Israel bonds.

Indeed, the greatest measure of her success has been the fact that to date, she has sold $5 million worth of bonds.

Mrs. Hurwitz's success would be the envy of any corporate executive. She sets her sights on a high goal, and pursues it with the utmost efficiency, charm, verve, wisdom, faith, and a dynamism that never seems to stop.

This outstanding and lovely lady has earned the highest respect and admiration from all who know her, for she has set an example second to none.

Mr. Speaker, the Tribune article follows:

[From the Chicago Tribune, May 11, 1970]

A BLOND HURRICANE WITH TALMUDIC WISDOM

(By Margo Coleman)

What do you think of this line-up? Joey Bishop, Red Buttons, Sammy Davis Jr., Peggy Lee, Phil Foster and Mildred Hurwitz. *Mildred Hurwitz?*

Mrs. Hurwitz doesn't sing or tell jokes like the others—but she does just about everything else. While those other cats will merely perform at the Israel Bond 22d Independence anniversary celebration next Sunday, Mildred will have sold the bonds, handled the reservations, arranged the seating, planned the program, coordinated the events in advance of the gala, and supervised the decorations.

She is Women's Festival Chairman for the Israel Bond Salute of Stars, but to the staff at the bond office she's "the white tornado."

Blonde hurricane would be more like it. In gesture and speech Mildred Hurwitz whirls around like a lady with hyper-thyroid of the mind.

The diminutive yellow-haired Mrs. Hurwitz orchestrates her speech with emphatic whispers which rise to trumpet-like pronouncements. Both hands accompany her conversation as an index finger pokes the air or an open hand sweeps off somewhere to the side and heavenward.

The words spin out like Fast Forward on a tape-recorder. Her volume seems to be controlled by the degree of enthusiasm—which is generally high.

Mrs. Hurwitz is deeply committed to the cause of Israeli freedom. She says that "Freedom anywhere in the world hinges on whether or not Israel is pushed into the sea." It is her belief in the survival of Judaism which, she says, provides her with supercharged drive and energy.

"Plus," Mrs. Hurwitz says, "you set high goals."

Like 5 million dollars, maybe? She has personally sold that amount of Israel bonds since 1951.

How does a person sell 5 million dollars of *anything*?

"I believe in it," she responds. "And I do what I have to do." Mrs. Hurwitz says she is convinced totally of the need to assist Israel—"Otherwise, I couldn't sell anything to anyone."

Friends call Mildred "the queen of fundraising." She has a tremendous number of friends, a male associate says, and is associated with a dozen or more organizations. "She's a proven dynamo," he adds, "and whatever she undertakes, she completes." Mrs. Hurwitz is known for always taking on more than one job at a time.

She says she's behind with her reading and often falls asleep at 6:30 in the morning. A public relations man at the bond office says that's because "She's too charged up to sleep."

The dimpled lady, whose manner suggests she starts each day with a bowl of pep pills, has not raised 5 million dollars by accident.

She feels that the old concept of "friendly persuasion" can be turned into "public persuasion." And she adds, "The larger the bond purchase, the better the seat in the Opera house."

She thinks "It is human nature that man rises to the highest level of activity in front of his peer group." A genteel translation of the idea that man writes the largest check possible before walking in front of 4,500 peers in the Opera house . . . all of whom know how the seats were assigned.

Mrs. Hurwitz is known as well for clothes. A designer wardrobe has not gone unnoticed. She's sort of Skokie's Joan of Arc in a Dior.

"The female in us should never be ruled out," she says. Mildred thinks that life should include "all the ingredients of living," and clothes is one of them.

Her collection of outfits includes works by French and American as well as Israeli designers. Mrs. Hurwitz explains that "I have a responsibility to the United States economy, too. I want to inspire and motivate the American economy, and buying clothes is one way to do it."

## HITLER'S PHONY QUOTATION ON LAW AND ORDER

### HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, such "unempeachable" sources as Supreme Court Justice William O. Douglas and Parade magazine have been using a phony quote attributed to Adoph Hitler to make light of people in this country who would like a return to law and order.

The fictitious quote fits nicely into the liberal line because it equates anyone wanting law and order with Hitler.

Mr. John Lofton of the Republican Congressional Committee has researched the origin of the quote and finds it has no basis for accuracy and was never uttered by Hitler.

Mr. Lou Hiner, Jr., Washington correspondent for the Indianapolis News, has written an excellent column giving the complete story on the phony liberal quote devised to smear those who believe young adults in our colleges and universities should quit burning down buildings and act like responsible citizens.

Mr. Hiner's article follows:

HITLER'S PHONY QUOTATION ON LAW AND ORDER

(By Lou Hiner, Jr.)

A quotation on law and order attributed to Adolf Hitler in 1932 has been getting widespread circulation in 1970 because of the troubles in this country.

The fact is, Hitler apparently never uttered the quote. John D. Lofton, of the Republican Congressional Committee, has thoroughly researched the quote and reports it to be "completely spurious."

As used by many persons, including Justice William O. Douglas in his controversial book, "Points of Rebellion," Hitler is quoted:

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger. We need law and order."

Lofton said the quote apparently was used in the "trade winds" column of Jerome Beatty, Jr., in the May 1969 Saturday Review. Beatty told him he got the quote from a monthly newsletter edited by Dixon Gayer, a journalism prof. at California state college at Long Beach.

In turn, Gayer told Lofton he got it from Prof. Leroy Hardy of that school's political science department. Hardy claimed he had copied the paragraph from the office door of Prof. Larry Adams of the political science department at the University of California at Santa Barbara. Adams couldn't remember where he picked up the quote.

The Hitler quote popped up again last July in an editorial in the Des Moines Register. The writer said he read it in a speech made by Sen. Edmund Muskie, D-Me., before the National Council on Crime and Delinquency.

Muskie was checked and said the quotation originally had been called to his attention by a "very reputable personal friend" who had clipped it out of a publication.

"My staff has been working with the Library of Congress in an attempt to trace the original source of the quote," Muskie told Lofton. "Although they have found similar statements by Hitler in the early 1930s, they have not been able to find the exact source. I regret this situation."

The Library of Congress thoroughly researched the Hitler quotation and could come up with nothing. The library also checked two authorities on Hitler, William L. Shirer and Dr. William Allen White.

Dr. White, a specialist on Nazi Germany, doubted the quotation, saying it was not typical of Hitler because it was too concise. He doubted whether Hitler would have mentioned the disorders in Germany since it was his Nazi party that was stirring them up.

Other users of the phony quote included: Solidarity, the United Auto Workers publica-

tion; the South End, Black Panther-controlled newspaper at Wayne State University, Detroit; Chicago Tribune columnist Walter Troman; The National Register, a Catholic publication; The Atlanta Constitution; The Washington Post, and comedian Dick Gregory.

Gregory is even said to have embellished the Hitler quotation by adding these lines: "Yes, without law and order, our nation cannot survive. And we shall restore law and order. We shall by law and order be respected among the nations of the world. Without law and order our republic shall fail."

Thus may we end what some day might have become a familiar quotation.

## JOHN KENNETH GALBRAITH ON THE WAR

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RYAN. Mr. Speaker, John Kenneth Galbraith—author, professor, former Ambassador to India and Presidential adviser—has written a letter to the editor of the Washington Post which appears in today's edition of that paper. To its eloquent and articulate statement I can add little. More importantly, the thesis of Professor Galbraith's letter should be read and understood by every Member of Congress as well as the general public.

He points out that the war in Indochina is being perpetuated by the military bureaucracy which, in effect, controls the President and prevents him from listening to and heeding the opposition of the war weary public.

I include Professor Galbraith's letter at this point in the RECORD:

THE WAR: WHO WANTS IT?

Occasionally, on problems that have been long with us, we neglect to ask the most obvious and fundamental of questions. So it is with the war in Indochina. The question, a most important one, is this: Whence comes the support for it? Who wants it?

The experts on the area do not support it. They differ only on the desirable rate of withdrawal. The Congress can hardly be said to support it. The difference here is increasingly over how circumspect a man should be in his opposition. Few would hold that the war is popular in the universities or among the young—those who must fight it. I have just returned from a rather extensive trip through the South. On campuses there I would judge the opposition to be about on a par with Massachusetts, if more decorous. Until recently, the *genro* of cold war statesmen—Dean Acheson, John J. McCloy, Clark Clifford—could be assembled in support. They have deserted the cause. It is high doctrine on the left that businessmen support the war; this exercise in American imperialism is the ultimate expression of capitalism. But the stock market always goes down on news of an enlargement of the war and the stock market is not *always* wrong. It was businessmen who provided most of the money for the McCarthy campaign as I can affirm, for I helped raise it. Love for Gene ranked second to dislike for the war as motivation. The trade union leadership has been more constant in support of the war than business, but few would describe this conflict as a revolt of the working class. Those of us who have been close to the working levels (as they are called) of the civilian bureaucracy—State, USIA, even one suspects the much abused CIA—know that opposition there is widespread. In these last days it has come to the surface. Secretaries Rogers, Laird and Hickel have been variously credited with opposition, and Secretary Hickel has not, at this writing, yet been compelled to make the routine confession of support.

The clear answer cannot be escaped. This war is wanted only by the military power—not by individual servicemen and officers, but by the military bureaucracy. This bureaucracy controls the President, not the reverse, as it also controlled President Johnson. It derives added strength from its automatic spokesmen in Congress—L. Mendel Rivers, John Stennis, Strom Thurmond—and from the committee positions they occupy. But these men serve the Pentagon, not their people; they are, in effect, an extension of the military power. The constitutional crisis we face is not between the Congress and the President but between the civilian authority and that of the military to which the President has surrendered.

The outcome of this struggle is not in doubt—although many will disagree. The armed forces of the United States cannot have a war in opposition to the people of the United States. They cannot long exist in opposition to the people of the United States; our military tradition has always involved a close identification between the serviceman—the GI—and the people. And public opinion is ultimately controlling in this country not so much because of legal arrangements but because it cannot be controlled. No one who looks at the recently published Eisenhower papers can fail to see how well the importance of public opinion was understood by George Marshall, Dwight Eisenhower and the generals of that generation. The ultimate losers in this war, then will be the armed services. The causes of this loss will be the organization men who failed to follow the wise precepts of their predecessors, who thought the military power was somehow larger and greater than the people of the United States, and who believe they do not need the people. The military organizations they assume they serve will be the certain victims of their error.

## TRIBUTE TO WALTER REUTHER

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. EDWARDS of California. Mr. Speaker, the death of Walter Reuther has deprived the Nation of a great visionary and a great humanitarian. As one of the giants of the American labor movement, he never forgot and never allowed others to forget that the task of organized labor is unfinished. His thrust for social justice, his partisanship for the poor and the forgotten man, his tireless pursuit of a better world for all men, were a powerful antidote for complacency. He suffered the fate of many great men to be always ahead of his times. Let his dauntless optimism be a model and a guide for us during these deeply troubled times, and let his achievements be a reminder of what one man's will, fired with righteous anger and tempered with love, can accomplish in the world.

## COMBAT WATER POLLUTION WITH EFFLUENT TAXES

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention an article in the May 1970, Government Executive, describing a proposal to help curb water pollution. The proposal—imposition of a system of national effluent charges—is now being examined by the Senate Public Works Committee, and deserves similar treatment in the House.

The article follows:

WATER POLLUTION—WHO SHOULD PAY?

At the heart of the water pollution problem are the questions of who should pay and how can industry, the major polluter, be motivated to take the necessary steps to stop polluting the country's rivers.

Sen. William Proxmire (D-Wis.) believes that past efforts—which total over $5 billion spent by Government since 1957—have largely failed.

The reason, he believes, is because the present strategy—the two tenets of which include a policy of Federal subsidies for the construction of waste treatment plants and a Federal enforcement policy against individual waste dischargers—is inadequate to the task.

The new plants constructed since 1957 haven't kept pace with the rate of industrial pollution.

They have successfully reduced pollution in the country's rivers by roughly three percent, while industrial wastes dumped into rivers have increased by an astronomical 350 percent—stark testimony to the failure of Federal and state enforcement of existing laws.

Proxmire proposes a new strategy with two essential elements: (1) the imposition of a system of national effluent charges and (2) the development of regional agencies for planning and managing water quality.

"Under the present system there is an economic incentive to continue polluting the environment," Proxmire remarked. "It is simply cheaper in many cases for industry to pay a fine and continue polluting than to develop pollution control devices."

RENT USE OF WATER

Proxmire wants to make it profitable for industry not to pollute the water. He considers water a resource, like every other resource in the production process, which has to be paid for as a legitimate cost of production.

"The effluent charges I propose," he said, "would be levied as a form of rent for the use of the water to dispose of industrial wastes.

"Each polluter would be assessed based on the quantity of the water discharged and also on its relative strength and toxicity.

"There is no reason why the public should be made to pay the cost of cleaning up water which industry has used free of charge to carry away its waste."

Proxmire pointed out that since the charges would be levied on a per pound basis—perhaps at a rate of from eight cents to 10 cents—there would be direct incentive for polluters to reduce their waste production so that a major part of the charge would be eliminated.

The revenues from this—estimated to run around $1.5 billion annually—would be spent to build waste treatment plants for municipalities and to finance the establish-

ment of permanent regional water management associations which would be empowered to develop—and enforce—comprehensive pollution control plans.

As to advantages Proxmire sees five:

It promises to sharply improve water quality in a short period.

It places responsibility on the polluter, not on the public, to pay for damage to the environment.

It encourages waste reduction rather than waste conversion.

It provides substantial new sources of sorely needed revenue to finance the construction of municipal waste treatment plants.

It provides strong economic incentives for the creation of regional water management associations.

"Industry can either support a system of effluent charges which will enable them to make their own decisions as how best to reduce waste production through changes in the production process, or they can continue to face increasing state and Federal pressure to stop all pollution by a date imposed upon them. It is a choice between force and freedom."

The system has worked in several cases. In Otsego, Mich., the City Commission charged the one major industrial plant for treating its 1,500-pounds-a-day waste.

At the end of the first month the firm was charged for what it actually dumped—900 pounds, down 600 pounds from the previous 1,500 average.

The second month it paid for dumping 733 pounds, down over 50 percent.

The third month the waste was down to 500 pounds a day, a 66 percent reduction. This was a level which the town's treatment plant could handle.

In Springfield, Mo., similar steps were taken with firms being billed in advance with prospective charges based on past records.

A meat packing plant faced with a $1,400 bill managed by the end of the first month to reduce its discharge bill to $225 by changes in its production process.

"The Achilles heel of the bill," Proxmire stressed, "is the per pound assessment. It must be high enough to motivate changes, or industry will simply be encouraged to bear the expense."

BETTER THAN AVERAGE CHANCE

Asked about the bill's prospects in view of Nixon's clear water campaign, Proxmire stated that he believes it still has a better than average chance.

The Nixon proposals don't appear to have any substance behind them. They call for the outlay of $4 billion Federal dollars with a continuation of the old strategy.

The politics of enforcing fines on industry are important because of large campaign contributions made by companies. This is the Achilles heel of the Nixon program even though he calls for $10,000 a day fines to polluters.

Proxmire's bill is in committee now and is co-sponsored by 11 other Senators.

Backers believe it will stand up well in committee hearings, when the specifics of Nixon's program emerge, because of the strength of its logic.

They are dubious of Nixon's intentions, citing the fact that the Environmental Quality Council has met on the average of only once every three months (June, August and November 1969).

The fact that Proxmire's strategy will pay for itself, staffers reason, will have an irresistible appeal to even the most loyal Republican.

Proxmire hopes to get the bill out of committee and to the Senate by the end of the year with implementation into law by June 1971.

## SDS AND OUR SCHOOL SYSTEM

### HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, occasionally a letter of such outstanding quality and content is received by a congressional office that it merits distribution to the entire Congress.

One such letter I commend to the Congress was received recently from Mrs. W. N. Clasen, of Covington, Ind.

The letter is an emphatic commentary of the efforts by the Students for A Democratic Society—a misnomer if there ever was one—to destroy our public and private school system.

Mrs. Clasen has examined the evidence against SDS as uncovered by a congressional inquiry and makes some observations that I wish to bring to the attention of the entire Congress.

The letter follows:

COVINGTON, IND.,
*March 16, 1970.*

Mr. RICHARD L. ROUDEBUSH,
*Rayburn House Office Building*
*Washington, D.C.*

DEAR MR. ROUDEBUSH: The motivation behind this letter can be attributed to a recent opportunity to read the pamphlet "SDS Plans for America's High Schools", which you sent to Mr. Clifton Warner, Supt., North Vermillion School Corp., Perrysville, Indiana. I admit to having had a casual knowledge of this organization—primarily supplied to me through the usual media—newspapers, radio and television reports. However, after reading this report, I realize my heretofore information was meager, to say the least. I was formerly under the impression that this was an organization to be dealt with sternly and absolutely, yes; but now I am appalled to find out that a group with the open doctrine "The goal is the destruction of U.S. Imperialism and the achievement of a classless world—world communism", could be allowed to gain such control over our nation's youth.

How far out does the pendulum of law swing before it reverses and finds its way back to defend and uphold the very ideals this nation was built upon? Law and order is the issue here. Without proper and immediate direction from our Supreme Court, every lower court, every legislator, governor, college president, supt. of schools, right down to the "cop" walking the beat has his hands tied.

The youth are well led in these riots—or "demonstrations", as they are called. They fire bomb, break windows, burn buildings, stone the police and virtually nothing is done to punish the offenders. Until students are *irreversably* expelled for *any* participation in mob action; until the leaders of the mobs—SDS members, if you please, are jailed on charges that hold, these United States will see a continuation, even an *increase* in disruptive and destructive action for a long time to come.

The youth are notoriously idealistic, enthusiastic and easily led. They are presently following the Judas goat while we, the "silent majority", allow it to happen. The high school and college students of today are products of an affluent generation. Most of them have bright, eager minds, sound bodies and an irrepressible desire to "do good". They are really no different from the youth of *any* generation, except that they lack discipline and direction. They want to change all that is bad. GOOD! Let them first educate themselves and *then* set out to change the bad—armed with knowledge and wisdom—not rocks and bombs.

The Supreme Court can initiate the return to law and order by letting those adversaries know that individual rights can go only so far. When they infringe upon the rights of society, they have overstepped their bounds and the law must deal with them quickly and irrevocably.

As I mentioned before, the government pamphlet on the SDS prompted me to voice my opinion. Although I have a college education and consider myself "up" on current events, I realize now how very naive and uninformed I have been to date. This pamphlet, in fact, *all* information available on groups that would work to destroy our way of life, should be put in the hands of every American. Ignorance is as dangerous as misdirected idealism, if not more so! First things first—back to law and order!

I remain,

Sincerely concerned,

LINDA CLASEN.

## PETER REICH WINS 1970 AVIATION-SPACE WRITERS AWARD

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PUCINSKI. Mr. Speaker, recently a singular honor was bestowed on one of Chicago's foremost newsmen. Peter Reich, Aviation/Space Editor for Chicago Today, was awarded the 1970 space writing award of the Aviation/Space Writers Association.

His series of articles on the mission of Apollo 11—man's first steps on another celestial body—were acclaimed as the best description of that epochal moment written in the United States.

This is high praise indeed, and praise from men and women who know from personal experience the rigorous and intensely difficult task it is to "cover" space and aviation.

Mr. Reich's Apollo 11 series also was selected for first prize in the 1969 Associated Press Illinois writing competition last autumn.

Although Mr. Reich is the first Chicagoan ever to be so honored by his colleagues, he has received countless honors during his career. He has also won two Air Force Association "Newsman of the Year" awards for his work—the only newsman to be so honored. In addition, he has received four Associated Press writing awards.

He graduated from the Medill School of Journalism at Northwestern University in 1951 and prior to that he was a cadet at West Point with a class that included future astronauts, Edwin Aldrin, Frank Borman, Mike Collins, and Edward White.

Peter Reich represents the very top of his profession. His integrity and his genuine writing skill have marked him as an outstanding newsman. Tens of thousands of Chicagoans and people throughout the Midwest have relied on his coverage of space and aviation news. He has never disappointed them.

It is a pleasure to add my own personal note of thanks for a job superla-

tively done to Peter Reich today and to share some of his background with my colleagues in the Congress.

Mr. Speaker, the story of Mr. Reich and some of the honors he has received in his young life, follow:

FOR APOLLO 11 SERIES: OUR MAN WINS TOP WRITER PRIZE

The nation's highest honor for writing about space has been won by Peter Reich, aviation/space writer for Chicago Today.

It is the 1970 space writing award of the Aviation-Space Writers association. Reich won it for his series of articles on the epic Apollo 11 moon mission last summer—mankind's first lunar landing.

Writers from newspapers and wire services thruout the country competed for the prize, which never before has been won by a Chicagoan. Reich will be presented his award at a dinner in Las Vegas next month.

Reich's Apollo 11 series also captured first place in the 1969 Associated Press Illinois writing competition last fall. The series included Reich's account of the Apollo 11 flight from blastoff thru recovery.

Chicago Today sent Reich to Cape Kennedy for an eyewitness account of the historic launch, then to Houston to cover the rest of the mission from the National Aeronautics and Space administration's command center there.

The award is the second national top prize on Chicago Today's record in the last 2 months.

In February, this newspaper received the prestigious Edmund C. Arnold award as the nation's boldest and most innovative newspaper in design and makeup. The Arnold competition is the successor to the famed Ayer Cup awards.

The A. W. A. honor is the second national award for Reich. In 1966, he received the United States Air Force association's national citation for distinguished aero-space reporting. The A. F. A. award covered magazines, radio, television, and lecture platform presentations as well as newspapers.

Reich also has won two Air Force association (Illinois wing) "Newsman of the Year" awards for his work—the only newsman to be so honored. He has received four Associated Press writing awards—for articles about a ride in a B–52 jet bomber, the death of an Atlas missile, and the training of infantry, in addition to the Apollo series.

A 1951 graduate of Northwestern university's Medill school of journalism, Reich was a cadet at West Point in 1948, along with several future astronauts, including Edwin (Buzz) Aldrin, Frank Borman, Mike Collins, and the late Edward H. White, II.

White died in the 1967 Apollo launch pad fire.

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BIOGRAPHY OF PETER REICH

Peter Reich has been a general assignment reporter and aviation/space writer for Chicago Today and its predecessor publications since 1952, when he graduated from the Medill School of Journalism, Northwestern University.

Reich has won numerous awards for his work. These include two "Newsman of the Year" citations by the Air Force Association (Illinois Wing), and the 1966 "Citation of Honor for Distinguished Aerospace Reporting" by the Air Force Association (United States). The latter, the highest award in its field, is given to only one newsman a year, and covers not only newspapers but radio, TV, magazines, and the lecture platform. Reich also is the only newsman to receive two "Newsman of the Year" citations.

He also has won four Associated Press writing awards—the first in 1958 for his story of a ride in a B–52 jet bomber; the second in 1963 for an article detailing the death of an Atlas missile; the third in 1966 for his series on "The Making of a Soldier, 1966"; and the Fourth in 1969 for his series on the Apollo 11 moon landing mission.

Several of Reich's stories have been read into the *Congressional Record*.

Reich has a number of "firsts" to his credit:

First Chicago newsman to fly thru the sound barrier. (1953, 1956)

First Chicago newsman to go thru the air force arctic survival school. (1958)

First Chicago newsman to ride in a B–52 jet bomber. (1958)

First Chicago newsman to experience zero-gravity and lunar gravity in the astronauts' training plane. (1964)

Chicago Today has sent Reich on assignments all over the world—from Cape Kennedy to Europe, South America, and even the South Pole. Reich toured Antarctica for a series of articles in 1962.

In addition to writing about aviation and space, Reich has appeared as guest expert on numerous radio and TV shows around the country.

He has delivered some 500 lectures on aviation/space to audiences around the country and in Europe.

He was elected to Sigma Delta Chi, professional journalism honorary.

He is listed in Who's Who in the Midwest and other reference biographies.

He lives at 5455 No. Sheridan Road, Chicago, Ill.

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## TRIBUTE TO HON. ALPHONZO BELL OF CALIFORNIA

### HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. McCLOSKEY. Mr. Speaker, our colleague, ALPHONZO BELL, was recently honored by an editorial in the Los Angeles Times. In view of his 10 years of service to the Nation, and my personal hope that that service will be continued, I take the liberty of inserting that editorial at this point in the RECORD:

[From the Los Angeles Times, May 19, 1970]

BELL DESERVES TO KEEP HIS SEAT

Some segments of the Republican Party currently are engaged in trying to punish Rep. Alphonzo Bell (R-Los Angeles) because he had the courage to speak his mind about the way Mayor Sam Yorty campaigned for reelection last year.

We think these efforts are wrong and should be repudiated. They do the party a disservice.

Bell, a former state and county chairman of the Republican Party, has a long and distinguished record of service to his party and to his constituents in the 28th Congressional District. He was GOP state chairman in 1956–58.

It's true he is not a far-right conservative. But neither is he a leftist. For instance, he has a better record of supporting President Nixon's domestic policies last year than do such GOP conservatives as Rep. Del Clawson of Compton, Rep. Barry Goldwater, Jr. of Burbank or the late Rep. James Utt of Santa Ana.

There is reason to believe that the elaborate and hard-driving campaign against Bell is motivated to a large degree by those who think he erred in opposing Yorty and in supporting Councilman Thomas Bradley, a Negro in last year's mayoral election.

Surely it couldn't be that Bradley is a Democrat. For Yorty, too, is a Democrat and some of Bell's most ardent foes were found to be backing a Democrat (Yorty) last year.

And it would be a sorry scene if the GOP leaders in the district permitted themselves to be cast in the role of punishing those who support candidates, of whatever race, whom they personally oppose.

Now, if it's a matter of Bell's record in office, that is fine. That's what elections are all about. And on that score, Bell clearly deserves another term in Congress. He has earned the respect and support of Republican leadership in the House. And he holds important seniority on the House committees on education and labor, and on science and astronautics—both important to this area.

We think a relatively small handful of wealthy kingmakers in the party made a mistake when they selected John LaFollette to do their bidding in the congressional race. And as the heavily-financed campaign has developed, it has become clear that LaFollette is far less qualified to represent the district in Congress than is Bell.

We wholeheartedly endorse Alphonzo Bell at the June 2 primary election.

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## STUDENTS FORCE UNIVERSITY TO REMAIN OPEN

### HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. CRAMER. Mr. Speaker, 2 days ago I urged my colleagues to support the Student Antiviolence Act aimed at protecting the rights of law-abiding students to an education in America without fear of violence or intimidation.

As a cosponsor of this badly needed legislation, I singled out for praise two law students who went into court and forced the University of Miami to remain open despite the efforts of the administration and campus militants to close the classrooms.

Today, I received a communication from another UM law student, F. Lawrence Matthews, outlining exactly what happened at the University of Miami. The events on this particular campus carry a message for all of us.

Here is the full text of Mr. Matthews' report:

REPORT BY F. LAWRENCE MATTHEWS

The experience of the University of Miami in the days following the killing of four students at Kent State University was unique and provides a concrete example of how the great majority of students can protect their rights to attend classes and receive an education when the school administration surrenders its authority to the demands of a vocal, demonstrating minority.

The killings occurred on Monday. On Wednesday there was a mass rally in front of the Student Union on the Coral Gables, Florida campus in commemoration and protest. Henry King Stanford, President of the University of Miami, cancelled classes for one hour for this memorial. After the rally small bands of students refused to return to class and roamed the campus forcibly lowering all the American flags they could find.

By the next morning, the protest had become part of the nationally coordinated student strike. A small group of students blocked the entrances of the Ashe Administration Building. They were joined by several hundred students who either supported the action of the strikers or were curious as to the effect they would have. R.O.T.C. students who were in the crowd opposing the strike showed their opposition by wearing their uniforms. The protestors' chant was

"On strike, shut it down." That morning the faculty senate had an emergency meeting and recommended that President Stanford suspend classes for four days. President Stanford decided to follow their advice and classes were suspended until Monday morning.

That afternoon, two law students, Arthur Cohen and George Kokus, believing that they had a right to attend the classes they paid for which could not be abridged by the University filed suit in the Circuit Court of Dade County. On Friday morning Circuit Court Judge Henry Balaban issued an order requiring the University to reopen or show cause why it should remain shut.

A full hearing was held on Saturday morning May ninth. After hearing President Stanford, the two students and several other witnesses, Judge Balaban decided that cause had not been established by the University and ordered the school to be immediately opened.

For years a small vocal minority has been making various demands on the school authorities at different campuses in this country. Often they are met with no consideration being given to the large number of students whose opinions differ. For probably the first time, students have gone to court and been able to force school administrators to protect their rights as students and individuals who desire to attend class and learn.

The effect on the campus was dramatic. After momentary confusion over its application, the effect of the order seemed to shock the general student body into an awareness that all students had rights which could be infringed. An attempt to continue the strike and shut down the school again on Monday May eleventh failed as only three out of eighteen thousand students showed up to try and close the administration building.

That same day over twelve hundred students in a three hour period signed a petition to keep classes open for those who wished to attend and make arrangements for those who wished to dissent to have the opportunity to make their dissent known peacefully. This petition was signed by campus radicals whose shirts had red fists stenciled on them and Cuban exile students, probably the first time these two groups have ever agreed on anything.

With many of our schools closed, swept with violence, and surrendering to the demands of the militant few, Arthur Cohen and George Kokus have, by their example, shown the peaceful majority that they can protect their rights in the courts rather than the streets and warned the different universities that it can be dangerous to ignore the right of students to get an education. Peaceful dissent, of course, must be protected, but dissent is not permission to invade the rights of others.

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## IMPLICATIONS FOR POLITICAL RESPONSIBILITY AND PUBLIC POLICY

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### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. QUIE. Mr. Speaker, our colleague, WILLIAM STEIGER, addressed the Conference on Vocational Education and Training Under a Comprehensive Manpower Policy held at the University of Wisconsin, on May 14, 1970. His remarks were entitled, "Implications for Political Responsibility and Public Policy."

He reviewed the workings and shortcomings of our present manpower programs, various alternatives under consideration before the Education and Labor Committee, and gave a good summation of several points of view on the more controversial sections of the pending bills to reorganize Federal manpower programs.

I commend the speech to my colleagues:

IMPLICATIONS FOR POLITICAL RESPONSIBILITY AND PUBLIC POLICY

(By WILLIAM A. STEIGER)

Recently, I've heard a number of people say we really don't need a manpower bill this congressional session. The administration, so the argument goes, has a good deal of authority to streamline program guidelines, improve the delivery service of the employment service and encourage more planning and coordination at the state and local level. At times when I think of the problems that we face in trying to arrive at the best legislation, I am almost ready to agree with the skeptics.

I think, you will concur, however, that failure to tackle the very real problems we now have in the manpower field may well result in more serious problems in the years ahead.

Manpower programs have by their very size, broad utilization and substantial expenditures of public funds, achieved strategic significance in our economic as well as social policies.

We now look to manpower programs, rightly or wrongly, to solve the problems of poverty, welfare, unemployment, crime, race, to name a few.

The Employment Act of 1946 said: "All Americans able to work and seeking work have the right to useful remunerative, regular and full-time employment, and it is the policy of the United States to assure the existence at all times of sufficient employment opportunities to enable all Americans to freely exercise this right." This was a statement of Congressional and National intent. In the intervening 24 years, we have been trying to put it into practice, with an erratic degree of success.

However, now, in 1970, the Nixon Administration has proposed, and the House of Representatives has approved, legislation requiring as a prerequisite for family assistance funds that every person who is able to work be given either training or a job, and, in addition, individuals who are working, but earning below the poverty level, must register for upgrading or higher degrees of employment. In order to receive family assistance, poor individuals must seek training and work and the goal of the program is to get people off welfare into self supporting roles.

The implications for our manpower policy are tremendous and quite frankly, I don't think our present structure is up to the demand.

At the same time, we are demanding that the poor take jobs, we are faced with rising unemployment affecting skilled, middle-class workers as well as the last hired, first fired. Prior to the recent economic slowdown we generally congratulated ourselves as a Nation at having reached such a low level of unemployment. We proclaimed that our economic and manpower policies were working and the low unemployment rate was proof. As Charles Killingsworth has pointed out, however, we failed to take a number of factors into account—the Vietnam buildup resulted in both a major expansion in the size of the Armed Forces and the number of blue collar jobs available. The unemployment figures did not reflect those who had simply given up looking for jobs. The less-educated, the nonwhite, the teenager, the resident of the central core of the big city or the depressed rural area still remained trapped by unemployment.

Now we face a slowdown in the economy and a deescalation of the Vietnam War with an accompanying cutback in the defense industry. Now the skilled, middle-class worker has taken a place in the unemployment compensation line along with the sometime welfare recipient.

All this comes right at a time when there is decreasing willingness to accept unemployment as an inevitable result of economic or social conditions. Taxpayers balk at paying for more welfare. The poor are demanding jobs. The skilled worker, who considered himself secure in the world of work, finds his job threatened and intends to pressure the Government for equal assistance in locating and/or providing suitable employment.

Training, upgrading, retraining are being demanded. Our manpower system is really being called upon to perform.

There are two other important considerations for manpower programs, both related to education.

First, as Hugh Caukins, of the National Advisory Council on Vocational Education, has stated, "the number of men and women who are lifted out of unemployment through the manpower programs is almost exactly matched by the number of young men and women who enter the job market without the skills and preparation necessary to qualify for employment."

Secondly, we have developed a caste system of acceptable work in this country. The plumber or electrician who makes $20,000 a year is somehow second class because he doesn't wear a suit or carry a briefcase. Manpower training has come to be looked upon in some circles as the second-class way to go, if you can't make it in the regular system.

Given the very real problems manpower policy is expected to solve and the very real problems our present system faces, we need, it seems to me, a very substantial redirection of our manpower efforts to date.

This redirection must take two forms.

First, we must tailor our programs to meet the needs of the individual—not the project administrator or the job counselor, or the Washington bureaucrat who processes the papers.

At the same time, we must develop a mechanism for establishing and implementing a national manpower policy.

Let me address myself to the latter first.

Manpower policy and programs cannot stand in isolation to other national policies and programs. Education, the War on Poverty, Rural and Urban renewal, Housing, National goals are all affected by and affect manpower programs and policies.

I have touched briefly on the problems of education versus manpower training. To date we have treated one in virtual isolation of the other. In some cases, educators have held to the belief that only education can improve the lot of the individual—training is the key. They have looked with suspicion on manpower efforts which involve training outside of the classroom and have charged that a dual system of education was being developed. On the other hand, manpower experts have often contended that all of the education in the world is useless if there is no job at the end of the process. Furthermore, the manpower enthusiast argues, the education process has failed. Many of those coming through the system aren't trained for anything and can't find a job, thus manpower programs have to do both the education and the placing.

Obviously, common sense dictates that education and manpower programs be complimentary not competitive. School and work must be linked, not simply in the normal progression of school to job, but after formal schooling is completed and retraining or upgrading in skills is necessary.

Another aspect of manpower policy which requires national attention is the inevitable cutback, redirection, and even elimination of some industries as national policy, automation and foreign competition dictates

changes. At present, it is widely recognized that there is a severe housing shortage in the country. The service related industries are short of employees. Health care is crying for qualified personnel. At the same time, our defense industry is being cut back, the space program is being de-emphasized. At the risk of oversimplifying the situation, at present there is no real mechanism for shifting Federal expenditures, providing for wide scale industry retooling, or directing manpower from one area which had priority to another which now demands national attention.

In a related area, imports are threatening domestic industries which employ millions of American workers. A sign of the significance of the impact imports are having can be found in the reversal in attitudes of labor unions over the last few years on the issue of free trade.

Traditionally, the majority of organized labor has regarded free trade as one of the workingman's best friends, pointing out that the worker is also a consumer and imports keep prices down thus helping the worker guard his purchasing power.

Now, writes Frank Porter in the May 10 Washington Post, the AFL–CIO has reversed its policy arguing "that the old concepts of free trade and protectionism have been outmoded by the spread of managed national economies that encourage exports and hinder imports as a matter of policy, by the internationalization of technology, the great rise of U.S. investments overseas and the proliferation of multinational companies . . ." Sentiment has been growing in so many circles that the most serious Congressional interest in years has been aroused with regard to import limitations.

Another matter which deserves national attention is the redefinition of jobs and the education and skills needed to handle them, as well as a redirection of national thinking as to what constitutes an acceptable job. Given the social stigma attached to some jobs, companies have been requiring more education, retitling the position, demanding more experienced applicants. For example, secretaries are referred to as executive assistants; garbage collectors as sanitary engineers, maids as household technicians. This is fine taken at face value.

However, while the change in title reflects no real change in the job description, the employer now requires his "executive assistant" to be a college graduate while his former "secretary" served him well with a high school education. The sanitary engineer may now need a high school diploma while the garbage collector needed no such document. Thus, we see while the basic job has not changed, the retitling may have screened more people out of the labor market.

Certainly existing jobs can be broken down or redefined so physically and mentally handicapped individuals can fill them or so individuals with intelligence, but without formal education, can not only fill them but rise according to their abilities.

These are just some of the problems which demand national attention, evaluation and coordination.

Congressman O'Hara's bill provides that the Secretary of Labor is responsible for coordination of pertinent activities of all Federal, state and local public agencies, as well as private agencies, and recommends to the President and to Congress shifts in programs and responsibilities.

The Administration's bill establishes an intergovernmental advisory Council on Manpower composed of Governors, mayors, and other appropriate elected heads of local government, to advise on federal-state-local relations under the Act.

Under my bill, as well as under the Administration's bill, funds are reserved to the Secretary of Labor to fund programs which have national implications.

However, none of the three bills before the Congress comes to grips with the questions of coordination at the federal level and of national overview of manpower related policies and problems.

There have been a number of suggestions made for addressing some or all of these problems. Among them:

1. Congressman Pucinski, Lowell Burkett and Howard Matthews have proposed that an independent national manpower advisory council be established. Basically, such a council would be representative of the operating departments and agencies involved in manpower, education and related fields, as well as the public. It would set national goals, evaluate on-going programs, prepare general guidelines, etc.

2. Walter Helms, appearing before our Committee, proposed creation of a Federal commission on Manpower, Education and Training to establish and monitor the operation of the Federal Institutes for Manpower, Education and Training. The Federal Institutes, relying heavily on automatic data and the information processing technology, would become the national focal point and clearinghouse for the study and dissemination of information concerning federal manpower, education and training policies and programs; they will develop and provide instructional technology and support personnel, and would monitor ongoing programs. The Commission would provide overall direction to the work of the institutes.

3. Leon Keyserling, quite naturally, feels the Council of Economic Advisors should be the main planner and coordinator.

4. The Domestic Council proposed by the Nixon Administration, and approved by the House, would have as its broad directives—assessing national needs, collecting information and developing forecasts, for the purpose of defining national goals and objectives. In addition, the Council would coordinate the establishment of national priorities for the allocation of available resources and maintain a continuous review and evaluation of the conduct of ongoing programs and propose reforms as needed.

While we must decide what form national goal setting should take, we are confronted with an existing set of manpower programs and policies which daily affect the lives of thousands of our citizens. And these day to day demands make it imperative that we move with dispatch to improve what we've got.

The rapid development of manpower programs in recent years has generally reflected a healthy period of innovation and progress in the manpower field. But each program was developed to meet an existing need at the particular time. Both authors and administrators felt that their program should be maintained, so when new problems arose the solution was to create a new program rather than revise existing ones. We have now reached a point where program proliferation is interfering with the development of long-range manpower planning, hampering the efforts of state and localities to adapt national programs to the widely differing circumstances within each community, and acting as a barrier to the effective linkage of educational, manpower, health and other services needed by numerous individuals prior to employment.

Various combinations of Federal, state and local agencies are now entangled in a confusing and frustrating competition to serve the same manpower clientele. The distribution formulas are different. Project-by-Project approval of programs remains cumbersome and time consuming. The needy individual is forced to adopt to program requirements rather than having a variety of services packaged to fit his needs. And there is almost a total lack of accountability.

But you know the problems. Our task is to find solutions.

I began my search about 2 years ago. The ultimate consideration in the structure and administration of manpower programs must be the packaging and delivery of all services needed by the individual. Some of these can be anticipated by the Federal government, most of them cannot. We need to ask, "What can Federal, state and local governments and related private agencies each do best?" and "How can we strengthen the capacity of each level of government to perform its role more effectively?" Wary of the performance of state and local governments in the past, every time decision making power has been shared with states and localities such as in CAPS, CAMPS and CEPS federal guidelines are omnipresent and often similar programs are launched which bypass these structures completely.

My bill, and the Administration's, attempts to deal with these problems. Let me underline "attempts" because if one thing is clear from the 27 days of hearings we have just completed in the House, none of the bills is of itself the ultimate solution.

I'd like to discuss some of the major provisions and some of the alternatives or changes which have been proposed.

DECATEGORIZATION

During our hearings, Utah's Governor Calvin Rampton and Mitchell Sviridoff of the Ford Foundation discussed the federal guidelines that might be established in a decategorized system. Sviridoff counseled, "The Committee would be well advised to obtain from the Secretary at least a preliminary indication of how he intends to exercise his authority on decategorization and to make its own desires clear in the legislative history of the Act." We should know, he says, what the nature of the Secretary's planning guidelines will be. Will they mandate a wide variety of programs, taking note of the special needs of youth, of present New Careerists, of apprentices, of blue collar workers needing upgrading? Will they permit the latitude necessary for the development of plans relevant to diverse and varied states and localities?"

It is this latter question which concerns Governor Rampton. He warns that legislating decategorization won't insure its implementations. He says,

"The 1967 amendments to Title I–B of the Economic Opportunity Act authorized decateorization of those programs. Yet today, after nearly three years, Title I–B Programs remain structured essentially the same as prior to the 1967 amendments. Without the cooperation and commitment of Federal agencies, decategorization will remain nothing more than a nice phrase. . . . We find ourselves frequently confused between the top level advocacy of decategorizing and decentralizing manpower programs, and the day to day decision of the federal bureaucracy"

Both Hugh Caukins, of the National Advisory Council on Vocational Education, and Daniel Kruger of the school of labor and industrial relations, Michigan State, have suggested that monies presently set aside for manpower services for the socially disadvantaged under the Vocational Education Act amendments of 1968 be included in the MTA. "We anticipate," Caukins says, "That the legislation would mandate the use of these presently appropriated funds in approximately the present proportion as between the remedial and the preventive effort."

The scope of all three bills is limited to the consolidation of MDTA, the manpower programs under the Economic Opportunity Act and the Employment Service insofar as it is involved in such programs. To be truly comprehensive, several witnesses have suggested, we need to include WIN (and eventually Family Assistance which will replace it), and other manpower programs administered by the Department of Labor such as apprenticeship. In addition, vocational education

and vocational rehabilitation should have an active role in the formulation and coordination of programs under this legislation. We all recognize that the broader the scope, the more difficulties involved in obtaining Congressional approval. It seems essential to me, however, that at the very least legislative history made clear that Family Assistance must be coordinated with comprehensive manpower activities.

DECENTRALIZATION

Jim O'Hara's bill, as you know, would retain the Secretary of Labor's authority to contract for manpower and related services with state and local governments, as well as private agencies, as he sees fit. In all frankness, I do not see how this improves our present system one iota, and I agree with Garth Mangum's assessment that "the current contract negotiating and administering responsibility is beyond federal capability."

In applying the Nixon Administration's New Federalism to ongoing or new programs, the first decision always concerns the proper roles of state and local governments. There is no pat formula to be applied—that we know. Factors which must be carefully weighed include: the limits of the Federal government's capacity to effectively influence day to day operations at the state and local level; the ability and desire of state and local governments to not only handle the immediate responsibility in the particular field, but their capacity for improvement as well.

Essentially my bill and the Administration's proposal try to maintain Federal direction, control and evaluation, while permitting state and local initiative in planning an organizing of service, enhancing political accountability, enlisting local talent and improving administrative performance.

Two factors must be emphasized. First, I believe political accountability at both the state and local level is essential. Second, while my bill does not provide for a pass through to large metropolitan areas, I believe it is a necessity.

Striking the balance between the three levels is a precarious task. On the one hand we need to maintain flexibility. On the other, we must make it clear who has responsibility.

The O'Hara bill, I rule out, because it is too flexible in determining these relationships. The Administration's bill, on the other hand, sets down a rigid formula which must be adhered to in all 50 states and all SMSA's. In my bill, I tried to place the responsibility for state performance squarely with the Governor, while establishing a separate planning body. In trying to balance flexibility and responsibility at the local level, however, I could not devise a mechanism to accomplish the same goals. Hoping that some solution would be found during hearings and continued discussion, I decided to defer the question. I find now that I was not alone in my dilemma, and I am convinced that it will not be possible to establish one format to be used at the metropolitan area level.

Returning to the federal-state relationship for a moment, the Committee did hear substantial testimony to the effect that the organization of state government may not always lend itself to the creation of a Comprehensive Manpower Agency. In some states, constitutional changes would have to be made before such an agency could be created; in most the approval of the state legislature would be required. This, it seems to me, will unnecessarily hamper the state's full participation in the manpower field.

On the other hand, as Sviridoff has pointed out, "some states have already created or are in the process of creating comprehensive manpower agencies that combine the planning and operational functions. . . . these states might not be eligible for their full share of federal funds under the requirements of the proposed MTA."

Governor Rampton says, "I would go further in emphasizing that the individuality of states with their particular target populations, institutional structures, and legislative and constitutional mandates must be recognized. In that regard, I would suggest reconsideration of the tendency in H.R. 13472 to direct the organizational structure of state government. There are as many viable alternatives as there are states. Decentralizing administrative responsibility to the states while holding them accountable for their performance does not appear to require any particular model for all states to follow."

While the Administration's bill would permit the inclusion of vocational rehabilitation and vocational education in the Comprehensive Manpower Agency, the governor may not wish or may not be able to do so. He may want to provide a coordinating mechanism between manpower and education which could be hindered by the existence of competing agencies. "There is no reason for national uniformity, effectiveness rather than form is the objective," as Garth Mangum says.

Assuming the Committee could overcome the hurdle of letting the states participate to some degree in planning and operation, the next consideration is how much real authority the states will have. Under the present programs, even when the states play a role in determining priorities within their boundaries. The guidelines are handed down from Washington with little input by the states themselves. Daniel Kruger argues that, "if creative federalism is to work, the states must be involved in shaping the policies under which the manpower programs are to be conducted." He recommends the designation of an Associate Manpower Administrator for each state appointed by the Governor who acts on the Governor's behalf and has a positive initial input into Federal policy.

I envision a good degree of flexibility at the state level to develop their own plans and activities. Through the Federal-state contract executed prior to the development of the state plan and the designations of operating responsibilities, it is my intent to avoid the restrictive guidelines process by permitting variations in the contract based on the particular situation in each state.

The degree of authority and the amount of funds granted to metropolitan areas is another major point of contention. There are Congressmen who oppose the creative federalism concept, yet want the cities to have a good deal of responsibility for their own manpower programs. Others, including myself, don't feel the city can be isolated completely from the rest of the state, but realize that the cities have a large share of the manpower surplus and problems and need to have an important role in determining manpower policies.

The Governors suspect the cities and either want full responsibility for city programs or want to designate the local prime sponsor. The cities suspect the States as not being responsive to their needs. They want a direct relationship with the Federal Government. The Suburbs have more and more of the jobs, but they are leary of the central cities. They want to know if they will come under the city or the State plan.

First of all let me address myself to the concept of the Standard Metropolitan Statistical Area. Testimony before our committee has been on the whole negative with regard to using this as an absolute determining factor for the pass-through to metropolitan areas.

In some cases the SMSA is too large. Some states have already developed regional planning units which do not fit the SMSA mold. I originally thought of setting a population limit to insure that only the largest SMSA's representing the major metropolitan areas would be covered.

At this point, however, I agree with the Chamber of Commerce assessment that "there does not seem to be any satisfactory uniform solution." We need general standards guaranteeing funds, as well as planning and operating functions, to the largest metropolitan areas, but we need to be flexible on the area and mechanism used to carry out local responsibility.

Solving the geographic problem should be much easier than deciding who shall have ultimate responsibility in the area and how he goes about enlisting the cooperation of surrounding areas.

Under the Administration's bill, it is the intent that the Mayor be designated prime sponsor. The Mayors agree with this. The Governors, however, would like to have a hand in choosing the prime sponsor, and the National Association of Counties feels that the county administrative officer is the logical choice.

Stephen Berman, Vice Chairman of the Connecticut Manpower Executives Association, recommended creating a special regional evaluation and selection council to evaluate and choose the prime sponsor. The council would be composed of economists, manpower experts, employers, labor, government and community spokesmen. It would be appointed by the regional manpower administrator in collaboration with the regional directors of OEO and HEW.

Quite frankly, I lean toward the mayor of the central city. The problem then is how do you get the surrounding jurisdictions to cooperate.

Since cooperation cannot really be legislated, money has been suggested as the best carrot. Bonus plans or incentive grants which increase the manpower funds in a particular area may entice the suburbs to work with the central city. It seems to me that the states have a good deal of influence here. If they make funds available to the suburbs without regard to the central cities then surely efforts at cooperation will be greatly diminished. On the other hand, if the states withhold funds from the suburbs until cooperation is reached, they have a substantial tool at their disposal for furthering better working relationships between central cities and the surrounding areas. The Secretary of Labor has responsibility here as well. His authority to approve or disapprove all or parts of state plans gives him a significant effect on the cooperative mechanisms within states or between them.

As Mitchell Sviridoff has observed:

"The hostility that frequently breaks to the surface between these elements of our Federal system is certainly non-productive and often counter-productive. I am afraid, however, that these tensions will not be easily dissipated in the near future. They are built into the existing political and socio-economic systems, and no single piece of legislation, even one as important as the pending manpower legislation, will change that situation. This requires great care on the part of those who would decentralize Federal programs. Ignoring these tensions will not do; rather legislation must explicitly lay out and protect the powers and responsibilities of both levels of government in hopes of ensuring effective state and local roles and of minimizing conflict between the two."

This is an area where the Committee needs more constructive thinking and recommendations.

PUBLIC SERVICE EMPLOYMENT

One other area where I see major storm clouds rising within our Committee is the question of public service employment. The

question is not whether or not, but what scope.

The Committee has certainly received a good deal of testimony in support of the O'Hara proposal. Even the NAM thought a substantial program was in order.

Perhaps instead of reviewing the generalities on why such a large scale program should be desirable, I will simply pose some of the questions I have with regard to such a proposal.

First, cost. Hal Sheppard and others have argued that cost should not be a consideration. They say there are socially useful jobs which desperately need doing and the Government must come up with the money.

As I see it, every other program that has a constituency fields the same argument when appropriation time comes around. The authorization levels for most of our domestic programs is way over the appropriation level. I just don't see the Congress now or in the near future appropriating $5 billion for a Public Service Employment Program. Do we create the program all the same? Hold out the guarantee of employment which is not there? How can we do this again and be fair to those in need of work?

2. What type of jobs are we talking about? Make work or Career ladder types?

From all that I can gather those who envision a massive program include both types.

As a tool of economic policy, make-work positions seem the most feasible. They can be put into operation relatively quickly. They often involve deferable projects which can be held in abeyance until the economy slows and there is a need to channel workers into them. These would undoubtedly be temporary jobs to tide people over between the end of unemployment compensation benefits and an upturn in the economy when more jobs are opening.

Day to day public services such as health care, employment counseling, police and fire protection, do not lend themselves to great flexibility. The positions for the most part require a degree of skill and education. They cannot be turned on and off like a faucet. Public service of this type should be of the highest quality. Certainly, a portion of our unemployed have the ability to accept such positions. So does a sizable portion of our readily employable population. Should we preserve these jobs for the disadvantaged alone. If we preserve even a portion of them, will real career opportunities be provided or will the individual be handicapped by education and degree requirements needed to advance up the ladder?

3. This brings me to a third question. Do we know that the unemployed even want this type of job, particularly those such as health orderly, food service attendant, sewage treatment plant worker? At an Urban Coalition seminar several months ago, it was suggested that these really are the jobs that nobody else wants. They are not usually the jobs of the future, but the jobs most likely to be replaced by automation and new techniques.

4. Assuming $5 billion was allocated by Congress. How would this be used? How much would go for training, transportation and related services? How much would go for salaries? Certainly, the salaries of health care personnel would be higher than those of street sweeper, but what would be the scale? How long would the program last, indefinitely, or would it be renewable each year at the whim of Congress?

In short, what I am trying to say is that while some public service employment may be desirable as a part of our manpower policy, I don't find that anyone has really thought out the details very carefully. It seems to be imperative that some very detailed planning be done prior to enactment—not after, which has too often been the case with other programs. I would also emphasize that we have not even been able to get our manpower programs and policy working smoothly in the private sector. That is what the Administration's bill and mine are trying to accomplish.

Given our past track record, I don't hold a great deal of hope for getting an effective public service employment program at this time.

TRIGGER MECHANISM

The trigger mechanism to increase expenditures for manpower programs by 10% when unemployment reaches 4.5% for three consecutive months, while not without precedent, is an innovation in the manpower field. Most of the criticism of it has come from those who say it is not enough.

Sar Levitan has proposed raising manpower funds 10% for each two-tenths percent increase over the 4.5% level.

It has been suggested that the Secretary of Labor be given the authority to increase apportionments to states and localities which experience rates of unemployment above 4.5% even if the national average is not at this level.

The Chamber of Commerce points out that the Administration's proposal "fails to highlight various groups in our labor force such as minority youths and center-city residents who have been experiencing unemployment rates far in excess of 4.5% for years". "This is the case," the Chamber emphasized, "even when some overall city unemployment rates are as low as 2%."

There are significant implications with regard to the triggering mechanism for the education and training aspects of manpower policy. In periods of rising unemployment in the private sector, there are two basic ways that increased spending could have some immediate effect—job creation in the public sector and upgrading and training through the education process. How fast could the increase find its way into the pipe line? In periods of relatively short term unemployment, say 6 months or a year, could the system gear up fast enough to have a significant impact? Could meaningful training be offered? Could qualified personnel be found and hired on a short term basis? How do we dismantle the system once it is geared up?

EMPLOYMENT SERVICE

I agree with the Labor Department that the Employment Service, as an established institution with substantial funding and staff, should be forced to be a responsive and responsible agency of government. There is little to be gained by by-passing this system entirely, but I seriously question giving the Employment Service the exclusive claim to delivery of services.

The Employment Service has been an effective unit in some areas. In far too many others, it has remained unresponsive to the needs of the disadvantaged. The Labor Department has undertaken a number of projects which, from preliminary reports, seem to be redirecting the attitudes of the Employment Service, but such a change takes time.

From the clients viewpoint, it seems much more desirable to have the Employment Service compete with other agencies based on ability and competence for the right to deliver services. To deny the mayor the authority to identify competence, reward performance, and punish apathy through the allocation of resources is to withhold the legitimate authority he needs to be fully responsible for providing services in his area.

Finally, I would like to say a word about the role of the educational community and vocational education in particular in the total manpower effort and in the legislation pending before the committee.

I've already noted that I don't feel we can continue to put money into remedial manpower training while neglecting our preventive vocational education system. So my first suggestion would be that we fund the 1968 Vocational Education Act Amendments and get to work strengthening our vocational education system.

Secondly, I don't think we should by-pass our educational institutions in our remedial manpower programs. This is why I include a provision in my bill to require that wherever possible institutional training be arranged or provided through state education or training agencies.

Educators should be included in the planning process at both the state and local level and should participate in the operational phase as well. We've had too much unhealthy competition between labor and education at all levels.

It's time to put an end to it.

I cannot agree with those who fear that a dual school system will be created by the passage of comprehensive manpower legislation, but I think the language of the bill and the legislative history should make clear the positive role we expect education to play, not only in the remedial programs covered under the legislation, but in preventive programs as well.

Right now I'd say there is a 50-50 chance that the House Education and Labor Committee will report out a manpower bill during this Congress.

Decentralization and Public Service Employment are so controversial that an agreement may not be possible now.

The long and hard debate on Occupational Health and Safety legislation, not yet completed, has left Committee members less eager to tackle a complete revamping of our manpower programs.

The most significant factor, however, is that Members of the Committee and the Congress as a whole have simply failed to recognize the tremendous implications Family Assistance has for manpower policy and programs. With all the pious talk about making people get out and work for a living instead of welching off the American Taxpayer, few have given any thought at all as to our ability to accomplish this feat. The problems, as I have pointed out, would be staggering enough if only the unemployed were included, or if the work and training requirements were not mandatory in every case where the welfare recipient is eligible, but add to this the requirement that the working poor be served, and it is frightening to contemplate our present manpower structure performing under the load.

Too often in Congress we enact one program without the slightest awareness of the effect it will have on other programs.

But the Administration sent Family Assistance, Day Care and Manpower up in a package to emphasize their interrelation. In acting on Family Assistance, the House Ways and Means Committee which did not want to share jurisdiction with Education and Labor, simply enacted a massive day care program and replaced WIN with the Nixon proposal for manpower, even though the Education and Labor Committee was working on comprehensive bills in both fields. There is a tendency now to feel that since Family Assistance has passed there is no rush on manpower or even day care in some circles.

If the Employment Service is made the sole deliverer of manpower services under Family Assistance without the structure of the M.T.A., it will be extremely difficult, if not impossible, to dislodge this authority from either the Employment Service or the Ways and Mean Committee. Our efforts to achieve a truly integrated, comprehensive system, might well be squelched.

If the Education and Labor Committee

does not act soon, we will pay for our negligence. More important, the individual who needs help will pay as he has done time and again in the past, because the programs are not thought through or carried out with him in mind.

## MINORITY BUSINESS ENTERPRISE

### HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, two recent announcements by the banking industry illustrate some of the activitiy being generated in the private sector of the economy on behalf of minority business enterprise.

These articles will be of interest to the Congress. They follow:

OWNERSHIP OF WATTS MANUFACTURING CO., A $1-MILLION-PLUS ENTERPRISE, TO TRANSFER LARGELY TO ITS MINORITY-GROUP EMPLOYEES

(NOTE.—Chase Manhattan Bank subsidiary will purchase the company from Aerojet General, its founder, then sell stock to employees over next 7 years; Watts company would become nation's largest minority employee-owned manufacturing business.)

LOS ANGELES, May 7.—A plan to transfer ownership of the $1-million-plus Watts Manufacturing Company, which was born in the aftermath of the Watts riots of 1965, largely into the hands of its minority-group employees, was announced today by the parent Aerojet General Corporation and the Chase Manhattan Capital Corporation, a subsidiary of The Chase Manhattan Bank.

The proposed purchase by employees would make the company the largest minority employee-owned and managed manufacturing enterprise in the United States.

Under the purchase plan, the Chase Manhattan unit, which is the small business investment arm of the New York-based bank, will purchase the Watts enterprise this year, placing 80 per cent of the company's stock in a trust fund for purchase by its employees over the next seven years.

Aerojet, a subsidiary of General Tire & Rubber Company, established the company in Watts following the destructive 1965 riots in the area. Its stated object was to create meaningful jobs for the hard-core unemployed within a competitive business environment. The step marked the first time a major corporation had started such a company in a ghetto area.

Disclosure of the purchase plan was made at a press conference here by Louis L. Allen, president of the Chase Manhattan Capital Corporation; Jack Vollbrecht, president of Aerojet General; and Leon Woods, president of Watts Manufacturing. Also participating was Dan A. Kimball, former Secretary of the Navy, who as chairman of Aerojet's executive committee sponsored the establishment of the Watts company in 1966 and will become Watts' chairman under the new purchase agreement. Mr. Woods and other members of the present management will remain with the company.

In the four years since it founded the Watts company, Aerojet has put approximately $1.8 million and many hours of management help into bringing Watts Manufacturing to the point where, according to Mr. Vollbrecht, "it is ready to turn over to the people who made it a success—its employees."

The company, which manufactures mail bags, tents, metal products, non-woven disposables, packaging materials and housewares, employs more than 200 persons, approximately 85 per cent of them black and 10 per cent Mexican-American, and had a sales volume in 1969 of $3.98 million.

In a joint statement, Mr. Allen and Mr. Vollbrecht declared: "Aerojet General created Watts Manufacturing three and one-half years ago after the demonstrations and riots in Watts showed us the degree of despair among the local citizens. Investigation showed that the residents there had few or no skills and no adequate public transportation to reach places of potential employment. Watts Manufacturing was established with, as its sole employment requirement, the provision that a person needed a job and wanted to work. Prior experience or skill was not necessary.

"Aerojet General has guided the company through its early years, maintaining a careful balance between taking close operational control and allowing sufficient independence for its management to gain the experience and maturity necessary to build a viable business.

"We now feel that the company has reached a level of maturity through which, with the proper financial arrangements and guidance, to be provided by Chase Manhattan Capital Corporation, it can become a productive institution in the community, turning out useful products, providing jobs and job training and serving as a significant portion of the economic base for the Watts community. Moreover, through the employee ownership feature local residents will have a greater stake in the success of the company and the community, as well as a concrete example of the type of locally owned enterprise that can be built."

Under the financial arrangement through which Watts Manufacturing will be purchased, Chase Manhattan Capital will put up $1.1 million, two-thirds of it as a 10-year term loan and one-third as equity to be liquidated as the shares are sold to employees. A group of Watts Manufacturing managers will make an initial equity purchase totaling $100,000 and the Equitable Life Assurance Society of the United States will provide a $250,000 15-year mortgage.

To date much of Watts Manufacturing's production has been carried out under U.S. government contracts and many of its employees, most of them unskilled at the start, have been trained under arrangements made with the Department of Labor.

Last month the company received a $700,000 contract from the General Services Administration to produce packaging equipment to be shipped to Southeast Asia. This was the largest contract awarded to date under the federal government's minority business procurement program.

However, according to Mr. Woods, future plans call for a major drive to obtain more commercial business, which would make the company less reliant on government support.

Chase Manhattan Capital Corporation, which signed the purchase agreement today, is a small business investment company formed by The Chase Manhattan Bank in 1962 under the Small Business Investment Act of 1958. Under Mr. Allen's leadership since 1967, the company has channeled significant portions of its loan and equity portfolio into minority-owned businesses, providing considerable financial counseling and management assistance to its entrepreneurs. At present about 20 percent of the companies financed by CMCC are in the minority-ownership category. The Chase Manhattan Capital Corporation's total investment in these minority businesses exceeds $3 million, more than the minority-business investment of any other small business investment company in the United States.

The policy of assisting minority-owned business is part of an overall policy of The Chase Manhattan Bank, coordinated by its Community Economic Development department. To date loans totaling approximately $6 million have been made for small business development to some 125 businesses in disadvantaged areas that did not meet normal credit standards.

(EDITOR'S NOTE.—Also participating are: Robert Brown, Special Assistant to President Nixon who serves on the White House staff for Minority Enterprise and Richard Sinnott of the Economic Development Office of the Department of Commerce.)

BANKING INDUSTRY PLANS $1 BILLION IN LOANS TO MINORITY BUSINESSES BY 1975: AMOUNT INCLUDES LOANS THAT DO NOT MEET NORMAL CREDIT STANDARDS

WASHINGTON, April 30.—The nation's commercial banks intend to invest at least $1 billion in the new financing of businesses owned or planned by members of minority groups by 1975.

The $1 billion goal, which is part of a three-point program developed by The American Bankers Association's Committee on Urban Affairs, was revealed at a press conference here today by Thomas W. McMahon, Jr., executive vice president of The Chase Manhattan Bank, who is the committee's chairman.

"The loans that we are talking about," Mr. McMahon said, "often involve abnormal risk because the applicants lack the entrepreneurial 'know-how' or capital normally required to qualify for bank credit. The loans will be made—a billion dollars worth—at normal interest rates."

Other points in the bankers' three-part urban affairs program revealed here are:

Development of concerted local urban affairs programs by banks in "key cities" throughout the country, including "urban development seminars" conducted by visiting teams of specialists to provide guidance for local bank programs in urban lending, urban housing and urban manpower.

A policy statement by The American Bankers Association which "reaffirms" its commitments to "an aggressive policy of equal opportunity employment," local economic development, better housing, support of community organizations and cooperation with federal, state and local efforts "to overcome the highly complex and interrelated problems of our cities."

Mr. McMahon pointed out that many banks are already firmly committed to these principles and in fact have ongoing programs in all these areas. However, he said that "because of the increasing urgency of the challenges of our cities, The American Bankers Association feels that it is important to reaffirm its basic principles of urban involvement." Moreover, he said the A.B.A. is recommending that each bank adopt its own formal urban affairs policy statement consistent with local needs.

"Granting these loans," Mr. McMahon said, "involves far more than merely approving the credit of a customer who walks through the door of the bank and fills out an application." He pointed out that "because the applicants for many of these loans often lack the necessary experience to go into business on a standard-risk basis, granting these loans requires a significant investment in manpower by the lending banks to provide managerial counseling and assistance.

"The experience of bankers who have been engaged in this type of lending activity thus far has demonstrated that while there are indeed great risks involved, there is also a great opportunity for entrepreneurship and profit that frequently makes the risks worthwhile. Moreover, in terms of the potential economic impact on the nation's racial and urban problems, they are risks that we as bankers want to take."

Mr. McMahon pointed out that the term "minority enterprise" is frequently thought of as denoting only very small businesses

located in and serving disadvantaged areas of the nation's cities. "We have to broaden that definition, however," he said, "to profitable, minority-owned manufacturing, retail and service businesses capable of competing in the economic mainstream."

Establishment of the $1 billion goal grew in part out of a limited survey of major banks conducted by the A.B.A. Urban Affairs Committee last December which revealed that 81 percent of the 188 banks responding have already initiated special efforts to make loans to minority-owned businesses which would not be granted under conventional lending standards. During the year ending June 30, 1969, 90 of the reporting banks had extended loans totaling almost $100 million for the creation or expansion of over 21,000 minority enterprises.

Mr. McMahon noted that since banks do not ordinarily segregate their loans by race or by neighborhood, dollar figures for the industry's present commitment are, at best, an approximation. Moreover, because so few banks were surveyed and loan records have not been maintained on a racial basis, he said, actual outstanding loans for the industry cannot now be ascertained.

"Under the 'key cities' program," Mr. McMahon said, "in each of some 50 cities identified for a 'sharply focused and localized effort' bankers collectively will be encouraged to organize a bankers committee on urban affairs." It is hoped that because of differences from city to city this approach will have maximum impact. Local bankers urban affairs committees already exist in New York, Philadelphia, and Chicago.

The A.B.A. Urban Affairs Committee, in addition to helping bankers in each city establish the necessary administrative mechanism to implement an urban affairs policy, would, through its various task forces, assist the local committees in their urban affairs efforts.

This assistance would include Urban Development Seminars in each city conducted by visiting banking specialists. They would provide broad outlines of action for senior managements and assist middle managements with detailed program organization, case studies, and information on how to work with government programs and community organizations.

## REPORT ON GERMAN POLITICS

### HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RUPPE. Mr. Speaker, with the Socialist Party of Willy Brandt now in power for the first time in the Bonn Republic, it is important for us to undertake fresh analyses of the recent political changes within Germany and of their implications for our foreign policy. I commend to my colleagues a report which offers not only such analyses, but also an examination of the recent campaign, which witnessed the introduction of campaign subsidies from the German Federal Treasury. Portions of this report appear in the spring 1970 issue of the British journal, Government and Opposition. The report follows:

GERMAN ELECTORAL POLITICS IN 1969

(By Joel M. Fisher and Sven Groennings)

I. CAMPAIGN ANALYSIS

Twin trends merit central focus in any analysis of German campaigning. One is the de-ideologization and pragmatism which have accompanied the development toward a two-party system. The other is the impact of technological change upon campaign management, style and strategy. In speaking of changes in campaigning, German political professionals often comment on the Americanization of German politics, and we shall have the American model in mind for comparative purposes.

Of course, the extent of Americanization is limited by structural circumstances. The intensity associated with an American presidential campaign is not fully reproduced in the German parliamentary system. Where the parliament elects the head of government, the campaign more closely resembles a series of Congressional contests. Where there are two ballots, with the citizens voting for parties *per se* on one, there is less emphasis upon personality. Where there is little patronage, there are fewer volunteers. Where the press is scholarly and somber, it stimulates less excitement. Where access to television is much more limited, the visual associations are muted. Where political involvement has within the memory of the living been dangerous, there is less active commitment of older people. Where the political tradition has been more reserved, zest raises doubts about wisdom. Despite the increased nationalization of German politics manifested in the widespread touring of chancellor candidates, the mood of the countryside did not reflect the constant pressure of full "Americanization."

This is not to say that Election '69 was not exciting. It involved the greatest expenditure upon any single campaign ever conducted outside the United States. There was an engaging possibility that the socialist party would gain the chancellorship for the first time since the Weimar Republic. The spectre of the allegedly neo-Nazi Nationalist Party winning parliamentary representation brought elements of outrage and even violent confrontation.

That public interest was at an all-time high was reflected in a record election turnout. Survey research conducted by the Allensbach Institute found improved public knowledge of both issues and candidates, as well as a growing political vocabulary and more questioning of office-seekers. This increasingly involved political culture was in part a product of the campaign; the 1969 campaign aroused the people more than any other since the war.

We turn now to the development of campaign strategy and to the actual conduct of the campaign, continuing to bear in mind both the trends in Germany and the impact of the American experience.

*Strategic thinking*

What was most distinguishing about the campaign strategies was the SPD's well-founded assumption that it really did have a fighting chance of pulling ahead of the CDU. It was a party of new confidence and exuberance, the pre-conditions having been established by earlier strategic decisions. In an economy and society of increasing diversification, continuing dependence upon a declining working class base would have doomed the party to unending defeats. In the mid-1950's the SPD realized that the requisites of eventually winning included dropping its Marxist identification and class rhetoric. In the era of the Cold War, it needed to be pro-West and anti-Communist and therefore to abandon anti-militarism. Requiring Catholic votes, it needed to disavow anti-clericalism. In a booming economy, it needed to soften its demands for state planning to calling for it only when necessary. At its 1959 party congress at Bad Godesberg, the party completed these changes, thereby altering its ideological path. Cognizant also of the need to adapt organizationally if it were to appeal to the increasingly numerous and affluent middle class, the SPD made itself more accessible to non-labor groups. It initiated communications with a variety of interest groups.

In campaigning, it dropped its suspicion of "American" sales techniques and began to award major contracts to public relations firms, thereby advancing competence in promotional methods. Concerned that its chairmen and chancellor candidates had been old-style party bureaucrats at a time that it was seeking to shed stereotypes and gain both a new image and new friends, the party took the unprecedented step of selecting as leader a man who had not advanced through the ranks of its bureaucracy. It chose, as its chancellor candidate of 1961 and 1965, and chairman beginning in 1964, the popular and youthful mayor of West Berlin, Willy Brandt. Thus the SPD entered the 1960's reborn in ideology, organization and leadership, becoming eclectic and pragmatic. It was adapting, daring and on the offensive.

The SPD needed also to gain legitimacy and developed a strategy for doing so. It pursued coalitions with the FDP and CDU. Because partisan conflict was least intense at the local level, it was here that it was easiest to form coalitions. Despite having a majority in Bremen, Hamburg and Berlin (the first two are states), the SPD invited the FDP to join it in governing each of these cities. In 1963–65 in Lower Saxony, where the SPD lacked a majority, there was also an SPD–FDP government. Revealingly, that coalition ended when the FDP opposed the SPD's proposal to appropriate public funds for the support of Catholic parochial schools and for teaching the Roman Catholic faith in the public schools. What followed was the precursor to the next year's national government, an SPD–CDU coalition. In Bonn, an era of CDU/CSU–FDP coalition finally ended in 1966 after increasing friction when the FDP refused to join its partners in raising taxes during a budget crisis. Chancellor Ludwig Erhard was to leave office. The CSU would not accept renewed partnership with the FDP. The SPD, which might have been joined by the FDP in governing with a bare majority, reluctantly found the latter too fractious and unreliable. SPD strategist Herbert Wehner insisted that it would be advantageous to govern with the CDU. At length, the "Great Coalition" of CDU/CSU–SPD was formed with the CDU's Kurt Kiesinger as Chancellor.

In 1969, for the first time in the Bonn Republic, the SPD faced the electorate from the governing benches. For the 33 months of the "Great Coalition" it held 9 of the 19 cabinet positions, and among these were several stars of the coalition. Brandt became respected as foreign minister. Professor Karl Schiller, the Economic Minister, credited with ending the 1966 recession, became the country's most popular politician, drawing crowds as large as Brandt's. Georg Leber, Minister of Transport and first trade union leader to enter a post-war cabinet, won general praise for developing his comprehensive national traffic system plan. Thus the SPD entered the campaign as a party which had demonstrated its governing competence.

"Comrade trend" gave the SPD further confidence. In 1953 it had 28.8% of the vote; in 1957, 31.8%; in 1961, 36.2%; in 1965, 39.3%. In the state elections it pulled up even with the CDU. Gaining steadily among young adults, upper income workers, and urban Catholics, it continued to be supported by most urban daily newspapers and the popular newsmagazine Der Spiegel. There was a solid basis for optimism that its strategy would bear the desired fruit in 1969. The SPD had achieved legitimacy among much of the middle class at the very time that the post-war generation became eligible to vote and society's concerns were moving beyond the quest for security toward a broadening of opportunities.

The SPD's election strategy called for attracting the middle class and the young by

emphasizing both its constructive governing experience and the theme that, as a party of "ideas and action", it would rejuvenate Germany. Basic to its thinking was the fact that, of the 61 million people, two-thirds of the men and half the women were less than 40 years old. "We have the right men", proclaimed some posters, "Build the modern Germany", exhorted others, all in the vivid orange which was the SPD's campaign color. Some themes were directed against the CDU, among them the assertions that the CDU is in effect controlled by the CSU, that "Twenty years is too long" in governance and that it is "time for a change." In general, the themes were probably much more effective than the specific issues the SPD took to the public. However, the issue of educational reform ("Democracy must enter the universities") appealed greatly to the young.

In foreign policy, the SPD indicated a desire to be cautious yet constructive in improving relations with East Europe. It assumed that there would be no invasion, that markets could be gained, and that an accommodation to post-war borders would be realistic. Additionally, it favored up-valuing the currency, as requested by other countries and as was becoming necessary for a stable world economy; with some confidence it assumed that Germany could maintain its high level of employment and world markets even were its goods to be slightly more expensive abroad, and it assumed that making foreign travel a bit less expensive for Germans would be appreciated by the substantial and increasing numbers who travel. This issue was too complicated, however, to have much public impact.

One old issue advanced on behalf of the trade unions, mainly the 6,400,000 member Deutsche Gewerkschaftsbund (DGB), became very controversial and probably prevented the SPD from gaining as many middle class votes as it otherwise might have. This issue was co-determination, more specifically the extension of the mitbestimmung law which involves labor's right to participate in management decisions. The SPD had pushed hard for the 1951 co-determination law, covering almost 90 coal, iron and steel companies which employed nearly 1 million workers. The DGB wanted the 1951 law extended to cover all firms in the rest of Germany's economy which met at least two of the following three criteria: (1) employ more than 2,000 people; (2) had capitalization in excess of $18,500,000; and (3) had an annual turnover in excess of $37,500,000.

Far less confident, as it entered this election campaign, was the FDP, which had declined from its peak of 12.8% of the vote in 1961 to 9.5% in 1965. Long an annoying coalition partner, it had left the government in 1966 and for the first time was out of power as it faced the electorate. Its flighty coalition behavior had resulted in decreased support among both voters and financial backers. Because the CDU included many protestants and because of the changing character of the SPD, people wondered whether there was sufficient reason to continue such a protestant, anti-socialist party as the FDP. Most of its followers could probably feel at home in some other camp. Within the FDP, a leadership fight occurred between older and more traditional economic liberals around Erich Mende and mainly younger civil rights-oriented liberals led by Walter Scheel and Ralf Dahrendorf. The latter prevailed and pulled the party sharply to the left in what many considered to be a last desperate appeal to the classically liberal element in the SPD and to the young. For the first time, its program was closer to the SPD than to the CDU. In large part the FDP's appeal was negative, however, addressed to those dissatisfied with the Great Coalition. Most of its posters which did not outline any program asked: "Do you want to end the big party coalition? Vote for us;" or "Each vote for the FDP is a vote against the Great Coalition."

The other smaller party with a chance to win seats was the NPD. Its campaign was reported with keen interest by the world press, which considered receptivity to its bid a test of German's democratic spirit. It had never achieved the 5% of the national vote necessary to win seats in the Bundestag, but had recently gained representation in 7 of the 10 state legislatures. In the last state election of 1968, it had won 9.8% of the vote in Baden-Württemberg. It was a personalist party, having one principal spokesman, Adolph von Thadden. This leader's denials of Nazi inspiration were never fully credible. As in the case of the French Poujadists, the party's supporters were society's relative losers, namely small farmers, blue collar workers and lower middle class town folk. The NPD's main theme was "Security through Law and Order", and it advocated toughness in dealing with student protestors associated with the "new left", particularly the SDS (Socialistische Deutsche Studentenbund), an anarchist student movement of about 2,000 hard core members. Appealing to the disadvantaged, it proposed so much that those in other parties who calculated the budget requirements for fulfilling its goals found them ludicrous. Nationalist and Nationalist and autarchical, the NPD opposed European integration, advocated a greater German voice in NATO, and romantically called for German unification.

The CDU and its Bavarian counterpart, the CSU, entered the campaign as defending champions. Together they amassed 50.2% of the vote in 1957. Declining to 45.3% in 1961, they snapped back to 47.6% in 1965. The CDU was the dominant party of the Bonn Republic, providing all three of its Chancellors. It won the allegiance of most Catholics, businessmen, conservative farmers and residents of small towns. Always strong in the South, it had made substantial gains among protestants in the North. Women greatly preferred the CDU/CSU, and the fact that there were 3.6 million more women than men was a major advantage. Helpful also was the backing of most of Germany's newspapers, including the majority of the small regional papers and Axel Springer's chain, which publishes 6 million of the 23 million papers sold daily. It needed all the support it could get, knowing very well that the election might be very close and not automatically another "ratification" of the CDU.

The CDU chose two campaign foci: the leader and the record in power. Under CDU guidance, said party spokesmen, Germany had achieved security, stability, prosperity and international trust. Since 1949, the average wage of German workers increased from $60 to nearly $200 per month. As the voters went to the polls in 1969, their country was the world's second trading nation, with the world's strongest currency. Unemployment was a scant ½%, and 1.5 million foreigners were employed in Germany. There were 8 times as many jobs available as there were people unemployed (832,500:100,500). The party of the left, the SPD, could convey no classic economic grievance to the public. However, because its economics minister in the Great Coalition had prescribed the recession recovery of 1966, the SPD was able to neutralize the CDU record and to a considerable extent even claim credit for the prosperity.

The CDU campaign focused also on Kurt Kiesinger. Survey research had shown him to be twice as desired as any other man for the position of chancellor. Accordingly, the CDU's most prominently displayed poster was a portrait of its leader. The emphasis upon the one man was in sharp contrast to the SPD's team presentation. Conveying the centrality and cruciality of the position of chancellor, Kiesinger posters bore the words "Auf den kanzler kommt es an"—"it all depends on the chancellor."

This emphasis upon the single figure was traditional for the CDU. The party had been formed around Konrad Adenauer, who in the early days even attracted voters who were hostile to parties but who believed in the "National" goals associated with him and his office. Thus there had been a "Chancellor effect" and the electorate encouraged to vote for the "Chancellor Party." The Kiesinger campaign was reminiscent of the Adenauer electioneering in both style and themes. Similarly an authoritarian father and grandfather ("opa") image, Kiesinger even emphasized the continuation of the great Adenauer's policies.

There seemed to be nothing new in the CDU's campaign, no new ideas to spark the imagination. In previous campaigns, the principal CDU slogan had been "Keine experimente"—"no experiments", and in 1969 there continued to be remarks on this old theme. Allusions to order and security had the purpose of drawing the middle class to the "older and more cautious" party. The CDU waged its campaign largely against Willy Brandt and the SPD. It hoped to attract the liberals who were unhappy with the leftist taint of the FDP's foreign policy as well as the "little people" who might be tempted to vote for the NPD. To many, the CDU seemed fatigued by its many years in power and gave the impression that it was simply trying to hang on. Its leaders knew the CDU would do well at the polls, but ten days before the elections we spoke to some members of the central campaign staff who reflected on its lethargy and expressed fear that their party might just barely lose.

*Electioneering*

Political campaigning in the United States has become the originator of practices adapted to the election battlegrounds of Europe. Beginning with the British campaigns of the 1960's, then the French elections of 1965, and even the German 1965 elections, political public relations, advancement, "campaign U.S. style" crept into political practice in country after country.

The summer of 1969 witnessed perhaps the most energetic campaign that had ever been conducted in West Germany. Party strategists took pains to bring their candidates into contact with as many voters as possible. Giant rallies were held where voters were told about, or even discussed, the issues of the day. Canvassing, once defined as "discuss thoroughly; solicit votes" was added to the techniques of the strategists. The parties conducted discussions and solicitations on the street, at front doors, in living rooms and, as U.S. politicians do on Labor Day Weekend, at vacation resorts.

Walter Scheel, chairman of the FDP, went to seaside resorts in Borkum, Helgoland, and the Bay of Lübeck, among other stops. He addressed holiday-makers, in groups and individually, directly on the beaches. Professor Horst Ehmke, a SPD candidate (and Bonn's Minister of Justice campaigned on city streets, addressing women, and offering them a rose. Chancellor Kiesinger sometimes came down from the sky in a helicopter, as if that were his usual method of transport. On the landing pad, the motorcade would wait, pennants waving, and blue lights flashing, to take him to the next speaking destination. Willy Brandt divided his time equally between duties in Bonn and campaigning in the afternoons. Upon leaving the Foreign Office, he would travel by car, helicopter or plane to his next scheduled appearance. In the late afternoon and evening he would continue to woo the voters.

For the SPD of Brandt, the 1969 campaign began in earnest almost a year before the elections themselves. The SPD maintained a central staff of nearly 150 members (and nationally had 3–400 staff—most not on a full time basis), which did not significantly in-

crease in size by the fall. The CDU central party staff remained at nearly 100, with another 30–40 professionals working at the CDU headquarters in Munich. In the American manner there was a citizens' committee, organized by the novelist Günter Grass, called the "Social Democratic Voter Initiative." This was an innovation involving celebrities in discussions, a concept stemming from Grass' 1965 independent speaking tour for the SPD. There was no equivalent CDU citizen action organization. In each party there were staff members who not only had U.S. experience, but had actually been in America for the 1968 presidential elections.

In an American campaign, one envisages armies of rally and advance men preceding the candidates. This practice is in sharp contrast to the advance preparation of major German leaders. Chancellor Kiesinger, for example, had only two advance men, and they did not begin work until May, 1969. In Germany, by way of further contrast, there was little expendture on district level survey research. However, the breakdowns of national surveys permitted local candidates some reasonably well-founded operating assumptions. And, while SPD campaign planning began a year in advance, CDU preparations did not commence until February.

German campaigning did not resemble American as much as it did British campaigning in the sense that the mood of the countryside did not contain the constant pressures that are noticeable in an American election. Perhaps that is because there was proportionately less scheduled television, five minute spots or shows spread across the last several weeks of the campaign being the restriction. Television was still basically a new technique in these elections.

SPD spots stressed primary party themes, and were done in a slick, modern fashion. CDU presentations were more restrained, but changed in mid-stream to a more lively and even more relevant product. This was done in response to the success of the SPD shows, whose jarring emphasis upon modern technology (rockets to the moon) and split screen techniques would scare the German voter who still resisted the concepts of experimentation. Avoiding both extremes, Herr von Thadden spent most of his television time reading short speeches. The FDP chose quiet presentations.

In the United States, great attention is paid not only to the national ticket, but also to local congressional or senatorial candidates whose campaigns are distinct and which include as extensive a utilization of television as they can afford. Most German television time, as in Britain, was for the major parties and their leaders. The local Bundestag candidate appeared rarely on television. Even without the extensive use of television, this was the first campaign in which all of the major parties used professional public relations. The underlying strategy for all parties continued to be based on extensive newspaper advertising. The SPD spent 5 million DM on this form of advertising just in the first quarter of the year. Outdoor advertising was also stressed; posters appeared on nearly each block of every city. Side by side with the outdoor advertising went an extensive use of mobile loudspeakers, normally mounted in Volkswagens traversing city streets. The SPD showed an exhibit of posters, photos and display screens entitled "Our Future" in 140 towns. In 1969, unlike 1957, neither party had its own distinctive jingle.

Following the American model and more recent British and especially Conservative practice, the parties utilized postcard portraits (without a message, but frequently signed), pictures with the major leaders, campaign buttons, brochures, a few party-oriented bumper and window stickers, small cards of greeting and pins. Centrally placed kiosks were among the principal distribution centers.

Women candidates were innovative also, soliciting votes in the general style of street campaigning. The SPD's Katharina Focke won after taking her campaign into Cologne's pubs. Frau Focke discovered that men, with rare exception, were ready to put down their beers and listen to a woman who had something to say about education, tax laws, and other issues of the day. Her victory, and those of 31 other females, indicates that the position of women in Germany is gradually changing.

It is frequently easy to describe campaign styles comparatively without effectively presenting the flavor of an election. To provide some illustration of the varied tones of this election campaign, we will describe three very distinct aspects of campaign behavior: SPD and CDU national leader rallies, the NPD rallies, and the activities of a new and young CDU candidate.

*Brandt and Kiesinger rallies*

A longtime characteristic of Germany campaigns has been that the central personalities attend great numbers of rallies. 1969 was no exception. The CSU's Franz-Josef Strauss spoke to some 300,000 people, and the FDP's Walter Scheel to approximately 250,000. At general rallies, Brandt and Kiesinger each spoke to about 900,000. The latter's rally appearances were the most frequent of any candidate. As the focal figure in the CDU's publicity, he necessarily served as the workhorse of the campaign. Because the CDU's potential support was espécially great in relatively small towns, Kiesinger held rallies in many of these places. He spoke at approximately 440, whereas Brandt spoke at only 160. Brandt's appearances, like his party's strength, were largely in the major urban centers, which provided larger audiences than those addressed by the Chancellor. Their main purpose was to activate the faithful.

Willy Brandt's rally in Bonn's Münsterplatz the Sunday before the election was a typical "pep" rally. Discussing no issues of public policy, he dwelt instead on two basic themes. The first, reminiscent of the 1952 Eisenhower campaign rhetoric against the enduring New Deal Democrats, was that after 20 years of power, it was time for a change. The second theme was that whereas the CDU with Kelsinger was pursuing a Maoist-type of personality cult, modern Germany required teamwork—the kind of teamwork the SPD offered.

As is sometimes typical of German candidates, Brandt concluded his speech by quaffing a stein of beer in one great swallow in salute to the crowd, which as always cheered. The crowd was not large, and did not include many young people, but was genuine rather than contrived. Brandt enjoys crowds and genuinely returns their good will. He spoke slowly and deliberately, looking directly at his audience. It was a noon rally, early for Brandt. While he was buoyant, witty and clearly enjoying himself, he is the kind of person who becomes livelier with the hour—and he preferred that the rallies be later in the day.

In contrast to the Bonn appearance, the SPD meeting in Cologne three days prior to the election was perhaps a more typical mass gathering. Held at 4 p.m., a good crowd of some 4,000 turned out to hear the man many of them thought, or were afraid, would be the next German chancellor. In 45 minutes, Brandt introduced the local SPD candidates, some of the party leaders accompanying him, including Schiller, and returned to the theme that his team knew the solutions to some of the major problems of the country and was ready to lead the government.

The large gathering, with many young and middle-aged observers, cheered frequently but with no great enthusiasm. What was significant is that they were friendly, good natured and curious. When he finished, Brandt looked out at the audience, perhaps even over the crowd, to where shoppers continued to flow in and out of streetcars passing the square. Voice hoarse, he concluded, and with a wave of his arm jumped off the platform to walk back to his car. The motorcade was off to the next town.

Later that week Kurt Kiesinger spoke at a rally for the CDU faithful in Bonn's dignified Beethovenhalle. City police, some on horseback, surrounded the hall, but there were no disturbances. The themes were old. He praised Adenauer's policies and warned against assuming that there had been meanful change in Soviet foreign policy. Kiesinger looms large at the podium; he is a big man with big hands and powerful motions. In manner he is somewhat condescending, authoritarian and "schmaltzy" — qualities which do not greatly endear him to the young. There was repeated and wide-spread heckling by some CDU youths, as well as by young SPD infiltrators who cheered every mention of Brandt or an SPD–FDP coalition. There was also a peculiar brand of heckling from opponents of the nomination of Bonn candidate Alo Hauser, who was being challenged by the CDU's former major, Vilhelm Daniels. Shouts of "Daniels, Daniels" were frequent and seemed appropriate to the hecklers whenever there was reference to the CDU's excellence in leadership. The rally seemed symptomatic of a general malaise.

The rally appearances of Franz-Josef Strauss were similarly indicative of this CDU–CSU malaise. A week before the election, Strauss campaigned in Bavaria, at Bad Tölz—the city from which he had first been elected 20 years earlier. Some 2,000 middle aged and elderly CSU faithful crowded the Kurhaus. A band played on the stage; bunting and half a dozen pictures of Strauss completed the decorations of the hall. Preceded by the young, attractive CSU General Secretary, Max Streibl, the tired Party Minister spoke for 45 minutes on economic questions. It was, perhaps, a strange topic for this audience. He too appeared authoritarian in stature, and perhaps condescending, but there seemed nothing "schmaltzy" about Franz-Josef on his home ground. There was no heckling that night.

*The NPD rallies*

At von Thadden's rallies there was normally trouble, but the NPD leader was prepared for it. Most of the bodyguards in this campaign were his, as was a bulletproof Mercedes-Benz, and he addressed his crowds from behind an equally protective glass cage. Fearing disturbances as much as disapprobation, some cities refused to rent municipal halls for NPD rallies. The Hotel Frankfurter Hof refused von Thadden accommodations, and some newspapers would not accept NPD advertisements.

As was expected, there were incidents. In Dortmund, a throng of 10,000, shouting "Sieg Heil", prevented von Thadden from being heard. Two men were shot in Kassel outside a home where he was staying the night. A large crowd in Nürenberg was dispersed by police with water cannon. In Essen, von Thadden was pulled from the podium by a young man dressed as one of his bodyguards.

On frequent occasions the major parties campaigned against the NPD, sometimes more than implicitly and as much perhaps as they did against each other. The government had considered seeking to have the NPD outlawed by the Constitutional Court. According to the Basic Law, only democratic parties may participate in elections. Some asserted that the NPD was undemocratic in structure as well as Nazi in philosophy. The cabinet decided not to proceed to the Court because it was concerned that failure to substantiate its allegations adequately might have the effect of legitimizing the NPD. The

CDU issued a pamphlet to its election orators entitled "Principles for Dealing with the NPD." In many places, citizens groups passed out anti-NPD leaflets near CDU and SPD kiosks. Given such an intensified atmosphere in the days before election, von Thadden threatened to appeal the returns in court on the grounds that his party had not experienced a fair chance to present its views to the voting public. Some agreed he had a valid point. However, time after time, the police did their best to protect him, using dogs, nightsticks, barricades and water cannon. At the Essen rally alone, the protective force of policemen totalled 900.

*New constituency campaigning style*

One of the country's liveliest campaigns provides a case study in public relations innovations. It was that of CDU first-time candidate Horst Jöbges in the Rhineland industrial city of Krefeld. Jöbges was another of those who had visited the United States in 1968 to gain insights into effective campaigning. At 28, he was Germany's youngest parliamentary candidate. Fighting the prevailing assumption that wisdom accompanies age, he campaigned under a special handicap. Among his assets, however, were careful planning, immense emergency, ample funding, a willingness to be innovative, and the sense of many that he was likely to go far in German national politics.

On a giant banner, Jöbges' name in bright crimson greeted all who boarded trains in Krefeld. Publicity devices exceeded the normal variety of personal and party brochures. His assistants distributed a plenitude of intriguing pens whose inscription, "Unser Mann Für Bonn", changed to "Horst Jöbges—CDU" upon pressing to extend the ball point. For housewives there were dust clothes which bore similar messages. The most memorable publicity, however, was provided by a beer bus.

For three days, Jöbges rented a Parisian amnibus, vintage 1923, which was open in back, quite like a San Francisco cable car. Itself a curiosity, this relic on wheels was festively decorated. Along its sides were yellow and red psychedelic posters depicting the candidate, interspersed with portraits in conventional photographic style. In mid-day the bus traveled through downtown areas, with taped music helping to attract attention. In late afternoon it entered a brewery to take on a large keg of beer and a jazz band. Departing for the recently built suburbs, the bus would make three stops per hour. At each of these stops, the band moved onto the sidewalk, and two beauties passed out beer on the street corners and rushed the brew to nearby balconies. The candidate tapped the beer. An associate, using a microphone, invited the neighborhood to "come talk with your candidate; come drink with your candidate." At the conclusion of every stop, the candidate expressed his desire for the residents' support and the band boarded the bus to play "Auf wiedersehen." Children on bicycles followed the bus in great numbers, clutching their pennants and brochures. As those aboard the vehicle waved to adults, their good cheer was usually returned. The beer bus was a show, and while the older population tended to like it, the very young clearly loved it. Jöbges became a celebrity and came within 700 votes of winning. We can anticipate that next time, whether on the first ballot or because of a higher place on the second ballot, Horst Jöbges will enter the Bundestag.

*Party finances*

The resources available to any candidate or party were leading determinants of success. Any strategy requires ability to communicate themes and issues and to convey images. Such communication is largely a function of financial resources, which also determine much of the appearance and tone of a campaign. In 1969 the funds available for campaigning were unprecedented and for the first time included large national treasury subsidies specifically intended to defray campaign expenses. Because government financing of election campaigns has become an issue in many countries, it is of general importance to analyze its effect in Germany.

One effect was to increase the combined spending of all parties by probably 30–40% over the 1965 campaign costs. Whereas the 1965 outlays were in the range of 65–83 million DM, the 1969 expenditures exceeded 100 million DM and perhaps even approached 125 million. The government subsidy of 96 million became by far the leading source of funds for each party.

A second effect was that each party, knowing how much money it would receive in subsidy, was able to plan its allocation of resources quite far in advance of the election. The 1969 campaign was not beset by the unpredictability of resources which so greatly hampered the campaign planning of Hubert Humphrey and the Democratic Party in 1968. Every party obtaining at least 0.5% of all valid votes registered at the previous Bundestag elections was entitled to state financial support.

These funds amounted to 2.50 DM per vote. Given 38.5 million votes in 1965, the subsidy for 1969 was 96 million DM. Each party was enabled to collect up to 60% of its final sum prior to election day.

A third effect of the federal subsidy program was to provide advantages to virtually all parties except the SPD, which was disadvantaged accordingly. Traditionally the socialists had been the party best supported by membership dues; it had nothing to gain from any policy awarding funds tc the CDU and CSU in proportion to their vote. The FDP had several years earlier largely lost its charm with the interest groups sustaining it and has never developed much grass-roots financial support. These circumstances and its weak showing in the election returns are grounds for contending that the FDP would not have won seats in the new Bundestag had it not been for federal funding. One speculative implication of this analysis partially contradicts the statement that the subsidies are to the SPD's disadvantage: it is that an effect of the subsidy to the FDP was to create Mr. Brandt's new coalition situation. With regard to the NPD, it is our interpretation that rejection by the voters is particularly impressive, given the substantial government contribution to its publicity budget.

From its very beginning, the CDU had been far weaker than the SPD in gaining dues and voluntary contributions. As did the FPD, it originally solved its financial problems by means of dependence upon Conveyers, peak associations established by business firms. The CDU/CSU won the elections, grass-roots funding potential remained undeveloped, and the power of the Conveyers increased. After 1958, when the Federal Constitutional Court ruled against the tax deductibility of contributions to Conveyers, the CDU and FDP adapted to the situation by voting for annual subsidies to all parties rather than by attempting to build up their membership support. Eight years later the Court ruled it unconstitutional to subsidize general party activities. The CDU/CSU and FDP responded to the challenge as they had before; the parliament provided funds for campaigning. In 1969, as previously, these were the parties which relied most heavily upon state subsidies.

In the recent election both the SPD and the CDU gained more money from membership fees and contributions than ever before. In each party, dues are on a sliding scale upward with income. From this particular source, the SPD estimates having received 17 million DM, which probably is three times the dues received by the CDU. The latter, however, was again the main recipient of contributions from industry and private wealthy donors, with the CSU and FDP also as beneficiaries. Direct interest group contributions are not permitted. Minimally, the CDU invested some 37 million DM in the campaign; the CSU nearly 10 million; the SPD approximately 37 million; and the FDP at least 10 million, perhaps even as much as 15.

In conclusion, we have witnessed a noticeable influence of technique on pragmatism and ideology in the German policy. Survey research, involving identification of issues pertinent to specific groups or strata, was a major cause of increased pragmatism. The German elections were generally remarkable in the de-ideologization that in fact characterized the campaigns. Rhetoric was notably couched not in the traditional terms of ideology and doctrine, but in the more pragmatic terms of solving problems. In earlier German elections, candidates carried Theodore White's books around in their hands; for 1969 they utilized first-hand experience, observing the pragmatism as well as the techniques of the most recent American experience.

II. ELECTION ANALYSIS

As West Germany's 38.6 million voters went to the polls to elect the 496 members of the sixth Bundestag, excitement mounted. Two days earlier German banks closed off international trading on the D-mark to discourage speculation on currency revaluation. The SPD favored this action; Franz Josef Strauss did not. Polls which were not released in Germany by agreement of the polling institutes for the last part of the campaign appeared in the foreign press. Amidst the commotion, polling stations opened Sunday to a glorious autumn morning. German families, as if out for a holiday outing, sauntered off to cast their vote. By mid-afternoon, between 80 and 85% of the eligible voters had already voted. The pattern was the same throughout the Federal Republic. In the most populous state, Northrhine-Westphalia, a 90% poll was expected.

THE TWO BALLOT SYSTEM

Voters under the German system cast more than one vote. They have two, one for their constituency candidate, the other for a party. In practice, the number of seats won on the first ballot is subtracted from the total to which each party is entitled according to its proportion of the vote. The country is divided into 248 constituencies, each returning one member by direct election to the Bundestag. Two hundred forty-eight more deputies are elected from the party lists in a way giving each party a total number of seats proportional to the number of votes polled in the entire country.

To prevent a profusion of splinter parties in the Bundestag, electoral laws prescribe that no party can be represented without polling at least 5% of the votes cast or winning three first ballot seats. Any German, citizen for at least one year, who is 25 years or older, is entitled to stand for election in a constituency even if he has no connection with any political party. The state lists of candidates for election by second ballot are nominees of state party conventions. Some conventions have as many as 400 delegates; others only a score. The delegates are asked to approve candidates nominated by the party executive committees.

Electoral rules provide that only the names of the first five candidates appear on the ballot. The parties are careful to place their major figures at the head of their lists. These are the people who normally have the best chance of direct election in a constituency. Because a candidate who is successful both in his constituency and on the list only gets the constituency seat, his list position becomes free and everybody moves up a place. Thus if a party can expect to receive 12 list seats in a certain state, and if none of the

first five candidates needs to claim the list seat, the 17th has a good prospect of being elected.

*National returns*

The electors, of whom 2.5 million were first-time voters, had the choice of 13 parties and electoral groups with 2,635 candidates. Of the 38,658,363 eligible to vote in 1969, 33,548,458 cast their votes—a turnout of 86.8%. The CDU was helped by the high turnout, caused in part by excellent weather—which brought out the strollers, young and old—and by some wildcat labor strikes which had taken place in the weeks before the election. However, as Table 1 indicates, the SPD finally achieved political equipoise with the CDU. Gaining more than a million votes, the SPD would no longer be the underdog and classical loser. The party was now accepted as a legitimate political force.

TABLE 1.—GERMAN ELECTION RETURNS FOR MAJOR PARTIES 1965 AND 1969 [1]

| Parties | Bundestag seats | | Total vote | | Percent | |
|---|---|---|---|---|---|---|
| | 1965 | 1969 | 1965 | 1969 | 1965 | 1969 |
| CDU/CSU | 245 | 242 | 15,524,068 | 15,195,187 | 47.6 | 46.1 |
| SPD | 202 | 224 | 12,813,186 | 14,065,716 | 39.3 | 42.7 |
| FDP | 49 | 30 | 3,096,739 | 1,903,422 | 9.5 | 5.8 |
| NPD | 0 | 0 | 664,193 | 1,422,010 | 2.0 | 4.3 |

[1] These 1969 figures were released Oct. 16. Those reported earlier in the press indicate a slightly greater total vote.

*First ballot analysis*

Of the 248 first ballot contests, the SPD won 127, slightly more than half. It gained 34 first ballot seats. The CDU won 87 such seats, winning a new one but losing 32. The CSU won 34 and lost 2. No other parties won first ballot contests. The evidence very strongly suggests that the SPD, long considered a bureaucratic party, had become a party of personalities; it offered the strongest candidates.

However, one CDU candidate with great improvement over 1965 was Kiesinger. The Chancellor was one of his party's three leading gainers, with a 6.3% advance. In his own district, he ran 3.2% ahead of his party. Similarly, Strauss on the first ballot was 3.1% ahead of his 1965 performance, while running 3.2% ahead of his CSU's second ballot total. To the contrary, some party leaders, among them Gerhard Schröder, were defeated, yet returned to the Bundestag because of high position on their state lists.

*Second ballot analysis*

Impressively, the SPD gained more votes in 1969 than in 1965 from every state and achieved a greater percentage in all except the Saarland. The CDU/CSU increased its total vote in only three states: Hessen, where the SPD got 48.2% anyway, Niedersachsen and Baden-Württemberg. Its decline was sharpest in Hamburg and Northrhine-Westphalia. The latter, because of its great population, was a crucial state for all parties. Therefore the SPD placed both Brandt and Schiller on its Northrhine-Westphalia list.

Across the country the CDU failed to gain where the FDP lost, while the SPD won voters from both. If we divide the ten states into two regions, North and South, five each, we see that the SPD gained more in the North than in Southern regions, and that the CDU lost more in the North than in its Southern strongholds. Thus the SPD gained where it was already strong, while the CDU lost where it was weakest. Compared to 1965, the NPD made more gains in the South (especially the Saarland, Hessen and Bavaria) than it was able to achieve in the North. The FDP suffered significant losses in the South, especially in Hessen and Baden-Württemberg, while in the North losing most severely in Niedersachsen. Nationally the FDP lost much of its support to the SPD; some of the CDU's went to the SPD also. Apparently NPD gains cut into normal CDU support.

By way of ecological refinement, SPD gains continued to be mainly in urban areas, including suburbs; in many it gained more than the CDU lost. To elaborate, the SPD gained 4.8% in the state of Schleswig-Holstein, yet in its city of Flensburg advanced 6.7%. SPD gains in Northrhine-Westphalia were 4.2%, yet in three Cologne districts this party increased its support by an average of 9% while the CDU declined in the same area by an average of 10%. In two Düsseldorf districts, the SPD's totals were up an average of 4.5% while the CDU in the same regions decreased an average of 3.5%. In one Essen constituency, the SPD was up 5.9% while the CDU dropped 3.9%. Similar SPD tendencies were recorded in Mainz, Stuttgart, Munich, and greater Nürenburg.

Interring demographic characteristics associated with the change, we conclude that the SPD moved even beyond its 1965 inroads into Catholic labor areas. The evidence for Stuttgart, Münster and Cologne furthermore suggests that the SPD continued to advance among people associated with service industries. In the Bonn area, the SPD scored an 8.6% increase which many described as a "testimonial" that the area's government employees liked working for the SPD. We are confident that eventual analyses will also show continuing significant SPD advances among first-time and female voters and that they will confirm the hypothesis that this party is gaining quickly among upper-income workers. These trends suggest a further decline of class-based political subcultures in Germany.

*Formation of government*

The elections produced a coalition situation: the CDU/CSU, with 242 seats, was seven short of a majority, while the SPD held 224 and the FDP 30. Partnerships were uncertain, and the resulting options three: CDU/CSU–SPD; CDU/CSU–FDP; SPD–FDP. Had the NPD won 0.7% more of the vote, thereby gaining representation, it almost certainly would have been necessary to renew the Great Coalition. Of this each party had tired. Having gained governing experience and legitimacy, the SPD had much less to gain from partnership than in 1966. It wanted to try to carry out its program and preferred during the FDP to stepping back into junior partnership.

With the Great Coalition eliminated, the determination of Germany's government ironically fell to the FDP, otherwise the election's greatest loser. In this situation it provides an example of the coalition maxim that strength is weakness. Some regretted that the election law had not been changed to provide single-member districts exclusively, thereby yielding a two-party legislature and preventing such an occurrence. There was serious doubt as to whether a party so deeply divided as the FDP could be a reliable coalition partner. Some thought it was on the verge of distintegration; others also doubted its ability to lead all members into any coalition. Given the FDP's inner tensions, there was speculation that the negotiations would be prolonged. Yet there was agreement within a week.

The CDU, interpreting the returns as reaffirmation of the public's wish for CDU/CSU leadership, considered it likely that it could form a coalition with the FDP. After all, Erich Mende and other FDP leaders had been cabinet members in the Adenauer-Erhard era and would feel at home with such an arrangement. Moreover, only about ten FDP members would be needed. The day following the election a number of CDU Bundestag members exuberantly drank champagne and thought up ten positions for the FDP, including cabinet posts, state secretaryships, the caucus vice chairmanship and Bundestag vice presidency, all of which might be guaranteed for four years.

Brandt's approach to the FDP was quicker and involved offers of the foreign ministry as well as the ministries of agriculture and interior. The CDU made an even stronger bid, but too late. The FDP's biases were pro-SPD, and its caucus endorsed this coalition with only three members abstaining. The election's biggest gainer and greatest loser joined forces. A minor shift of the electorate had led to a spectacular change in government.

With the Bundestag almost evenly divided, governing will not be easy. A margin so narrow becomes precarious on a day of bad colds or fogbound airports. Extenuating circumstances include the fact that the CDU, still the largest party, will control many committees, while the CDU's 21–20 majority in the upper chamber, the Bundestag, will enable it to delay and block legislation. In part to overcome the problem of having a bare majority, the SPD is considering conferring full voting rights upon Berlin's 22 deputies, ⅔ of whom belong to the SPD. Some have even suggested that if the minor partner becomes exasperating, the SPD could threaten it with dissolution of the government, new elections, which might finish the FDP, and electoral reform. Brandt, however, counts on both stability and increased prestige for the SPD. He is hopeful of doing so well that even if the FDP disintegrates or defects, his party will stand a good chance of winning a majority in new elections.

*Party consequences*

A systemic consequence of the elections was a near-culmination of the trend toward a two-party legislature. Accordingly our focus will be on their significance for each of the giants, CDU/CSU and SPD.

For the CDU, departure from the governing benches will probably lead to adjustment at all levels of party organization. It cannot safely gamble on either a failure of the new coalition or sudden popular disenchantment with the SPD. To reverse the trend of increasing SPD support, many assumed the CDU would have to modernize. Without a "Chancellor effect" or the assistance of either government bureaucracy or federal public relations machinery, the long-neglected task of building grassroots organization and support will have to be faced. "It is time the party stood on its feet instead of its head", admitted CDU secretary-general Bruno Heck. To gain new adherents, it will need to develop new ideas.

Young members of the CDU hoped to undertake these changes in cooperation with younger leadership and had been discussing party renovation long before the elections. Some campaign staff quietly expressed the opinion that a period in opposition might be beneficial. At the CDU's post-election convention, held in mid-November, the opening assault began. The chairman of the Young Union consisting of CDU supporters under age 40, called for broad reforms in social and educational policy. Into the limelight came four men 20–28 years younger than Kiesinger, namely: Gerhad Stoltenberg, who received the most votes for the new presidium; Rainer Barzel, parliamentary whip; Helmut Kohl, premier of the Rhine-Palatinate; and Hans Katzer, spokesman for the Catholic labor sector from which there had been so many defections to the SPD. The convention re-

elected Kiesinger chairman for a new two-year term, but to many the arrangement was a convenient cover for behind-the-scenes politicking. Just as much as he wishes to be the chancellor candidate in 1973, the next generation is determined to replace him with one of its own. Kiesinger will try to lead the parliamentary opposition, but is not really well-suited to this role. On one side of him will be the polemically most gifted opposition member, the CSU's Strauss, an aspirant to the chancellorship with whom all other aspirants must reckon as they compete for the leadership.

A thesis of the late Otto Kirchheimer was that Germany was experiencing a waning or vanishing of opposition. It was an analysis linked to the strategy of the SPD. Now that the SPD has succeeded, however, and commands the initiative, the burden is upon the CDU to demonstrate positively why it should be returned to power. That the CDU is cast in this situation leads us to speculate that there will be a re-emergence of opposition.

Indeed, in the debate following Chancellor Brandt's Government Declaration, Rainer Barzel indicated that the era of the Great Coalition was to be succeeded by "the great controversy."

Whereas the election outcome means adjustment for the CDU, it signifies opportunity for the SPD, a chance to change society and relations with other countries. It may be able to initiate an era of democratization in schools, universities and factories. As non-Germans, we wondered particularly whether it might become instrumental in changing the economic and political map of Europe. The SPD leaders will seek British entry into the European Economic Community (EEC), perhaps more forcefully and at a more appropriate time than did the Kiesinger government. In its spirit of "talk with anyone" it will be bolder in seeking dialogue and eventual detente across the chasm of Cold War borders. If the British and/or Scandinavians join the EEC, Germany will be strengthened both economically and politically much more than France. If the Cold War subsides, Germany will be the primary Western beneficiary. Thus either of the possible major peaceful changes in Europe will enhance the power of Germany—and they are neither mutually exclusive nor impossible.

It is the possible relationship to the communist countries which, depending upon one's outlook, is most promising or ominous. There is pressure from the SPD's young for rapid change. However, it seems certain that the party leaders will be cautions and pragmatic for several reasons: they are seasoned in foreign affairs and hardly naive in dealing with communists; they will be restrained by the experience of Czechoslovakia; initiatives might be fruitless; and it is doubtful that there is a popular basis for a radical departure. The Brandt government will not extend recognition to the German Democratic Republic (GDR: East Germany). Doing so could cause a backlash resulting in great gains for a party such as the NPD which appeals to nationalist sentiment, could make gains among refugees/expellees, and would then surely win seats in the Bundestag. The policy constraints are thus substantial.

Nevertheless, there are many opportunities, and they are enhanced by Brandt's own credibility. Formerly mayor of beleaguered Berlin as well as foreign minister, with a record of resistance to the Nazi Reich, he has the "credentials" for opening dialogue with the East while retaining Western trust. Brandt assumes there is no likelihood of the Eastern Oder-Neisse territories in Poland being returned. He also assumes it may be possible to reach political understanding without recognizing the present border if it is respected until finally determined in a peace treaty with the World War II victors. He assumes there is little immediate chance of German reunification and that it is not possible to extend recognition. However, he ponders the possibility of a middle ground, involving partial diplomatic recognition on the one hand and some trade, postal and telephone links and highway traffic on the other. Opening trade and communications with East Germany and bringing Britain into the EEC are possible; achieving increases in trade and industrial cooperation with Poland is likely. There will be a new tone to European politics accompanying the SPD's facilitative intentions.

In elevating Willy Brandt, the Germans have selected as their leader the most exciting political personality among Western leaders. He is a leader, moreover, who comes to power at a time of unsual opportunity in international relations. Germany is bypassing France, and de Gaulle, the last of the dominant European leaders, is gone. The Czech invasion is receding into the background, and there are indications that East European countries will be receptive to negotiations. The United States, while maintaining a fundamental interest in West Europe, has been slowly moving toward a very accommodating posture of allowing European policy to be shaped by European initiatives. Accordingly, Brandt becomes not only the leading political personality of Europe, but also Europe's man of greatest political potential.

Of course, the SPD must remain compatible with its coalition partner, the FDP, particularly because the new foreign minister is the FDP's Walter Scheel.

It is significant that the FDP election program called for recognizing the GDR without conceding that it is a foreign country, renouncing Bonn's claim to be sole representative of the German people, and abandoning the Hallstein Doctrine, which denied diplomatic recognition to countries recognizing the GDR. Thus there is a solid basis for SPD–FDP accommodation and initiative in foreign policy.

*Conclusion*

We were aware, as the election returns flashed across the screen, that the kaleidoscope of European politics was taking a portentous new turn. That the real winner had been democracy itself, supported by the 95% of the people who voted for parties other than the NPD, was an outcome which instantly increased Germany's respect, trust and prestige in the world arena. The 1969 elections provided a political supplement to the economic evidence that Germany is the strongest country in Europe. The coincidence of esteem and strength with change to a government promising innovations in both domestic and foreign policy lead us to consider this the most significant election since 1949. Just as in that year, it is an especially important time for Europeans and Americans to engage in fresh and continuing analysis of change within Germany and of its implications for the formulation of foreign policy.

## REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION ON CAMPUS GOVERNMENT AND STUDENT DISSENT

### HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BIESTER. Mr. Speaker, I would like to call to the attention of the House the report of the American Bar Association Commission on Campus Government and Student Dissent:

REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION ON CAMPUS GOVERNMENT AND STUDENT DISSENT

I. BACKGROUND AND SCOPE OF THE REPORT

*A. Confrontation on the campus*

Campus unrest is a major problem of national concern. The focal point of that concern is clearly related to confrontations that have occurred in unprecedented numbers during recent years between students and university and civil authorities. Within the past academic year alone, an estimated one hundred and forty-five institutions of higher learning were torn by violence, and nearly four hundred more endured some form of nonviolent disruptive protest.[1] In response to the gravity and urgency of public concern, the Board of Governors of the American Bar Association authorized the appointment of this Commission in August, 1969, and charged it with responsibility to develop legal standards, procedures, and administrative guidelines relevant to student unrest and campus violence. President Segal appointed the Commission in August.

Historically, college campuses have been important and proper centers of social criticism. During the last few years, however, and particularly during 1968–69, disruption and violence have occurred at many institutions. The assertion of non-negotiable demands, campus strikes and boycotts, and demands for amnesty to law breakers have become recurrent techniques of confrontation politics. Arson, willful destruction of property (including manuscripts and notes of faculty members), assault and battery, the occupation of buildings, interruption of classes, disruption of meetings, barring entrance to buildings, holding administrators captive, violations of injunctions, and other unlawful conduct have all entered an appearance on campus. Highly politicized student groups, sometimes aided by non-students, have been able to halt the normal operations of institutions and thwart university disciplinary proceedings. On a few campuses there is reason to believe that a determined core of revolutionaries seek the destruction of the university they attend if it cannot be transformed in the image that they desire. While disruptive protest has not been and is not characteristic of most colleges and universities, both the number and intensity of the disruptions cause deep concern in a nation that is now providing an opportunity for higher education to more students than any other society in history.

Of great concern also, are the grievances of university students and their opportunity to express these grievances. Many students question the values and priorities of higher education. They are concerned about the policies of the institutions that they attend, the inadequacy of channels of communication, the lack of responsiveness by administrators and faculty, the impersonality of university life, limitations on their freedom of expression, and their inability to participate directly in the decisions that affect their lives. Some charge that universities are hypocritical in that they fail to practice what they preach, especially in areas of faculty commitment to teaching, labor relations with non-academic employees, fundamental fairness in disciplinary hearings, and institutional concern for the social problems of the community.

In addition, as the Brock Report[2] has recently pointed out, there are fundamental differences concerning the proper function of a university in American society. Traditionally, most faculty members have struggled to keep universities apart from the divisive social problems of the nation, as neutral institutions seeking objective truth. Some students disbute the neutrality of higher education, asserting that modern universities have become the handmaiden of a

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military-industrial complex, both in their educational mission of teaching and research and their financial entanglements resulting from grants, contracts, and investments. Other students eschew such a characterization but assert that universities should reject neutrality and become, in the words of the Brock Committee, "partisans of the progressive forces in society."

Some claim that universities exist primarily for students. Others contend that society in general is the principal intended beneficiary of higher education. Although there is obviously some truth in both points of view, the difference in emphasis may assume considerable significance in evaluating demands and proposals for change.

The hierarchical nature of universities and the prereferred status of some members of the faculty runs counter to the egalitarian notions of some who assert that all who are affected are equally capable of participating in the decisions that confront the academic community and that no group is entitled to special privilege. Minority group students have special concerns about the relevance of the traditional degree programs for some, especially those who aspire to provide leadership for the disadvantaged.

Student concepts of the proper functions and structure of universities are expressed in demands that more courses deal directly with immediate social problems and values, that more study be undertaken directly in the community rather than in the classroom, that grading systems be modified or eliminated, and that special programs for the disadvantaged or minority groups be instituted. They seek greater student participation in university governance, more formalized disciplinary procedures in which basic rights of students are expressly recognized and new procedures that will produce prompt faculty or administrative response to articulated complaints.

Many college students are equally critical of American society's perception and response to the problems facing it. Many speak in terms of the "Establishment" and include within its ambit government, business, churches, the military, and the educational system. They are concerned about racial discrimination, poverty, hunger, the values of materialism, the draft, the war in Viet Nam, and the incapacity of the young to translate their concerns into effective political action. They disagree with the priorities that they claim the "System" has set for the allocation of societal resources to meet national needs, and they decry what they regard to be national aggrandizement in the conduct of our international affairs. They see the university not only as a forum in which to discuss these matters but also as an instrument to effect the societal changes that they deem to be necessary. They want to participate in the policies that will accomplish these changes, and they deny the legitimacy of efforts by the university to limit their political expression concerning these issues.

Obviously, not all students share all of these views, and the intensity of concern about different issues varies widely among the many campuses of the nation. At the same time, it must be recognized that a number of these grievances have considerable substance in fact. Impersonalism, inattention, and neglect have been evident in the curricula, procedures, and internal and community practices of many institutions.

It is ironic that many of the disruptive disturbances have taken place in institutions least deficient in their sensitivity to student concerns. Indeed, the Commission believes that the very excellence of a given university and its lack of repressive policies may be conditions conducive to unrest. Students may be less willing to assert perceived grievances if summary repression is the only foreseeable result. Complete apathy in a vigorous academic institution, however, is not to be expected or desired. It may sometimes be as much a cause of concern as confrontation itself. Expression of grievances may be desirable, but it is equally desirable that the tension be expressed in forms which are consistent with law.

There is also reason to suggest that some issues have been the subject of demonstration on campus not because the university has more (or even as much) influence or responsibility than other institutions for the determination of national and international policies, but simply because its very fragility and tolerance constitute an invitation to those who may seek to use these issues to attack the institutions of our society. No university, however progressive, can avoid confrontation with those who are determined to use it merely as an instrument of revolutionary politics.

The universities have responded to the disruptive disturbances and to the underlying student unrest in various ways. Internal disciplinary actions, the use of police or national guard, the use of court injunctions and criminal prosecutions have, in different circumstances, been used by various institutions to cope with disorders. In a substantial number of institutions there have been substantive institutional changes in response to the underlying merit of student grievances, from relatively minor changes in procedures to fundamental overhauls of academic programs, disciplinary machinery, and institutions of government. In some institutions, provision has been made for increased participation of students at various levels of university authority, including membership on the Board of Trustees. At other institutions, a careful consideration of the issue has resulted in a determination that the principle of administrative accountability is preferable to representation of all segments of the academic community in the decision-making process.

The reaction of higher education to campus unrest has not dispelled public concern. Student disruptions have already resulted in legislation in approximately one-half of the states and in the Congress, with additional legislative proposals now under consideration. The courts are reviewing university disciplinary actions and procedures in unprecedented numbers. Alumni and the citizenry in general are demanding that order be maintained, while students continue to protest over the allegedly slow pace of institutional reform.

The danger to higher education is apparent if violent disturbances continue to interfere with the educational missions of our institutions of higher learning or if members of our academic communities become more alienated from the universities and society of which they are a part. The importance of the orderly functioning of our universities is too great to tolerate the number and kinds of disruptions that have become commonplace. At the same time, there is a risk that certain efforts to maintain order may themselves be excessive and may indirectly contribute to disruptions infringing upon rights of students within a university freely to express their dissent and to be dealt with fairly when charges of misconduct are asserted against them.

*B. Specific objectives of the Commission*

Principles and procedures must be developed that will insure freedom for dissent, while preserving the order required for those endeavors that constitute the reasons for the existence of universities. The Commission has resolved to concentrate its efforts in this Report on the formulation of those principles and procedures.[3]

The Commission has deliberately avoided detailed recommendations in part because of the formidable difficulties caused by the diversity of higher education in America and the complexity of the relationships within each institution.

More than seven million students are currently enrolled in nearly 2,600 colleges and universities in the United States. Two-thirds of these students attend public institutions that account for forty percent of all institutions of higher learning. The remaining third are unevenly distributed among 1,500 private institutions, and nearly sixty percent of these institutions have some degree of religious affiliation.

Private institutions share a common principal dependency on private financial support, but their particular dependency even in this regard varies greatly and they otherwise reflect almost every imaginable variety of educational ecology. They include giant universities heavily invested with major research and graduate programs, thousands of students from eighteen to thirty-five years, and campuses with widely differing degrees of decentralization and impersonality. At the same time, the complex of private higher education also includes theological seminaries, technical institutes, and proprietary colleges with concentrated financial dependency, specific doctrinal commitments, and such diverse educational circumstance that detailed prescriptions uniformly responsive to the situation of all private institutions alike are impractical and undesirable.

Variety in educational circumstances is equally obvious among public colleges and universities in which the greater number of students are enrolled. They, too, reflect major differences in size, resources, personnel, function, curriculum, facilities, governance, and tradition. They embrace the state and federally financed multiversities of more than 30,000 students drawn from great distances to large campuses of uncertain boundaries scarcely separating them from the city at large. They include small, two-year community colleges with purely local student bodies of eighteen and nineteen year olds, compact campuses, a liberal arts curriculum, and community boards of control administering small budgets from locally-dependent tax sources. At a time when public attention to campus unrest may tend to suggest that most of higher education is pursued in one or two kinds of institutions—such as the very large and impersonal multiversity or the small but permissive liberal arts college—it may be instructive to note that a quarter of the entire college student population is found in junior colleges.

This central theme of diversity in higher education means that this Commission's prescriptive statement of principles must appropriate restrict itself to a limited number of recommendations within the practical capacity of each institution to consider according to its own particular circumstances. Any attempt to provide detailed prescriptions would presuppose a nonexistent sameness in the circumstances of all institutions of higher education.

The present state of the law limits the power of state universities to restrict political expression and to administer summary discipline to a much greater degree than is true of private institutions, and our recommendations appropriately take those legal limitations into account. Furthermore, available evidence indicates that disruption and violence has been especially prevalent in some of the large academically selective institutions, and substantive and procedural standards therefore must also be formulated with the needs of these institutions in mind. Additionally, there is reason to believe that the need for formulating principles governing freedom of expression and the adjudication of charges of student misconduct may be the greatest in some of our small institutions which have not yet experienced the intensity of student concern manifested at other institutions. Thus, our recommenda-

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tions are meant to be useful to them as well.

The Commission is aware that its concern about the protection of legitimate dissent will be of limited value to a number of institutions that have already accepted the basic principles reviewed in this Report. And, again, there are necessarily a number of smaller, highly specialized institution that are unlikely to be faced with the prospect of violence by a politicized student group and may not need even the limited degree of institutionalized rules reflected in our recommendations.

A second factor that argues persuasively against any attempt to draft specific rules is the complexity of the relationships within any particular institution of higher learning. Few universities conform to the image of a monolithic institution in which power is concentrated in a small group of administrators who are capable of responding promptly to any crisis that may arise. In most institutions, the power of college administrators is shared with trustees, faculty, and others. Frequently, the authority of the president and his administrative subordinates is not commensurate with their responsibility. In all institutions, the relationships among students, faculty, administrators, trustees, boards of visitors, alumni, the communities in which they are located, and the public at large are complex and sophisticated. Special relationships with religious bodies or state legislatures may compound the difficulty of understanding how any given university functions.

The nature of these relationships in any one university are usually incapable of comprehension without an understanding of the traditions, informal understanding, indentures, corporate charters, or state and federal legislation, which make up the background for the daily operations of every university. Rapid growth in an era of change has resulted in a situation where many universities themselves have not yet been able to evaluate the degree to which such factors affect decision-making or the exact role of different groups in the formulation of policy. Many institutions are now engaged in such self-evaluation, and the deliberations may affect the kinds of specific rules that will be appropriate for any given institution.

The Commission's recommendations are based upon the premise that within a university it is possible for men of good faith to engage in free expression, and that it is possible for institutions of self-government, including university disciplinary proceedings, to operate effectively. These conditions exist in the overwhelming majority of American institutions of higher learning. Unfortunately, there are universities where, on occasion during recent years, different conditions have prevailed. For example, disciplinary hearings have been interrupted, hearings have been turned into politicized propaganda tirades, coercion has been exercised to preclude rational consideration and determination of the issues involved.

A university should not permit its fairly established procedures to be frustrated by conduct of this nature. University disciplinary proceedings are fragile instruments. A university does not have a career judiciary, or marshals, sheriffs or bailiffs to enforce its orders and maintain order. Any dedicated group of disrupters can interfere effectively with the deliberations of any university tribunal. Such a situation is akin to the type of insurgency which justifies martial law, and an institution may be required to depart from its normal procedures (such as closing a hearing to the public) when it is immediately threatened with disruption.

With these reservations, the Commission has divided its Report into two sections: The Protection of Freedom of Expression; and, The Maintenance of Order with Justice.

## II. THE PROTECTION OF FREEDOM OF EXPRESSION

### *Introduction*

During its 1968 Term, the Supreme Court of the United States for the first time in twenty-five years reviewed a case involving student freedom of expression. Its decision ended in granting relief to several public high school students who had been suspended for wearing black armbands on campus as a peaceful expression of dissent to American involvement in Viet Nam. After emphasizing repeatedly that the record in the case contained no evidence of intimidation or material disruption upon which the school might otherwise have properly relied as a basis for its disciplinary action, the Court went on to make certain observations that are of importance to the recommendations of this Commission:

"First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years."

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"Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views."—*Tinker* v. *Des Moines School District,* 393 U.S. 503 (1969).

This Commission's recommendations necessarily reflect the fact that public institutions of higher education are subject to the First Amendment, and that the Constitution itself thus provides a subsantial measure of protection for free speech on campus. While the precise scope of student political rights on campus remains uncertain (given the relative infrequency of litigation, the near absence of Supreme Court review and considerable disagreement among the lower courts) a reasonable basis does exist to project an outline of those rights "applied in light of the special characteristics of the school environment," and limited by "constiutionally valid reasons" for their fair regulation.

Our recommendations distinguish generally between public and private institutions because their needs and circumstances may differ sharply, especially for institutions with announced doctrinal commitments and specially limited vocational or religious objectives, and where the First Amendment may not apply. At the same time, our recommendations for public institutions may also be appropriate for many private institutions as well. To a considerable extent, this similar treatment of student expression in many private institutions as in public institutions reflect the fact that a clear distinction cannot always be made in a given case as a matter of law, educational policy, or institutional need. Increasingly, for instance, more and more private institutions rely upon governmental assistance to underwrite new construction, research, salaries, and student aid. The Supreme Court has said: ". . . when authority derives in part from Government's thumb on the scales, the exercise of that power by private persons becomes closely akin, in some respects, to its exercise by Government itself." Whether the First Amendment will be held to apply to certain private institutions or at least to certain aspects of their operations when they are financed and otherwise significantly involved with government has not yet been decided by the Supreme Court. Nevertheless, prudent planning requires the recognition that the Court may hold that the Amendment is applicable.

Beyond this, the "special characteristics of the school environment," referred to by the Supreme Court, very considerably among public and private institutions alike, with the consequence that the latitude of institutional regulation of student expression may be broader at some institutions than at others irrespective of whether they are public or private. Limitations on facilities, finance, and personnel in a small community college may, for instance, preclude the extent of political activity feasible to accommodate within a larger institution.

The difference in average age of students in a given college may make it educationally appropriate to provide for a degree of advice and consultation inessential to observe to the same extent at an institution with a largely graduate student body. Additionally, emergency circumstances within a given public institution may justify special measures essential to the restoration of order, just as they may do so in the larger society. In these and other respects, it may obviously be of secondary importance to determine whether a given institution is either private or public in a technical sense.

Finally, the Commission wishes expressly to note that not all of our suggestions necessarily reflect established legal requirements even as applied to public institutions. To a certain extent, this is unavoidable because the law is not entirely settled. More substantially, however, our recommendations attempt to report standards that may be seen as fair and feasible, faithful to the law as it has developed, and also responsive to the needs of students and the constraints of higher education.

### *A. Freedom of expression and political activity in public colleges and universities*

Students enrolled in public institutions of higher education are entitled to the same First Amendment freedoms that they hold as citizens. In the context of the campus itself, the fair exercise of those rights involves the following considerations.

#### 1. Freedom of Association

Students should be free to organize and to participate in voluntary associations of their own choosing subject to university regulations insuring that such associations are neither discriminatory in their treatment of other members of the academic community nor operated in a manner which substantially interferes with the rights of others.[4] Under appropriate circumstances, e.g., where university funds may be involved, or where support is provided other than through voluntary contributions of the members themselves, the university may reasonably require a reliable accounting procedure and a list of officers or other persons responsible for the overall conduct of the association. While a faculty advisor may be of benefit to an association and provision may be made to encourage this degree of faculty support, a voluntary student association ought not be subject to the control of its advisor nor should freedom of association be denied to groups unable or unwilling to secure assistance of this kind. Affiliation of a voluntary student association with extramural organizations is not by itself a sufficient reason to deny that student association the use of campus facilities, although reasonable provision may be made to safeguard the autonomy of a campus organization from domination by outside groups.

Freedom of association on campus may properly reflect personal or political interests of the members not necessarily related to the

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operation of the university or its regular instructional program. The right to voluntary association is not limited to those groups that necessarily hold interests coincident with those of the institution as such; but, campus organizations are under a strong obligation to avoid any representation that their actions necessarily reflect the views of the university.

Acts of intimidation or disruption of the university may properly be forbidden by rules applicable to all members of the academic community, including voluntary associations. Thus, violations of such rules by voluntary associations may properly result in the imposition of sanctions against an association corporately, and not merely against its members as individuals. In addition, a public institution may not forbid freedom of association because of misgivings about the general political or philosophical objectives of any particular group. Laws governing criminal solicitation, attempt and conspiracy are, however, equally applicable to students as to all others and overt acts in material furtherance of an illegal objective may be subject to university discipline as well as redress under general law. Upon proper consideration of this subject with legal counsel, whose assistance may be necessary to inform the institution on the scope of its authority in this area, specific regulation may then be provided.

2. Freedom of Speech and Assembly

Rules specifically applicable to speech and assembly on campus should be clear and specific to avoid the possibility of arbitrary enforcement and to avoid degrees of uncertainty which might otherwise inhibit the exercise of orderly and peaceful expression.

No rule should restrict any student expression solely on the basis of disapproval or fear of his ideas or motives. At the same time, the fact that students may pursue interests in political action through speech and assembly on campus does not abrogate their accountability as citizens to the constitutional laws of the larger society, and the university is entitled to reflect these constraints in its own regulations. Accordingly, willful defamation, public obscenity, certain incitements to crime, as well as other civil or criminal misconduct under laws applicable to a manner of speech or assembly directly damaging to the rights of others may be subject to institutional redress.

In addition, institutions of higher education have a serious obligation to protect the operation of the university from disruption and to protect the members of the academic community and all others authorized to use their facilities from harassment and coercion. Modes of speech or assembly that are manifestly unreasonable in terms of time, place, or manner may be forbidden by clear and specific university rules. Such rules are a condition rather than a limitation of freedom within the university. Thus, demonstrations, speeches or assemblies that are disruptive because they are staged in a manner that congests access or passage, or due to their noise or location, and expressions imposed on semi-captive audiences or offensively upon unwilling third parties may appropriately be forbidden.

Freedom of expression is not confined to oral or written communication alone, and symbolic conduct ought not be forbidden where it is neither disruptive by its manner nor otherwise violative of rules applicable to conduct as such. Freedom of expression on campus, moreover, ought not be restricted only to areas especially suitable for stationary assembly. An effective opportunity to reach others whose interest a student may desire to attract may appropriately extend to other facilities on campus to the extent that their normal operation is generally compatible with peaceful communication. Thus, the distribution of printed matter in places of general public access, and the exercise of other forms of expression which are not disruptive of the customary use of various university facilities should not be restricted.

In addition to being protected in the exercise of their own freedom of speech, students should be free to invite and to hear any person of their own choosing. Routine procedures required by a public institution before a guest speaker is invited to appear on campus, such as those applicable to other assemblies on campus, should be designed to insure only that there is an orderly scheduling of facilities and adequate preparation for the event. Institutional control of campus facilities thus should not be used as a device of censorship. Guest speakers, not otherwise associated with the university, are nevertheless accountable for their conduct under valid general laws, and the university may seek the assistance of those laws under appropriate circumstances. While a student organization ought not be held responsible for unforeseeable illegal actions by a speaker on campus at their invitation, sponsorship with knowledge of the speaker's intended or probable violation of the law, which violation does in fact occur in connection with that sponsorship, may appropriately result in disciplinary action against the sponsoring students.

3. Freedom of the Press

Freedom of the press is in a basic sense but a special aspect of freedom of speech. As a consequence, many of the rules protecting and limiting other modes of expression on campus will apply equally to the regulation of publications. Ideological censorship is thus to be avoided in the determination of printed matter available on campus; access to publications is not to be denied because of disapproval of their content; and regulation of student publications that operate on the same basis as other private enterprises should be subject only to the same control as those respecting the reasonableness of time, place, and manner of distribution. Similarly, valid general laws proscribing willful defamation, public obscenity, and other actionable wrongs apply equally to printed matter as to other forms of expression on campus. Finally, just as the institution has an obligation to discourage interference with speech, so also may it prohibit acts of vandalism or other misconduct that seeks to hinder the orderly distribution and availability of publications on campus.

As already noted, a student publication that operates on the same basis as other private undertakings may be subject only to the same control as they. The regular student press is often distinguishable from other publications, however, and frequently cannot be treated as though it were an enterprise financially and legally separate from the university. Student newspapers may be supported by compulsory student fees and other direct and indirect institutional subsidy. They may be legally integrated with the operation of the university in such a fashion that the institution is answerable under the law for actionable statements injurious to others. They may be associated with a department of journalism or other curricular discipline carrying academic recognition and supervision. In each of these instances and others, the integration of the student press and the university may make it appropriate that rules be provided for its fair regulation and protection.

The fact of institutional subsidy and liability does not warrant censorship of editorial policy or content in any broad sense. The university may provide for limited review, however, solely as a reasonable precaution against the publication of matter which would expose the institution to liability. Provision should be made to advise student editors and managers of laws applicable to the student press and to the institution, and the rules may provide that editors and managers are subject to an additional obligation to review copy with a person appropriately designated to furnish them counsel on any matter which the editors have reason to know may raise a substantial question of institutional liability. At the same time, editors and managers of student publications should be protected from arbitrary suspension and removal from office because of student, faculty, or administrative disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures.

Where the student press is supported by compulsory student fees or other significant university subsidy or where there is a generally accepted public identification with the particular institution, it may properly be subject to rules providing for a right of reply by any person adversely treated in its publication or in disagreement with its editorial policy or its treatment of a given event. Similarly, since the right of fair access to a publication supported by compulsory subscription may be essential to protect those thus compelled to support the press, provision should be made for the publication of news and views offered by persons who feel that they are not adequately represented in the coverage of that press, subject only to reasonable standards of newsworthiness and review of possibly actionable statements.[5]

Faculty or administrative supervision of publications integrated with academic credit and training in journalism should be limited to academic requirements and evaluation. As a matter of policy, provisions for review of faculty or administrative evaluations believed to reflect bias or prejudice extend equally to the protection of students in journalism.

University published and financed student publications should appropriately indicate that the opinions there expressed are not necessarily those of the university or the student body. Moreover, other student publications may fairly be required to indicate that they are not published or financed by the university, and that opinions expressed therein are without university endorsement.

4. Within the Classroom

The classroom is not an unstructured political forum. It is a center for the study and understanding of a described subject matter for which the instructor has professional responsibility and institutional accountability. Control of the order and direction of a class, as well as control of the scope and treatment of the subject matter, must therefore immediately rest with the individual instructor, free of distraction or disruption by students or others who may be in disagreement with the manner in which he discharges his responsibilities. Thus, disruption of the classroom itself or conduct within the classroom insubordinate of the instructor's immediate authority may appropriately be forbidden by the rules of the university. The rules may properly reflect the obligation of each student to respect the rights of others in the maintenance of classroom order and in the observance of that standard of elementary courtesy common to every intellectual discipline.

Given the fact that the classroom may not be utilized to ventilate grievances relevant even to the conduct of the class itself, at least when the instructor indicates his reluctance to depart from the assigned materials, universities should provide some orderly means outside of the classroom for the review and disposition of such grievances. Where such means are provided, or where students otherwise express their grievance with the conduct of a given course without disrupting the classroom itself, they should not be subject to instructional reprisal or punitive

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grading for doing so. To safeguard these prerogatives as well as to protect students from instructional evaluation based on political bias, individual prejudice, or other considerations not reflecting a professional assessment of educational performance, provision should be made for an orderly procedure of appeal from instructional evaluations allegedly reached on nonacademic grounds.

*B. Freedom of expression and political activity in private colleges and universities*

Students enrolling in private institutions of higher education are generally subject to whatever extent of regulation each institution has determined to be appropriate to its own needs and circumstances. The Constitution does not require that a private seminary subordinate its belief in revealed truth to criticism within its own walls, nor does it forbid the dedication of private assets for secular purposes which the grantor or his trustees desire to limit specifically as they think best. A private college is generally free to determine to its own satisfication the nature and conditions of the educational service it wishes to offer. In a pluralistic society, the basic value of all of these institutions inheres in the fact that they offer alternatives which remain highly attractive choices to many people.

Correspondingly, the principal obligation of these institutions to those whom they encourage to enroll is primarily one of clear and honest disclosure. Where the institution thus makes clear its own expectations and provides an understanding of what it deems incompatible with its purposes as well as what it will attempt to provide, respect for its rules may be expected in the conduct of its students subject to whatever process of change the institution has otherwise established.

In practice, however, some private institutions (*e.g.*, a school with a fixed doctrinal or ideological objective) may also need to reflect their special characteristics in their staffing and admissions policies, as well as in their rules and publications. Otherwise, some students and faculty may come into the institution in spite of, rather than because of, the institution's special characteristics. Their displeasure with policies with which they disagree may result in controversy which in turn may trigger a disruption, despite the institution's attempt to make its policies clear in its rules and publications.

We have noted earlier in this Report that many private institutions neither feel a need for regulating student political expression in any manner differently from what we have recommended for public institutions, nor do they think it desirable to set themselves apart in this respect. Indeed, it deserves to be said that a number of private institutions do not maintain even that degree of restriction on student political activity which the law allows even to their public counterparts. The commission fully supports the many distinguished private colleges that have adopted such policies. The Report intends only to acknowledge that variation among the circumstances of all our institutions of higher learning makes it imperative to recognize that each institution must enjoy a substantial measure of freedom in reconciling these recommendations with its policies and objectives.[6]

III. THE MAINTENANCE OF ORDER WITH JUSTICE

*Introduction*

The interests of the public and higher education will be best served by entrusting the primary responsibility for the maintenance of order on the campus to the universities when they are willing and able to perform the function.

In most universities the maintenance of order does not constitute a major problem. Most students voluntarily abstain from disruptive activity. In most cases the normal channels of university governance are able to find solutions to disputes before controversy erupts into a disorder.

New techniques are being utilized on some campuses to accelerate decision-making where the normal institutional processes are felt to be too slow or inflexible to achieve a satisfactory solution within the time available. Undoubtedly, other alternatives for the resolution of campus disputes will be found as universities continue to engage in self-evaluation of their disputes resolution machinery.

Searching self-evaluation, the identification of valid grievances, and prompt attention to institutional shortcomings provide the most effective assurance for the maintenance of order. As in other fields of endeavor, prevention is to be preferred over therapy.

Not all confrontations can be avoided. On occasion disputes may concern issues which the university lacks the power to resolve. On matters within institutional competence there may be an honest difference of opinion on matters too fundamental to permit compromise, or the power to take effective action may rest in a person or body other than the immediate parties to the dispute. Finally, no university can avoid confrontation with those who openly espouse its destruction or those who assert non-negotiable demands. In such circumstances, a confrontation may result in a disruption if students are unwilling to conform their conduct to the requirements of law. In such cases, primary reliance should be placed on university disciplinary procedures, supported by university security personnel, for the maintenance or restoration of order and the prevention of future disturbances. The imposition of effective sanctions against students guilty of misconduct after prompt, fair disciplinary proceedings will normally be sufficient to maintain an acceptable level of order without the necessity of outside intervention.[7]

Nevertheless, conditions can arise where a university may be required to seek the assistance of civil authorities or civil authorities may, on their own initiative, determine that intervention is necessary in order to protect persons, property or the orderly functioning of the university or to put a halt to flagrant violations of law.

Both the use of internal disciplinary procedures and the intervention of civil authorities pose issues of great importance to the public and to institutions of higher learning. This portion of the Report deals with these matters.

*A. University disciplinary procedures*

Introduction

The Commission is concerned exclusively with appropriate procedures in cases where a substantial sanction, such as suspension or expulsion, may be imposed for alleged misconduct by a student. The recommendations of the Commission are not intended to apply to purely academic decisions by a university, nor do they apply to cases in which the penalties involved are not serious. Furthermore, the Commission recognizes that a student, with knowledge of his rights, may prefer and may choose to accept informal procedures for the determination of guilt or the imposition of a sanction.

For reasons stated previously, no attempt shall be made to suggest a model of universal utility. Instead the Commission recommends that institutions of higher learning structure their disciplinary proceedings in a manner reasonably calculated to accomplish several goals. The procedures established should facilitate a reliable determination of the truth or falsity of the charges. They should provide fundamental fairness to the parties, and they should be an effective instrument for the maintenance of order. The Commission rejects the proposition that one of the purposes of university disciplinary proceedings is to provide a forum to politicize a campus.

1. Principles for Achieving Reliability and Fundamental Fairness

a. The need for rules

A number of colleges and universities have instituted disciplinary proceedings against students on the basis of their "inherent authority" to maintain order on campus, in spite of the absence of any rule forbidding the particular conduct which formed the basis of the charge. Where the particular conduct involved substantial disruption and was otherwise of such a nature that the students could not reasonably have supposed that it would be condoned by the institution, the university's authority to proceed simply on the basis of its inherent authority has generally been upheld by the courts. On the other hand, one federal court of appeals has recently rejected the view that inherent authority alone is a sufficient basis for serious disciplinary action, further observing that the doctrines of vagueness and overbreadth that other courts have applied to invalidate certain university rules applicable to political activity "presuppose the existence of rules whose coherence and boundaries may be questioned."

Given the unsettled state of the law and the reasonableness of competing points of view on this subject, the Commission is not inclined to recommend either that a university may never act against a student other than pursuant to a published rule clearly furnishing the basis for a specific charge or that it may freely act against the student even in the absence of any clearly applicable and previously published rule. Rather, the Commission believes it more useful to state the various considerations according to which an institution may better determine what fundamental fairness may require in the circumstances of a given case:

(1) A college or university ought not be expected to formulate elaborately detailed codes of conduct comparable to the consolidated criminal statutes of a state. An attempt to differentiate among all possible offenses in comparable refinement is not within the resources of many colleges, it may detract from the educational character of an academic institution, and it may inadvertently encourage an adversary relationship in which professional quibbling is substituted for fundamental fairness.

(2) For most purposes, however, it is feasible for a college or university to describe its standards with sufficient clarity and to publish those standards in a form readily available to its students in a manner which, while not exaggerated in length, detail, or complexity, will provide fair notice of what is expected and what is forbidden.

(3) While it might be helpful to designate a responsible person or group of persons to furnish an authoritative advisory opinion upon inquiry by those wishing to know whether a proposed course of conduct would be deemed to violate a rule that is somewhat vague, or would be deemed to be inconsistent with the institution's inherent power to maintain order on campus, the value of such a procedure should be seen as complementary to published rules and not as a general substitute for rules.

(4) Where a rule has been adopted which is applicable to behavior involving some aspect of freedom of speech, association, or assembly, there is a special obligation that the rule be stated with clarity and precision.

b. The scope of rules

The Commission elsewhere in this Report records its view that university rules may appropriately overlap certain state and federal statutes, and that the concept of double jeopardy does not limit the scope of a university's rules. Thus, a student who disrupts a classroom in a manner that subjects him to a general statute applicable to assault and battery may also appropriately be subject to

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university disciplinary processes as well. Conversely, the fact that certain student conduct is not necessarily subject to any state or federal statute does not make it inappropriate for a college to forbid such conduct, as may ordinarily be true of cases of cheating on examinations or plagiarism. The relation of college rules to general laws is therefore largely coincidental, and the scope of university rules is appropriately determined by the announced objectives of the university and the extent to which it has reasonably determined that certain rules are fairly related to the accomplishment and protection of those objectives. Given the diversity of our institutions of higher learning and the fact that they are not all established for identical purposes, it is consequently not possible to describe uniform outside limits on the nature and scope of the rules that each may choose to maintain.

At the same time, the Commission recommends that a college or university ought not proliferate its rules beyond the point of safeguarding its own stated objectives. In this respect, a college rule that does no more than to duplicate the function of a general statute and to multiply the individual's punishment under general law without vindicating any distinct and separate concern of the academic community may be seen by many as a form of double punishment and lead to bitterness and recrimination. The Commission emphasizes, therefore, that the scope of university rules ought to be determined by each institution with reference to its own needs and objectives, and not with reference to the scope of state or federal jurisdiction.

c. Equality of enforcement

The university has an obligation to apply its rules equally to all students who are similarly situated. This does not mean, however, that a university is required to refrain from prosecuting some offenders because there are other offenders who cannot be identified or who are not presently being tried for some other valid reason. In the absence of evidence of discriminatory enforcement, the university may properly try those offenders against whom charges have been brought although it is clear that there are other offenders who are not before the tribunal.

d. Impartiality of the trier of fact

The truth or falsity of charges of specific acts of misconduct should be determined by an impartial person or group. Fundamental fairness does not require any particular kind of tribunal or hearing committee, nor does it necessarily require that the finder of fact comes from or (in the case of a group) be composed of any particular segments of the university community.

e. Notice of the charge

A student accused of specific acts of misconduct should receive timely notice of the specific charge against him. The charge should be sufficiently precise to enable the student to understand the grounds upon which the university seeks to justify the imposition of a sanction and to enable him adequately to prepare any defense which may be available to him.

f. Information concerning the nature of the evidence in support of the charge

If a student denies the facts alleged in the charges, he should be informed of the nature of the evidence on which the disciplinary proceeding is based. He should either be given the right to confront the witnesses against him or be provided with the names and statements of the witnesses who have given evidence against him. In cases where credibility is involved, fundamental fairness may require that a student be provided the opportunity to question his accusers.

g. Opportunity to be heard

The student should be given an opportunity to respond to the evidence against him. He should be able to present his position, make such denial or explanation as he thinks appropriate, and testify or present such other evidence as is available to him. The technical rules of evidence applicable to civil and criminal trials are not applicable. A student may waive his right to a hearing either expressly or by his failure to appear without justification at the time set. Failure to appear without justification may itself be made punishable.

h. Basis of decision

The trier of fact before whom the hearing is conducted should base its decision on the evidence presented at the hearing. A finding of guilt and the imposition of a sanction should be based on substantial evidence.

i. Representation of accused

A student should have the right to be represented at the hearing by any person selected by him, such as a fellow student, a faculty member, a lawyer, or a friend from outside the university community.

The Commission understands the doubts of those who are concerned that the participation by a lawyer may make some disciplinary procedures unworkable, especially where the trier of fact is not a lawyer and legal counsel for him is unavailable. The Commission agrees that it would be most unfortunate if university disciplinary proceedings were to be conducted in the atmosphere sometimes characteristic of criminal trials.

It also recognizes, however, that a hearing on charges of misconduct is an adversary proceeding in the sense that the university is seeking to impose a sanction of substantial severity upon the student, and the student is seeking to avoid the imposition of the sanction. Frequently, there will be sharp controversy over questions of fact, under circumstances in which a young student may lack the expertise to investigate effectively or be too inarticulate to present his case adequately without professional assistance. In many cases there will be a need for counsel for the same reasons that counsel is needed in civil and criminal cases, juvenile proceedings, administrative hearings, or negotiations between private persons.

In complex cases where a student is represented by counsel, it may be essential to have a law trained hearing officer, and on occasion it may also be desirable for the university to present its case through counsel. It may be necessary for the university to utilize the services of members of a law school faculty, local attorneys in private practice, its general counsel, or lawyer alumni to meet such needs.

j. Interim suspension

As a general rule the status of a student should not be altered until the charges brought against him have been adjudicated. Experience has shown, however, that prompt and decisive disciplinary action may be required in extreme cases before there is an opportunity to conduct a hearing, as in cases in which a student's continued presence on campus constitutes an immediate threat or injury to the well-being or property of members of the university community, or to the property or the orderly functioning of the university. The imposition of interim suspension should entitle the suspended student to a prompt hearing on the charges against him. Fundamental fairness may require an informal review of the decision to impose interim suspension in the absence of a prompt hearing on the charges.

2. Implementation of principles

It is clear that the principles discussed in the preceding section are not self-executing. The Commission also recognizes that some may think it desirable to broaden the procedural protection afforded students, while others may question the desirability of some of the principles enunciated above, at least in the case of some private universities.

The Commission has stated what it deems to be desirable standards. It recognizes that individual institutions of higher learning will have to develop their own procedures in response to their special needs. In doing so, they will be required to make difficult decisions in attempting to implement these general principles.

Some of the problems of implementation are clear:

Should the trier of fact be a faculty member, administrative official, alumnus, tribunal, hearing committee, or some other person or group? If the trier of fact is to be a group, of whom will it be composed and how will it be selected? Who may file charges; how should they be investigated; what standards should govern their disposition? What degree of specificity should be required; should consolidation of charges against different students be permitted; how should they be served; what time interval should usually exist between service of charges and hearing? Should the defendant be permitted to stand mute? Should evidence in support of the charges be normally presented by report, statements, or live witnesses? What quantum of proof should be utilized by the trier of fact as a criterion for determining whether there is "substantial evidence" of guilt? Will the hearing normally be open or closed; and what circumstances, if any, will justify a departure from the normal procedure? Should an appeal be permitted, and if so, what will be the scope of the appeal and to whom should it be addressed?

These are but examples of questions that may result in a wide range of responses in the different kinds of institutions of higher learning across the country. The Commission does not suggest that any one set of answers is best for all. The basic test must be the extent to which proposed procedures contribute or detract from the reliability of fact finding, fundamental fairness, and effectiveness.

3. Effectiveness

It is not sufficient that disciplinary procedures be reliable and fair. They must also be effective. Effectiveness is particularly dependent on the overall attitude of the university community itself. It assumes a widely shared commitment to the principle of institutional self-governance. It requires that misconduct be reported, that charges be filed by those who have the responsibility to do so, that the witnesses will testify if called, that findings of guilt be made when the evidence so warrants, and that penalties be imposed when guilt is found and sanctions are appropriate. There must be a general willingness to participate in the proceedings and to respect the finality of their results. It must be possible for proceedings to be conducted without fear of interruption or retaliation against those who participate.

In some universities the imposition of the sanction of suspension or expulsion has triggered new disorders. The university community must appreciate that its failure to police its own house will inevitably lead to intervention by civil authority.

*B. Relationship between campus authority and civil authority*

Introduction

In the words of the National Commission on the Causes and Prevention of Violence, members of the university community "cannot argue that of all Americans they are uniquely beyond the reach of the law." A citizen is not immunized from the law by virtue of his status as a student.

The Commission has earlier in this Report affirmed its belief that there are persuasive reasons why the interests of the public and the university community may be best served

by entrusting the primary responsibility for the maintenance of order to universities when they are willing and able to perform the function. At the same time, it has recognized that there are circumstances in which the intervention of civil authorities may be required.

Intervention by public authority may take several different forms: the issuance of an injunction; selective arrests; the introduction of substantial numbers of police into the campus; civil suits for damages. All have advantages and disadvantages. Whether or when there should be recourse to any of these techniques raises questions of judgment and discretion, rather than issues of law. The Commission can do no more than to indicate some of the considerations that should influence the decision of what techniques should be utilized and when they may be most appropriate.

1. Injunctions

A number of institutions have sought injunctive relief for the purpose of quelling campus disturbances, with varying degrees of success. Some courts have granted injunctions upon the theory that the presence of an immediate threat to property or persons or a significant interference with the educational mission of the institution constitutes a threat of irreparable harm justifying injunctive relief. In at least one state, it is no longer necessary to allege that irreparable injury is threatened if the court finds that "a state of emergency exists or is imminent within the institution." In most instances, universities have been able to obtain a temporary restraining order upon an *ex parte* application by counsel.

There are a number of advantages to the use of injunctions in cases of student disorders: An injunction can be narrowly drafted to deal with a specific disturbance with much more precision than a general statute, thus responding more effectively to the disruption while avoiding unduly broad limitations upon freedom of expression. The injunction constitutes a public declaration by the courts of the unlawful nature of the actions taken or threatened by the disrupting students. The issuance of an injunction may generate a favorable public reaction to the position of the university. It may persuade moderate students to refrain from participating in the disruption. It imposes restraint upon the disrupting students by a non-university governmental entity. Students may obey a court order when they would ignore the orders of a university official. The injunction may provide students with an opportunity to end a disruption without losing face. If contempt proceedings are instituted to enforce the injunction, the hearing of the contempt citation will generally be accelerated on the court's docket, thus resulting in a speedier determination than might have occurred if the criminal processes had been utilized.

There are also disadvantages. It is frequently necessary to utilize local law enforcement officers to serve process. In most states, the injunction is not self-enforcing, although at least one state statute makes a violation of an injunction a crime in itself. Enforcement of an injunction through court proceedings may involve some of the same problems as those presented when police are used to quell a disturbance. A university that is not prepared to enforce the injunction through contempt proceedings should not seek one. To obtain an injunction in such a situation might permit a court decree to be flouted by students with impunity.

There may be significant procedural problems involved in establishing proof of notice of the injunction when the defendant is brought before the court in contempt hearings. There may be substantial problems of identification when large numbers of students are involved. Where the evidence is insufficient, there is a possibility that an acquittal may have the effect of re-enforcing the status of the offenders within the campus community. An improvidently secured injunction may have the effect of polarizing resistance to university discipline. Improper resort to the injunction for the purposes of restraining the exercise of First Amendment freedoms may result in lower court denials or appellate court reversals embarrasing to the university, and may contribute to the arguments of dissidents that the university does not respect basic constitutional rights.

In determining whether to seek injunctive relief, a university may wish to consider other factors as well. Violation of an injunction may be punishable even in circumstances where the injunction should not have been granted, but enforcement of the sanction of contempt in such a case may in practice contribute to a disrespect for the law. Indiscriminate use of injunctions may encourage disruptions if students conclude that they can engage in disruptive activity without fear of arrest or university disciplinary proceedings as long as they are prepared to yield to a court order when the university seeks injunctive relief. Certainly no institution should depend upon the injunctive relief as the sole remedy to assist it in dealing with disruptions or threats of disruptions.

It has been suggested that a statute conferring jurisdiction upon federal district courts to issue injunctions in cases of some campus disturbances would be desirable. A federal statute would provide a uniform procedure for the use of injunctions throughout the country. Necessarily, however, federal courts would be required to rely in the first instance upon the relatively small contingent of United States marshals to enforce their orders.

The Commission has reached no conclusion on the desirability of such a statute. If such a statute is enacted, however, the Commission believes that it should not preempt state jurisdiction and should not be aimed at students exclusively. Such a statute should follow the model suggested by the National Commission on the Causes and Prevention of Violence, authorizing universities, along with other affected persons, to obtain federal court injunctions against willful private acts of physical obstruction that prevent other persons from exercising their First Amendment rights of speech, peaceable assembly, and petition for the redress of grievances.

2. Criminal Sanctions

Arson, assault, breach of the peace, conspiracy, disorderly conduct, false imprisonment, inciting riot, malicious destruction of property, riot, willful interference with meetings, trespass, and unlawful entry are examples of the wide range of conduct that fall within the traditional ambit of the criminal law. In addition, a number of states have recently enacted new legislation dealing with civil disorders or specifically relating to student disturbances. Recently enacted statutes in different states make it a crime to refuse to disperse or leave a building or property when notified to do so by a designated official; prohibit interference with freedom of movement or the use of facilities; punish "willful disturbance," conduct that "impedes, coerces, or intimidates" university personnel, or "disruptive acts"; makes it a felony to enter and destroy records; or prohibit the possession of firearms or "molotov cocktails" on campus. Also, several states have modified their riot laws or enacted comprehensive riot control legislation. Additional state legislation authorizes designated university officials to require persons who are not students or employees to leave the campus or permit such officials to place the campus off limits to persons outside the academic community.

It is doubtful that most students realize the broad range of conduct that is subject to the criminal law. Local arrangements between "town and gown" and discretionary enforcement on campus of drug and alcohol laws have, with the passage of time, insulated some members of some campus communities from a recognition that their conduct is subject to all the laws of the jurisdictions in which they are located.

The criminal laws may be enforced in various ways. A university may request police assistance or police may enter a campus for the purpose of enforcing laws without the request or the consent of the university. Police intervention may precede or follow formal charges by a complainant or prosecutor.

Recourse to the initiation of criminal charges by a university should normally be limited to circumstances when it is impossible to deal with the problem adequately within the university. As the Commission has indicated earlier in this Report, normally an internal disposition of the problem will be most effective. In addition there are other factors which deserve consideration. In common with forms of the use of external authority, the assertion of criminal charges possesses the potential of generating more widespread disruption on the campus. Furthermore, the processes of the criminal law are rarely swift, and a prompt resolution of serious charges in the criminal courts is unlikely. In addition, the university loses control over the proceedings. The decision of whether to drop charges, accept a plea to a lesser offense, or award probation rests with prosecutors and judges, and their judgment may be properly affected by factors other than those of guilt or innocence of the accused.

There are communities, however, in which local police and prosecutors are prepared to ignore what transpires on the campus unless assured of university support. In such circumstances, it may be necessary for the institution to take the lead in invoking the criminal process when necessary because of conduct that endangers the university or members of its community.

The use of police may be limited to arrests, with or without warrant, of previously identified suspects sometimes after a disruption has occurred and subsided. In some cases this may be done without the necessity of introducing any substantial number of police officers into the campus, and after there has been time to discuss alternatives and reach agreement concerning the manner and time at which the arrests will take place. In other circumstances, however, there may be a need to introduce a substantial number of police onto the campus quickly to stop or prevent an unlawful activity, as in cases of violence or imminent threats of violence where the university is unable by itself to maintain or restore order.

There are clear dangers involved in ordering police to enter a campus in large numbers. The university should recognize that any massive intervention of police on the campus carries with it the possibility of "broadening support for the radical movement, polarizing campus opinion, and radicalizing previously uninvolved persons."

Nevertheless, a university and the members of its community may find themselves in a defenseless position, guarded by only a small cadre of security officers who have received little training in the maintenance of order, in the face of determined efforts at disruption by large numbers of persons. To permit wide-scale lawlessness may encourage students to believe that the law may be flouted with impunity, and that the role of police is confined to controlling conduct outside of the university.

The practicalities of the situation will often pose a dilemma. In its early stages a disturbance may be ended or an occupied building recaptured with a minimal use of force. But it is at this stage that there is often the least support for the use of off-

campus assistance because of confidence that order can be restored through negotiations and other internal means. Intervention by the police involves possibilities of provocation and over-reaction that may result in an exacerbation of the controversy that gave rise to the unlawful activity. Inaction, on the other hand, may result in substantial damage to property, a heightened danger to members of the university community, and interruption of the orderly functioning of the university for an indefinite period.

The Commission is unable to state a general principle that will govern all circumstances. The attitudes of faculty, students, alumni, trustees, and the community in which the institution is located, the history of the relationship between the police and students in the community, the objectives of the disturbance, the number of students involved, and the seriousness of the disruption are among the factors that must be considered.

Any decision that a university makes in such a complex situation may be subject to criticism by someone. Responsible citizens should recognize the difficulty of the problem and give great weight to the judgment of the officials who are best able to make the difficult assessments required and who have the responsibility for the welfare of the institution and the maintenance of order.

Legislation has been introduced in the Congress to expand the federal criminal law to encompass specified acts of disruption in federally assisted institutions of higher learning. The Commission is unconvinced that there is need for federal criminal legislation at this time. Internal disciplinary procedures and state and local laws appear to provide effective techniques for the resolution of controversy and the maintenance of order. Serious consideration of the advisability of the intervention of federal law enforcement agencies and the federal courts should be deferred until there is sufficient experience with existing local institutional processes and laws to determine whether federal legislation is necessary or desirable.

3. Civil Actions for Damages

Civil suits for damages should be brought in appropriate cases by a university or members of a university community for injuries arising out of student disturbances. In a number of institutions there has been substantial damage resulting from fires, smashed furniture, and injuries to equipment and buildings. Students have lost instruction that they otherwise would have received. Indirect damage has resulted from higher costs caused by increases in insurance costs and the reluctance of companies to write institutional types of insurance.

On occasion either a university or a member of the academic community may choose to bring suit for damages. Frequently, however, a private damage suit will not constitute a viable alternative because of problems of proof, docket delay, the uncertainty of collection on a judgment and other reasons.

4. The Importance of Planning

Many of the problems involved in the determination of the extent to which civil authority should be utilized and the form that it should take are readily foreseeable. Plans can be developed to deal with many contingencies. The advice of university counsel, prior consultation with local police and public officials, informing members of the university community of what action will be taken in different situations, can go far towards minimizing the adverse effects that sometimes have accompanied recourse to civil authority in the past. Few things are more important than for universities to establish contact with civil authorities and develop in advance understandings concerning the circumstances that will justify intervention and the manner in which they will react if intervention becomes necessary.

5. Double Jeopardy

The fact that a student has been subject to university disciplinary proceedings does not in any way preclude a subsequent trial of the student for the same conduct by public authorities if his conduct violated the laws of the jurisdiction. Likewise, the fact that a student has been tried in the criminal courts does not preclude the assertion of an appropriate disciplinary sanction against him by the university. There is no legal basis for the claim of "double jeopardy" in either case. The institution should recognize the possibility, however, of injustice resulting from the imposition of multiple sanctions for the same conduct. In cases where the university proceeds after state action has taken place, consideration should be given by the university to any prior state punishment in determining the appropriateness of a university sanction. A criminal court should properly consider the sanction already imposed by a university tribunal in determining what penalty it should impose. Prosecutors or university officials, as the case may be, should carefully consider whether it is desirable to proceed where a defendant has been acquitted in prior proceedings in court or before a university tribunal. These matters are, however, addressed to the discretion of responsible officials and do not give rise to any right of immunity from a different or additional finding or sanction made by the body that has initially delayed its exercise of jurisdiction.

6. Legislative Denial or Revocation of Financial Assistance

Provisions of several federal statutes and provisions in the legislation of several states either require or authorize institutions to deny financial assistance under specified programs to students who have engaged in specified types of disruptive conduct. The language of the statutes varies in a number of particulars. There is a considerable difference in denominating the kind of conduct that will justify the denial of assistance; whether a conviction is required, and, if so, by what kind of court; the programs of financial assistance to which the "cut off" provisions apply ; the period during which funds should be denied; whether an institution is required or permitted to initiate proceedings to terminate assistance; and similar matters.[8]

Some do not expressly require that a hearing be held before financial aid is terminated. The termination of financial assistance, however, constitutes a substantial sanction against an individual, and it is clear that such a determination should depend upon a finding that certain facts exist. In these circumstances, it seems appropriate that a hearing be conducted, and indeed, one may be required by the due process clause. The hearing, in common with a hearing in a disciplinary proceeding, does not necessarily have to have all the elements of a civil or criminal trial, but the student should be entitled to written notice of the proposed termination and a hearing at which he is confronted with the evidence supporting the proposed action, given an opportunity to rebut and explain it, and to present his own evidence. The decision should be based on the evidence that is produced at the hearing.

In addition to the legislation already enacted, a number of other proposals to curtail financial assistance to students involved in disruptions or to the universities at which they are enrolled have been introduced in the Congress during the last two years. One proposal would increase the time period during which funds could be denied, and deny benefits under the GI Bills and the children's allowance section of the Social Security Act, not covered by existing legislation. Legislation has also been introduced that would require the suspension of all federal financial assistance to any university that experienced campus disorders and that failed "to take appropriate corrective measures forthwith." Other proposed legislation would require federally assisted institutions to develop a plan for dealing with campus disorders and have it available upon request upon penalty of cutting off funds, and require institutions to deny assistance under federal programs to students involved in disorders on pain of withdrawal of federal aid.

The Commission views with deep concern these statutes and proposals for terminating financial aid to students who engage in disruptive activities and to the universities which they attend. A university might be required under such legislation to cut off financial aid on a basis of its own determination despite doubts as to the legality or constitutionality of its action. Termination of aid would be required without reference to relative culpability. These proposals could operate in a discriminatory manner because they apply only to those who receive federal financial aid, a specific class of needy students. Thus, the wealthy student who leads a campus disruption would be unaffected by the legislation while a follower could lose the financial assistance needed to complete his education. Proposals to withdraw all aid from institutions of higher learning could deny assistance to innocent students who need financial aid.

The Commission agrees with the conclusions of the National Commission on the Causes and prevention of Violence:

"Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose. Such efforts are likely to spread, not reduce the difficulty. More than seven million young Americans are enrolled in the nation's colleges and universities; the vast majority neither participate in nor sympathize with campus violence. If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim. If the law unjustly forces the university to cut off financial aid or to expel a student, the university as well may come under widespread campus condemnation." [9]

7. Training for University Security Personnel

The need to resort to intervention by civil authorities depends in large part upon the ability of university security personnel to maintain order. Their ability to perform the tasks with efficiency and tact depends in part upon the training they have received. Funds should be made available for the development of training programs for university security personnel, and these programs should include a substantial component designed to make the officers sensitive to the aspirations and tactics of student groups.

IV. CONCLUSION

Our institutions of higher learning are facing a crisis. They face frustration of the reasons for their existence by disruption within and the loss of their autonomy from intervention without.

There is widespread student unrest and demands that the role and structure of the university be reexamined. There is a deep public concern that order be maintained on the campus.

The challenge to the university community is one of self-evaluation and self-reform. Institutions of higher learning must assess the validity of the complaints asserted by students and make the changes which are required to meet the thrust of valid complaints and to serve the best interests of the institution. The process of self-evaluation and self-reform can only be accomplished within a climate of freedom of dissent and freedom from disorder.

Footnotes at end of article.

The Commission appreciates that at a time when universities are undergoing a reexamination of their objectives and internal structures and when traditional allocations of power within the university are being challenged, that tension is likely, if not inevitable. But tension itself is not necessarily evil, and may be the hallmark of a sensitive progressive academic community.

Unavoidably, disruption will sometimes develop from periods of tension. All disruptions cannot be prevented, but they can be minimized and they can be dealt with effectively when they occur.

The manifest interests of universities and students require both that freedom of expression be encouraged and that order be maintained. The Commission's recommendations are designed to provide guidelines to suggest how these objectives should be pursued. It is sanguine that they are capable of achievement, and that our universities will meet the challenges that confront them.

FOOTNOTES

[1] Bayer and Astin, *Violence and Disruption on the U.S. Campus*, 1968–1969, Fall 1969 EDUCATIONAL RECORD. The authors defined violent protest as any campus incident which involved (a) burning of a building; (b) damage to a building or furnishings; (c) destruction of files, records, or papers; (d) campus march, picketing, or rally with physical violence; and (e) the injury or death to any person. Nonviolent disruptive protest was defined as any campus incident which involved (a) occupation of a building; (b) barring of entrance to a building; (c) holding officials captive; (d) interruption of classes, speeches, or meetings; and (e) general campus strike or boycott of classes or of school functions. The characterizations are those of Bayer and Astin, not of this Commission.

[2] Report of 22 Congressmen, led by Honorable W. E. Brock, submitted to President Nixon on June 18, 1969, and inserted in the Congressional Record on June 24, 1969.

[3] In doing so, the Commission is not unmindful of the need to seek solutions to underlying causes of campus unrest and the need to reconcile differing views concerning student and faculty participation in university governance. The Commission will review the issue of governance when it has had the benefit of studies of this subject currently under consideration by several professional associations, including the American Association of University Professors and the American Council on Education Special Committee on Campus Tensions.

[4] Commission member Caruso prefers the following language: "Students should be free to organize and to participate in voluntary associations of their own choosing subject to university regulations insuring that such associations are neither unreasonably discriminatory in their treatment of other members of the academic community nor operated in a manner which interferes with the rights of others."

[5] Commission member Caruso would grant the same right of access to a publication which enjoys a generally accepted public identification with a particular institution, although not supported by compulsory subscription.

[6] Statement by Commission Members Clark, Dash, Shestack and Young: The Commission has set forth desirable standards, which the Constitution mandates, for the exercise of freedoms of assembly, speech and press in public colleges and universities. But we believe the Report falls short in not recommending those standards for so-called private colleges and universities. The relationships between "private" educational institutions and the government through grants, research projects and tax benefits have become so pervasive that few institutions (with perhaps the exception of seminaries) can be considered to be "private" enough to be excluded from the reach of the Fourteenth Amendment. Even if a college or university qualifies as "private," its role toward the individual student is so dominant and the student so limited in his ability to go elsewhere, that the individual should be afforded rights against such private dominance just as the individual is afforded rights against the state by virtue of the Fourteenth Amendment. While the Fourteenth Amendment has not generally been held to apply to cases of private dominance, the Amendment sets a standard to which our society should aspire. Colleges and universities should be among the first who opt for that standard. While we understand the desire of college administrators to maximize their options, at this mature stage of appreciation of individual rights, the standards of the Fourteenth Amendment should not be considered an undue burden for institutions of higher learning.

We believe also that the Report should have emphasized the need for colleges and universities to provide adequate means for receiving and considering the views of students. Otherwise, the freedom of association, speech or assembly which are afforded lose a considerable portion of their value, and incentive is given for disruptive forms of conduct. Since the subject of student participation in governance of educational institutions will be the subject of further Commission exploration, we shall not dwell on the point now.

[7] See page 8, *infra*.

[8] Sec. 706 of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1970, Pub. Law 91–153, 91st Cong., 1st Sess., provides an example:

"Sec. 706. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution: Provided, That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as it deems appropriate but which are not dilatory in order to determine whether the provisions of this limitation upon the use of appropriated funds shall apply: Provided further, That such institution shall certify to the Secretary of Health, Education, and Welfare at quarterly or semester intervals that it is in compliance with this provision. . . ."

[9] Commission member Caruso dissents.

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## THE PRESIDENT, THE CONGRESS, AND THE WAR

**HON. WILLIAM F. RYAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RYAN. Mr. Speaker, the invasion of Cambodia by the U.S. troops has precipitated one of the most serious constitutional questions this Nation has faced—the question of the respective roles of the President and Congress with respect to warmaking.

Now Congress is beginning to assert its proper role which it has abdicated for too long. I have pointed out since the beginning of this tragic war that Congress has the power to control and end it through the appropriation process. At last this approach is receiving broad acceptance.

I include in the RECORD an article which appeared in the May 16 issue of New Yorker magazine. I commend it to my colleagues:

THE TALK OF THE TOWN

NOTES AND COMMENT

As the defeated British regiments marched past the files of French and American troops at Yorktown, the British bands, in detached resignation, played "The World Turned Upside Down." The same tune would have been an appropriate accompaniment to the events of last week. For the two-hundred-year-old American system came under its most serious attack in modern times, not from the poor, the blacks, or the students but from the White House—the fount, the pinnacle, the keystone of the established order. President Nixon became the first President in the history of the United States deliberately to order American forces to invade another nation on his own, without seeking congressional approval or support. This order was in disregard of the Constitution, the tempering strictures of our history, and the principles of the American democracy. It was, therefore, an act of usurpation.

Few prohibitions are more clearly set forth in the Constitution. It makes the President Commander-in-Chief, and explicitly states that only Congress shall have the power to declare war or raise armies. The Federalist Papers reaffirm what the law makes clear: the term Commander-in-Chief meant only that the President could direct the conflict after Congress had decided to make war. Hamilton wrote that the President's power would be much less than the power of the British King, for "it would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature." This was no casual division. The fear of military power under the control of a central government was one of the most serious popular objections to the establishment of the new nation. The only way this could happen, the founders responded, was by a "continued conspiracy" between the executive and the legislature. In this case, Hamilton advised, "the people should resolve to recall all the powers they have heretofore parted with out of their own hands . . . in order that they may be able to manage their own concerns in person." As sophisticated men, the Founding Fathers foresaw some of the dangers that lay ahead. They recognized explicitly that formal declarations of war were going out of style, but they still required our legislature to declare war. They saw "how easy [it] would be to fabricate pretences of approaching danger," but they said that this would demand "a combination between the executive and the legislative, in some scheme of usurpation." In other words, the Constitution would protect the American people against the misuse of military power by prohibiting the executive from going to war without congressional approval and prohibiting Congress from directing the war it had started. Even this was dangerous, they acknowledged, but it was the best that could be done.

For over a hundred and sixty years, the Constitution was followed. Congress declared the War of 1812, the Mexican War (even though there had been a somewhat provoked attack on our troops), the Spanish-American War, and both World Wars. In the period after the Second World War, things began to change. The development of Soviet atomic power, the military impotence of Western Europe, and the shock of Korea impelled us toward the creation of a large peacetime standing Army—the first in our history. It was seen that a sudden emergency might require instant action, with no time to go to Congress. This implied exception to Constitutional principle was based on the technological realities of atomic war, and it has been invoked only once—when we intervened in the Dominican Republic. That intervention, however, was based on the claim that action within hours was necessary to protect the lives of Americans trapped between the contending forces—simply a traditional rescue operation. This claim may well have masked other motives, but American forces were not committed to combat, and support of the congressional leadership was sought and received within hours of the order to intervene and before the Marines had actually landed. In Korea in 1950, President Truman acted pursuant to a resolution of the Security Council, whose powers had been confirmed by the Senate when it consented to ratification of the United Nations Charter. In addition, Truman met with the congressional leadership of both parties before ordering combat forces into action, and received their unanimous support, along with that of the defeated Republican nominee, Thomas Dewey. Nor was there any doubt of the overwhelming public and congressional approval of his action—at least in the beginning. (The same week, the draft was extended with only four dissenting votes.) Still, the Republican candidates in 1952—including Senator Nixon—were critical of Truman's failure to get more formal congressional approval. So President Eisenhower sought, and received, congressional resolutions authorizing him to act in the Middle East and in the Formosa Strait. President Johnson himself asked for a resolution at the time of the Gulf of Tonkin incident, and it was the literal verbal scope of this resolution that was construed as authorizing all subsequent action in Vietnam. Yet such a construction was clearly an evasion, and it was at this point that the great Constitutional principle began to decay.

Now President Nixon has taken a giant step. Not only has he evaded the spirit of the Constitutional division of powers but he has deliberately ignored its plain meaning and intent. He has decided that he will go to war in Cambodia because he feels it necessary, no matter what Congress wants or what the people think. He has even implied that such willful disregard of the people and their elected representatives is an act of noble self-sacrifice, and has hinted that we should admire his courage in exceeding the limits of his Constitutional powers. The war in Cambodia was not an emergency. There was time enough to present the matter to Congress for a switch decision. Indeed, unconcealed debate within the executive branch went on long enough to permit the Vietcong to evacuate the threatened area. But the President did not follow the precedent of all his postwar predecessors by seeking assurance of congressional support, either formally or through meetings with the leadership. Rather, he made war by fiat. He has thus united in himself the powers that the Constitution divides and that have remained divided through our history. This comes from an Administration that proclaims its devotion to "strict construction."

This is not a technical, legal question. In import, it transcends the question of the wisdom of the war itself. The President, in effect, says, "I, and I alone, have decided to go to war in Cambodia." Where does he get that power? The Constitution denies it to him. He is not acting under the necessity of instant reaction. He has the power only because he asserts it, and because the armies follow. In a world in which conflicts are interrelated, there is no limit to the possibilities of his reasoning. He can invade Laos and Thailand, in both of which countries Communists are active. He can enter North Vietnam itself. He can attack China, which is both a sanctuary and a source of supply for the North Vietnamese. Nor is the Soviet Union exempt, since it, too, helps our adversaries in Vietnam. Such an assertion of authority is not among the prerogatives of a democratic leader in a republic of divided powers. Our democracy is not an elective dictatorship. It is a government in which all elected officials have carefully limited powers. Suppose the President said he was going to change the tax laws, because the rates were unjust. What an outcry we would hear. Yet how trivial such an act would be, compared to concentrating the power over war and peace in a single office. The light of democracy depends on a common acceptance, by people and government, of the limits of power. What if, two years from now, the President should cancel the elections, on the ground of national need? Would it be easy to revolt against an armed force of three and a quarter million men if they remained obedient to their Commander-in-Chief? The possibility now seems absurd. But it illuminates the fact that our system works only because men have felt constrained by its assumptions; courts and legislatures have neither guns nor treasuries to enforce their will. Now one of the most basic of these liberating assumptions has been swept away. It must be restored.

The first duty of resistance lies with the legislative branch. For years, its members have been abdicating their responsibility, watching almost without protest while their authority was eroded and their mandates were evaded. They have allowed their power to be usurped. Now they are scorned and ignored, because the President is confident that they have neither the courage nor the will to challenge his action—that each, looking to his own interest, will allow the common cause to decay. If this is a true judgment and the President's act is not repudiated, then they will have denied the oath they took to uphold the Constitution. For Congress is the people's guardian. The authors of the Federalist Papers reassured the doubtful that "in the only instances in which the abuse of the executive authority was materially to be feared, the Chief Magistrate of the United States would . . . be subjected to the control of a branch of the legislative body. What more could be desired by an enlightened and reasonable people?" What more indeed?

The other possibility is the Supreme Court. In 1952, President Truman seized the steel mills, because, he claimed, a steel strike was endangering the war effort in Korea. The Supreme Court decided that he had no such power and ordered him to return the mills. That opinion concluded, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand." How much more does this invasion transgress those same hopes and fears.

There are many ways to bring the issue to the Supreme Court. The Senate itself might instruct its leaders to bring an action to restrain the President or the Secretary of Defense from ordering further combat in Cambodia. This would be an unprecedented response to an unprecedented act. The issue is Constitutional, and is thus within the jurisdiction of the federal court. And surely no individual or institution has greater standing to bring such an action than the very body whose powers have been taken away. Another route lies through the recent Massachusetts statute that makes it unlawful to require any resident of that state to serve outside the United States in an undeclared war. The Attorney General of Massachusetts has been instructed by the law to bring an action in the Supreme Court in order to prevent such service from being required. In relation to Vietnam, the passage of the bill was a symbolic action. In the case of the Cambodian invasion, the law could be a vehicle for resolving a momentous issue. Would the Court decide? No one can be sure. But it alone can decide, and that is its responsibility. Discussing the Supreme Court, Hamilton wrote that it must have the power to invalidate all acts by the other branches of government which are contrary to the Constitution. "To deny this," he said, "would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize but what they forbid."

The President has now declared himself superior to the people, to the legislature, and to the laws. We have lasted as a functioning democracy for almost two hundred years. The foundation of that democracy has been a vigilant regard for the principle that no one man or institution shall impose an unrestrained will on the decisions that shape the nation. If the American people now let this principle be eroded, while the capacity for resistance still remains, then we will deserve our fate. For we will have lost the ultimate protection of liberty, stronger than governments, more enduring than constitutions—the will of a people to be free.

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## TOM ROSS, CHICAGO SUN-TIMES WASHINGTON BUREAU CHIEF, SAYS "U.S. ALMOST RIPPING ITSELF APART"

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### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PUCINSKI. Mr. Speaker, an old friend and a respected newsman has returned to Washington after a 2-year assignment as head of the Chicago Sun-Times overseas news bureau in Beirut, Lebanon.

Tom Ross is an old Washington hand. Returning to the United States after an absence of 2 years he stated in an interview that Americans are "crucifying themselves needlessly" if they believe that our problems are greater than those of the rest of the world.

Everywhere in the world there are more serious problems than we have here at home, but our sense of social conscience, our desire to put things right and secure a decent environment for everyone, impels us to rush headlong into change. As a result, our priorities get jumbled and our voices get louder. And concern suddenly turns into crisis.

Tom Ross is an eminently sensible man and his experience with the world abroad should have a refreshing effect on his view of our world here at home.

We welcome him back to Washington and congratulate him on his important new assignment as Washington Bureau Chief of the Chicago Sun-Times.

Mr. Speaker, Mr. Ross' highly appropriate comments about our national identity crisis are well worth reading, and I commend them to my colleagues today:

U.S. ALMOST RIPPING ITSELF APART, THOMAS ROSS SAYS

(By Ron Powers)

America is "almost ripping itself apart in trying to deal with its problems," The Sun-Times' new Washington bureau chief, Thomas B. Ross, said Wednesday in a television interview.

Ross said that an American who, like himself, was returning after two years of absence would find a feeling of "an extreme amount of tension just below the surface."

However, Ross asserted, Americans are "crucifying themselves needlessly" if they feel the United States' social problems are greater than those of those rest of the world.

"Europe and the Middle East are almost placid by comparison," Ross said. "They are not critical of themselves, as we are, though they have their own racial bigotry, religious antipathy and governmental repression."

HERE FOR CONSULTATION

Ross is in Chicago this week for consultations and appearances before beginning his new duties in Washington Monday. His remarks Wednesday were on WGN-TV's The Jim Conway Show.

Ross's appointment was announced Saturday by James F. Hoge Jr., editor of The Sun-Times. Ross succeeds Carleton V. Kent, who will continue his coverage of national politics as The Washington Correspondent.

Ross, 40, returned to Washington April 1 from two years in Europe and the Middle East. He opened the first Sunday Times overseas news bureau in Beirut, Lebanon, in 1968. For the last seven months he has reported on Europe and the Middle East from a Paris base.

GREAT EXPECTATIONS

Ross told Conway that expectations of other peoples of the world were not always as high as those of Americans.

"We live on a completely different plane than other countries," he said. "There is not a free sense of justice in much of Europe. Repression by government authorities is commonplace, and accepted even by the left-wing intellectuals."

Therefore, Ross said, "to get our current climate of reform and violence in perspective we need to compare it with Europe's."

DISCUSSES MIDEAST

Turning to the question of the Soviet Union's involvement in the Middle East conflict, Ross said its extent was "considerable."

"Russian pilots are flying Egyptian planes, manning radar stations and conducting aerial reconnaissance," he said. "The question is, to what extent is this purely a psychological contribution and to what extent Russia is ready to go into battle."

He added, "I'm inclined to think, as our State Department does, that the Russians are mounting purely a psychological defense. Israelis are loathe to attack Egyptian installations because they are reluctant to kill a Russian."

LBJ, NIXON COMPARED

Asked to compare the administrations of Lyndon B. Johnson and Richard M. Nixon in their effects on the Washington press, Ross said

"Nixon is a much more removed President than Johnson was. Johnson liked to use the press as a sounding board for his ideas. Nixon is much more remote, though it doesn't necessarily follow that he is also more remote from the public realities."

After his television appearance, Ross summarized his ideas about his new job. He said he is convinced that it is necessary for a newspaper to have a strong Washington bureau rather than rely only on wire-service stories for coverage of the capital.

"Each city, particularly a major city such as Chicago, has its own unique problems and attitudes," he said. "It is important that the readers be represented by a press corps alert to and aware of these unique things.

"Contrary to what many people on the Eastern seaboard might think, for instance, people in Chicago are intensely aware of the international scene—more so even than the people of the East Coast, who have traditionally been internationalists."

REDS UPSET BALANCE

Ross appeared on the Extension 720 program on radio station WGN Wednesday night and again spoke on the situation in the Middle East.

He said: "In a certain fundamental sense I think it's almost impossible to redress the balance that has been upset by the introduction of the Russians.

"If the Israelis intend to maintain for any great length of time their self-imposed inhibition against moving into the areas where the Russians are present, and if the Russian presence can restrain the Israelis in this manner for a rather long period of time, I think their whole strategic advantage will have withered to such a point that I believe they will be terribly vulnerable militarily."

## YOUTH'S GREAT CHALLENGE

### HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, the following article from the editorial page of the Peru, Ind., Tribune of April 12, 1970, will be of interest to the Congress:

YOUTH'S GREAT CHALLENGE

Partisanship aside, an editorial distributed by Gov. Edgar Whitcomb's office merits thoughtful reflection as mindless violence again afflicts the American society.

Reprinted most recently in the Lawrence Journal, the editorial follows:

"In May of 1919, at Dusseldorf, Germany, the Allied Forces obtained a copy of some of the 'Communist Rules for Revolution.' As you read, stop after each item and think about the present-day situation where you live—and around the nation. We quote from the Red Rules:

"A. Corrupt the young. Get them away from religion. Get them interested in sex. Make them superficial, destroy their ruggedness.

"B. Get control of all means of publicity.

"1. Get people's minds off their government by focusing their attention on sexy books and plays and other trivialities.

"2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

"3. Destroy the people's faith in their natural leaders by holding the latter up to contempt and ridicule.

"4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

"5. Encourage government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

"6. Foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders.

"7. By specious argument, cause the breakdown of the moral virtues, honesty, sobriety, continence and faith in the pledged words.

"C. Cause the registration on all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

"Quite a list, but stop and think how many of these rules are being carried out in this nation today. How can any thinking person say that the Communists do not have any part in the chaos that is upsetting our nation.

"Coincidence? We think not!"

Obviously this editorial promotes the ultra-conservative view. Yet it should evoke reflective thought, especially by the young.

Surely youth's greatest challenge today is to focus reform efforts upon those things in our free society which genuinely cry for change—without being patsies for subversives who seek only to destroy all free societies.

## RESOLUTIONS OF NATIONAL HOUSING CONFERENCE

### HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 20, 1970*

Mr. JAVITS. Mr. President, on March 8, 1970, the National Housing Conference had its annual meeting in Washington, D.C. The National Housing Conference, founded in 1931, is the oldest national citizens organization devoted to housing and has worked for many years for the cause of more and better housing.

At the annual meeting, the conference adopted many resolutions relating to all areas of housing and I believe that these resolutions, together with the extensive review of housing legislation contained therein should be reviewed by all those interested in housing legislation.

I ask unanimous consent that the complete resolutions be printed in the Extension of Remarks.

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

NATIONAL HOUSING CONFERENCE RESOLUTIONS ADOPTED BY THE MEMBERSHIP OF THE NATIONAL HOUSING CONFERENCE AT ITS ANNUAL MEETING, MARCH 8, 1970, WASHINGTON, D.C.

CHAPTER A. GENERAL STATEMENT OF PROBLEMS AND OBJECTIVES

1. America's cities are in a crisis resulting from the decay of decades and from failure to improve the quality of American life. Many of the people in the cities are ill-housed and live in despair and disillusionment. The need for decent housing is at the heart of the crisis. We must take vigorous and immediate action toward achieving our goal of providing good homes and good neighborhoods for all who are ill-housed. It is not enough to build new housing or rehabilitate existing housing. At the same time there must be an expansion of social programs and services for the people.

2. We must respond to the hopes and aspirations of the ill-housed and eliminate their human suffering and disillusionment which is contributing to unrest and violence in our cities. In these Resolutions, NHC presents measures which are essential to help solve these problems and alleviate the crisis in our cities. No single program can embrace the solutions to all of the cities' problems. This Report recommends programs designed especially to:

(a) Provide good homes for people of all incomes in wholesome living environments which are in keeping with our Nation's standards and aspirations;

(b) To take action to revitalize our cities and save them from blight and obsolescence; and

(c) To expand social programs, services and job opportunities to improve the quality of American life.

3. In 1968 Congress enacted the most far-reaching and comprehensive housing law in the history of the United States. The Housing and Urban Development Act of 1968 has as its underlying premise the fact that the United States is facing a serious housing shortage. Not only did the 1968 Act reaffirm prior pronouncements that our national housing goal is "a decent home and a suitable living environment for every American family," but it embodies into law an average national goal of 2,600,000 housing units as being needed annually for the next ten years to meet these housing shortages. Of the 2.6 million units, the goal states that 600,000 annually are needed for low and moderate income housing; also, that such housing is our highest priority.

4. NHC agrees with Secretary Romney that the housing shortage is at the most severe level since World War II. During recent years, national housing production has been grossly inadequate to meet the needs and demands of the American people. It has fallen far short of providing sufficient housing to cover the number of new family formations and the number of housing units lost from the housing supply as a result of destruction or deterioration. With the current inadequate supply of mortgage funds for housing, the volume of housing construction has been declining further, so that we are now at an annual production rate of about 1,200,000 dwellings. This is less than half of the housing goal established in the Housing Act of 1968.

5. As a result of fiscal restraints and tight money policies, housing suffers more than any other segment of the economy. During the 1966 period of tight money, the Council of Economic Advisers—in its 1967 Report—said that the housing industry bore 90% of the credit restraints. We are facing the same problem during the present period of tight money. There is a woefully inadequate supply of mortgage funds available now for housing. Housing cannot compete with others who are prepared to pay higher interest rates and offer greater returns, such as those who are building industrial plants, commercial and office buildings or who are providing consumer financing.

6. The increases in interest rates and housing costs have excluded people from the housing market who need homes but can no longer afford them. The situation was further aggravated by the recent increase in interest rates to 8½% on loans under the FHA and VA programs. The NHC disapproves of this increased interest rate on the grounds that it will contribute further to the inflation in housing costs, to a reduction in the amount of housing which can be produced under the interest subsidy programs, and to further the decline in total rental housing production. The NHC believes that there are other measures available to the Administration which could effectively reduce the inflationary interest rate on residential mortgages. As a result of the increase in housing costs beyond the reach of more families, 80% of all new housing units produced under $15,000 are mobile homes.

7. Characterized as a sequel to the Housing and Urban Development Act of 1968, the Housing and Urban Development Act of 1969 was passed by the Senate and House with an overwhelming bi-partisan vote of Congress. The 1969 Housing Act does not initiate major new programs but provides authorizations and extensions to make many of the programs of the 1968 Act more effective. However, even with enactment of the 1969 bill, many of the new programs established by the Housing and Urban Development Act of 1968 are still not fully implemented or operational. In these recommendations we are proposing additional measures which are needed to accomplish our goals—both (a) through new or amendatory legislation; and (b) through changes in policy and improvements in the administration of existing legislation.

8. While the law approves an average national goal of 2,600,000 units annually during the next ten years, NHC urges that the average national goal should be 3,000,000 units a year. NHC agrees an average of 2,000,000 units should be built annually for those above the low and moderate income groups who do not need federal assistance. However, instead of an average of 600,000 units annually for low and moderate income housing, NHC recommends a goal of at least 1,000,000 units annually for these income groups—of which half would be for the low income group. Due to the present crisis involving unprecedented high interest rates and housing costs, many families need some form of housing assistance even though they could afford housing without such assistance under normal conditions. Accordingly, this report recommends several special measures which are required at this time to enable such families to obtain adequate housing at monthly charges which they can afford.

9. In 1949, Congress established the national goal to provide a decent home and good environment for every American family. Now, 21 years later, we are no closer to achieving that goal. Instead of that goal becoming a reality, it is a promise which appears further from fulfillment now, due to the greater housing shortage and rising housing costs. There is a growing gap between the monthly cost of housing and the ability-to-pay of families. This is requiring them to pay higher and higher percentages of their income for housing. There is a special burden on very low income families who often spend more than one-third of their earnings to get housing which is overcrowded or substandard. Every American family has a right to obtain decent housing within its means and in a neighborhood of its choice. We need to give the highest priority to fulfill our commitment to this goal. In these resolutions we describe in detail all of the programs and actions required to achieve this goal.

10. In these times when there are so many competing demands for the use of federal funds and national resources, it is most significant that Congress further declared that these programs should have the highest priority. This Congressional determination is so important that we quote it in full as a necessary introduction to these recommendations: "The Congress declares that in the administration of those housing programs authorized by this Act which are designed to assist families with incomes so low that they could not otherwise decently house themselves, and of other Government programs designed to assist in the provision of housing for such families, *the highest priority and emphasis should be given to meeting the housing needs of those families for which the national goal has not become a reality;* and in the carrying out of such programs there should be the fullest practicable utilization of the resources and capabilities of private enterprise and of individual self-help techniques." (Italic added.)

11. This declaration by the Congress recognizes the need for a drastic realignment of past priorities in our federal budget and expenditures, since these housing programs were given a lower priority than other less urgent programs. Now the Congress has declared that these programs should be given the highest priority and there is a federal commitment to take all action necessary to achieve the goal of providing decent housing for families with incomes so low that they could not otherwise decently house themselves. To translate this highest priority into reality takes firm and courageous action—both by Congress and the President. NHC urges that action be taken to carry out this mandate.

CHAPTER B. ACTIONS NECESSARY TO ACHIEVE OUR GOALS

1. *Annual Presidential Report.* The Housing and Urban Development Act of 1968 required an annual Presidential Report to Congress on progress toward meeting housing goals. NHC is in full accord with the emphasis placed by the first report filed by former President Johnson on the necessity of full funding for all programs in order to meet the housing goals established by law. However, NHC believes that the report failed to propose other necessary solutions for some of the basic problems which must be resolved if these national goals are to be achieved.

*First,* the assurance of adequate financing, at reasonable cost, for the necessary expansion of total housing production, particularly for the production of low and moderate income housing;

*Second,* the provision of adequate sites, at reasonable prices, to accommodate this unprecedented production growth of housing on a well-planned and economic basis; and

*Third,* the adoption of the additional measures recommended in this report.

President Nixon has not yet submitted his Presidential Report to Congress on progress toward meeting housing goals.

2. *Full Funding and Increases for All Programs.* The first imperative for meeting our housing goals is full funding and full use of all authorizations contained in the housing laws. We commend President Nixon and Secretary Romney for their action in requesting full funding for the interest assistance programs under Sections 235 and 236. We regret that there have been reductions in the amounts actually authorized in Appropriation Acts for these programs. In these unprecedented times of housing shortages, NHC strongly urges supplemental appropriations of all monies authorized but not yet appropriated. However, full funding of existing authorizations will not result in producing the intended volume of housing because of increases in interest rates and other housing costs. We recommend that the assistance authorization for all housing programs be increased to offset the advances in housing costs. We recommend further increases in authorizations for all programs to achieve our higher goals and to make up for deficiencies in recent production, as set forth in the chapters below.

3. *No gaps in Housing Production.* In keeping with Congressional goals, there should be no gaps or areas of unmet needs in our housing programs. Effective means must be developed so that housing will be available to families of all incomes. Each family whose income is too low to obtain decent housing should receive the amount of assistance it needs to get such housing. We must reach the unserved income group below the level now served by public housing or rent supplements, as more fully discussed below. Likewise, we must avoid a gap or area of unmet need in programs serving moderate and lower income families through private enterprise with federal aid consisting of (a) below market interest rates under Section 221(d)(3) and (b) interest assistance under Sections 235 and 236.

4. *Programs to Assure Adequate Financing for Major Increases in Housing Production.*

The record of the past two decades makes it clear that the flow of funds for residential mortgage financing has been and continues to be determined by federal monetary and fiscal policies. The principal sources of funds for residential financing are derived from net consumer savings as deposited in the institutions which make term mortgage investments at a fixed rate of return. This

flow of savings under existing institutional arrangements is subject to sharp fluctuations based on competitive rates of return on other investment outlets. Thus, in 1966 and 1967 the primary sources of residential mortgage financing had great difficulty in financing the mortgage requirements of approximately $20 billion for the year on a total private housing production at an average annual rate of 1,250,000 units. By contrast, the total annual mortgage financing requirements involved in meeting the housing production goals by 1978 would be approximately $53 billion at current price levels, which no doubt understates the actual prospective requirements. Even on the assumption of continued growth in gross national product and in consumer savings, this indicated expansion of more than 2½ times the previous housing finance requirements indicates that a broadened base for residential financial investment must be developed. The studies of this problem made by the National Housing Conference through its broadly based committees have led to the following recommendations:

(a) Immediate implementation of the authority provided in the 1968 Act for guarantees by the Government National Mortgage Association (GNMA) of mortgage-backed bonds issued by the Federal National Mortgage Association (FNMA) and other institutions to raise new funds for residential mortgages. Such bonds would tap additional sources for investment in housing such as pension funds and comparable institutions which are not now attracted by mortgages with servicing responsibilities.

(b) GNMA should be provided whatever additional funds are needed to continue the Tandem Program. The $1.5 billion of special assistance funds authorized last year for use under Section 305(g) should be transferred for tandem use by GNMA under Section 305(c).

(c) We urge that FNMA be provided with whatever additional funds or authorizations are needed to continue its indispensible programs in providing a market for Federally-insured or guaranteed mortgages. FNMA has done an outstanding job in providing the financing for these mortgages. Last year, FNMA made purchases or commitments for over $12.5 billion of such mortgages. In accordance with its Charter, FNMA has established a special yield-related price for multi-family mortgages under Federally-assisted programs of Section 236 or rent supplements. Since the 8½% interest rate has been established, this has enabled FNMA to buy these mortgages at par until the recent auction (held on February 24) when the price went slightly below par. Fortunately, we have the Tandem Program to assure par purchases of these mortgages when FNMA does not take them at par.

(d) NHC applauds the passage of the Housing Assistance and Interest Control Act. This Act increases the authority of the Federal Home Loan Bank System to borrow from the Treasury from $1 billion to $4 billion. The Act requires the Secretary of the Treasury to use the authority, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates. The Act also contains the following provisions:

(1) Regulation Q authority is given to the Federal Reserve Board and the Federal Home Loan Bank Board to establish flexible interest rate ceilings until March 22, 1971.

(2) The limit on FDIC and FSLIC deposit insurance is raised from $15,000 to $20,000.

(3) The President is given authority to establish credit controls both on a voluntary and mandatory basis. We endorse the full use of this authority as a means of channeling additional funds into housing production.

(e) Enactment of legislation requiring governmental trust funds to invest a portion of their loanable funds to finance housing, particularly for low and moderate income families. These investments would include mortgages insured by FHA or VA or bonds guaranteed by GNMA under the 1968 Housing Act and further secured by pools of insured mortgages. These bonds would relieve the investors of the burdens or costs of servicing the mortgages and would assure a full recovery of the funds invested. Among the public trust funds to be so invested would be Social Security Trust Funds and Veterans Administration Funds which are available for investment. NHC supports legislation authorizing the use of such VA funds for investment in VA-guaranteed mortgages.

(f) Private financial institutions should also be induced to invest a portion of their loanable funds in mortgages insured by FHA or VA or bonds guaranteed by GNMA to finance housing, with emphasis on projects which serve moderate and lower income persons and families. This would include private pension funds, insurance company funds and funds of financial institutions which benefit from federal support or assistance. These institutions should be induced to make such investments. In the case of institutions which obtain federal support or assistance, it would be appropriate to enact legislation imposing as a condition to such federal support and assistance the requirement that the institutions invest a certain proportion of their funds in new housing. This requirement can be imposed in a manner which would not work a hardship on the foregoing funds because the housing securities would provide an attractive return and assure a full recovery.

(g) Major institutions such as universities should be induced to invest portions of their endowment or other funds to improve the general area in which they are located. These institutions should recognize their responsibility to assist in upgrading the housing and environment of such areas in order to develop sound and attractive local communities.

(h) Through administration—or legislation, if necessary—there should be a change in the lending policies of the Federal Home Loan Bank so that federal savings and loan associations can borrow with greater certainty at lower costs and for longer terms than at present. There should also be an earmarking of a substantial part of such advances for exclusive use in purchasing mortgages to finance housing for low and moderate income families. We recommend legislation to authorize a subsidy for the Home Loan Bank system in order to cover part of the cost which it is paying to borrow money for the funds which it advances to member savings and loan associations. The rate on these advances should be reduced so that member savings and loan associations will have an adequate supply of mortgage money at reasonable interest rates. These advances should be conditioned on the requirement that the funds advanced to the savings and loan associations would be used to purchase mortgages at a reasonable interest rate. This will assure that the benefits of the interest subsidy are passed on to the consumer.

(i) We endorse legislation which would require the Federal Reserve System to purchase securities guaranteed by the Federal Home Loan Bank Board, FNMA or GNMA and utilized for new residential mortgage financing. This would be an addition to the Federal Reserve's present authority to make purchases on the open market. Since Federal Reserve's purchase of obligations would be directly from FNMA, GNMA, and the Federal Home Loan Bank Board, this would assure that the funds would be channeled directly into the mortgage market when needed during periods like this when we have monetary stringency and rising interest rates. These obligations would include participation certificates or other securities issued against the pool of mortgages or consolidated debentures or other obligations.

(j) We support S. 3503, the Middle Income Mortgage Credit Act introduced by Senator Proxmire for himself and 22 other senators. This bill would add a new section to the Federal Home Loan Bank Board to issue certificates in the amount of $3 billion a year to raise money for advances to member and non-member institutions. These advances would be used to assist families with incomes not in excess of $10,000 to buy homes or memberships in cooperatives whose appraised value does not exceed $25,000. These loans would bear interest at not more than 6½%. Secretary Romney recently pointed out that while 5 years ago two families in five could afford a median-priced house offered for sale, today only one family in five can afford the median-priced house. With only ⅕ of our citizens now able to afford a median-priced house, we believe that S. 3503 should be enacted to enable middle income Americans to buy modest-priced homes or memberships in cooperatives. NHC likewise favors Congressman Patman's bill (H.R. 14639) which is intended to accomplish the same objectives through the establishment of a development bank which would make loans available at a reasonable interest rate for low and moderate income housing.

(k) We support H.R. 13694, introduced by Congressman Barrett and Congresswoman Sullivan, which is similar to Senator Proxmire's bill described above. This bill creates a Home Owners Mortgage Loan Corporation (HOMLC) which would administer a revolving fund capitalized at $10 billion through appropriations of $2 billion a year for 5 years. It would make 30-year direct loans with a maximum of $24,000 bearing interest at not more than 6½%. Those eligible for loans would be:

(1) "Credit worthy" moderate income families unable to obtain mortgages at reasonable rates of interest; and

(2) Families with incomes not exceeding $12,000, except that HOMLC would have the power to vary the income limit.

Existing FHA insuring offices would process loan applications and existing lending institutions would service the mortgages for no more than ½ of 1%. The bills described in this and the preceding paragraph should be amended to provide for appropriate deductions on determining family income.

(l) We oppose FNMA's entry into the conventional secondary mortgage market as proposed in S. 2958. The Federally-insured mortgage programs need all of the FNMA funds which are available and the concentration of all of the FNMA staff. There should not be any diversion of FNMA money or time to the additional function of a secondary market for conventional mortgages. While we oppose FNMA's entry into the conventional secondary mortgage market, we recognize that there is a great need for such a conventional market. We recommend the use of the Federal Home Loan Bank Board (FHLBB) to provide a secondary market for conventional mortgages. Accordingly, we support S. 3508, introduced by Senator Sparkman, which would establish a Federal Mortgage Marketing Corporation to perform this function on behalf of FHLBB. Moreover, it is necessary to extend the powers so that the secondary market will become available not only to the members of the Federal Home Loan Bank system but also to commercial banks, mutual savings banks, and other non-member institutions. However, this conventional secondary mortgage market should be limited to mortgages that comply with the

current standards of eligibility under the FHLBB regulations as to mortgage amounts and the percent of mortgage in relation to value.

(m) We urge immediate administrative action and implementation to utilize all existing legislation—as described above—in order to increase the flow of funds into residential mortgage financing, so that housing will not continue to bear the disproportionate burden of fiscal restraints and tight money policies. Such administrative actions are necessary since housing cannot compete with others who are prepared to pay higher interest rates and offer greater returns, including industrial and commercial construction and consumer financing. Moreover, the Administration should take such additional measures as are necessary to shelter housing from the impact of the present high interest rates and monetary and fiscal restraints. These actions are required to implement the national housing policy and goals authorized by law.

5. *Study of New Type of Mortgage Security to Attract Investments*

(a) Some financial experts have proposed the creation of a new type of mortgage or investment security which would better attract money for fixed long-term investments in housing. They point out that many lenders have withdrawn from the residential mortgage market because:

(1) They anticipate that the dollars repaid on the loan will have a substantially lower value and purchasing power than the dollars loaned initially; and

(2) The amount of return is not attractive as compared with other rates of return available in the current market.

(b) We propose that a study be made of this problem so that recommendations can be made at a later date concerning the advisability of including provisions in mortgages or other housing securities which would meet this problem and attract necessary funds for investments in housing production. Among the measures to be explored are the following:

(1) A clause in the mortgage providing for adjustments yearly only on the amount of principal which is to be repaid, so that it reflects reductions in the value and purchasing power of the dollar as shown by the Department of Labor price index; or

(2) A clause in the mortgage providing for adjustments yearly in the amount of the monthly payments for both principal and interest based upon changes in the price index; or

(3) A clause in the mortgage providing for adjustments yearly only in the rate of interest which is to be paid on the unpaid balance of principal, so that it reflects changes in the prevailing interest rates of price levels from year to year.

(4) Any adjustment clauses must take into account the ability to pay of the occupants of the housing. While most people will enjoy an increase in their income to reflect increases in the price indexes so that they can afford to pay adjusted amounts on their mortgages, there will be people who have fixed incomes. In their cases special provisions must be developed to assure that they can afford to make the adjusted payments, such as through an extension of the mortgage term.

(c) In Latin American countries, some systems have been devised for adjustments in mortgage payments which have worked satisfactorily. However, inflationary conditions have been so great in those countries that mortgage adjustments were essential to obtain long-term loans to finance housing production. The proposed study should ascertain whether we need a system of adjustments in mortgage payments in this country taking into account present and future anticipated changes in the value of the dollar and its purchasing power.

CHAPTER C. OBSTACLES WHICH IMPEDE NEW PROGRAMS AND MEASURES BY GNMA AND FNMA TO OVERCOME THEM

1. *Unavailability of Private Financing.* For over a year, we have been faced with a critical emergency which jeopardized the building of housing to serve lower income families through the new interest assistance program and the rent supplement program. Under these programs, the capital financing had been shifted to the private market where mortgage loans must be obtained at a fixed interest rate of 8½%.

Secretary Romney raised the FHA–VA interest from 7½% to 8½% on January 5, 1970. This was the second raise in interest rate in less than a year. Contrary to the expectations that discounts would go down about 8 points as a result of the increase in interest rates to 8½%—1 point for each ⅛ of a point in the increased interest rate—the actual reduction in discount was only about 5 points in the first FNMA auction held on January 5 which reflected the new higher interest rate. Thus, the average price accepted on proposed construction commitments was 96.15, which is a discount of almost 4 points.

NHC has long recognized that it is often impossible to sell such FHA insured mortgages at par in the private market. Therefore, if sponsors of projects are unable to obtain financing at par in the private market without paying discounts not covered by mortgage proceeds, the nonprofit and cooperative mortgagors would have no way to continue their initiation of low and moderate income housing. Likewise, many limited distribution sponsors are unwilling to undertake projects involving such discounts because of the limited return which they obtain on the projects.*

2. *The Tandem Solution.* To meet this need, the National Housing Conference was one of the first groups to advocate the tandem use of the Federal National Mortgage Association (FNMA)—which is no longer a part of the Federal Budget—and the Government National Mortgage Association (GNMA). We are pleased that the Housing and Urban Development Act of 1969 authorized GNMA to purchase mortgages—on any projects eligible for special assistance under Section 305—at a price equal to par. GNMA is authorized to sell these mortgages, either immediately or at any time, at a price lower than par if necessary to meet the range of market prices. NHC commends HUD and FNMA for implementing (even before the final enactment of the 1969 Act) the Tandem Plan for GNMA purchases at par of Section 236 mortgages and market-rate rent supplement mortgages under Section 221(d)(3) for nonprofit and cooperative mortgagors. This program should be extended to include mortgages of limited distribution sponsors under Section 236 and rent supplements.

*Thus, before the January 5, 1970 raise in interest rates to 8½%, on December 30, 1969, FNMA's special yield-related price was 96.23 for 236 and rent supplement mortgages—which is a discount of 3.77 points plus FNMA's charges of 1¾ points for commitment and marketing fees. On other multifamily mortgages, the discount was 7.77 points plus the points for FNMA fees.

After the increase in interest rates to 8½%, FNMA's special yield-related price returned to par on mortgages bearing an 8½% interest rate. With present restraints and the uncertainties in the mortgage market, there was no assurance that this price would continue in the future, so the tandem program was needed. At this time the price has again dropped below par, so the tandem program is now being used again. It is used whenever FNMA's price for these mortgages is below par.

Besides the use of the tandem approach to provide capital financing for projects receiving interest assistance under Section 236 and rent supplements under Section 221(d)(3), NHC now urges that the tandem approach should also be used for the GNMA purchase at par and resale at market price of all other mortgages now covered by the special assistance authorization. This is now authorized by Congress. The Administration should use this authority for all programs which Congress has previously determined have a sufficient public interest to merit such special assistance, such as market-rate mortgages under Sections 213, 221(d)(3), 221(d)(4) and 220.

These market-rate programs of rental and cooperative housing for moderate income families have been at a complete standstill, due to the discounts and financing costs. As to these multifamily mortgages which are eligible by law for special assistance, FNMA should buy them at the same yield-related price as it now pays for mortgages aided by interest assistance and rent supplements instead of charging an additional 4 point discount on these mortgages. These mortgages have the same lower servicing costs as multifamily mortgages aided by interest assistance or rent supplements.

We are pleased that the Administration accepted the NHC recommendation that the Tandem Program be extended to cover mortgages with interest assistance under Section 235. In the administration of this program, there should be safeguards to assure that the benefits of such financing are passed on to the consumer.

The 1969 Housing Act increases the GNMA special assistance ceiling per unit from $17,500 to $22,000. With dwelling units of four or more bedrooms, the ceiling is now $24,500. This action was necessary in recognition of cost increases, particularly for higher cost areas.

3. *Unavailability of Construction Financing.* Besides the unsatisfactory market for the permanent mortgage financing, programs have been stymied because of the unavailability of interim financing for the projects during construction. In tight money periods like the present one, it is often impossible to obtain construction financing at a reasonable price. Therefore, NHC has recommended in the past that FNMA issue a commitment which will cover both the construction financing and the permanent financing on the project. NHC applauds the action of FNMA in taking a 95% participation in the construction financing, with another mortgage institution taking the remaining 5% participation and handling the processing involved in construction loans; such FNMA participations are available in cases where either FNMA of GNMA issues a take-out commitment. The program for FNMA participation in construction assistance should be extended to cover all projects eligible by law for special assistance, instead of being limited to projects involving mortgages under Section 236 and 221(d)(3) rent supplements. As stated above, we also recommend that both the tandem program and FNMA's special yield-related price should be extended to cover permanent financing on all projects eligible for special assistance.

On 221(d)(3) BMIR projects where GNMA is purchasing the mortgage, GNMA should likewise take a 95% participation in the construction financing, as it is specifically authorized to do by law.

NHC also applauds the actions of the Federal Home Loan Bank Board in making special advances available to member savings and loan associations for both construction and permanent financing to produce housing for low and moderate income families.

CHAPTER D. RENTAL AND COOPERATIVE HOUSING UNDER SECTION 221(D)(3)

1. *Objective and Need for 221(d)(3) Program.* One of the most successful efforts thus far made by this country to provide housing for low and moderate income families has

been the Section 221(d)(3) program providing financing at a 3% below-market interest rate (BMIR) for rental and cooperative housing. Since starting in 1961, this program became widely known and accepted as an effective way to produce low and moderate income housing. However, just as the Section 221(d)(3) BMIR program was reaching its greatest efficacy in 1968, HUD abruptly cut off funds and asked private sponsors to switch to the Section 236 interest assistance program. The 221(d)(3) program serves many moderate income people who will not be eligible for interest assistance under 236, so there is a continuing need for it.

2. *Opposition to Proposed Elimination of Programs Under Section 221(d)(3) and 202.* NHC strongly opposes the elimination of the 221(d)(3) BMIR program. This is done in complete contravention of an overwhelming Congressional mandate to continue this program. The House and Senate *again* made clear in the reports of the 1969 Housing Act that "The Committee sees no justification for halting the proven and successful BMIR program at this time, particularly in view of the fact that GNMA has approximately $2 billion in special assistance funds which were provided by Congress, largely for this program. The Committee urges the Department to review its policies and to make additional mortgage funds available for the BMIR program."

The 221(d)(3) BMIR program has not only the strong Congressional intent to keep operating, but has adequate monies in the Housing and Urban Development Act of 1969 authorized for that purpose. To help assure the workability of this program, Congress increased the maximum mortgage limits for Section 221(d)(3) by 15% in the 1969 Housing Act.

Congress realizes that the 221(d)(3) BMIR program cannot be phased out without creating a new gap and area of unmet need in the housing program. The interest assistance programs under Section 236 have lower income limits for eligibility than under Section 221(d)(3). Accordingly, it is necessary to continue the 221(d)(3) BMIR program as a permanent program to serve those of moderate income who will not be eligible under the interest assistance program, but who need help to obtain decent housing. A similar situation occurred several years ago when the rent supplement program was proposed; it had then been contemplated that the 221(d)(3) BMIR program would be phased out. However, the rent supplement program was finally enacted to serve the low income group instead of the same group which had been served by 221(d)(3); consequently, Congress determined that the 221(d)(3) program should be continued. Similar action is now required to avoid creating a new gap and area of unmet need in housing production.

NHC urges the discontinuance of efforts by HUD to force sponsors to forego use of Section 221(d)(3) BMIR and 202 funds. The latest example is HUD's statement as part of the "Tandem" guidelines, that with par financing available under Section 236 "Insuring office directors must make every effort to convert eligible Section 221(d)(3) BMIR and Section 202 proposals to Section 236 under the tandem plan." (FHA Circular 4442.7.) It is not feasible to convert a 221(d)(3) cooperative project to 236 in cases where presales have been made or where there is a single cooperative undertaking a multi-section development which had an initial FHA closing on some section. The income limits and monthly charges are different under 221(d)(3) than they are under 236, so there would be serious hardships and difficulties in any effort to convert such a 221(d)(3) cooperative to 236.

3. *Release of Money at This Time of Serious Housing Needs.* At a time when housing starts have reached a 20-year low and housing for the moderate income groups can no longer be supplied without federal assistance, money should be released for the 221(d)(3) BMIR program and the 202 program so funds can be allocated to stimulate a seriously depressed housing industry and to meet a critical shortage of housing in this income group. Likewise, funds should be released for 202 loans to finance housing for the elderly.

CHAPTER E. HOMEOWNERSHIP PROGRAM UNDER SECTION 235

*I. Summary of existing legislation*

1. *Objectives.* The new program under Section 235 provides financial assistance to enable lower income families to acquire individual or cooperative homeownership. This law responds to the urgent desire for homeownership among such families. They want the pride of owning their own home and the greater sense of security and dignity which it affords. Individual and cooperative ownership provides benefits not only to the owner, but to the community as well. Such owners take responsibility for maintaining and improving their homes. They acquire a stake in the community and participate in its affairs. The result is a more stable and wholesome living environment in which to rear children.

2. *Authorizations in the Housing Act of 1968.* (a) HUD is authorized to enter into contracts to make periodic payments to lenders who make FHA-insured home mortgage loans to lower income families. The payments will be in an amount necessary to make up the difference between 20 percent of the family's monthly income and the required monthly payment under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium. In no case, however, can payment under the mortgage exceed the difference between (i) the required payment under the mortgage for principal, interest, and mortgage insurance premium and (ii) the payment that would be required for principal and interest if the mortgage bore an interest rate of 1 percent. The amount of the payment on each mortgage will vary according to the income of the homeowner. The family's income is required to be recertified at least every 2 years and appropriate adjustments made in the assistance payment to reflect any changes.

(b) The assistance payment is available for a purchaser having an income at the time of his initial occupancy, not in excess of 135% of the maximum income limits that can be established in the area for initial occupancy in public housing. However, up to 20 percent of the funds authorized in appropriation acts for the program can be used to assist families with incomes above these limits but which are not in excess of 90 percent of the income limits for occupancy in a section 221(d)(3) below-market interest rate housing project.

(c) In calculating the income of the homeowner for the purpose of determining eligibility as well as the amount on which the 20 percent computation will be made, there will be deducted $300 for each minor child who is a member of the homeowner's immediate family and living with him. Also, income of minors will not be included in the homeowner's income for this computation. By administrative action pursuant to recommendations in the Senate Committee Report, there is a deduction of 5% of gross income to cover payroll deductions for social security taxes and compulsory pension funds.

(d) The amount of a home mortgage cannot exceed $15,000 ($17,500 in high cost areas). These limits are increased to $17,500 except that it may be $20,000 in high cost areas for families with five or more members. The same limits apply as an average to the blanket mortgage of a cooperative.[1]

(e) On individual ownership of single family homes, the minimum downpayment is $200 for families with incomes up to 135 percent of the maximum income limits that can be established in the area for initial occupancy in public housing and 3 percent in other cases.

(f) HUD is authorized to provide budget, debt management, and related counseling services to homeowners who purchase homes under the program.

(g) The housing, with a few limited exceptions, must be new or substantially rehabilitated housing, except that up to 25 percent of the amount of contracts authorized to be made before July 1, 1969 can apply to existing housing, with this percentage decreasing to 15 percent the following year, and 10 percent the third year.[2]

(h) The aggregate amount of contracts to make payments cannot exceed amounts approved in appropriation Acts. The payments pursuant to the contracts cannot exceed $75 million per annum prior to July 1, 1969. This amount is increased by $100 million on July 1, 1969 and by $120 million on July 1, 1970.[3]

(i) The 221(h) program—with a new limit of $50 million—is changed to allow the Secretary to reduce the interest rate on a home purchaser's mortgage under the program to as low as 1 percent where the purchaser's income justifies, with periodic adjustments between 1 and 3 percent to reflect changes in the homeowner's income. Under this program nonprofit mortgagors purchase and rehabilitate housing with financing under FHA insured mortgages and resell it to low-income families.

3. *Authorization in Appropriation Acts.* Of the $75 million authorized under Section 235 for interest-assistance contracts prior to July 1, 1969, $70 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized in the 1968 Act—this authorization has been increased to $125 million in the 1969 Housing Act—for fiscal 1970, $90 million has been appropriated thus far.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Assistance Payments Under Section 235 for Purchaser Assuming Mortgage:

Section 235(c) of the National Housing Act is amended to authorize homeownership assistance payments for home purchasers who assume mortgages insured under section 235(i) (one and two family dwellings and condominium units for lower income families) and who are otherwise eligible.

Section 235(b)(2), of the act is amended to make subsequent purchasers of cooperative units in section 235 projects eligible for homeownership assistance payments if otherwise qualified. Prior to this amendment, payments were authorized only for the initial two purchasers of a section 235 cooperative unit.

(b) Authorization for Assistance Payments Under Section 235:

Section 235(h)(1) of the National Housing Act is amended to increase, by $25 million as of July 1, 1969 and by $170 million on July 1, 1971, the aggregate amount of contracts that the Secretary may enter into to make periodic homeownership assistance payments.

(c) Assistance Payments With Respect to Existing Dwellings Under Section 235:

Section 235(h)(3) of the National Housing Act is amended to allow up to 30 percent of the total amount of contracts for homeownership assistance payments which are authorized by appropriation acts after June 30, 1969, and prior to July 1, 1971, to be made with respect to existing dwellings

[1] Amended in 1969 Housing Act as described in paragraph 4(d) below.

[2] Amended in 1969 Housing Act as described in paragraph 4(c) below.

[3] Amended in 1969 Housing Act as described in paragraph 4(b) below.

or dwelling units in existing projects. Prior to this amendment, only 15 percent of the total amount of contracts authorized by appropriation acts for fiscal year 1970 and only 10 percent of the total amount of contracts authorized by appropriation acts for fiscal year 1971 could be made with respect to existing housing.

(d) Increases in Maximum Mortgage amounts:

Authorizes increases in maximum mortgages under sections 235 and 221(d)(2) of twenty (20) percent.

*II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.* NHC recommends that appropriation actions include the full amount of the additional and unused interest assistance contract authority under Section 235 which is contained in the 1968 Act, as increased by the 1969 Act. Therefore a supplemental appropriation should be made of the $40 million—consisting of the $35 million which is authorized but not yet appropriated for fiscal year 1970 and the $5 million authorized but not appropriated for fiscal year 1969. We urge the President to request Congress to make this supplemental appropriation of $40 million instead of the $25 million which was previously being recommended by the Administration.

There have been two increases in the FHA–VA interest rates since the passage of the 1968 Housing Act. The original schedule of interest assistance authorizations provided by the 1968 Housing Act was designed to produce an adequate supply of low income housing. However, these interest assistance authorizations were predicated on an interest rate of 6¾%. With the current interest rate at 8½%, the interest assistance funds must subsidize 1¾% of interest more than was originally contemplated. This means that interest assistance funds will produce much less housing unless appropriations are increased, not only by the $40 million authorized but not yet appropriated, but also by an additional amount sufficient to off-set increases in housing costs and achieve the program levels initially contemplated.

We further recommend advance authorizations in appropriation acts to cover each succeeding fiscal year, besides the current one, to allow more lead time for the planning and initiation of homeownership programs for lower income families. We commend President Nixon for requesting the inclusion in the 1971 Appropriation Act of the full authorization of $140 million for Fiscal Year 1971, together with an advance authorization of $140 million in contract authority for Fiscal Year 1972. However, NHC recommends that the full authorization of $170 million for Fiscal Year 1972 be included in the 1971 Appropriation Act.

2. *Increase in Legislative Authorizations.* NHC recommends increasing the legislative authorizations for interest assistance contracts under Section 235 to achieve an average annual rate of 300,000 units for a 5-year period. Initially the annual rate should be 225,000 units, but it should be accelerated each year until it reaches 375,000 units in the fourth and fifth years.

3. *Other Legislative Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) The interest subsidy will pay only the excess of the mortgage payment above the amount which represents 20% of the family income. Statistics show that a median of 15.5% of income was spent for such mortgage payments, as distinguished from total housing expense, under the FHA 203 program. NHC recommends a requirement that one-sixth of income be spent for mortgage payments under Section 235. As an alternative, NHC recommends that a family be required to spend 20% of its income for all housing expenses under Section 235 which would include mortgage payments, utilities, and maintenance and repairs. This is necessary to assure that families will have enough income remaining to pay for food, clothing and other requirements for a decent standard of living. As to the present requirement that the owner spend 20% of his income for mortgage payments alone, it results in reducing or eliminating the amount of interest assistance available for many lower income families. This excludes them from assistance they need to achieve monthly payments which they can afford; thus it excludes them from the market for this housing and creates an unfilled gap in our housing program.

(b) The widely recognized increases in the costs of housing makes it increasingly difficult—and in some areas impossible—to provide housing for the lower income group intended to be served under Section 235. To enable the program to reach this lower income group, NHC recommends that interest assistance be increased for those families who need it by reducing the payment of such families to the amount that covers only the principal payments on the mortgage without any interest. For those who can afford to pay interest, they would pay at a rate which they could afford ranging from 0% to the market rate.

(c) The maximum income limits for Federal assistance under Section 235 should be established at the median income in the locality, with adjustments to reflect different sizes of families. As a result of increases in interest rates and housing construction and operating costs, there are more people who are now unable to obtain decent housing without Federal assistance. To enable the 235 program to reach these families, it is necessary to establish the proposed more realistic income limits which will avoid creating gaps and areas of unmet need in the housing program.

(d) NHC recommends the amendment adopted by the Senate which would have increased the maximum mortgage limits under Section 235 up to 45 percent in high cost areas. This Senate amendment was not accepted in Conference. We urge its adoption in the next Housing Act. The 20% increase in maximum mortgage limits in the 1969 Act is not adequate to allow construction of Section 235 housing in high cost urban areas.

4. *Administrative Actions.* NHC makes the following recommendations for administrative actions:

(a) In computing family income under Section 235, FHA should allow deductions of the type which have been long recognized in public housing, particularly since the income limits in the interest assistance program are now computed as a percentage of the local public housing limits. Moreover, this action would respond to the Senate Committee's report that fair standards and rules should be followed within HUD for determining such income. We are pleased to note that the Javits bill, S. 3025, includes provisions which adopt this recommendation, so that any family income which is excluded in applying public housing limitations shall likewise be excluded in determining family income for Section 235.

(b) NHC deplores the recent action of HUD and the Bureau of the Budget freezing the Section 235 (i) program for existing property to a 15% level of Section 235 funds available and urges the use of the full authority in the 1969 Act which raised the amount of Section 235 funds available for existing property to 30%. HUD has announced that the 15% level has been reached and that no more existing homes will be eligible for Section 235 (i) this fiscal year.

CHAPTER F. RENTAL AND COOPERATIVE PROGRAM UNDER SECTION 236

*I. Summary of existing legislation*

1. *Objectives.* The new program under Section 236 provides financial assistance to enable lower income families to get rental housing or cooperative homeownership. This program is urgently needed to provide housing for families with incomes too high to qualify for public housing but too low to afford decent housing that could be produced in the private market. A tremendous unmet need exists for housing to serve moderate income families who cannot afford standard private housing without federal assistance. There is a long accumulated backlog of unfilled requests and applications for additional projects to serve this income group. Unlike Section 221(d)(3), the capital financing under Section 236—as well as Section 235—is shifted to the private market where the mortgage loans must be obtained at market interest rates. Federal assistance payments would make up the difference between the market rate of interest and 1%.

2. *Authorizations in the Housing Act of 1968.*

(a) Section 236 authorizes the program of federal assistance to rental and cooperative housing for lower income families. The assistance is in the form of periodic payments to the mortgagee financing the housing to reduce the mortgagor's interest costs on a market rate FHA-insured project mortgage.

(b) The interest assistance payments will reduce payments on the project mortgage from that required for principal, interest, and mortgage insurance premium on a market rate mortgage to that required for principal and interest on a mortgage bearing an interest rate of 1 percent.

(c) The interest assistance payments will reduce rental or occupancy charges to a basic charge. A tenant or cooperative member will either pay (1) the basic charge or (2) such greater amount as represents 25 percent of income for total housing expense, but not in excess of the charges which would be necessary without any interest assistance payments. Incomes of tenants or cooperative members will be reexamined at least every 2 years for the purpose of adjusting charges. Rental or occupancy charges collected in excess of the basic charges are to be returned to HUD for deposit in a revolving fund for the purpose of making other interest assistance payments.

(d) Tenants or cooperative members of these projects who pay less than the fair market rental charge for their units will generally have incomes, at the time of their initial occupancy, not in excess of 135 percent of the maximum income limits that can be established in the area for initial occupancy in public housing dwellings. However, up to 20 percent of the contract funds authorized in appropriation acts may be made available for projects in which some or all of the units will be occupied, at the time of the initial occupancy, by tenants or cooperative members whose incomes exceed the above limit but do not exceed 90 percent of the income limits for occupancy of Section 221(d)(3) below-market-interest-rate housing.

(e) In determining income for the purpose of eligibility as well as the amount of rent or occupancy charges to be paid, a $300 deduction is permitted for each minor person in the family and any income of such minor is not counted. By administrative action pursuant to recommendations in the Senate Committee Report, there is a deduction of 5% of gross income to cover payroll deductions for social security taxes and compulsory pension funds.

(f) To qualify for mortgage insurance under the new program, a mortgagor must be a nonprofit organization, a cooperative, or a limited dividend entity of the types permitted under the section 221(d)(3) housing program. The mortgage limitations with respect to maximum mortgage amount are the same as for mortgages insured under the 221(d)(3) program. Interest assistance payments can also be made with respect to State-aided housing projects approved for receiving the benefits of the program prior to completion of construction or rehabilitation of the projects.

(g) Contracts for assistance payments are authorized, subject to approval in appropriation acts, in the amount of $75 million annually prior to July 1, 1969. This amount is increased by $100 million on July 1, 1969, and by $125 million on July 1, 1970.*

(h) A project financed under the new program can include such nondwelling facilities as HUD deems adequate and appropriate to serve the occupants of the project and the surrounding neighborhood, as long as the project is predominantly residential and any nondwelling facilities contribute to the economic feasibility of the project. Where a project is designed primarily for occupancy by the elderly or handicaped it can include related facilities for their use, such as dining, work, recreation, and health facilities.

(i) A cooperative or private nonprofit corporation or association can purchase a project from a limited dividend mortgagor and finance the purchase with a mortgage insured under the program.

(j) Rent supplement payments may be provided for tenants in projects financed under Section 236, but no more than 20 percent of the units in any one project can receive rent supplement assistance.**

3. *Authorization in Appropriation Acts.* Of the $75 million authorized under Section 236 for interest-assistance contracts prior to July 1, 1969, $70 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized for fiscal year 1970—this authorization has been increased to $125 million in the 1969 Act—$85 million of the contract authority has been embodied in appropriation acts.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Interest Subsidy Authorization. Section 236(i)(1) of the National Housing Act is amended to increase, by $25 million as of July 1, 1969, and by $170 million on July 1, 1971, the aggregate amount of contracts that the Secretary may enter into to make periodic interest reduction payments on behalf of the owner of a rental or cooperative housing project designed for occupancy by lower income families.

(b) Interest Reduction Payments Under Section 236 on Certain Projects Financed Under State or Local Housing Programs. Section 236(b) of the National Housing Act is amended to authorize interest reduction payments with respect to part of a mortgage on a rental or cooperative housing project financed under a State or local program.

(c) Rent Supplements in Section 236 projects. Section 101(j)(1) of the Housing and Urban Development Act of 1965 is amended to authorize the Secretary of HUD to increase, where he deems desirable, the maximum percentage of rent supplement units in 236 projects from 20% to 40%.

(d) Increase in Mortgage Amounts for Section 236. The dollar limits for mortgages on multifamily housing insured under Section 236 and 221(d)(3) are increased by 15 percent.

*II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.* NHC recommends that appropriation acts include the full amount of the additional and unused interest assistance contract authority under Section 236 which is contained in the 1968 Act, as increased by the 1969 Act. Therefore, a supplemental appropriation should be made of $45 million—consisting of the $40 million which is authorized but not yet appropriated for fiscal year 1970 and the $5 million authorized but not appropriated for fiscal year 1969. We urge the President to request Congress to make this supplemental appropriation of $45 million instead of the $25 million which was previously being recommended by the Administration.

There have been two increases in the FHA–VA interest rate since the passage of the 1968 Housing Act. The original schedule of interest assistance authorizations provided by the 1968 Housing Act was designed to produce an adequate supply of low income housing. However, these interest assistance authorizations were predicated on an interest rate of 6¾%. With the current interest rate at 8½%, the interest assistance funds must subsidize an additional 1¾% of interest more than was originally contemplated. This means that interest assistance funds will produce much less housing unless appropriations are increased, not only by the $45 million authorized but not yet appropriated, but also by an additional amount sufficient to offset increases in housing costs and achieve the program levels initially contemplated.

We further recommend advance authorizations in appropriation acts to cover each succeeding fiscal year, besides the current one, to allow more lead time for the planning and initiation of homeownership programs for lower income families. We commend President Nixon for requesting the inclusion in the 1971 Appropriation Act of the full authorization of $145 million for Fiscal Year 1971, together with an advance authorization of $145 million in contract authority for Fiscal Year 1972. However, NHC recommends that the full authorization of $170 million for Fiscal Year 1972 be included in the 1971 Appropriation Act.

2. *Increase in Legislative Authorizations.* NHC recommends increasing the legislative authorizations for interest assistance contracts under Section 236 to achieve an average annual rate of 300,000 units for a 5-year period. Initially the annual rate should be 225,000 units, but it should be accelerated each year until it reaches 375,000 units in the fourth and fifth years.

3. *Other Legislative Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) NHC recommends an amendment to the provision requiring that 25% of family income be paid for total housing expenses—including mortgage payments, real estate taxes, utilities, heat, and the estimated cost of maintenance and repairs. The proposed interest assistance would pay only the excess of total housing expense above the amount which represents 25% of family income. Statistics show that a median of 19.6% of income was spent for total housing expense under the FHA 203 program. NHC recommends that one-fifth of income be spent for total housing expense under Section 236 so that families will not be required to spend a disproportionate amount of their earnings for housing. This is necessary to assure that families will have enough income remaining to pay for food, clothing and other requirements for a decent standard of living. As to the present requirement that the owner spend 25% of his income for total housing expense, it results in reducing or eliminating the amount of interest assistance available for many lower income families. This excludes them from assistance they need to achieve monthly payments which they can afford. NHC is pleased that the House version of the 1969 Act accepted this recommendation and would have reduced to 20% the amount of an occupant's income required to be spent for total housing expense in a 236 project. The conferees did not adopt this provision, and NHC recommends its adoption in the next Housing Act.

(b) NHC recommends that Section 236 and Section 221(d)(3) should be amended to remove the 10% limit on the number of units in a project which may be occupied by moderate-income individuals as distinguished from families. All moderate-income individuals would then be treated in the same manner as those who are elderly or handicapped.

(c) The widely recognized increases in the costs of housing make it increasingly difficult—and in some areas impossible—to provide housing for the lower income group intended to be served under Section 236. To enable the program to reach this lower income group, NHC recommends that interest assistance be increased for those families who need it by reducing the payment of such families to the amount that covers only the principal payments on the mortgage without any interest. For those who can afford to pay interest, they would pay at a rate which they could afford, ranging from 0% to the market rate.

(d) The maximum income limits for Federal assistance under Section 236 should be established at the median income in the locality, with adjustments to reflect different sizes of families. As a result of increases in interest rates and housing construction and operating costs, there are more people who are now unable to obtain decent housing without Federal assistance. To enable the 236 program to reach these families, it is necessary to establish the proposed more realistic income limits which will avoid creating gaps and areas of unmet need in the housing program.

(e) If there is a need for financing for dwelling units in condominiums of a type which cannot be met under Section 235, NHC proposes an amendment to Section 236 which would meet that type of need subject to safeguards in the statute which would provide the following consumer protections to avoid excessive mortgages, prices and carrying charges on condominium units in multifamily projects:

(1) A limitation on the mortgage on each dwelling unit so that it will not exceed the certified cost of the project applicable to that unit;

(2) A limitation on the sales price so that it will not exceed the foregoing amount of the mortgage based on the certified cost, except that the purchaser may in addition make a payment for settlement costs not to exceed $200 for families whose incomes do not exceed 135% of public housing limits, or 3% of the sales price for other eligible families; and

(3) Assurance that the purchaser is not required to pay a larger percentage of family income for mortgage payments than he would otherwise be required to pay under Section 235 where the owner is required to spend 20% of his income for mortgage payments, in contrast to Section 236 where the payment of 25% of family income is to cover not only the mortgage payments but all other housing expenses.

In this program involving interest subsidies, the foregoing safeguards—which are similar to the safeguards applicable to cooperatives—are necessary to assure that the subsidy benefits the purchaser and the occupant of the dwelling.

(f) NHC recommends adoption of the following provisions adopted by the House but not accepted in the Conference on the 1969 Act concerning housing the elderly under section 236.

(1) Projects for the elderly or handicapped be administered, to the maximum extent possible, under the same terms as the Section 202 program;

(2) Computation of rents based on income will not apply to projects designed primarily for lower income, elderly or handicapped families;

(3) Verification for tenants in such projects shall be every five years; and

(4) "Exception income limits" for the elderly or handicapped shall be $5,500 for individuals and $6,600 for couples, in lieu of 90% of 221(d)(3) BMIR limit otherwise applicable.

* Amended in the 1969 Act as described in paragraph 4(a) below.

** Amended in the 1969 Act as described in paragraph 4(c) below.

(g) NHC recommends adoption of the following provision adopted by the Senate but not accepted in the Conference on the 1969 Act: Allow per dwelling unit dollar limitations on maximum principal mortgage amounts to be adjusted each year in accordance with the changes in the "Price Index for New One-Family Houses Sold" published annually by the Bureau of the Census.

(h) NHC recommends enactment of S. 3239 introduced by Senator Javits to permit GNMA to purchase Section 236 mortgages in excess of statutory limits which reflect the effect of local tax abatement programs. This would follow the precedent of the present exception for section 221(d)(3) BMIR projects which receive local tax abatement.

4. *Administrative Actions.* NHC makes the following recommendations for administrative actions:

(a) In computing income under Section 236, FHA should allow additional deductions of the type which have been long recognized in public housing, particularly since the income limits in the interest assistance program are now computed as a percentage of the local public housing limits. Moreover, this action would respond to the Senate Committee's Report that fair standards and rules should be followed within HUD for determining such income, after deductions. We are pleased to note that the Javits bill, S. 3025, includes provisions which adopt this recommendation, so that any family income which is excluded in applying housing limitations shall likewise be excluded in determining family income for Section 236.

(b) FHA should establish cost limits which will be realistic and workable in high cost areas, including both high and low rise buildings. This is necessary to assure that housing under 236 can be constructed within the cities in closer proximity to places with employment and public transportation.

(c) As to the cost of periodic income recertifications of occupants, FHA should pay these costs from the surcharges collected from over-income families. At present, these costs are treated as a project expense which results in an additional charge to occupants.

CHAPTER G. SPECIAL MORTGAGE INSURANCE ASSISTANCE UNDER SECTION 237

*I. Summary of Existing Legislation*

1. *Objectives.* In the new Section 237, the 1968 Housing Act provides help to assure adequate housing for families of low and moderate incomes who—because of poor credit records, irregular income or seasonal employment—are unable to meet the credit requirements of purchasing single-family homes financed by a mortgage insured under Sections 203, 220, 221, 234, or 235(j)(4). This help is to be extended to those who appear able to achieve homeownership through the counseling assistance.

2. *Authorizations in the Housing Act of 1968.* (a) HUD is authorized to insure mortgages under the above-mentioned programs in an amount not to exceed $15,000 with increases not to exceed $17,500 in high-cost areas.

(b) Monthly payments, in combination with local real estate taxes on the property, must total 25% of the applicant's monthly income during the year prior to his application or the average monthly income during the three years prior to his application, whichever is higher.

(c) The Secretary is authorized to provide, or contract with public or private organizations to provide such budget, debt management and related counseling services to those obtaining housing under Section 237.

(d) The aggregate principal balance of all mortgages insured under Section 237 and outstanding at one time may not exceed $200 million.

(e) Authorizations are made in such sums as necessary to carry out the provisions in Section 237.

3. *Amendments in the Housing and Urban Development Act of 1969.* (a) Section 237(d) is amended to include families who are applying for section 235 homeownership assistance among the applicants under Section 237 who are to be given a preference for mortgage insurance and counseling services. Prior to this amendment, preference for Section 237 mortgage insurance—which is available to applicants who do not meet normal FHA credit standards—was limited to families living in public housing units (especially over-income families required to leave public housing) and families eligible for public housing who have been displaced for federally assisted urban renewal areas.

(b) Section 237(c)(2) was amended to increase the maximum insurable mortgage under Section 237 to $18,000 ($21,000 in high cost areas).

*II. Recommendations*

(1) NHC recommends necessary appropriation of funds to enable FHA to provide budget, debt management, and related counseling services to those obtaining housing under Section 237. Thus far no such funds have been appropriated for this specific purpose, but FHA is performing Section 237 services with existing operating funds.

(2) NHC recommends that Section 237 be amended to extend its provisions to families purchasing memberships in cooperatives financed under Section 236. In meeting FHA credit requirements, such families should be entitled to the same benefits and assistance as families seeking home ownership under other programs.

(3) NHC urges the full and effective use of the authority in Section 237 in order to assist families who cannot meet the credit requirements for purchasing housing under Section 235. The accomplishment of the purposes of Section 235 and 236 requires a relaxation of credit requirements for individual or cooperative purchasers of such housing, together with the counseling services contemplated by Section 237.

CHAPTER H. LOW RENT PUBLC HOUSING

*I. Summary of Existing Legislation*

1. *Need.* There is a tremendous unmet need for additional housing to serve the low-income group who cannot be decently housed without the aid of Federal subsidies. Many of the ill-housed in this income group are living in the slum and ghetto areas of our cities. Their unmet need for adequate housing has contributed to the crisis in our cities. Cities throughout the country have recognized the urgency of building additional public housing. Applications for additional public housing units are now being submitted to HUD at an annual rate of about 140,000 units.

2. *Authorizations in 1968 Housing Act.*

(a) The Act provided an increase in the contract authorization for annual contributions of $100 million upon its passage and an additional $150 million on July 1, 1969, and July 1, 1970.* These increased authorizations would provide about 375,000 low-rent dwelling units over the 3-year period for the public housing program.

(b) The Act authorizes HUD to make grants to local housing authorities to assist in financing tenant services for tenants of public housing. Appropriations for the grants are authorized up to $15 million for fiscal year 1969, and $30 million for fiscal 1970.** The tenant services include: counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services.

(c) High-rise public housing projects for families with children are prohibited except where HUD determines that there is no practical alternative.

(d) HUD is prohibited from prescribing limitations on the types or categories of structures or dwelling units (other than those provided in the law) which can be leased under the public housing, Section 23 leasing program.

(e) An additional annual subsidy of $120 is authorized for public housing units occupied by large families or families with very low incomes. In the past a like subsidy has been limited to the elderly and displaced families.

3. *Authorizations in Appropriation Acts.* No appropriation has been made of the $15 million authorized for fiscal 1969 or the $30 million for fiscal 1970 to assist in financing tenant services in public housing. No further authorizations are required in appropriation acts to authorize annual contribution contracts.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Loans for Public Housing Projects.

Section 9 of the United States Housing act of 1937 (USH Act) is amended to increase from 90 to 100 percent the maximum amount of Federal loans or loan commitments authorized for financing the acquisition or development of a low rent housing project with respect to which annual contributions are to be made. Section 9 is used primarily to enable local housing authorities to obtain temporary financing for the acquisition or construction of a property by the sale of short-term notes backed by a Federal loan commitment. With a loan commitment of 100 percent of a project's acquisition or development cost, a local housing authority would be able to schedule the issuance of long-term bonds for permanent financing when most advantageous to itself and the Federal Government rather than just prior to acquisition or when development costs reach the 90-percent level.

(b) Public Housing Annual Contributions.

Section 10(b) of the USH Act is amended to clarify existing authority to fix the amount of the annual contributions to public housing projects at an amount in excess of the debt service requirements of the project so long as the fixed contribution does not exceed the maximum annual contribution authorized in that section.

Section 10(e) of the Act is amended to increase the authorization for annual contribution contracts under the low-rent public housing program by $75 million as of July 1, 1969, and by $20 million on July 1, 1970 (in addition to the $150 million increases already authorized for these dates).

(c) Notifications to Applicants for Admission to Public Housing Projects.

Section 10(g) of the USH Act is amended by adding to that section a new paragraph which requires every contract for annual contributions for a low-rent housing project to provide that the public housing agency shall notify promptly any applicant determined to be ineligible for admission to a project of the reason for such determination and provide the applicant, within a reasonable time after the determination is made, with an opportunity for a hearing on the determination. Applicants who are determined to be eligible for admission to a project shall also be notified promptly of the approximate date of occupancy insofar as this can be reasonably determined.

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* Amended by the 1969 Act as described in paragraph 4(b) below.

**Amended by the 1969 Act as described in paragraph 4(e) below.

(d) Room Cost Limitations for Public Housing Projects.

Section 15(5) of the USH Act is amended to increase the statutory room cost limits applicable to low-rent public housing projects. The basic limits are increased from $2,400 to $2,800, and the limits for accommodations designed specifically for elderly families are increased from $3,500 to $4,000. The increment for high-cost areas is increased from $750 to $1,500 per room for elderly families and to $1,400 per room in any other case. The special limitations applicable to Alaska are increased from $4,000 to $4,500 for elderly families and from $3,500 to $4,000 in any other case.

(e) Management and Services in Public Housing Projects.

Section 15(10) of the USH Act is amended to provide that appropriations for upgrading management and services in public housing projects may be made (in the amount presently authorized) through the fiscal year 1971. Prior to this amendment, such appropriations were authorized only through fiscal year 1970.

(f) Elimination of Workable Program Requirement With Respect to Low-Rent Projects.

Section 101(c) of the Housing Act of 1949 and Sections 10(e) and 23(f) of the USH Act are amended to eliminate the workable program requirement for low-rent public housing and Section 221(d)(3) projects.

(g) Reduced Rentals for Very Low Income Tenants of Public Housing Projects.

Section 2(1) of the USH Act is amended to provide that rent in public housing projects may not exceed one-fourth of the family's income, as defined by the Secretary of HUD. To make it possible to serve very low income persons in public housing, additional assistance payments are authorized within the existing annual contributions framework. To provide necessary funds for this purpose, $75 million is added to the authorization for annual contributions contracts under Section 10(e) of the USH Act.

Subsection (b) provides that the requirement that rents fixed by public housing agencies may not exceed one-fourth of the low-rent housing tenant's income will not apply in any case in which the Secretary determines that by limiting the rent of a tenant there will result a reduction in the amount of welfare assistance which would otherwise be provided to the tenant by a public agency. The above requirements will become effective not later than ninety days following the date of the enactment of the Act.

Section 14 of the USH Act is amended to provide that any contract for annual contributions, loans, or both, may be amended or superseded for the purpose of insuring the low-rent character of the project involved so that the going federal rate on the basis of which such annual contributions or interest rate on the loans, or both, are fixed shall mean the going federal rate of the amending or superseding contract.

*II. Recommendations*

1. *Necessary Appropriation.* NHC recommends the appropriation for the fiscal year 1970 of the $30 million authorized for grants to local housing authorities to assist in financing tenant services in public housing. We also recommend authorizations of the amount required for the special subsidies on housing for the elderly and displaced persons. There should be advance appropriations for all such grants for fiscal year 1971, since such an advance appropriation will allow necessary lead time for the initiation and planning of such programs. The full amount of the $75 million of annual contribution contract authority should be made available pursuant to the additional authorization in the 1969 Act to provide necessary funds to reduce rents and serve very low income tenants in public housing; and the Bureau of the Budget should repeal its limitation that only $33 million of this authorization can be used this year.

2. *Increases in Legislative Authorizations.* There is a need to increase the authorizations for public housing to an average annual rate of 200,000 units for a 5-year period. Initially, the annual rate should be 150,000 units, but it should be accelerated each year until it reaches 250,000 units in the fourth and fifth years. This should include public housing of the conventional type, along with turnkey housing and leasing programs.

3. *Other Legislative Amendments.* We should perfect the existing public housing programs in light of our experience. In the conventional public housing programs, this requires the following new federal aids to meet conditions that have been too long neglected:

(a) NHC approves the objective in the 1969 Housing Act to reduce the maximum percentage of a tenant's income which is required to be paid as rent by public housing tenants. However, NHC recommends that 20% instead of 25% of a tenant's income should be the maximum rent. The 25%-of-income requirement is too high for low income families to pay for housing in view of their need for more of their income for other essential living expenses.

(b) There should be an amendment authorizing the leasing of available private housing outside central cities for low-rent housing purposes. Parenthetically, state laws should likewise be amended to enable local authorities to lease such housing outside central cities.

(c) There should be a HUD authorization to make federal capital grants to cover the full amount of land and site development costs in excess of the reuse value of the improved land for new low-rent public housing projects which are not located in urban renewal areas; also HUD authority to make such federal grants for a write-down on buildings acquired for rehabilitation.

(d) The present law provides for disposition of public housing to residents when the housing is sufficiently separable for ownership by the residents. We recommend an amendment to authorize sale of an entire project—including turnkey housing—to a cooperative with a membership limited to those who will reside in the project and whose income meets the limits prescribed in Section 221(d)(3). The sale should be made subject to the continuance of the outstanding bonds of the local housing authority and the pledge of federal annual contributions as security therefor. In broadening the authorization for disposition of public housing, the amendment should require a finding that such disposition would not adversely affect the low-rent program of the public housing agency involved. The proposed NHC amendment would make it possible for residents of public housing to achieve cooperative home ownership and to produce better and more stable communities. Further, instead of requiring over-income families to move out, they should be allowed to acquire cooperative home ownership by paying a higher monthly charge which they can afford, based upon a percentage of their increased earnings. This amendment will give public housing tenants an incentive to better themselves. As to public housing tenants whose incomes have not increased, they can either be: (i) relocated in other public housing projects, with their moving expenses paid; or (ii) permitted to remain in the project—preferably as members of the cooperative—receiving the benefit of annual contributions so long as they qualify as low income families. When vacancies occur, they would be filled with over-income tenants from other public housing projects who desire to become cooperative owners. Section 205 of the Javits bill, S. 3025, contains an amendment which would carry out this recommendation. In determining the price and mortgage on the sale of a public housing project for cooperative ownership, the same definition of appraised value should be used as is involved under FHA cooperative programs, namely, "value of the project for continued use as a cooperative."

(e) Require the Secretary of HUD to make an annual determination of the change in the building cost index and, when indicated, to make appropriate changes in the dollar limitations on room costs consistent with the cost index changes. Provide that the only monetary limitation to be applied in project development shall be the statutory room cost. In other words, administrative limitations should not be imposed as is now the case. This would enable local authorities to meet the great need for large housing units to serve large families.

(f) Repeal the provision in the U.S. Housing Act of 1937, as amended, which requires a 20% gap between the lowest private and the upper public housing income limits for admission. Also, permit low-income individuals—in addition to low-income families—to be eligible for occupancy in low rent public housing.

(g) Make the necessary changes to permit construction in a municipality of low-rent public housing for those of low income who will later migrate to the municipality for employment in industries located there or in service activities. This would include new towns or municipalities outside of central cities. It would facilitate dispersal of population and reduction of the concentration of low-income families in central cities.

(h) In new and existing low-rent public housing projects, there is a great opportunity to provide social impetus and vitality not only to those living in the development, but also the neighborhood. The need is both for physical community facilities on a large scale and for skilled and dedicated personnel to operate them imaginatively. A program was authorized by the 1965 Act for two-thirds federal grants to assist communities in developing neighborhood facilities of all types, with preference to those in neighborhoods involving the anti-poverty program. While this affords a new opportunity to obtain needed physical facilities, the law should be amended to provide for necessary social and counseling services in such neighborhood facilities. Where funds or services cannot otherwise be obtained, local authorities should be permitted to use project funds for this purpose. Adequate funds for social and counseling services should be included in the project budget.

(i) Neither the program to lease privately-owned housing for public housing purposes, nor the rent-supplement program for those of public-housing incomes requires a local financial contribution in the form of exemption from local real estate taxes. Conventional public housing projects are therefore at a disadvantage in gaining acceptance by local governments, since these projects require tax exemption and 10% of shelter rents in lieu of taxes. To eliminate this disadvantage, NHC recommends that local housing authorities be permitted to make payments in lieu of taxes equal to full taxes. Federal annual contributions should be increased to cover the payment of a full tax equivalent.

(j) Until such time as full tax equivalent is paid on public housing as recommended above, there should be a federal payment to cover costs of sending public housing children to local schools; accordingly, NHC supports the provisions of the Elementary and Secondary Education Bill—which is now in conference after passing the House and Senate—which provides for such payments.

(k) When the local housing authority renews leases under the leasing program, there

should be a price adjustment in the lease that takes into account price level changes.

(l) The 1965 Act repealed as to future projects the requirement of Section 10(c) of the United States Housing Act of 1937 that annual contributions to a public housing agency be reduced by any amounts by which the receipts of the agency exceed its expenditures. As a matter of fairness and to meet the needs of public housing agencies, NHC recommends that this repeal should also apply to public housing projects existing at the time of the 1965 Act, as well as future projects.

(m) The Section 23 leasing program should be amended to permit longer term leases as this will encourage more private owners to participate in the program. The leasing program should be available for use in connection with any FHA-insured housing so as to help achieve economic integration. It should also be available for use in connection with FHA-insured nursing homes.

(n) NHC recommends the removal of the 10% limit on the number of units in a project which may be occupied by low income individuals as distinguished from low income families.

(o) There should be no income limits for continued occupancy in public housing. Instead, people should be permitted to stay in public housing if they wish upon paying the prescribed percentage of their income—where permitted under state law—but not in excess of the economic rent.

4. *Administrative Actions.* NHC recommends and approves the following administrative actions by HUD:

(a) Additional annual contributions should be made to meet all costs except those which low income families can afford as rentals. This should include not only the debt service, but also adequate maintenance, conservation and operation of public housing, and additional services. It should also cover the cost of work required to comply with anti-air pollution legislation. The present needs and costs are higher than those which prevailed when the original annual contribution contracts were signed. If the annual contributions are not raised, local housing authorities will be forced to increase rents and income limits. This would jeopardize the continued achievement of the purpose of this program to serve low income families. Also, it will cause the deferment of necessary maintenance and repairs, thereby jeopardizing the physical condition and long-term life of the property. The present annual contributions were computed to assure their adequacy to meet debt service, but without provision for the increased later costs of maintenance and operation, or the need for additional services. There has been criticism of conventional public housing because of its failure to provide necessary services and because of its lack of conservation through renovation. Correction of these conditions should remove the cause of this criticism and produce a better living environment in public housing.

(b) The annual subsidy formula should be revised to permit the payment of the maximum annual contributions authorized by law with residual receipts being used either for project rehabilitation or improvement. At any time after completion of a public housing project, provision should be made for reopening development cost, if necessary, to make additional loans for needed rehabilitation, improvements, or other purposes, with annual contributions correspondingly increased.

(c) While we believe the proposal for private management of turnkey housing is of dubious merit, we favor trying this new approach to determine whether it will produce benefits or improve techniques in the management of public housing and the achievement of the program's social objectives. The proposal should be recognized as a pilot and experimental program to be determined by local housing authorities. Meanwhile, NHC reaffirms the wisdom of continuing the present tested management operations through local authorities. They have long experience in handling the operations and problems and social aspects of public housing management. Moreover, they are clearly motivated by the public interest in managing public housing to serve low-income families. Local housing authorities should be allowed the same budgets for their operations and management services on turnkey housing as are proposed for private management. NHC also recommends approval of experimental programs of local housing authorities for management of public housing by nonprofit organizations, since they likewise have motivations of public interest and social welfare.

(d) NHC is impressed by the early evidence of widespread community acceptance of the provision in the 1965 Act authorizing the use of suitable private housing for low-income families through lease or other arrangements between local authorities and the owners and operators of private housing.

(e) We again commend HUD for its flexibility in using existing legislative tools to develop a program which will enable low-income families to live in the same projects as families of moderate incomes instead of isolating families of each income group. Under this program, the low-income family can continue in occupancy when its income increases, but would no longer receive public housing subsidies; instead, it would get the benefit of a below-market interest rate. When the family becomes self-supporting, it would pay the full market rate of interest.

(f) The special subsidy for housing elderly and displaced persons is now available only in the event of a deficit operation. NHC recommends that this subsidy be made available generally in an amount equal to the difference between the rent paid per month and the average cost of operation.

(g) NHC recommends that the documentation required to qualify initially for the leasing program eliminate the unnecessary requirement for development of detailed hypothetical data as to the extent of the potential supply of units.

(h) The 1968 Housing Act emphasizes the importance of good public housing design to the low-income family and to the local community. The Nation is concerned not only with the quantity of new public housing, but also with its quality. We urge HUD to take all actions necessary to achieve higher design standards for public housing developments.

(i) NHC recommends necessary adjustments in public housing income limits in those localities which have failed to keep pace with the increases in costs and incomes; also, there should be a recognition of the larger income which larger families require. Thus, there is no justification for a public housing limit for a larger family which would make a welfare recipient ineligible for occupancy.

(j) NHC recommends a revision in the letters of intent used by the Housing Assistance Administration in its turnkey housing program which would make it mandatory for housing authorities to purchase the land and plans from the developer if—for any reason—the local housing authority and the developer fail to execute a contract to purchase.

(k) NHC suggests that local housing authorities draw down the purchase price of the completed improvements at the time of signing the turnkey contract of sale. This sum would then be deposited to the credit of the local housing authority with a banking institution in the community in which the project is being built and a Certificate of Deposit would be issued to the local housing authority bearing interest at the highest going rate. In consideration of making the deposit, the banking institution would agree to make the construction loan to the turnkey developer at an interest rate not more than 2 percentage points higher than the interest paid by the banking institution to the local housing authority on the Certificate of Deposit, plus normal operation and service charges and fees.

(l) NHC recommends that HUD resume authorizations of local housing authorities to lease units under the Section 23 leasing program to the extent that subsidy funds are available for this purpose. NHC deplores HUD's actions which have resulted in the administrative termination and repeal of this program authorized by the Congress.

(m) The section 23 leasing program should be administered in a manner which will permit longer term leases as this will expand the program including the encouragement of more new construction and rehabilitation.

(n) While local housing authorities are responsible for the management and upkeep of their properties and endeavor to improve the welfare of the residents and encourage their participation in community activities, the housing authorities cannot properly be charged with responsibility for the behavior of residents or their compliance with laws. There are some people whose behavior adversely affects the rights of others or their property or whose protests are accompanied by violence and destruction. The existence of these phenomena in public housing can scarcely be attributed as a responsibility of local housing authorities, any more than such behavior of people living in private housing is the responsibility of the private landlord.

CHAPTER I. THE RENT SUPPLEMENT PROGRAM

*I. Summary of Existing Legislation*

1. *Objectives.* The Rent Supplement Program is an innovative approach to low income housing. It utilizes the free enterprise system and has been strongly endorsed by the home-building, real estate, and insurance industries. It provides incentives for people to escape from poverty and for the building of modest but decent housing for those who need it most.

2. *Authorization in the Housing Act of 1968.* The Act makes all previous authorizations for rent supplement contracts aggregating $150 million available for contract prior to July 1, 1969, but only to the extent that these contract authorizations are contained in appropriation acts. The Act provides for an additional $40 million in contract authority for rent supplements in fiscal year 1970 and an additional $100 million in contract authority for fiscal year 1971. The 1968 Housing Act provides that state aided projects are eligible for rent supplements if the projects are approved for such assistance prior to completion of construction or rehabilitation.

3. *Authorization in Appropriation Acts.* Of the $150 million authorized for rent-supplement contracts prior to July 1, 1969 only $72 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized for rent-supplement contracts for fiscal 1970, the appropriation act for fiscal year 1970 provides for only $50 million in rent-supplement contract authority.

4. *Amendments in Housing and Urban Development Act of 1969.* Authorizes Secretary of HUD to increase, where he deems desirable, the maximum percentage of rent supplement units in 236 projects from 20% to 40%.

*II. Recommendations*

1. *Additional Authorization in Appropriation Acts.* NHC recommends that appropriation acts include the additional rent supplement contract authorization of $128 million which are in the 1968 and 1969 Acts but which have not been included in appropriation acts. In making these recommendations, we again urge the need for advance authorizations in appropriation acts for each succeeding fiscal

year, besides the current one, to allow more lead time for the planning and initiation of rent supplement programs. President Nixon has requested $75 million for inclusion in the 1971 Appropriation Act out of $100 million authorized and has asked for an advance authorization in that Act of $75 million in contract authority for Fiscal Year 1972.

2. *Increase in Legislative Authorizations.* NHC recommends increasing the legislative authorizations for rent-supplement contracts to achieve an average annual rate of 100,000 dwelling units for a five year period. Initially the annual rate should be 75,000 dwelling units but it should be accelerated each year until it reaches 125,000 units in the fourth and fifth years.

3. *Other Legislative Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) The rent supplement legislation imposes too great a burden on low income families by requiring them to pay rents equal to 25% of their annual incomes since rent supplements will pay only the difference between such a rental payment and the fair market rental. To eliminate this hardship, NHC recommends that this rent paying requirement be reduced to 20% of family income. A similar recommendation has been made elsewhere in these recommendations relating to the requirement that too high a percentage of family income be spent for housing under the interest assistance programs of Sections 235 and 236. NHC is pleased to note that the House adopted an amendment which accepted this recommendation, but it was not accepted in the Conference on the 1969 Housing Act. NHC recommends adoption of the House Amendment in the next Housing Act.

(b) Counseling and social services should be made available to residents of housing aided by rent supplements. Such services should be allowable housing costs in computing rent supplement payments.

(c) Instead of being allowed to use only 10% of rent supplement funds in the program involving a below-market-interest rate, NHC recommends that half of the rent supplement funds be authorized for use in such projects. This would make it possible to combine in one project (1) rent supplements for low income families and (2) below-market interest financing for moderate income families. In the interest assistance program under Section 236 where mortgages will bear a market rate of interest, it will be possible to combine up to 40% occupancy by low income families receiving rent supplements with moderate income families receiving interest assistance payments. These programs should be encouraged and expanded to help achieve the objective of economic integration.

(d) The present law limits rent supplements to lower income families who are living in substandard housing. NHC recommends that the law be amended to include overcrowded conditions—properly defined as to appropriate occupancy limits—as a substandard housing condition; and to permit any low income family to be eligible for housing aided by rent supplements so long as the family qualified as to low income, even though the family does not live in physically substandard housing. This would meet the needs of newly-formed families and those who are spending too much of their low income for housing.

(e) There should be a repeal of the requirement for a workable program or local government approval before rent supplements can be used in a locality.

(f) NHC urges the establishment of an additional rent supplement program for nonprofit or limited-profit mortgagors who own buildings which are not financed under Section 221(d)(3) or 236. When the buildings meet code standards—or are rehabilitated to meet such standards—rent supplements should be made available so that the housing can serve low-income families. Present rent supplement requirements for rehabilitation are often unworkable because they cost too much. Rehabilitation to meet code requirements should be acceptable. This will stimulate rehabilitation and provide standard housing quickly and reasonably for many low and moderate income families.

4. *Administrative Actions.* (a) Construction cost limitations were initially established in the rent supplement program which were unworkable in many high-cost cities that faced the greatest need for this program. Last year NHC recommended that there be sufficient increases in these cost limitations to make it possible to build rent supplement projects within these cities. FHA has approved some increases in these cost limits. However, these increases are insufficient due to cost increases, so NHC strongly recommends further increases in the cost limitations to keep pace with the increases in construction costs. Only through adequate construction cost allowances can the rent supplement program fulfill its purpose of serving low income families in these cities near the places of employment and public transportation.

(b) FHA has established lower limits as to the amount of rent supplements available for families in a project than the amount permitted by the statute. NHC recommends the repeal of these lower administrative limits. FHA should be prepared in appropriate cases to contract to pay the full amount of rent supplements on a project up to the statutory ceiling. Only in this way can the needs of many low income families be met, particularly in high cost areas.

(c) The standards under the rent supplement program should be upgraded to produce better-designed housing which will more adequately meet the needs of families, with attention to their comfort and convenience. Thus, the limit of one bathroom per dwelling unit should be removed, as this denies adequate sanitary facilities for larger families.

CHAPTER J. HOUSING FOR FAMILIES RECEIVING PUBLIC ASSISTANCE; STUDY OF FEDERAL HOUSING ALLOWANCE PROGRAM; ALSO CODE ENFORCEMENT

1. Four million American families are receiving all or part of their income from public assistance programs. Many of these families are ill-housed, primarily because welfare grants in most cities are inadequate to pay the cost of standard housing. NHC urges the enactment of legislation which would establish and enforce minimum standards for housing occupied by recipients of public assistance. In addition, such legislation should provide that the Federal Government bear the entire cost for decent housing above the present inadequate public assistance allowances for shelter. Thus, families on public assistance would receive a federal housing allowance to supplement the local public assistance shelter allowance in order to cover the full charge for decent housing. Such federal housing allowances should be made in a manner (i) which will encourage rather than discourage ownership and (ii) which would provide security for the recipient against being subjected to the liens that are sometimes involved in local public assistance programs.

2. Even if programs are undertaken at the scale proposed elsewhere in these Resolutions, it will be years before many of the low income families will be able to obtain decent housing within their means. Therefore, NHC believes it is important to explore a broad program of federal housing allowances for low income families. Besides the initial program for federal housing allowances—described in the preceding paragraph—to supplement local allowances for welfare families, we propose that a study be made of the feasibility of extending a federal housing allowance plan to cover other families of low incomes. Among the measures to be explored in such a study are the following:

(a) The type of family which should be eligible for a federal housing allowance, including criteria that they live in substandard housing and pay a disproportionate amount of their income for housing; or that they are being displaced from adequate housing and are unable to obtain other suitable housing at charges they can afford.

(b) The amount to be paid as a federal housing allowance, e.g., the difference between (i) 20% of the family's income and (ii) the monthly cost of adequate housing available in the community.

(c) Adequate consumer protections to assure that federal housing allowances will not inflate housing charges by limiting the use of existing structures—which meet the foregoing standards—to cases where there are sufficient vacancies to avoid such increases in housing charges.

(d) Adequate measures to assure that housing allowances will be used solely to pay for housing costs, rather than being diverted for other purposes.

(e) Safeguards to assure that the federal housing allowances would result in adding to the supply of decent housing in the community through new construction or rehabilitation, except to the extent that decent vacant housing is available in a suitable neighborhood.

3. NHC recommends Federal grants to housing authorities or other public agencies—as described elsewhere in these recommendations—to bring housing up to minimum code standards and to make it available for families of low income, including those who are receiving public assistance.

4. NHC urges an acceleration of concentrated code enforcement in deteriorating areas, together with necessary public improvements to halt their decline. The costs of code enforcement programs—both for determining Federal grants and local grant-in-aid credits—should include all costs incurred for repair or installation of streets, sidewalks, streetlighting, trees, parks, open areas, recreational facilities, and other necessary improvements.

5. The 1969 Housing Act contains some provisions to meet these recommendations by enabling very low income people to live in public housing. This program is described in paragraph 4(h) of Chapter H. We urge that HUD fully utilize and implement the new legislation to meet the needs of this very low income group which was formerly below the reach of public housing. Also, the full amount of the authorization should be released by the Bureau of the Budget, instead of reducing from $75 million to $33 million the contract authority now available for annual contributions.

CHAPTER K. REHABILITATION OF HOUSING

*I. Summary of Existing Legislation*

1. *Need.* NHC again reaffirms the importance of saving existing neighborhoods through rehabilitation and other conservation measures. It is sound policy to improve our present housing supply and conserve neighborhoods, rather than allow them to deteriorate until they require greater costs in demolition and reconstruction.

2. *Authorizations in 1968 Housing Act.*

(a) *Dwellings Eligible for Rehabilitation Grants and Loans.* The Act broadened the program of rehabilitation loans under Section 312 for repairs and improvements of dwellings. Instead of limiting the program to dwellings located in urban renewal and code enforcement areas, owners and tenants of dwellings are eligible for loans if the dwelling is located in an area certified by the local governing body as containing a sub-

stantial number of structures in need of rehabilitation and:

(1) If the locality has a workable program; and

(2) If the area is definitely planned for rehabilitation or code enforcement within a reasonable time, and the repairs to be assisted are consistent with the plan for rehabilitation or code enforcement.

The Act authorizes rehabilitation grants under Section 115 to low income homeowners whose properties are located in an area of the character described above, instead of limiting such grants to dwellings in urban renewal and code enforcement areas. The Act also authorizes the Secretary of HUD to make rehabilitation grants and loans to low income homeowners whose property has been determined to be uninsurable because of physical hazards. Such grants or loans may be made only to rehabilitate the property to the extent necessary to make it insurable under a statewide plan.

(b) *Increase in Rehabilitation Loan Authorizations.* The 1968 Act increases the amount authorized to be appropriated for rehabilitation loans. The increase for each fiscal year is from $100 million to $150 million; also, the program is extended to June 30, 1973. The Act limits eligibility for residential rehabilitation loans to persons whose annual income meets the locally applicable income limits for the Section 221 (d) (3) below-market-interest-rate program.*

(c) *Increase in Rehabilitation Grants.* The Housing Act of 1968 increases the limit on the amount of a rehabilitation grant to a low income homeowner from $1,500 to $3,000.**

(d) *Repeal of Urban Renewal Limit on Acquisition and Rehabilitation.* The Act removes the previous limits on the acquisition and rehabilitation of residential properties by local renewal agencies. Under prior law, such agencies could acquire and rehabilitate for demonstration purposes no more than 100 units or 5% of the total residential units suitable for rehabilitation in an urban renewal area, whichever was the lesser. This limit has been repealed.

3. *Authorizations in Appropriation Acts.* Nothing was appropriated in Fiscal Year 1969 and $45 million has been appropriated for Fiscal Year 1970.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Rehabilitation Grants. This section amends section 115 of the Housing Act of 1949 to increase the maximum rehabilitation grant authorized under that section from $3,000 to $3,500.

(b) Income Limitation Under Rehabilitation Loan Program. Section 312(a) of the Housing Act of 1964 is amended to remove the requirement limiting elgibility for residential rehabilitation loans to persons whose annual income is within locally applicable income limits for the section 221(d)(3) below-market-interest-rate program. However, priority will be given to applicants whose incomes are within those limits.

5. *Amendments in the Tax Reform Act of 1969 Relevant to Rehabilitation.* A special 5-year amortization deduction is now allowed to expenditures made on or after July 25, 1969, and before December 31, 1974, for the rehabilitation of buildings for low-cost rental housing. This rapid amortization is available only where the property is held for occupancy by families and individuals of low or moderate income determined in a manner consistent with the policies of the 1968 Housing Act. The aggregate rehabilitation may not exceed $15,000 per dwelling unit and the sum of the rehabilitation expenditures (over a 2-year period) must exceed $3,000 per dwelling unit.

*II. Recommendation*

1. To provide additional tools that are needed to achieve substantial progress through rehabilitation, NHC recommends the following:

(a) Section 312 should be amended to increase to $500 million the annual appropriations in each fiscal year to carry out the program. Section 312 should broaden the category of eligible borrowers to include public bodies, cooperatives, nonprofit corporations and limited dividend companies in addition to owners or tenants who are now eligible.

(b) While the 1969 Housing Act increases to $3,500 the federal rehabilitation grants to eligible occupants who own their own homes in the rehabilitation neighborhood, NHC recommends an increase to $5,000.

(c) Where state or local governments allow tax abatement to encourage rehabilitation, there should be an annual Federal grant to reimburse them for the tax losses.

(d) Relocation assistance and payments should be available to anyone displaced as a result of a rehabilitation program.

(e) More realistic financing should be made available under FHA programs, particularly to serve those people of low and moderate incomes. This requires more practical and workable financing terms and allowances as follows:

(1) The formulas for determining mortgage amounts must recognize the actual cost of acquiring and rehabilitating properties that are structurally sound.

(2) There should be a contingency allowance built into the mortgage financing, which has been recently done by FHA. In rehabilitation the contractor is often not aware of potential problems until he opens the walls and ascertains actual conditions.

(3) The FHA requirements for rehabilitation should not require a specified percentage of mortgage proceeds to be used for rehabilitation, so long as property is brought up to code standards.

(4) In projects where the property is owned or controlled by the proposed mortgagor, cost savings may be achieved by stripping down the building and tearing out the interior walls before making estimates or getting bids for the rehabilitation work. In such cases, FHA should recognize the cost of gutting the building since this increases the value of the property for rehabilitation because conditions are known and unforeseen contingencies are minimized.

(5) To reduce the monthly charges to the level which moderate-income families can afford, it is necessary to eliminate present requirements for short amortization periods on rehabilitation projects. Where the rehabilitation property is in a central city, there is likely to be an increment in land value from which to repay the loan, even though demolition occurs well in advance of the remaining estimated life of the improvements. Thus, the property may later become part of a model city neighborhood or urban redevelopment area. At present, the statute limits the mortgages to a maturity not exceeding three-quarters of the remaining economic life of the building improvements. This limitation should be repealed. FHA should be authorized to permit up to 40-year maturities where appropriate.

2. There should be Federal grants to a local agency designated by the city government for a total coordinated plan for rehabilitation of the neighborhood and for carrying out the rehabilitation program contemplated by the plan. The local agency should enlist the participation of cooperative and nonprofit organizations and local housing authorities. The local agency would also act on behalf of eligible homeowners and tenants in the area in obtaining:

(a) Rehabilitation grants, interest assistance or rent supplements for them;

(b) Below-market-interest-rate loans or market-interest-rate loans for their rehabilitation work; and

(c) Contracts to perform the rehabilitation work, subject to supervision by the local agency.

3. HUD should fully utilize the authorizations in the 1968 Housing Act providing for the acquisition of property for rehabilitation and its disposition, with appropriate write-downs which reflect the proposed use of the property. A similar program is necessary outside of urban renewal areas.

4. The authorizations in Sections 236 and 221(h) should be fully funded and utilized to facilitate and accelerate the rehabilitation program.

CHAPTER L. HOUSING FOR THE ELDERLY

*I. Summary of existing legislation*

1. *Authorization in 1968 Housing Act.* The 1968 Housing Act does not provide for any increase in the authorization in the 202 program of direct loans at 3% interest to provide housing for the elderly.* Instead, the new 236 program of interest assistance is intended to make FHA-insured financing available for this program. There will be interest assistance to reduce monthly housing payments to the level achievable with an interest rate of 1% and without any FHA mortgage insurance premium. Under 236, projects can now be undertaken which will provide housing exclusively for the elderly. Such projects may include related facilities, such as dining, work, recreation and health facilities. The Act authorizes the refinancing of certain 202 projects in order to achieve the lower monthly charges resulting from refinancing with interest assistance.

2. *Authorizations in Appropriation Acts.* The contract authority in appropriation acts for 236 will now be utilized to finance housing for the elderly. For a description of the 236 authorizations in appropriation acts, see Chapter F which covers that program.

3. *Amendments in Housing and Urban Development Act of 1969.* The 1969 Act contains a clear mandate from Congress that the 202 program should be continued instead of being eliminated. The 1969 Act increases the total amount authorized to be appropriated for the 202 program of direct loans for housing for the elderly or handicapped by $150 million as of July 1, 1969.

*II. Recommendations*

1. *Additional Legislative Authorization.*

(a) NHC urges that an average of 30,000 housing units for the elderly be provided each year for the next five years. This includes both the 202 and 236 programs.

(b) NHC recommends against phasing out the 202 program because it has not been demonstrated that the 236 program will fully and adequately meet the housing needs of the elderly. We anticipate a continuing need for the 202 program to avoid creating another gap and area of unmet need due to the lower income limits in the 236 program and its other restrictions. The 1969 Act accepts this recommendation by making an additional authorization for direct loans under the 202 program.

(c) NHC recommends that the authorizations under 202 and 236 should be available to acquire existing housing for the elderly, including projects developed with FHA insurance under Section 231.

2. *Other Legislative Amendments.* There is a need for special programs to provide federal grants for the following purposes in housing for the elderly:

*Amended in 1969 Housing Act as described in paragraph 4(a) below.

**Amended in 1969 Housing Act as described in paragraph 4(b) below.

*Amended by 1969 Act as described in paragraph 3 below.

(a) to assist in training professional personnel to manage programs for the elderly; and

(b) to provide working capital and seed capital to states and localities and to nonprofit organizations such as church groups, labor unions, fraternal and cooperative-servicing organizations.

(c) NHC recommends adoption in the next Housing Act of a provision that was passed by the House but not adopted by the Conference on the 1969 Housing Act which requires (1) that projects for the elderly or handicapped be administered, to the maximum extent possible, under the same terms as the Section 202 program, (2) that the requirement for computations of rents based on income will not apply to handicapped families, (3) that income verification for tenants in such projects shall be every five years and (4) that "Exception Income Limits" for the elderly or handicapped shall be $5,500 for individuals and $6,600 for couples, in lieu of 90% of 221(d)(3) BMIR limit otherwise applicable.

3. *Administrative Action.*

(a) The 202 and 236 cost limits should permit housing to be built within the cities where they are needed to serve the elderly. In view of high land costs, this should include high-rise buildings. The program should include rehabilitation as well as new construction. Tax abatement should not be required since it is often unavailable because of restrictions in state and local laws. Moreover, many cities are facing problems of inadequate tax revenues and are reluctant to grant tax abatements. Section 202 and 236 housing for the elderly should be permitted to pay full taxes, as is permitted in leasing privately-owned housing for public housing purposes and in the rent supplement program. Nursing facilities should be eligible for financing in housing for the elderly.

(b) In accordance with the statutory authority for loans equal to the total development costs, HUD should not require in the 202 or 236 programs that an approved sponsor make an investment to cover the cost of preliminary expenses, facilities, furnishings, equipment and working capital. Such costs should be included in the loan. It should not be necessary for a nonprofit sponsor to make a monetary contribution. Its contribution consists of its devotion of time, ingenuity, and energy in initiating and developing projects—all without compensation and motivated by public service.

CHAPTER M. FINANCING NURSING HOMES, FACILITIES FOR GROUP MEDICAL PRACTICE AND NON-PROFIT HOSPITALS

*I. Summary of existing legislation*

1. *Objectives.* NHC again recognizes that a continuing desperate need exists for hundreds of thousands of nursing home beds, especially among the low-income elderly. This need has increased by demands generated through Medicare. Since local housing authorities have long experience in building low-rent housing for the elderly, they are well qualified to develop nursing homes for low-income persons. They should be authorized to coordinate programs of housing and nursing home facilities for the low-income group. This can be done effectively by amending the USH Act of 1937, to authorize annual contribution contracts with local housing authorities for nursing home facilities. In addition to these needs, many communities are facing serious shortages in full hospital facilities. Existing hospitals are unable to undertake needed expansion because of their inability to finance such costly additions.

2. *Authorization in 1968 Housing Act.* The 1968 Housing Act amends Section 232 of the National Housing Act to permit the cost of major items of equipment used in operating a nursing home to be included in the FHA-insured mortgage; also, to permit supplementary loans for the installation of such equipment in nursing homes previously constructed.

The 1968 Housing Act adds Section 242 to the National Housing Act which establishes a FHA program under which the Secretary of HUD will insure mortgages covering new or rehabilitated hospitals (including initial equipment). To be eligible for such insurance, the mortgage cannot exceed $25 million or 90 percent of replacement cost, and the hospital must be owned and operated by one or more nonprofit organizations. A certification is required from the State health agency that the hospital is needed and that State or local laws providing for minimum standards will be applied and enforced.

3. *Amendments in the Housing and Urban Development Act of 1969.*

Section 232 of the National Housing Act is amended to authorize insurance under that section of mortgages financing new or rehabilitated intermediate care facilities or combined nursing homes and intermediate care facilities. The purpose of this new program is to assist in the provision of facilities for persons who, because of incapacitating infirmities, require minimum and continuous care of the type provided by licensed or trained personnel but who do not need full nursing home care.

An intermediate care facilities project or a combined nursing home and intermediate care facilities project can be financed under the same terms and conditions as provided for a nursing home under the present authority. The mortgage is limited to a principal obligation not exceeding $12,500,000 or 90% of the estimated value of the property or project including equipment. The Secretary must require certification by the State agency designated by the Public Health Service Act as to the need for such facilities and appropriate standards for their operation. The Secretary must also consult with the Department of Health, Education, and Welfare as to the health and medical aspects of such facilities and as to the need and availability of such facilities in the area.

*II. Recommendations*

1. NHC recommends that Section 202 and the new Section 236 be amended to permit the inclusion of nursing facilities in housing projects for the elderly. In this way, elderly persons who need nursing facilities would not have to leave the community in which they are living. In public housing for the elderly, nursing facilities should likewise be included.

2. NHC further recommends that financing be available to nonprofit sponsors under Sections 202 and 236 which will cover the full cost of construction of nursing homes; also, that such projects should get the benefit of below-market-interest rates or subsidies which would reduce the interest rate to 1%. As stated above, we recommend a statutory increase in subsidy to enable a reduction in this interest rate to 0% for those who need it.

3. The 1966 Act included a program of FHA insurance for facilities used for group medical practice. NHC reaffirms its support of this program and urges its use to encourage the development of nonprofit cooperatives whose members will obtain the benefits of bona fide group medical practice at a reasonable cost. The program should operate in both urban and rural areas. NHC continues to recommend that mortgage amortization be permitted to commence after completion of construction of group practice facilities rather than at the time the mortgage is executed.

4. NHC continues to support the basic concept of the prior Patman Bill, H.R. 10188, which would remove obstacles that impede the broader development of group health plans and which would make financing available for group health programs providing hospitalization, out-patient and preventive care.

CHAPTER N. COLLEGE HOUSING

*I. Summary of existing legislation*

1. *Objective and Need.* Our Nation has increasingly recognized its dependence upon higher education for its security, welfare, and continued prosperity. To meet the demands made by the expanding number of students and by required increases in faculties, additional housing must be provided for students and faculty. Congress recognized the appropriateness of meeting these needs for college housing nearly twenty years ago. In the Housing Act of 1950, it initiated low-interest loans for housing and educational facilities for students and faculties. Since 1961 there have been authorizations for loan increases at the rate of $300 million each year. Such increases are wholly inadequate to meet current needs. The study conducted under the auspices of the American Council on Education has indicated that approximately $1.5 billion per year of college housing will be needed for the next ten years. Recognizing that a portion of this amount may be derived from non-federal sources, the Council recommended that Congress authorize assistance which will enable a minimum of $1 billion of college housing a year for the next ten years.

2. *Authorizations in the 1968 Housing Act.* Instead of expanding the direct loan program for college housing, the Act contemplates financing in the private market, but it authorizes financial assistance to colleges by means of annual debt service grants. The new grant program is to be used to reduce the borrower's annual debt service payments on private market loans to the average annual debt service that would have been required if the loan were based on the rate charged on loans under the direct loan program. Annual grants can be made over a fixed period up to 40 years. The total amount of annual grant contracts is subject to approval in appropriation acts. The total amount cannot exceed $10 million, with this limit increased by $10 million on July 1, 1969. The new grant program is made available for loans involving the purchase of existing properties which are in need of little or no rehabilitation.

3. *Authorizations in Appropriation Acts.* There was an authorization of $5.5 million of annual grant contracts for college housing instead of the $10 million authorized in the 1968 Housing Act. For fiscal year 1970, $6.5 million has been appropriated. For fiscal year 1971 the President has requested $9.3 million of annual grant contracts. This will require an increase of $2.6 million in the legislative authorization.

4. *Amendments in the Housing and Urban Development Act of 1969.* Section 401(f)(2) of the Housing Act of 1950 is amended to increase, by $4,200,000 on July 1, 1970, the aggregate amount of contracts which may be entered into to make annual debt service grants to help finance college housing facilities.

*II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.* NHC recommends that the authorized balance of annual grant contracts be included in the next supplemental appropriation act, together with an advance authorization of $10 million in annual grant contracts for the next fiscal year to give colleges more lead time for their planning and development of college housing programs.

2. *Increase in Legislative Authorizations.* NHC recommends a 5-year authorization of contracts for annual debt service grants which would be sufficient for $1 billion of private financing annually for college housing. Immediate legislation is necessary to increase the legislative authority by $2.6 million in order to support the budget request for fiscal year 1971.

CHAPTER O. COOPERATIVE HOUSING

1. In urban areas where multifamily housing predominates, cooperatives provide an important means of achieving homeownership. This produces better communities where the control and responsibility rests with the people who have a stake and pride in their own housing development.

2. NHC approves the use of the 221(d)(3) below-market-interest-rate (BMIR), 236 interest assistance, and rent supplement programs in cooperatives. They will make it possible to reach lower income groups because of the economic savings and advantages of cooperatives. These are illustrated by the following savings:

(a) Lower closing costs with one closing—including one mortgage, one title policy, one insurance policy and one title transfer—on an entire project of many dwellings, rather than one for each dwelling.

(b) Lower transfer costs since it is unnecessary on a cooperative sale to incur the costs of title examinations and transfers, brokers' fees, refinancing and other charges.

(c) Lower construction costs which cooperatives have achieved through the economies of large scale building when many housing units are presold before construction starts.

The cooperative program has been successful for low and moderate income families assisted under programs with below-market interest rates. Even though these projects serve lower income families, there have been no failures among the consumer cooperatives in this program. NHC fully concurs in the Congressional mandates to encourage such cooperative ownership. It also concurs in the pronouncements by HUD and FHA encouraging cooperative housing under Sections 213, 221(d)(3) and 236, such as the recent notice to FHA Insuring Office Directors and Assistant Regional Administrators which stated: "In discussions with builders and lenders, the insuring office should encourage their participation in the above cooperative programs, not only because of the excellent experience which has been achieved from the FHA fiscal standpoint, but also because of the benefits both financial and sociological which flow to the users of this type of housing."

3. The need and demand for cooperative housing at a below-market interest rate greatly exceeds the amount of funds available. The below-market program of 221(d)(3) has demonstrated its success in meeting the housing needs of lower income families who cannot be served by private enterprise without Federal assistance. Cooperative housing represents over one-fourth of the accumulated backlog of projects awaiting funds under the 221(d)(3) (BMIR) program. This backlog of need should be met by the release of funds already available and increased authorizations recommended for the 221(d)(3), 235 and 236 programs.

4. We recommend that FHA recognize the presently uncompensated costs to cooperative projects resulting from the requirement of recertifying incomes. The cooperative should be reimbursed by retaining the costs of recertifications from "over-income" surcharges that are ultimately returned to HUD. In addition, FHA should allow portions of the "over-income" surcharges to be used by the cooperative for improvements that FHA may consider advisable and justifiable during the life of the project.

5. Twelve years ago Congress established a revolving fund of $225 million—which is now administered by GNMA—for the purchase, at par, of cooperative mortgages insured by FHA under Section 213. This financing has made it possible for middle-income consumers to join together to help themselves get good housing through their cooperatives. While there have been extensive mortgage purchases from the cooperative revolving fund, much of the money has been returned, so it now has an uncommitted balance of about $100 million. In 1968, the Administration impounded this fund and no further GNMA commitments can now be issued. NHC strongly recommends that the balance in the cooperative revolving fund be made immediately available fo the purchase of mortgages on cooperative projects. The 213 program meets an important need among those middle-income families and individuals who can only afford the lower monthly charges achievable through cooperative economies and financing. To lessen the budget impact and induce the Administration to utilize these GNMA funds for the purchase of Section 213 mortgages, we recommend that these funds be used under the Tandem Program. In this manner, the budget will reflect only the difference between GNMA's par purchase of the mortgage and the market price at which GNMA later sells the mortgage.

6. We recommend that HUD carry out the Congressional intent to distribute to cooperatives refunds of surplus income collected as premiums and deposited in the Section 213 mortgage insurance fund. This mortgage insurance fund on cooperative mortgages has been reconstituted by law as a mutual fund, so that excess premiums should be returned to the participating cooperatives.

7. (a) As recommended in this report and subject to the conditions stated therein, NHC urges the disposition of public housing and Federally-owned housing to cooperatives whose members will reside in such housing and enjoy the benefits of mutual ownership.

(b) In the disposition of housing acquired by HUD and its constituent agencies, a priority should be afforded to the residents so they will have the opportunity to acquire the properties through their cooperative. An FHA circular advised Insuring Offices that many acquired multifamily housing projects are particularly suitable for cooperatives and that negotiated sales would be made. This was successfully done in a pilot case.

(c) In the disposition of property by urban renewal agencies, there should be a recognition in the disposition plan that it is important to achieve cooperative ownership of multifamily housing in urban renewal areas. Accordingly, part of these areas should be considered for the development of housing to be so owned by the people. In making a disposition for this purpose, there should be a disposition condition that those who acquire the property agree to develop it for housing that will involve cooperative ownership.

(d) The FHA insurance program for supplemental loans should be revised, implemented and administered in a realistic manner which would achieve its objectives. Many cooperative and rental projects are faced by the necessity of making large expenditures to meet requirements of new laws enacted as part of anti-pollution and other health programs; moreover, many projects require rehabilitation and upgrading. Supplemental loans are also authorized to provide funds for necessary refinancing of membership resales which involve increases in equity. To facilitate administration of such supplementary loans to finance resales of cooperative memberships, such supplemental loans should be available not only to individual cooperatives but to a group or association of cooperatives or a nonprofit financing institution to serve cooperatives. Supplemental loans should be made for a period and at an interest rate to enable their amortization without an undue burden on the projects. GNMA should be authorized to use special assistance funds for the purchase of such supplemental loans at par. The supplemental loan provisions in 213(j) should be extended to include housing projects covered by mortgages insured under Sections 221(d)(3) or 236. NHC recommends amendatory legislation to implement the recommendations in this paragraph to the extent that they cannot be effectuated through administrative action.

(e) The Special Assistant for Cooperative Housing at FHA should be provided with adequate staff and funds to undertake a broad program for the encouragement and development of cooperative housing, including necessary training of cooperative leaders and managers. The Special Assistant and his staff should have responsibility for both the assisted and unassisted cooperative housing programs in carrying out the functions prescribed in the laws establishing this position. The recent HUD reorganization should be clarified to accomplish this.

8. The Tax Reform Act of 1969 contains the following provisions of special interest to the operation of a cooperative housing project:

(a) Section 216(b) of the Code is amended to provide that, in determining whether a corporation is a cooperative housing corporation, no account is to be taken of stock owned and apartments leased by governmental entities empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities. The effect of the amendment is to allow individual tenant-stockholders to deduct their proportionate share of interest and taxes even though more than 20 percent of the cooperative's income is derived from a governmental entity. This amendment applies to taxable years beginning after December 31, 1969.

(b) Section 1039 is added to the Code to provide for deferral of gain upon the sale of a limited distribution project financed under Sections 221(d)(3) and 236 to a cooperative or other nonprofit corporation. This important incentive is more fully described in paragraph 4 of Chapter CC.

CHAPTER P. RURAL HOUSING, RENEWAL AND PLANNING FOR MULTI-COUNTY AREAS

*I. Summary of existing legislation*

1. *Objectives.* There is increasing national concern to make rural America more attractive and livable for all. To achieve this goal, programs must be initiated to encourage the young and better educated to continue living in rural America. Programs which provided the same kinds of financial assistance as are provided for urban housing and urban renewal should be available to rural areas for rural housing and rural renewal. We endorse those provisions of the 1968 Housing Act which make certain housing assistance equally available to rural areas, but other legislation is required as described below.

2. *Authorizations in the 1968 Housing Act.* Under new Sections 235 and 236, the Secretary was authorized to transfer to the Secretary of Agriculture a reasonable portion of the total authority to contract to make periodic interest reduction payments for use in rural areas and small towns. By agreement, the Secretary of Agriculture was delegated $2 million in contract authority under Section 235(k). However, projects under Section 236 will be processed by FHA.

3. *Authorizations in Appropriation Acts.* Elsewhere we have described the authorizations of interest assistance contracts under Sections 235 and 236 which are now available for housing in rural areas. In addition, the rural housing program of the Department of Agriculture was authorized to maintain a $5 million program of 3%, 50-year loans.

4. *Amendments in the Housing and Urban Development Act of 1969:*

The 1969 Act extends for a 4-year period ending October 1, 1973, the various rural housing authorizations which are scheduled to expire on October 1, 1969.

Section 517(c) of the Housing Act of 1949 is amended:

(a) To remove the present $100 million limitation on the amount of new loan paper which may be held in the Rural Housing Insurance Fund at any one time;

(b) To authorize the Secretary of Agriculture to sell insured housing loans out of the Rural Housing Insurance Fund in blocks and to treat such transactions as a sale of assets for budgetary purposes; and

(c) To make clear that the Secretary of Agriculture may make commitments to make or insure rural housing loans on one or more properties upon application by the lender, builder, or seller and upon compliance with such requirements as he may specify.

Section 517 of the 1949 Act is amended (with conforming amendments to sections 518 and 519 of that Act) to abolish the existing Rural Housing Direct Loan Account and transfer all of its assets, liabilities, and authorizations to the Rural Housing Insurance Fund. It is the purpose of these amendments simply to consolidate the direct loan and insured loan programs of the Farmers Home Administration in a single Fund, without changing the nature or coverage of those programs; all of the funds, claims, notes, mortgages, contracts, property, collections, proceeds, and unexpended balances which were held in or applicable to the Account will as a result of the transfer be held in or applicable to the Fund, and any authorizations for the appropriation of funds, the availability of funds for direct loans and related advances, or the issuance of notes which were applicable to the Account will become applicable to the Fund.

A new Section 524 is added to the 1949 Act to authorize financial assistance to nonprofit organizations to provide sites for rural housing for low and moderate income families.

*II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.*

(a) NHC recommends that the housing repair grant provisions of Section 504(a) be funded to a level of $25 million for fiscal 1971. Since 1964 there have been no funds appropriated for housing repair.

(b) NHC urges that the farm labor housing grant provisions of Section 516(b) be funded at a level of $25 million for fiscal 1971.

(c) NHC recommends that the self-help housing technical assistance grants authorized by Section 523(b)(1)(A) be funded at the full limit of $5 million for fiscal 1971.

2. *Legislative Amendments Relating to Rural Housing.* NHC recommends the following legislation relating to rural housing programs:

(a) The 3%, 50-year loan program to supplement the new authority granted under the 1968 Housing Act should not only be continued but increased. The Secretary of Agriculture should be authorized to contract to maintain the interest rate throughout the duration of the loan. Also, the Secretary should be granted the power to reduce the interest rates to as low as 1% under this program.

(b) Repeal the provision, in Section 515(b) and terminate the administrative practice under Section 515(a) of the Housing Act of 1949, limiting mortgage size to $300,000 on multifamily rental or cooperative projects. Enact provisions permitting the Secretary of Agriculture to contract at the outset to finance all stages of a multifamily housing project.

(c) Increase the mortgage term to 50 years for rural housing loans under Section 515(b) of the Housing Act of 1949.

(d) Enact legislation creating the position of Special Assistant for Cooperative Housing in the Farmers Home Administration (FmHA) of the Department of Agriculture (a similar position to that created in the Housing Amendments of 1955 for urban cooperative housing) with similar powers, duties and adequate staff and budget; and the additional responsibility of mobilizing the support of rural area cooperatives of all types for the creation and continued successful operation of rural cooperative housing projects.

(e) Make applicable to all rural areas provisions similar to those of Title VI of the 1968 Housing Act which would: (i) authorize HUD to make planning grants to assist district planning agencies for rural and other nonmetropolitan areas; (ii) authorize grants of $20 million for fiscal 1969; and (iii) give the Secretary of Agriculture certain functions as to planning grants for districts, including a requirement that he be consulted before any such grant is made.

(f) Give the Secretary of HUD authority to waive rules and regulations of HUD programs so small cities and towns can get an equitable share of HUD programs.

(g) NHC recommends that the population ceiling on FmHA loans be raised from towns of 5,500 maximum to 25,000 population, with commensurate adjustments in administrative funds.

(h) NHC recommends that FmHA be authorized to lend money on tribal trust lands where the applicant can secure a lease equal to the life of the mortgage.

(i) NHC recommends that FmHA staff be expanded to enable the agency to actively promote rental housing to aid in meeting rural needs.

(j) NHC recommends the amendment of the FmHA Act to enable the agency to promote and finance nonprofit housing development corporations as housing delivery systems to small town and rural people.

(k) NHC recommends that legislation be enacted to assure that the American Indian—on and off reservations—is given the opportunity and choice to participate in all Federal housing programs.

(l) NHC recommends the establishment of a Rural Development Bank as provided in H.R. 15402, introduced by Congressman Patman.

3. *Recommendations for Administrative Actions.*

(a) Besides Congressional actions, there is a need for more effective executive actions and better coordination of Agriculture and HUD, and for consultation with industry and public interest groups. Such actions should be taken to assure that federal housing, community facility and planning aids for rural areas are equivalent to those available in cities and metropolitan areas.

(b) NHC recommends and urges the Secretary of Agriculture to stimulate and encourage programs under new and existing cooperative housing provisions to alleviate the housing ills in rural areas.

(c) NHC urges the Federal Housing Administration and the Farmers Home Administration (FmHA) to work out a plan for making housing credit available in small towns that are too large for FmHA to service (over 5,500), but not practical for FHA to service because of remoteness or other reasons. A serious credit shortage exists in many of these areas.

(d) The Administration should set realistic program levels for FmHA to enable FmHA to meet the critical housing shortages of rural America.

(e) NHC urges FmHA to expedite the self-help housing program authorized in 1968, including technical assistance funds under Section 524 and the land developments fund under Section 523. The procedures on Section 524 have not been issued and the procedures on 523 are proving too rigid for self-help groups.

(f) NHC recommends that the administrative requirement that FmHA supervisory personnel be recruited from among agriculture school graduates be eliminated.

(g) NHC recommends the elimination of FmHA local credit committees from dealings in housing loans.

(h) NHC urges that FmHA provide the same notification of mortgage payments due and escrow funds for taxes and insurances as are available to FHA borrowers.

(i) NHC urges that FmHA appoint an assistant administrator responsible for farm labor housing and that the whole program of farm labor housing be re-evaluated. FmHA has been unable to promote the program where it is needed.

4. NHC endorses the findings and, in general, the recommendations of the National Rural Housing Conference of 1969.

CHAPTER Q. NATIONAL HOMEOWNERSHIP FOUNDATION; NATIONAL ADVISORY COMMISSION ON LOW-INCOME HOUSING; NATIONAL HOUSING PARTNERSHIP; AND ASSISTANCE TO NONPROFIT SPONSORS OF LOW AND MODERATE INCOME HOUSING

*National Homeownership Foundation*

I. Summary of Existing Legislation

1. *Objectives.* The 1968 Housing Act creates the National Homeownership Foundation to carry out a continuing program of encouraging private and public organizations to provide increased homeownership and housing opportunities in urban and rural areas for lower income families.

2. *Authorization in 1968 Housing Act.* The Act authorizes the Foundation to make grants and loans (not otherwise available from Federal sources) to such organizations to help defray organizational and administrative expenses, necessary preconstruction costs, and the cost of counseling or similar services to lower income families for whom housing is being provided. The Foundation can also provide technical assistance to the organizations. The Foundation is to be administered by an 18-member Board of Directors. Fifteen members are to be appointed by the President. The Secretary of HUD, the Secretary of Agriculture and the Director of OEO are the other three members. The board will appoint an executive director as its executive officer.

3. *Authorizations in Appropriation Acts.* Appropriations up to $10 million are authorized. The Foundation can also use donated funds. Nothing has been appropriated for fiscal year 1970.

II. Recommendations

NHC urges that the Foundation be fully funded so that the Foundation can begin its vital assignment.

*National Advisory Commission on Low-Income Housing*

1. *Objectives.* The 1968 Housing Act establishes a National Advisory Commission on Low-Income Housing to undertake a comprehensive study and investigate the resources and capabilities in the public and private sectors of the economy which may be used to fulfill more completely the objectives of the national goal of "a decent home and a suitable living environment for every American family."

2. *Assignment.* The Act directs the Commission to submit to the President and the Congress an interim report with respect to its findings and recommendations not later than July 1, 1969, and a final report not later than July 1, 1970.

*National Housing Partnerships*

I. Summary of Existing Legislation

1. *Objectives.* The 1968 Housing Act creates a national housing partnership for the purpose of securing the participation of private investors in programs and projects to provide housing for low and moderate income families. The Act provides for a federally chart-

ered, privately funded corporation under the District of Columbia Business Corporation Act; also, for a National Partnership organized by the corporation under the D.C. Uniform Limited Partnership Act. The Corporation will serve as the general partner and managing agent of the National Partnership and each of its stockholders can be a limited partner. It will provide the staff and expertise for the Partnership in organizing and planning project undertakings in which the Partnership has an interest, and receive a fee for such services.

2. *Authority.* Both the Corporation and the National Partnership are authorized to engage in a broad range of activities appropriate to the provision of housing and related facilities primarily for low or moderate income families, with or without the use of Federal programs, and may enter into and participate in all forms of partnerships and associations. The National Partnership is expected to form partnership ventures with local investors for the purpose of building low and moderate income housing projects throughout the nation. Normally, it will be a limited partner in such undertakings, with an interest of not more than 25% of the aggregate initial equity investment for the project. The President has appointed the incorporators of the Corporation. The incorporators serve as the initial board of directors and have arranged for the initial offering of shares of stock in the Corporation and interests in the National Partnership. After such sale of the stock and interests in the National Partnership, the President will appoint three of the 15 members of the Board of Directors and the stockholders will elect the remainder. The President is authorized to create additional partnerships when he determines it to be in the national interest. National banks are authorized to invest in a corporation and other entities formed under this title.

*II. Recommendations*

NHC recommends that the following actions be taken:

1. To encourage widespread participation and private investment in the National Housing Partnerships, tax incentives must be provided for undertaking housing developments to serve low and moderate income persons. In Chapter CC, we describe the favorable action taken in the Tax Reform Act of 1969 to provide such incentives.

2. To enable the sale of projects undertaken by the National Housing Partnership to cooperatives or other nonprofit corporations, there should be an implementation of the provisions of Section 236(j)(3) of the National Housing Act as described under the separate 236 heading. An important tax incentive providing for deferral of gain upon such a sale to a cooperative or other nonprofit corporation was added by the Tax Reform Act of 1969. It is more fully discussed in Chapter CC.

*Assistance to nonprofit sponsors of low and moderate income housing*

I. Summary of Existing Legislation

1. *Objectives.* The 1968 Housing Act has provisions to assist nonprofit sponsors of low and moderate income housing.

2. *Authorization in the 1968 Housing Act.*

(a) The Secretary of HUD is authorized to provide technical assistance with respect to the construction, rehabilitation, and operation of low and moderate income housing to nonprofit organizations.

(b) The Secretary can also make 80-percent, interest-free loans to nonprofit sponsors of such housing to cover certain preconstruction costs under Federally-assisted programs.

(c) The Low and Moderate Income Sponsor Fund is established for the purpose of making the loans with an authorization of appropriations of $7.5 million for fiscal year 1969 and $10 million for fiscal year 1970. The Fund will be a revolving fund and repayments of loans will be deposited in the Fund.

3. *Authorization in Appropriation Acts.* $500,000 was appropriated in the Supplemental Appropriations for fiscal 1969, and $2 million was appropriated for fiscal 1970.

II. Recommendations

NHC urges that the full authorizations be appropriated and utilized for this program.

CHAPTER R. MODEL CITIES

*I. Summary of existing legislation*

1. *Objectives.* NHC reaffirms its endorsement of the model cities program to launch local programs for the upgrading of entire neighborhoods. This is done through the concentrated and coordinated use of all available Federal aids and local private and governmental resources, including the supplementary Federal grants for such model cities. We urge acceleration in the disbursement and release of funds under the present program.

2. *Authorizations in the 1968 Housing Act.* The Housing Act of 1968 provides for (a) an increased authorization of $1 billion for the fiscal year 1970 for supplemental grants and (b) $12 million for fiscal year 1969 for grants to plan model cities programs. Any amounts authorized, but not appropriated, may be used for any succeeding fiscal year commencing prior to July 1, 1971.

3. *Authorizations in Appropriations Acts.* (a) Of the $400 million authorized for supplemental grants to model cities for fiscal year 1968, $200 million was appropriated. For fiscal year 1969, there was an authorization of $500 million for supplemental grants but the amount appropriated was $312.5 million. For fiscal year 1970, $575 million has been appropriated instead of the $1 billion authorized by the 1968 Act. Of the $600 million authorized by the 1969 Act for fiscal 1971, the President requested $575 million, so there was no request for a total additional amount of $812.5 million previously authorized but not appropriated plus a $25 million reduction for fiscal 1971.

(b) Of the $12 million authorized for fiscal year 1967 for grants to plan model cities programs, there was an appropriation of $11 million. For fiscal year 1968, there was an appropriation of the $12 million which was authorized for such planning grants. No appropriation has been made of the $12 million of planning grants authorized for fiscal year 1969 or 1970.

4. *Amendments in the Housing and Urban Development Act of 1969.*

Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended (with a conforming amendment in Section 111(c) of such Act) to authorize an additional $600 million in grant authority for model cities for the fiscal year 1971.

Section 111(b) of the 1966 Act is also amended to require that (for the fiscal year 1970 and thereafter) 10 percent of any appropriations for Model Cities supplemental grants be used in cities of less than 100,000 population and permits such use without regard to the statutory formula fixing the maximum Federal amount payable to any city at 80% of the aggregate required non-Federal contributions in connection with all Federal grant-in-aid programs which are carried out as part of the Model Cities program.

Section 111(c) of the 1966 Act is amended to provide that amounts authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year commencing prior to July 1, 1971.

*II. Recommendations*

1. *Additional Appropriations.* NHC urges that the authorizations in the 1968 Housing Act be fully funded, including: (a) the $600 million of additional funds for supplemental grants during fiscal year 1971, together with the $812.5 million authorized for previous fiscal years but not appropriated; and (b) the $12 million of model cities planning funds for fiscal year 1971, together with the $25 million previously authorized but not appropriated.

2. *Increase in Legislative Authorizations.* NHC recommends a legislative increase in the appropriations for the model cities program for a 5-year period as follows: (a) additional supplemental grants at the rate of $1.5 billion a year; and (b) additional model cities planning funds at the rate of $50 million a year. We further recommend that there be advance appropriations for each fiscal year, besides the current one, to give cities more lead time for their planning and development of model city programs. While we are pleased to note the significant increase in cities now participating in the model cities program, we urge that the foregoing recommendation be adopted to enable participation by all qualified cities and counties which apply; also, to enable participating cities and counties to obtain the additional funds which they require.

3. *Other Legislative Amendments.* The model cities program cannot achieve its goals and provide necessary housing unless there are increased authorizations and programs—as recommended elsewhere in this report—as follows:

(a) To expand urban renewal activities.

(b) To increase the supply of adequate low and moderate income housing in the model cities. Such housing should not be limited to what will be developed in the model neighborhood area or the city itself. New housing and relating community facilities should be developed extensively on vacant land or other sites not involving substantial residential displacement.

(c) To increase Federal grant funds for water, sewer, and neighborhood facilities, and for open-space and urban beautification.

(d) To increase Federal grant funds for all other programs involved in model city areas, including those relating to health, education, welfare, mass transportation, training and other purposes relating to urban affairs; also, to specifically designate such categorical funds for these purposes which would be available for model cities.

4. *Other Recommendations.* To achieve the objectives of this program, full coordination is required between HUD—and all of its participating constituents—and all of the other Departments of the Federal Government who participate in the model cities program; also between the Federal Government and local governments. Each must effectively use all of its powers and available funds in doing its share of the total job. NHC recommends Presidential action and direction to assure that all participating Departments of the Federal Government fulfill their responsibilities under the programs for model cities and urban affairs, including (a) effective coordination and cooperation between them and (b) the priority handling of applications for assistance filed with the various Federal Departments by model cities.

CHAPTER S. URBAN RENEWAL PROGRAM

*I. Summary of existing legislation*

1. *Objectives.* Urban renewal is a major instrument of reform which deals primarily with the physical side of removing blight. Its objective is to eliminate slum, blighted or deteriorating areas and provide for the use and disposition of land in accordance with comprehensive urban renewal plans that meet community needs. Nearly 900 cities are reclaiming such blighted areas for redevelopment or rehabilitation under urban renewal programs. The backlog of urban-renewal-grant applications is in excess of $3 billion at the present time, despite HUD actions to discourage applications by the imposition

of more stringent requirements concerning program objectives and priority criteria. Each year about 60 additional communities are joining in the participation of the urban renewal program, after adopting workable programs for community improvement. There is a tremendous need for increased urban renewal authorizations to meet the requests of cities who are seeking to stop the insidious blight which is overwhelming their older neighborhoods.

2. *Authorizations and Limitations in the 1968 Housing Act.*

(a) An additional $1.4 billion of urban renewal grants was authorized by the Act for fiscal year 1970. In addition, there was an authorization of $350 million for urban renewal grants for projects in model city areas, which supplements the previous authorization of $250 million for this purpose.

(b) The Act provides for a new approach to urban renewal which is intended to facilitate more rapid rehabilitation and redevelopment of blighted areas on an effective scale. Financial assistance would be provided for a neighborhood development program which consists of urban renewal undertakings and activities in one or more areas that are planned and carried out on the basis of annual increments. Financing is based on the amount of funds needed to carry out the activities planned during a 12-month period in each of the urban renewal areas in the community's program. As to subsequent annual increments of the program, the community would receive financial assistance to the extent that funds are then available and the community's program is acceptable to HUD. This will permit the undertaking of urban-renewal-execution activities, land acquisitions and public improvements simultaneously with planning.

(c) The Act requires that a majority of the total number of housing units in a community's residential urban renewal project which receive Federal recognition after August 1, 1968, must be for low and moderate income families or individuals. As to housing units in urban renewal areas, at least 20% of the total must house low-income families or individuals, but HUD may waive this 20% requirement to the extent that these units are not needed in the community.

3. *Authorizations in Appropriation Acts.* For fiscal 1969, $750 million was authorized and appropriated for urban renewal grants. In addition, an advance appropriation was made of $750 million of the $1.4 billion authorized for fiscal 1970 in order to give communities more lead time for planning their urban renewal program. For urban renewal projects in model city areas, $312.5 million was appropriated for fiscal 1969, as compared with the $350 million authorized. Of the $250 million authorized for grants on urban renewal projects in model city areas for the preceding fiscal year, $150 million was appropriated. For fiscal year 1970, $750 million previously appropriated will be available plus $250 million of new appropriations.

4. *Amendments in Housing and Urban Development Act of 1969.*

(a) Urban Renewal Grant Authority: The first sentence of Section 103(b) of the Housing Act of 1949 is amended to increase the aggregate amount of capital grants which may be made under the urban renewal program by $1,700 million on July 1, 1970, and reserves 35 percent of available funds for fiscal year 1970 and fiscal year 1971 for neighborhood development programs.

(b) Extension of Urban Renewal Assistance to the Trust Territory of the Pacific Islands and to Indian Tribes and Eskimos: The Housing Act of 1949 is amended to make the Trust Territory of the Pacific Islands and the Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States eligible for:

(1) urban renewal loans and grants and for rehabilitation grants;

(2) demolition grants;

(3) code enforcement grants; and

(4) interim assistance grants.

(c) Extension of Period of Eligibility of Local Grants-in-Aid for Certain Urban Renewal and Neighborhood Development Grants: Section 110(d) of the Housing Act of 1949 is amended to permit, in the case of any urban renewal program for which an application is filed but not approved on or before the date of enactment of the Housing and Urban Development Act of 1969, credit for local grants-in-aid if construction of the public improvement or facility was commenced not more than 4 years prior to authorization by the Secretary of a contract for a loan or capital grants for the project. The period of eligibility otherwise applicable is 3 years. There are also other extensions of the period of eligibility of local grants-in-aid for certain projects.

(d) Inclusion of Enclosed Pedestrian Malls as Eligible Urban Renewal Activities: Section 110(c) of the Housing Act of 1949 is amended to include covered pedestrian malls and walkways (with related facilities) among the types of undertakings eligible for inclusion in urban renewal project costs.

(e) Rehabilitation Grants: Section 115 of the Housing Act of 1949 is amended to increase the maximum rehabilitation grant authorized under that section from $3,000 to $3,500.

(f) Local Grant-in-Aid Credit for Certain Facilities Built on Behalf of Public Universities: Section 110(d) of the Housing Act of 1949 is amended to make clear that medical facilities otherwise eligible for non-cash grant-in-aid credit may receive such credit if built on behalf of (as well as if built by) a public university.

(g) Replacement of Housing Units Where Project Involves Demolition or Removal of Residential Structures: Section 105 of the Housing Act of 1949 is amended to provide that if any urban renewal project which receives Federal recognition after the date of enactment of this Act includes the demolition or removal of any residential structures, there must be provided in the area within which the local public agency has jurisdiction by construction or rehabilitation standard housing units for occupancy by low and moderate income families at least equal in number to the number of units demolished or removed that were occupied by such families prior to demolition or removal. Replacement housing may be provided under Federal or State-assisted housing programs and may include units for low-rent housing in private accommodations assisted under Section 23 of the United States Housing Act of 1937. Where the Secretary of Housing and Urban Development deems it appropriate, he may take into account suitable housing outside the area within the jurisdiction of the local public agency for purposes of meeting this requirement. If the Secretary finds that the percentage of vacancies for all existing housing units in the area within which the local public agency has jurisdiction is 5 percentum or greater, he may waive this requirement to the extent that he determines that there are existing standard housing units available for occupancy by displaced low and moderate income families.

*II. Recommendations*

1. *Additional Authorization in Appropriation Acts.* NHC recommends appropriations in the full amount previously authorized by law but not yet appropriated. However the Administration has requested only $1 billion for fiscal year 1971 and no advance appropriation for fiscal year 1972 although Secretary Romney recently testified before Congress that there was $3 billion in pending applications. NHC urges an appropriation for fiscal year 1972 of the $1.7 billion authorized by the 1969 Act. In addition, NHC urges a supplemental appropriation for fiscal year 1970 of $537.5 million of the previous urban renewal authorizations which have not been covered by appropriations, i.e., $400 million for urban renewal generally and $137.5 million for urban renewal projects in model cities areas.

2. When there are additional legislative authorizations as recommended below, there should be additional appropriations for each fiscal year and an advance appropriation for the succeeding fiscal year. This will follow the precedent established by the last Congress to give communities more lead time for planning their urban renewal programs.

3. *Increase in Legislative Authorizations.* NHC recommends an increase in the authorizations for appropriations for a 5-year period at an annual rate of $3 billion for urban renewal grants. Such an appropriation will make realistic the national objective of overtaking the decay in our cities and making urban renewal more immediately responsive to urban needs.

4. *Other Legislative Amendments.* NHC recommends the following amendments to urban renewal laws:

(a) On capital grants for urban renewal, code enforcement and other comparable programs, there should be an increase in the federal grant to ¾ from the present ⅔ which is paid to larger cities. The ¾ grants are now made only to smaller cities, but they are equally needed by larger cities. Further, where the community elects to finance survey and planning costs at its own expense, the project capital grants should be increased to ⅚ from ¾. Pooling all of such grants should be permitted for all urban renewal projects in the city. Where the urban renewal is located in a distressed area, existing law already provides for a larger urban renewal grant.

(b) Loan and grant contracts should be authorized for the purpose of assisting the acquisition and rehabilitation of scattered properties in residential neighborhoods designated for conservation, rehabilitation, or intensive code enforcement by an approved community renewal program. The cost of any new public improvements serving the rehabilitation properties should be recognized for appropriate grant-in-aid credits.

(c) Local public agencies should be authorized to make sales of industrial and commercial land for later development by nonprofit industrial development corporations or properly constituted public bodies on the same basis as is now authorized under economic development laws.

(d) There should be a broadening of the existing statutory provisions for recognition of real property tax losses—on the land as improved before the demolition occurred—by the locality in an urban renewal area as a local grant-in-aid credit. Such losses should be computed from the date of acquisition of the property to the completion of the redevelopment in accordance with the urban renewal plan for the project.

(e) Where a project is in execution, tax abatement should count as a noncash local grant-in-aid to the project when such tax abatement is granted to federally-assisted housing for the purpose of achieving lower rents and facilitating relocation unless there is a federal grant to reimburse the state and local taxing authorities for their tax losses.

(f) NHC supports special urban renewal provisions for central business districts which would:

(1) permit a waiver of residential requirements in renewing such districts;

(2) recognize that employment, commercial, industrial, and cultural functions of central business districts are of vital importance to community growth and revitalization; and

(3) require HUD to accept 100% of site improvements and supporting facilities as part of the gross project cost and as a local grant-in-aid.

(g) There should be an amendment to the urban renewal law allowing any public facility to be eligible for non-cash grant-in-aid credit covering the full cost of the facility: (i) if its development was occasioned by the urban renewal program as certified by the urban renewal agency; (ii) if it is located in a community having more than one urban renewal project; and (iii) if the community has a workable program and a community renewal program.

(h) There should be no limit in the amount of grants to a particular urban renewal demonstration project, under Section 314, so the Federal Government in special cases could pay up to 100% of the cost of the demonstration program.

(i) Non-cash grant-in-aid credits should be extended to cover air rights involved in the development costs for 221(d)(3) or 236 projects for low and moderate income families.

(j) Urban renewal grants of 75% should be available for the reclamation of otherwise unbuildable land which is located within metropolitan areas. Often there are large available areas of land which are not suitable for building because of problems which can be corrected by appropriate expenditures of public funds, and the use of appropriate reclamation and conservation techniques. This will provide convenient sites for housing and other community facilities needed by those now living within the overcrowded areas of central cities and provide sites suitable for other appropriate uses.

(k) Where state or local law requires abutting property owners to pay a portion of the cost of street repairs, federal urban renewal grants should be made to cover the owner's share when there is a showing of need.

(l) Under the Neighborhood Development Program (N.D.P.), non-cash grants-in-aid—otherwise meeting time requirements—should become eligible as soon as an area is recognized by HUD for overall study purposes, to the full extent which said facilities serve the study area, without any prerequisite for an approved urban renewal plan covering such study area.

(m) Costs of development of the initial application should be an allowable project cost.

5. *Administrative Action.*

(a) NHC recommends the following administrative actions in the Neighborhood Development Program:

(1) It should be flexibly administered, particularly as regards the requirements for actions on plans for areas larger than those proposed for the action year.

(2) Every effort should be made to develop administrative guidelines which will permit the program to function smoothly under existing state renewal enabling legislation.

(b) NHC recommends, in those cases of condemnation of real property and when a deterioration has taken place through no fault of the owner, that an effort be made to predicate the compensation of the property on the fair market value before the deterioration. If legislation is needed to insure that equitable compensation is made in such cases, NHC recommends that appropriate legislative measures be taken.

## CHAPTER T. INTERIM ASSISTANCE AND INTERIM REHABILITATION PROGRAMS IN SLUM AND BLIGHTED AREAS

### *I. Summary of existing legislation*

1. *Interim Assistance for Blighted Areas as Provided for in the 1968 Housing Act.* The 1968 Housing Act authorizes the Secretary of HUD to contract to make grants aggregating up to $15 million in any fiscal year to cities or counties to assist them in taking interim steps to alleviate harmful conditions in slum or blighted areas of communities. To qualify, these areas must be planned for substantial clearance, rehabilitation, or federally-assisted code enforcement in the near future, and must need some immediate public action until permanent action can be taken. Grants may not exceed two-thirds of the cost of planning and carrying out an interim assistance program, except that three-fourths grants can be made to any community with a population of 50,000 or less. A community has to have an approved workable program to qualify for assistance.

2. *Need for Interim Rehabilitation Program.* In slum and blighted areas, there should be a fast program of interim rehabilitation to correct those housing conditions which directly affect health and safety. The people now living in substandard housing should not be expected to wait until permanent neighborhood improvement programs are developed. We need a program which will provide grants and loans which can be rapidly disbursed to eliminate health and safety hazards, without regard to the useful life of the buildings. The objective is to provide whatever assistance is needed to achieve monthly charges, after interim rehabilitation, which will be within the financial reach of the low income and moderate income residents. The emergency upgrading of structures should not involve increases in rents beyond the reach of the present tenants.

3. *Funds for Interim Assistance.* There have been no appropriation authorizations to implement the 1968 Act providing interim assistance to alleviate harmful conditions in slum or blighted areas. However, $15 million of urban renewal funds have been allocated for this purpose.

### *II. Recommendations*

1. *Authorizations in Appropriation Acts.* NHC recommends expansion of the program through appropriate authorizations and additional urban renewal allocations for the interim assistance program in slum areas. This should include an advance appropriation and allocation for the next additional fiscal year to give cities and counties more lead time in planning interim steps to alleviate harmful conditions in slum or blighted areas. NHC further recommends that the amount of the appropriations—and legislative authorizations therefor—should be increased in response to the increasing needs evidenced by the appropriations which will be filed for interim assistance.

2. *Legislative Amendments on Interim Assistance.* All cities should be eligible for a three-quarters grant for the cost of planning and carrying out the interim program. Instead of limiting the larger grants to the smaller cities, the large cities should get such a grant and not be limited to a two-thirds grant.

3. *Legislation for Interim Rehabilitation Program.* NHC recommends legislation to provide for the above described program of interim rehabilitation to correct housing conditions which directly affect health and safety, without regard to the useful life of the buildings. The legislation should include the following:

(a) Amendments to the interim assistance law, so that it is broadened to include such interim rehabilitation of housing as is necessary to protect the health and safety of residents. This would make grants available to cities and counties which are undertaking such a program.

(b) With respect to interim rehabilitation to correct conditions which directly affect health and safety in homes located in slum and blighted areas, the following financial assistance should be extended to owners of homes who have low and moderate incomes: (i) rehabilitation grants under Section 115 in an amount not to exceed $3,500; and (ii) rehabilitation loans under Section 312.

(c) Federal code enforcement grants for interim rehabilitation of housing.

(d) Federal grants to urban renewal agencies to acquire slum buildings which are in violation of housing codes, and for interim rehabilitation to eliminate hazards. Public acquisition of properties for interim rehabilitation may be an early acquisition of part of the property that would later be involved in a permanent renewal program for the neighborhood.

(e) Section 312 should be further amended to provide loans to public bodies or agencies which take possession or control of any property—through receivership or otherwise—which violates code requirements or local laws concerning health or safety. This would cover property where the owner has failed to correct such violations within a period prescribed by local law. The loan should be made on the condition that it will be repaid from the income derived from the rehabilitated property, with appropriate liens or other rights that will be enforceable against the property.

Pursuant to the foregoing legislation, the assistance should be sufficient to achieve monthly charges, after interim rehabilitation, which will be within the financial reach of the present occupants or of others of low or moderate incomes.

## CHAPTER U. NEW TOWNS AND NEW COMMUNITIES

### *I. Summary of Existing Legislation*

1. *Need.* Since 40,000,000 additional people will be living in cities during the next decade, we need new towns and new communities to help take care of this increased urban population, to provide for an orderly dispersal of population and relieve further city congestion. These new towns would be carefully planned as balanced communities. They would be largely self-contained with homes, apartments, schools, jobs, hospitals, recreational facilities and open spaces. They should be planned to minimize transportation needs by assuring employment for residents within or near the community. They should provide housing for all income groups, including those of low and moderate incomes. These new communities can provide a new kind of urban living which can offer an alternative to the sprawling growth that threatens to overwhelm our metropolitan regions with costly and inefficient development.

There is an urgent need for Federal guaranties to overcome major obstacles which have prevented greater efforts in this field, namely: (1) the large capital investments to acquire large land areas and install the basic facilities needed to prepare the land for development; and (b) the extended period for the planning and installation of site improvements, during which large expenditures must be made for debt service, taxes and overhead.

2. *Authorizations in 1968 Housing Act.* The Act authorizes HUD to guaranty obligations issued by new community developers to help finance approved new community developments. These guaranties should overcome the major obstacles which have prevented greater accomplishments in this field. With the security of Federal guaranties, investors should be willing to provide financing geared to the realities of internal cash flow in new community development projects. To encourage localities to use Federal aid programs in support of new communities, the Act includes a program of incentive grants. When Federally-assisted facilities are being constructed to serve a new community, the public agency will be eligible—in addition to the basic Federal grants—for a supplementary grant covering an additional 20% of construction costs. However, the total federal contribution to the cost of community facilities cannot exceed 80% of the cost of the facility. This would include facilities such as water, sewer and the open-space land. Appropriations for supplemental grants were authorized in the amount of $5 million for fiscal year 1969 and $25 million for fiscal year 1970.

3. *Authorizations in Appropriation Acts.*

For fiscal year 1970, $2,500,000 has been appropriated for supplemental grants to public agencies which install federally-assisted facilities to serve new communities.

4. *Amendments in 1969 Housing Act.*

Section 412(d) of the Housing and Urban Development Act of 1968 is amended to authorize appropriations for new community assistance grants through the fiscal year 1971.

*II. Recommendations*

1. *Appropriations.* We recommend the full appropriation of the $25 million authorized for supplemental grants for fiscal year 1971; also, an advance appropriation for the next additional fiscal year in order to give more lead time for initiating and planning new communities.

2. *Increase in Legislative Authorizations.* We recommend that the aggregate limit on outstanding guaranties be increased by $1 billion above the present limit of $250 million. We further recommend an additional authorization of appropriations for supplemental grants of $30 million a year over a 5-year period. There should be additional authorizations which are earmarked for new communities to assure the availability to public agencies serving such communities of adequate grants for water, sewer, and other community facilities and for open-space-land programs.

3. *Other Legislative Amendments.*

(a) The 1968 Act should be amended to include public agencies or authorities instead of limiting the HUD guaranties to private developers. NHC believes that a public authority is an effective instrumentality to undertake necessary land acquisition and to carry out the development of a new town.

(b) The Bureau of Public Roads should be authorized to purchase excess land beyond the amount needed for the roads themselves. This would include land suitable for residential development which the Bureau should make available to rehouse displaced families. At large road interchanges, the Bureau should be authorized to acquire additional land for the development of new communities which can meet the needs of our growing population, including displaced families. Such land can generally be acquired by the Bureau at low cost at the time that land is being acquired for new road systems.

(c) The 1968 Act requires low and moderate-income housing to be included in new towns as a prerequisite for supplemental grants. There should be a similar requirement as a condition to a HUD guaranty of obligations issued by a new community developer.

4. *Support of Urban Growth Policy.* NHC joins with the National Committee for Urban Growth Policy in recommending the additional measures which should be taken to facilitate New Communities and the achievement of the urban growth policies set forth in the report of that Committee.

5. *Recommendations for Administrative Action.*

(a) In view of the critical need for this program to help take care of population increases, relieve city congestion and provide building sites, NHC urges HUD to utilize and effectuate the New Communities legislation and to act promptly on the appliactions which have been filed for United States guaranties of New Community Bonds. HUD should provide the guaranties required by developers to enable them to get financing for these new communities which are urgently needed.

(b) A priority should be established for sewer, water, and other grants to public agencies in New Communities.

CHAPTER V. ADEQUATE SITES FOR EXPANDED HOUSING PROGRAM

*I. Summary of Existing Legislation*

1. *Objectives.* One of the most serious impediments to achieving our housing goals is the lack of adequate building sites at reasonable prices. It will be impossible to provide the necessary additional supply of housing unless suitable improved sites are available, which include all of the public services and facilities necessary for a suitable living environment. There is a special and critical problem relating to the availability of improved land for low and moderate income housing; such housing is least able to compete for land because it cannot pay as high a price. In addition, restrictive zoning and other practices have precluded many suitable building sites from being utilized to house these income groups. To meet these problems and facilitate achievement of the necessary expansion of total housing production on a well-planned basis, the National Housing Conference recommends the legislative and administrative measures described below.

2. *Authorizations in Existing Legislation.* The following is a summary of some of the major provisions in existing legislation which can effectively be utilized to make improved land available for expanded housing production, particularly for those of low and moderate incomes:

(a) The urban renewal legislation authorizes the acquisition of land and its disposition, with appropriate write-downs based on the planned use of the land. The legislation recognizes the special needs for rehousing families who are displaced and those of low and moderate incomes. The urban renewal laws are an important tool which can be used to help provide an adequate supply of improved building sites at reasonable prices for housing, with emphasis on meeting the needs of persons of low and moderate incomes. (See paragraph 4(g) of Chapter S for an explanation of the provision in the 1969 Housing Act requiring a "one for one" replacement of housing demolished within the jurisdiction of the Urban Renewal Agency.)

(b) The 1968 Housing Act authorizes a program for new towns and new communities—as described in the preceding chapter—which should produce improved building sites for homes and apartments in carefully planned communities including all necessary public and community facilities. The law requires that low and moderate income housing be included in these new towns as a prerequisite for supplemental grants to public agencies in providing water, sewer and certain other public facilities.

(c) Under existing law, federal grants are available to public agencies for water and sewer facilities, neighborhood facilities, open space and programs for advance acquisitions of land as described below. When adequately funded—as recommended elsewhere in this report—this legislation should enable public agencies to provide the water, sewer and other public facilities required for the improvement of land, so that it will become suitable and available for residential construction.

3. *Amendments in Housing and Urban Development Act of 1969.*

It permits real property which is surplus within the meaning of the Federal Property and Administrative Services Act to be transferred to the Secretary of Housing and Urban Development at his request for sale or lease by him at its fair value for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income. Surplus real property can be sold on such terms by the Secretary if it is sold to (1) a public body which will use the property in connection with the development of a low-rent housing project assisted under the United States Housing Act of 1937, or under a state or local program found by the Secretary to have the same general purposes as the federal program under such act, or (2) a purchaser who will use the property in connection with the development of (i) rent supplement units, (ii) below-market-interest-rate moderate income housing or (iii) rental housing on behalf of which interest reduction payments are made under Section 236 of the National Housing Act. Prior to any sale or lease to a purchaser other than a public body the Secretary must notify the governing body of the locality where the property is located and no sale or lease may be made if, within 90 days, the local governing body formally notifies the Secretary that it objects to the proposed sale or lease.

As a condition to any sale or lease of surplus real property, the Secretary of Housing and Urban Development is required to obtain such undertakings as he may consider appropriate to assure that the property will be used in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income for a period of not less than 40 years. If during such period the property is used for any purpose other than the purpose for which it was sold or leased, it will revert to the United States (or, in the case of leased property, the lease will terminate) unless the Secretary, after the expiration of the first twenty years of such period, has approved the use of the property for such other purpose. The Secretary must notify the Senate and House Committees on Banking and Currency whenever any surplus real property is sold or leased pursuant to this section.

*II. Recommendations*

1. NHC recommends full funding and full use of all of the authorizations in existing legislation for the purpose of assuring that there will be an adequate supply of improved building sites available at reasonable prices to meet our housing goals, with special emphasis on the needs for such land at prices which would permit its use for housing persons of low and moderate incomes. The amount of the appropriations and authorizations for these programs (including urban renewal) should be increased commensurate with the tremendous need to increase the supply of improved building sites to enable the contemplated expansion of housing production.

2. NHC recommends necessary increases in the authorizations and appropriations for all the programs which provide Federal asistance for public services and facilities in the new areas where improved land is to be made available for housing including: water and sewer systems; neighborhood facilities; open space; the new towns and new communities program; mass transportation; health, education and welfare.

3. The additional improved building sites should be made available both within the cities and outside of the cities. We must make available for housing development extensive areas of vacant land or other sites which do not involve substantial residential displacement; such land must be provided with necessary public and community facilities and services. Existing legislation should be amended to the extent necessary to enable the write-down of improved sites in such new areas of vacant land so the improved land will be at a price which enables its use for housing, particularly for those of low and moderate incomes.

4. To help provide the measures necessary to accomplish the foregoing objectives, NHC supports and urges the passage of S. 3025, the "Urban Land Improvement and Housing Assistance Act of 1969," introduced by Senator Javits. This bill contains the following provisions to encourage improved land utilization and expanded housing programs:

(a) It would provide supplementary grants to localities not to exceed 50% of the local community's contribution to a federal or state program designed to improve land utilization and expanded housing assistance for persons of low and moderate income. Such a program could include restructuring of the real estate tax laws of the locality by grant-

ing tax abatement for low and moderate income housing; adoption of nonrestrictive zoning ordinances; adoption and enforcement of building codes conformable to nationally accepted standards; and the establishment of a program of research and demonstration for the development of new construction systems and materials for low cost housing.

(b) It would provide grants to encourage the utilization of certain unused or locally held land.

(c) It would give incentive grants to states for the administrative costs of state agencies designed to carry out a program of construction and operation of low income public housing.

(d) It would provide technical assistance to any state land development agency during the first three years of its operation.

(e) It would provide information to Congress concerning the status of certain federal military installations located near metropolitan areas with an indication if such lands might be better used for housing and other industrial purposes to benefit persons of low and moderate income.

CHAPTER W. PUBLIC AND COMMUNITY FACILITIES INCLUDING WATER, SEWER, NEIGHBORHOOD FACILITIES AND OPEN-SPACE LAND PROGRAMS

*I. Summary of existing legislation*

1. *Need.* There is a great and continuing need for Federal public facilities grants to assist in overcoming serious backlogs in replacing substandard or obsolete facilities—especially in the central cities—and eliminating water pollution and meeting the unprecedented demands for additional facilities and services generated by population expansion. These needs cut across whole metropolitan areas and involve central cities, new suburbs and the new communities still to come. This essential expansion in Federal aid could be a potent influence in resolving the present chaotic conditions created by the multiplicity of local governmental jurisdictions in most metropolitan areas. This multiplicity has led to suburban sprawl, land misuse, land speculation, and frequent failure to metropolitan area and regional planning as an effective tool for the control of new developments. Such a program could provide important leverage to establish coordinated local governmental approaches to control programs of area and region-wide significance. At the same time, it could foster decentralization of local governmental functions of strictly local application.

2. *Authorizations in 1968 Housing Act.* The Act only authorized funds to be appropriated for water and sewer facilities and the open-space land program. For water and sewer facilities an additional $150 million was authorized for fiscal year 1969 and $115 million for fiscal 1970. For the open-space land program, the 1968 Act authorized to be appropriated for the purpose of making grants, an additional $150 million (for a total ceiling of $460 million) prior to July 1, 1970. The limit on the amount of funds the Secretary of HUD is authorized to use for grants for technical assistance on open space was raised by $75,000. The Act provided that any appropriations made for water and sewer facilities, neighborhood facilities, and advance acquisitions of land programs not already appropriated may be appropriated for fiscal 1970. The Act extends the interim planning requirements under the basic water and sewer facilities grant program to October 1, 1969.

3. *Authorizations in Appropriation Acts.* For fiscal year 1969 there was an appropriation of $165 million for water and sewer grants, an appropriation of $75 million for open-space land grants, and an appropriation of $35 million for neighborhood facilities grants. For fiscal 1970, there was an appropriation of $135 million for water and sewer—plus $15 million carryover—$75 million for open space and $40 million for neighborhood facilities.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Authorization for Open Space, Urban Beautification, and Historic Preservation Grants: Section 702(b) of the Housing Act of 1961 is amended to extend the availability of approximately $84 million in unused authorization for open space, urban beautification, and historic preservation programs through the fiscal year 1971. Prior to this amendment the authorization would have expired at the end of the fiscal year 1970.

(b) Community Facilities Grants: Section 702(c) of the Housing and Urban Development Act of 1965 is amended to extend for one year (until October 1, 1970) the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an area-wide system (though under preparation) has not been completed.

Section 708(b) of the 1965 Act is amended to authorize appropriations for grants for basic water and sewer facilities, neighborhood facilities, and advance acquisition of land through the fiscal year 1971. Prior to this amendment, these appropriations were authorized to be made only through fiscal year 1970.

Section 708(a) of the 1965 Act is amended to authorize the appropriation of an additional $100 million for basic water and sewer grants for fiscal year 1971.

*II. Recommendations*

1. *Additional Authorization in Appropriation Acts.* Based upon past Congressional legislative authorizations and actions, we anticipate that at least $165 million would be appropriated for each fiscal year for water and sewer grants. However, there should be advance appropriations for each succeeding fiscal year, besides the current one, to give public agencies more lead time for their planning and development of these programs. When the additional legislative authorization recommended below is made, we recommend an increase in the rate of appropriations to $2 billion annually for water and sewer grants, and for other public and community facilities as described below.

2. *Increase in Legislative Authorization.* NHC recommends a 5-year authorization of $2 billion annually for grants to local governments for basic water and sewer facilities and other types of public improvements and community facilities. Of the $2 billion, $250 million should be made available annually for the open space land program. The public improvements and community facilities should include those authorized by the 1965 Act such as neighborhood and public facilities, particularly in slum and ghetto areas. It should also include the acquisition of land to provide parks and recreational facilities in urban areas, so that they are closely accessible to the people who need them most.

3. *Other Legislative Amendments.*

(a) As recommended in these recommentions on other comparable programs, Federal grants to larger cities for public and community facilities should be increased to ¾ from the present ⅔'s, since their need is as grave as that of small cities. For neighborhood centers, parks and recreational facilities in slum and ghetto areas, the Federal grant should be 100%. Moreover, there should be annual Federal grants to provide for the staff and operating expenses of such facilities. The neighborhood facilities centers in such areas should be permitted to include swimming pools—either indoor or outdoor—and gymnasiums.

(b) We believe that the foregoing grants should be generally restricted to communities that are simultaneously providing adequate housing for low and moderate income families, where the need for such housing exists.

CHAPTER X. URBAN PLANNING AND FACILITIES—COMPREHENSIVE PLANNING AND PLANNED AREA-WIDE DEVELOPMENT

*I. Summary of existing legislation*

1. *Need.* The increased concentration of population in and around metropolitan areas has been an urgent need for a coordinated development of resources and services for urban and rural areas and a need to facilitate comprehensive planning for these areas. Because of the problem of multiplicity of political jurisdictions and agencies involved with this planning, and because of the inadequacy of the operational and administrative arrangements available for cooperation among them, NHC believes that Federal programs are badly needed to achieve the additional participation and cooperation from the states and localities. The 1968 Housing Act contains the following provisions to meet this need:

(a) The Section 701 planning assistance grant program is extensively revised. The Secretary of HUD is now authorized to make comprehensive planning grants to State planning agencies for assistance to "district" planning agencies for any other nonmetropolitan areas. Consultation with the Secretary of Agriculture is required prior to approval of any district planning grants. The Secretary of Agriculture and, when appropriate the Secretary of Commerce, may provide technical assistance in connection with the establishment of districts and the carrying out of planning by them.

(b) Other new provisions authorize direct planning grants to Indian tribal planning councils or other bodies for planning on Indian reservations; to regional and district councils of government as well as those organized on a metropolitan basis; to regional commissions and economic development districts established under the Public Works and Economic Development Act of 1965; to cities, without regard to population, within metropolitan areas for planning which is part of metropolitan planning; and to official Government planning agencies for areas where rapid urbanization is expected as a result of a new community development assisted under Title IV of the Act. The Secretary is required to consult with the Secretary of Commerce before making any planning grant which includes any part of an economic development district.

(c) The definition of comprehensive planning is broadened to include planning for the provision of governmental services and for the development and utilization of human and natural resources. The inclusion of a housing element is required as part of the preparation of comprehensive land use plans. The use of private consultants, where their professional services are deemed appropriate by the assisted governments, is added to the stated purposes of the program.

2. *Authorizations in the 1968 Housing Act.*

(a) *Comprehensive Planning.* The Act increased the amounts authorized to be appropriated for the purposes of comprehensive planning by $35 million making a total not to exceed $265 million prior to July 1, 1969 and authorized to be appropriated an additional $125 million for a total not to exceed $390 million prior to July 1, 1970. Of the amount available prior to July 1, 1969, $20 million may be used only for district planning grants and that amount shall be increased by $10 million on July 1, 1969. All amounts appropriated must remain available until expended except that any funds so appropriated, not to exceed an aggregate of $10 million plus 5 percentum of the funds so appropriated, may be used by the Secretary for studies and research in comprehensive planning.

(b) *Planned Area-Wide Development.* Supplementary grants (designed to encourage areawide planning) are authorized for Federally-assisted projects in all multijurisdictional areas (not just metropolitan areas as

previously provided) such as the rural planning districts proposed to be assisted with comprehensive planning grants under the comprehensive planning provisions of the law. Unused authorizations for appropriations for supplementary grants for fiscal year 1967 and 1968 are made available through fiscal year 1970.

3. *Authorizations in Appropriation Acts.* For fiscal year 1969, $43,338,000 was appropriated for urban planning grants. Out of $10 million requested for area-wide development grants for fiscal year 1969, none was appropriated for fiscal year 1970. $50 million has been appropriated for urban planning grants for fiscal year 1970. Again, nothing was appropriated for area-wide development grants.

4. *Amendments in Housing and Urban Development Act of 1969.*

Section 701(a) of the Housing Act of 1954 is amended to extend the availability of approximately $100 million in unused authorization for comprehensive planning grants through the fiscal year 1971. Under existing law this authorization will expire at the end of the fiscal year 1970.

*II. Recommendations*

*Additional Authorization in Appropriation Acts.* NHC urges that full amounts be appropriated for supplemental grants for the orderly growth of our urban areas. These are needed to achieve more effective coordinated metropolitan area planning and program development. In addition, NHC urges that the $10 million authorized for a program of areawide incentive grants be appropriated.

CHAPTER Y. URBAN MASS TRANSPORTATION

*I. Summary of existing legislation*

1. *Objective.* There is an urgent need to modernize, expand and reorganize the urban transportation systems. Adequate Federal grants are necessary to achieve this objective.

2. *Authorizations in the 1968 Housing Act.* The Act increased authorized appropriations for grants and other assistance to urban mass transportation by $190 million for fiscal year 1970. The amount of funds which can be used for research, development, and demonstration projects was increased by $6 million, commencing July 1, 1968; also the statutory limit on the funds available for this purpose is removed, commencing July 1, 1969. The definition of "mass transportation" was broadened to allow greater flexibility and opportunity for application of new concepts and systems.

3. *Authorizations in Appropriation Acts.* For the fiscal years 1969 and 1970 there were appropriations of $175 million each year. Of the total amount in legislative authorizations for mass transit grants, $70 million has not been appropriated.

4. *Amendments in Housing and Urban Development Act of 1969.*

Section 4(b) of the Urban Mass Transportation Act of 1964 is amended to authorize appropriation of $300 million for fiscal year 1971 for grants under that Act.

Section 5 of the 1964 Act is amended to extend until July 1, 1971, the interim program there authorized of 50 percent grants for mass transportation facilities and equipment in urban areas not yet able to meet full areawide comprehensive planning and programing requirements. These emergency grants are in place of the two-thirds federal grants available when all comprehensive planning requirements are met.

*II. Recommendations*

1. *Additional Authorizations in Appropriations Acts.* NHC recommends an appropriation of the $70 million authorized by law for mass transit grants, but not yet appropriated. When the additional legislative authorization recommended below is made, we urge an increase in the rate of appropriations to $750 million annually for mass transportation grants. No funds were requested by HUD for fiscal year 1971 because under an agreement between HUD and the Department of Transportation (DOT), the administration of HUD's residual functions in mass transportation will be transferred to DOT, as will unobligated balances.

2. *Increase in Legislative Amendments.* NHC recommends that the authorization of appropriations for mass transit grants be increased to $750 million per year for the next five years. The expansion of the program is necessary to achieve the housing and urban development goals recommended in this report. We also urge an advance appropriation for each succeeding fiscal year, besides the current one, in order to give cities more lead time for planning their mass transit programs.

CHAPTER Z. RESEARCH, TECHNOLOGY, TRAINING, AND TECHNICAL ASSISTANCE

*I. Summary of existing legislation*

1. *Need for Basic Research and Training.*

(a) The housing industry has neither the organization nor the resources to support substantial research in the area of housing technology and research. Existing research is almost exclusively in the hands of material and large equipment suppliers and reflects the particular interests of these groups. It is necessary that federal financial support be given toward the development of new systems and overall construction techniques. The technological advances necessary to reduce housing costs must be accompanied by more uniform building codes in all areas of the nation. This will make it more feasible for developers and manufacturers to produce housing and materials for a national market.

(b) There is a shortage of trained professional and sub-professional personnel in the broad field of community development. This presents a serious problem in achieving effective action programs.

2. *Authorizations in 1968 Housing Act.* The Act recognizes the need for urban technical assistance, research, and training and provides assistance in the following areas:

(a) *Advances in Technology in Housing and Urban Development.* The Act authorizes such sums as may be necessary to be appropriated, commencing with fiscal year 1969, for studies of new and improved techniques and methods of applying advances in technology to housing construction and rehabilitation, and to urban development. Four-year contracts are authorized for such studies rather than two-year contracts as heretofore authorized.

(b) *Housing for Lower Income Families Through New Technologies.* The Act directs the Secretary of HUD to institute a program under which qualified public and private organizations will submit plans for the development of housing for lower income families, using new and advanced technologies, on Federal land which has been made available for that purpose or on other suitable land. The Secretary is to approve five plans, each of which shall have a technology and organization with a potential to produce at least 1,000 dwelling units a year. The Secretary is to seek the construction of that number of dwelling units a year over a five-year period for each of the various types of technologies proposed in approved plans. Mortgages financing the projects are authorized to be insured under the FHA experimental housing program.

(c) *Authorization for Urban Information and Technical Assistance Service Program.* The Act increases the authorization for grants to states to assist in the provision of urban information and technical assistance by $5 million for fiscal year 1969, and by $15 million for fiscal year 1970. Amounts authorized for these grants, but not appropriated, are authorized to be appropriated for any succeeding fiscal year commencing prior to July 1, 1970. In the Administration's budget requests for fiscal year 1971, the Urban Information and Technical Assistance program are combined with the Comprehensive Planning Assistance (701) program described in Chapter X.

(d) *Federal-State Training Programs.* The Act broadens the Federal-State training program to permit grants to states for the training of subprofessional—in addition to professional—persons who will be employed in the field of housing or community development. The trainees may be trained for employment by private nonprofit organizations or public organizations which have responsibility for housing and community development programs.

3. *Authorizations in Appropriation Acts.* Instead of the $20 million which the President requested for urban research and technology, there was an appropriation of $11 million for fiscal year 1969. Instead of about $4.5 million requested for the low income demonstrations program for that year, there was an appropriation of $2 million for this purpose; also there was an appropriation of $500,000 for urban fellowships. There was no appropriation for the urban information and technical assistance service programs. For fiscal year 1970, $25 million has been appropriated for urban research and technology and $500,000 has again been appropriated for urban fellowships.

4. *Amendments in Housing and Urban Development Act of 1969.*

(a) *Training and Fellowship Programs.*

Title VIII of the Housing Act of 1964 is revised to consolidate, under one authorization, that title's program of fellowships for city planning and urban studies and the community development training program. Specifically, the title:

(1) Consolidates the title by striking the headings which divide it into two separate parts;

(2) Amends Section 801(b) by including, as a purpose of the consolidated title, the provision of "fellowships for the graduate training of professional city planning and urban and housing technicians and specialists";

(3) Amends Section 810 by striking the first sentence (which authorizes appropriations for urban fellowships) and substituting a general authority for the Secretary to provide such fellowships;

(4) Substitutes for Section 802(d), which authorizes without fiscal year limitations $30 million in appropriations for community development training programs, a new section numbered 806 authorizing appropriations, without fiscal year limitation, of up to $30 million for the consolidated Title VIII program; and

(5) Amends appropriate sections of the title to strike inapplicable references to its several "parts" and substitute appropriate reference to the "title" or to the various "sections" thereof.

(b) *Extension of Urban Information and Technical Assistance Services Authorization.* Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended to authorize appropriations for grants to help finance programs of urban information and technical assistance services through fiscal year 1971. Prior to this amendment, appropriations were authorized to be made only through fiscal year 1970.

*II. Recommendations*

*Additional Authorizations in Appropriation Acts.* NHC recommends necessary appropriation authorizations to carry out all of the authorizations in the 1968 and 1969 Acts. In addition, NHC recommends that $1 million a year be appropriated for training under a 5-year program; and that the fellowships be increased to $2 million a year under a 5-year program.

CHAPTER AA. OPERATION BREAKTHROUGH

*I. Summary of Existing Legislation*

1. Last summer Secretary Romney initiated the Operation Breakthrough program.

It is designed to achieve advances in design and planning of housing and to use modern techniques of production, marketing and management. Its purpose is to increase greatly the supply of quality housing, particularly for those of low and moderate incomes.

2. To initiate Operation Breakthrough, HUD solicited requests for proposals for several types of contracts: Type A for design, testing and evaluation, and prototype construction of complete housing systems which can lead to volume production. The program is planned in three phases: Phase I, Design and Planning; Phase II, Prototype Construction, and Phase III, Volume Production. HUD has made awards to 22 bidders for Type A contracts.

3. Type B contracts were solicited for research, development and design of innovative concepts for any individual or group of primary elements of building systems, materials and techniques, land use concepts and business considerations—including legal, financing, processing and management techniques. HUD is now studying proposed awards for Type B contracts.

4. HUD sought and has awarded contracts for eight prototype sites (from 5 to 30 acres each) to be brought under Government control and used to erect and display the prototypes which HUD selects. HUD intends that the sites will be an effective marketing device to spur demand for projects using the prototype dwellings.

5. Volume production is to be achieved with the aid of one or more of the HUD programs, including Sections 235 and 236. HUD intends to give priority in allocation of funds—under Sections 235, 236 and other programs—to projects using the prototype dwellings.

6. The 1969 Housing Act amended Section 1010(a) of the Demonstration Cities and Metropolitan Development Act to direct the Secretary of Housing and Urban Development to assure—to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under that section—that there is no restraint by contract, building codes, zoning ordinances or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance. The purpose is to stimulate expanded production of housing under such programs, except where the foregoing restraints are necessary to insure safe and healthful working and living conditions.

*II. Recommendations*

1. NHC favors the Operation Breakthrough program with its objective to add to the production resources necessary for the achievement of our housing goals; also, to help offset the inflationary rise in housing costs. Inflationary increases in housing and financing costs have adversely affected the consumer and made it impossible for many people who need homes to get them at prices or rents which they can afford.

2. NHC has always urged the prompt and full use of all funds authorized by the Congress for housing production. Accordingly, NHC urges that HUD take no action at this time which would withhold funds from use in current housing production in order to reserve them for the prototype housing which has not yet been produced and tested under Operation Breakthrough.

CHAPTER BB. LOAN INSURANCE FOR MOBILE HOMES

*I. Summary of existing legislation*

1. *Need.* During the last 2 years, there has been a great increase of interest in mobile homes as a source of lower cost housing. Sales of mobiles homes have increased substantially, from about 235,000 in 1967, to about 300,000 in 1968, and may total nearly 400,000 in 1969.

A recent survey conducted by the Bureau of the Census for HUD revealed that mobile homes contribute significantly to housing supply. However, while the production and sale of mobile homes have expanded greatly in recent years, so that an estimated 5½ million people live in about 1,800,000 mobile homes in the United States, the number and quality of mobile home parks have not kept pace. There is a great deficiency of suitable mobile home park spaces, and generally the ones that exist are improperly designed and provide inadequate community facilities.

2. *Amendments in the Housing and Urban Development Act of 1969.*

Section 207 of the National Housing Act is amended to increase the maximum amount of a mortgage which may be insured for a mobile home court from $1,800 to $2,500 per space and from $500,000 to $1,000,000 per project mortgage. The section also redesignates, for greater accuracy, the mortgage insurance program for "trailer courts or parks" as a program for "mobile home courts or parks."

Title I of the National Housing Act is amended to authorize the establishment of a new FHA program financing the purchase of a mobile home to be used by the owner as his principal place of residence. Under this program, a purchaser can obtain an FHA-insured loan in an amount not exceeding $10,000 which must be repaid over a maximum term of 12 years. The financing charge to the purchaser is to be prescribed by the Secretary of Housing and Urban Development and may vary depending on the amount and term of the loan. In addition, the Secretary is required (1) to prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located, and (2) to obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.

*II. Recommendations*

1. NHC recognizes the contribution which mobile homes can make toward meeting our national housing goals, particularly among lower income families. The rapid improvements in the quality and living space of mobile homes—and the use of modular and other modern production techniques—have enhanced the usefulness of such homes, particularly since the cost of other housing has increased beyond the financial reach of families of modest means.

2. NHC recommends that necessary safeguards be established for mobile home parks which will assure that the mobile homes are located in an area that has adequate sanitary and community facilities; also, to assure that the mobile home parks are planned in a manner which is not inconsistent with sound urban development of metropolitan areas. In many cases, mobile home courts are built just outside the cities and just beyond the reach of present zoning and building code authorities. Yet, population growth will result in the expansion of metropolitan areas to embrace the areas covered by the mobile home parks. Accordingly, it is necessary that the mobile home parks conform to the long-range plans of metropolitan areas. Likewise, it is necessary to assure that the mobile homes meet appropriate quality and space standards.

CHAPTER CC. EFFECT OF TAX REFORM ACT ON HOUSING

On December 30, 1969, President Nixon signed the Tax Reform Act of 1969 into law. There are several provisions in the Act that drastically alter current tax consequences associated with housing and real estate development; also, the Act adds an important incentive for the production of low and moderate income housing and its sale to the occupants. A summary of these provisions follows:

1. Accelerated depreciation—i.e., 200 percent of the straight line rate—will only be permitted for new residential rental housing. However, there are recapture provisions which offset the tax benefits upon a sale to the extent described below.

2. Any excess of accelerated depreciation over straight line depreciation will be subject to recapture for approximately 16 years 8 months instead of the present 10 years. These new recapture rules do not apply; however, to the Section 221(d)(3) and 236 limited distribution programs to serve low and moderate income groups. For these programs, the recapture rules of existing law are retained without change—namely there is no recapture if the project is held for ten years. Thus, the new tax law retains the existing tax incentives for such housing constructed to serve those of low and moderate incomes.

3. Subsequent owners of new residential rental property are divided into two categories: those who acquired used residential property with a useful life of less than 20 years and those who acquired used residential property with a useful life of 20 years or more. Those in the first category are limited to straight line depreciation while those in the second category may depreciate the property at a rate not to exceed 125 percent of the straight line rate.

4. The new tax law provides for deferral of gain upon certain prescribed sales of Section 221(d)(3) and 236 limited distribution projects. On these federally-assisted projects to serve those of lower incomes where the investor is limited to a return on his investment, the Govermnent will now encourage the sale of these housing projects to the lower income occupants, a cooperative or other organization which will operate the property for their benefit. To qualify for the deferral of a taxable gain upon such a sale of a housing project, the owner is required to reinvest the proceeds in another lower income housing project. The taxpayer's basis from the old property, to the extent of the reinvestment, becomes part of his basis for the new property. This provision provides a necessary tax incentive for the production of low and moderate income housing and for its sale to or for the benefit of the lower income occupants.

CHAPTER DD. PROGRAMS AND POLICIES FOR GENERAL APPLICATION TO HOUSING

1. *Equal Opportunity for Housing.*

(a) Throughout its entire life NHC has been committed to equal opportunity for all American families to secure good housing in good neighborhoods. It again reaffirms this position. Equal opportunity in housing is now the law of the land—both by statute and by court decree. Yet this opportunity is still denied to millions of American families throughout every section of the land because of their race, color, creed or national origin, or because of the myth which exists as to their desire, or ability to pay for and maintain good homes. To overcome this denial of opportunity and to dissipate these myths, an urgent task is facing the nation.

(b) NHC has long supported the principle of a competitive housing market open to free bargaining by all American families without regard to racial or ethnic background. Many localities have been limited in achieving this objective, however, because of inadequate supplies of low and moderate cost living accommodations and by the congestion of many minority group families in limited sections of the community. To provide an adequate supply of housing, it is necessary to raise production to a minimum of 3,000,000 dwelling units per year.

(c) We urge the president and the Congress of the U.S. to take all steps toward providing an equal opportunity for housing. This includes full and adequate appropri-

ations for the administration of the fair housing program under Title IV of the Civil Rights Act of 1968. Of the $8 million requested by the President for fiscal year 1969, Congress only appropriated $2 million for such expenses of administration. $6 million has been appropriated for Fair Housing and Equal Opportunity for fiscal year 1970. We strongly urge the larger appropriations required for sufficient staff to effectuate fully the foregoing open-housing objectives of achieving equal opportunity for all American families to secure good housing in good neighborhoods. We urge the Administration to take all necessary additional actions to achieve this equal opportunity objective. Strong affirmative measures should be taken to enforce the fair housing rights contained in Title IV.

(d) We should provide an opportunity for freedom of choice in our housing program. The choice of individual or cooperative homeownership or rental housing and the choice of city, suburban, new town or country living must not be limited by race, color, or religion.

2. *Relocation.*

(a) When homeowners or tenants are being displaced for urban renewal or other government action, there should be a Federal grant to provide adequate payments as equitable compensation to pay not only their moving expenses, but also to help them obtain decent homes elsewhere. In the case of a displaced home owner the amount of the payment should be sufficient to enable him to obtain adequate housing, without limiting such payment to $5,000 as is now provided in the Housing Act of 1968.

(b) When a small business is being displaced through urban renewal or other governmental action, affirmative action should be taken to assist its relocation either within the urban renewal area or elsewhere. If it is to be relocated within the urban renewal area, there should be a policy to establish a rental for the small business which it can afford. In order to achieve this, an appropriate write-down should be made in the disposition of property under the urban renewal program. While it is recognized that there are allowances under the present legislation to cover the cost of relocation by a business which is displaced through urban renewal, we recommend this additional action to better assure the continuance of a small business that is being displaced. NHC also recommends the full implementation and use of the 1965 amendments to the Small Business Act for businesses which are being displaced by urban renewal or other governmental actions.

(c) NHC supports the Uniform Relocation Assistance and Land Acquisition Act, H.R. 14898, which provides for uniform requirements and Federal assistance to displaced families and indiivduals and business establishments. However, NHC suggests that the bill be amended with respect to family and individual displacement and relocation, to incorporate comparable provisions contained in Section 210 of the Housing and Urban Development Act of 1969, namely, that within the jurisdiction of the renewal agency there shall be an equal replacement of housing units for those demolished or removed. Pending the passage of the new Uniform Relocation Assistance and Land Acquisition Act, administrative action should be taken to eliminate conflicting procedures and requirements that now exist—and establish uniform and equitable requirements—in the urban renewal program, model cities program and highway program.

(d) NHC applauds Secretary of Transportation Volpe's recent declaration that no Federal aid will be approved for construction of highway, airport or mass transit projects until adequate replacement housing is provided for all families to be dislocated. The new Replacement Housing Policy contains the following provisions:

(1) Specific written assurance that adequate replacement housing will be available (built, if necessary) before the initial approval or endorsement of any project.

(2) Construction will be authorized only upon verification that replacement housing is in place and has been made available to all affected persons.

(3) All replacement housing must be fair housing—open to all persons regardless of race, color, religion, sex or national origin. In addition, all replacement housing must be offered all affected persons regardless of their race, color, religion, sex or national origin.

NHC also commends the General Services Administration for its announcement of a similar policy requiring assurances of the availability of adequate housing before new Federal buildings are located in any area.

(e) NHC deplores the recent HUD discrimination against relocation payments to displaced persons who seek new homes in cooperatives. Neither Section 516 of the Housing Act of 1968 nor the regulations promulgated preclude replacement housing payments to those seeking replacement housing in cooperatives. However, in a circular, HUD states that such payments may not be made to a displaced person moving into a cooperative. This discriminatory action should be stopped. NHC recommends that HUD should make replacement housing payments to displaced homeowners who seek to purchase a home in a cooperative.

3. *Uniform System for Computation of Incomes by HUD.*

(a) HUD should have a uniform system for computing incomes which could be used by all constituent agencies administering housing programs which involve income limits. To be equitable, income limits should allow appropriate deductions and exemptions like those long recognized and utilized in the public housing program. The Senate Committee on Banking and Currency recognized the appropriateness of such uniformity in its Report on the 1968 Housing Act: "Although the statute is silent on defining income, the committee is aware of the necessity for the Secretary to establish procedures to assure that fair standards and rules are followed within HUD for determining income (after allowable deductions) for eligibility of low or moderate income families or mortgagors under HUD's various programs. These procedures would apply to those who receive the benefit of subsidies or below-market interest rates to enable them to obtain occupancy, homeownership, or cooperative housing membership."

(b) At the present time, the methods of computing income differ in HUD, although the constituent agencies are administering comparable housing programs involving income limits. For years, public housing has allowed appropriate deductions or exemptions in computing the family income, such as:

(1) Deduction of $600 from the income of a secondary wage earner thereby recognizing that there is at least this amount of additional expenses in earning such wages, so the earnings do not represent a full increment to family income;

(2) Deductions for expenses for the care of children or sick or incapacitated family members when these expenses are necessary to permit the wage earner to be employed;

(3) Deductions for social security taxes and compulsory pension funds; and

(4) Deductions for minors or dependent adults.

(c) Although these deductions or exemptions are allowed in the public housing program, they are not recognized uniformly in the FHA program involving rent supplements or below-market interest rates under Section 221(d)(3) or interest assistance payments under Sections 235 and 236. In the interest assistance programs the 1968 Housing Act provides for the deduction from family income of $300 for each minor child and the elimination of the earnings of all minor children. Pursuant to the Congressional intent as evidenced by the foregoing quotation from the Senate Committee Report, FHA has allowed a further deduction of 5% of gross income to cover payroll deductions for social security and compulsory pension funds. However, FHA has not allowed other deductions of the type which have been long recognized in public housing. FHA should allow such deductions, particularly since the income limits in the interest assistance programs are now computed as a percentage of the local public housing limits.

4. *Rehabilitation in Slum Areas not Intended as Containment Program.* Rehabilitation programs for slum areas are not intended to be containment programs which would restrict present residents so that they must continue to live there. They should have an opportunity to move into other areas. The NHC goals contemplate development of new and rehabilitated housing in other areas which would be available for the low and moderate income families now living in slum and ghetto areas. To help assure achievement of this objective, we recommend enactment of legislation providing that no program of subsidy, aid, or assistance by any agency of HUD—including sewer and water facility grants, open space grants, community facilities grants, urban renewal programs, model cities programs, mass transit grants, and FHA insurance—may be carried on within any jurisdiction if a reasonable share of housing will not be available for low and moderate income families. Such legislation would help assure the development of balanced programs of housing in new areas into which the residents of slum and ghetto areas could move.

5. *Adequacy of Housing and Neighborhood for Low and Moderate Income Families.* Federally-assisted housing should provide adequate space and facilities and meet proper standards for comfortable living. The housing should be in a suitable neighborhood. In this way, we can improve the quality of life in Federally-assisted housing as prescribed in the 1968 Housing Act. The following are among the measures necessary to achieve these objectives:

(a) Better design standards in housing developments.

(b) Dwelling units which provide adequate space and amenities rather than minimum space and facilities.

(c) More housing units of larger size, with more bedrooms and bathrooms, in order to meet the needs of larger families.

(d) Adequate recreational and community facilities with swimming pools, day-care and pre-school centers, all designed to create good neighborhoods.

(e) Air conditioning whenever appropriate, which will encourage families and their children to remain in their dwellings and off the streets during hot summers.

Housing communities should be pleasant places to live. They should respond to the needs of the residents, with attention to their comfort, convenience, and recreation. By providing children and adults with good homes and with opportunities to engage in wholesome and constructive activities, we can create better communities and reduce juvenile delinquency and crime. With Federally-assisted housing that conforms to the foregoing criteria, we can achieve economic integration, both through initial occupancy and through the upward mobility and continued occupancy of families whose incomes increase.

6. *Uniform System of Tax Exemption and Tax Abatement.*

(a) In some HUD programs there is no requirement for real estate tax exemption or tax abatement. This is true in the new leasing program for the use of privately-owned housing for public housing purposes. It is also true in the rent supplement program for

those of public housing incomes. Yet, conventional public housing projects are required to have tax exemptions and they pay only 10% of shelter rent in lieu of taxes. We previously recommended that conventional public housing projects conform with those other publicly-assisted programs which serve low-income families. This would be accomplished by permitting their payment in lieu of taxes to be equivalent to full taxes.

(b) There should be a more practical and consistent policy concerning the requirement for tax abatement on privately-owned projects which are Federally-assisted either with (i) below-market-interest rates, (ii) interest assistance, (iii) rent supplements, or (iv) leasing programs under public housing. Tax abatement should not be required on these projects, even as a means of offsetting the higher costs that prevail in some cities. Such tax abatement is often unavailable because of restrictions in state and local laws; moreover, the cities often face serious problems of inadequate tax revenues and are unwilling to grant tax abatement. Cost limits should be made realistic so that these private housing programs can function in high cost areas without requiring tax abatement.

(c) Where state and local governments grant tax abatements on housing projects which are Federally-assisted in the manner described above, there should be an annual Federal grant to reimburse them for their tax losses.

7. *Disposition of Federally-Owned Housing Projects.*

(a) FHA has acquired ownership of rental housing projects upon which defaults have occurred. When requested, FHA should either lease these projects to local housing authorities for public housing or make negotiated sales of these projects for cooperative ownership by low income or moderate income families. Also, sales may be made to public agencies or nonprofit or other properly motivated organizations which will use them to provide housing for low or moderate income groups. The housing should be sold at a price and with a mortgage term and interest rate—on the purchase money mortgage accepted by FHA—which would enable the property to serve these income groups at monthly charges which they can afford. When necessary, financing should be made available to rehabilitate these properties. Such properties should be eligible for rent supplements and interest assistance payments. These recommendations also apply to other federally-owned housing.

(b) FHA has also acquired ownership of single-family homes on which defaults have occurred. In the disposition of this housing, FHA should meet the needs of those of low and moderate incomes. The housing should be sold to them at a price and with a mortgage term and interest rate—on the purchase-money mortgage accepted by FHA—which would be within the financial reach of the low and moderate income purchasers. Priorities should be established for sales which would accomplish this purpose, rather than granting priority to cash sales or sales involving conventional loans, as these generally involve purchasers with incomes above those at the low and moderate level. Legislation should be enacted if it is necessary to establish disposition policies in accordance with the foregoing principles.

8. *Support for Increased Grants to Meet Cities' Needs.*

(a) NHC favors increased Federal grant authorizations to meet the needs of cities, many of which are facing financial crises. These Federal grants should include all of the following:

(1) Necessary increases in supplemental untied grants under the Model Cities Program which give cities an incentive to develop programs for the improvement of entire neighborhoods.

(2) Necessary funding of the authorization for supplemental untied grants under the New Communities Program of Title IV of the Housing Act of 1968 where a balance has been achieved economically and racially; such grants give public agencies an incentive to provide adequate facilities for such New Communities.

(3) Federal grants to reimburse state and local taxing authorities for their tax losses when they grant tax abatement on housing projects which are Federally assisted.

(4) Necessary increases in the authorizations of Federal grants: (i) for urban renewal; (ii) for water, sewer and neighborhood facilities; (iii) for open-space and urban beautification; and (iv) to meet other vital needs including those relating to health, education, training, welfare, mass transportation and other purposes.

(b) We recommend development of a three-year demonstration program of untied Federal supplemental grants-in-aid to be used by cities, countries and other local public agencies. This will help relieve their financial plight. This should be done in a manner which would provide incentives to them to promote national policies relating to housing and urban development.

(c) All supplemental untied grants—including those under this new proposed demonstration program and those under the Model Cities and New Communities programs—should be made available for use by cities, counties and other local public agencies for purposes determined by them, without Federal accountability or program supervision.

9. *Acceptance and Accumulation of Applications for Programs.*

HUD has discouraged the submission of new applications in programs where a backlog of unsatisfied applications exists. NHC is strongly opposed to this discouragement of applications for HUD assistance. Even when there is an unsatisfied backlog of applications, HUD should continue to accept applications. There is no better way by which HUD can learn the needs and demands for programs which it administers, so that it can document and support requests for necessary Congressional authorizations and appropriations.

10. *Construction Work and Employment in Ghetto Areas.*

Increased construction volume will require substantial increases in the work force. The large pool of untrained unemployed or under-employed within the ghetto is a large source of additional manpower. There should, therefore, be an effective program to accelerate the training of unskilled groups and to broaden their opportunities for employment in the construction industry. NHC recommends an adequate expansion of the training program of the Manpower and Training Administration of the Department of Labor, together with the full amounts needed as appropriations. We recommend the Outreach program of the building and construction trade unions which has enlisted thousands of disadvantaged and minority workers in skill training in their trades in 53 cities. We urge further extension of these training opportunities for such workers to advance toward skilled employment.

NHC endorses the provisions of the 1968 Housing Act which direct the Secretary of HUD to require:

(a) That opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of housing be given to lower income persons residing in the area of the housing and

(b) That to the greatest extent feasible contracts for work pursuant to the housing programs shall, where appropriate, be awarded to business concerns located in or owned in substantial part by persons residing in the area of the housing. If bonding is not available to such contractors or subcontractors, HUD should take necessary actions to enable them to obtain adequate bonds. HUD should initiate a program which would assure the availability of bonds to such contractors, with necessary underwritings or re-insurance as is now authorized to enable persons to get other types of insurance in high-risk areas where such insurance would otherwise be unavailable.

In the foregoing programs, we recommend that bids be invited from local contractors which have the participation of minority groups either in an ownership, executive management or direction capacity. In housing construction where the contractor or sponsor incurs additional costs because of utilization of untrained workers from ghetto areas, this additional cost should be recognized as a public cost, with reimbursement therefor by the Manpower and Training Administration.

In the 1969 Housing Act, there is an extension of these requirements to cover all HUD programs providing financial assistance in aid of housing, urban planning, development, redevelopment, public or community facilities and new community development. Section 3 of the Housing and Urban Development Act of 1968 is amended to require the Secretary of Housing and Urban Development, in the administration of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, public or community facilities, and new community development to require (1) that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of projects assisted under such programs be given to lower income persons residing in the project area, and (2) that to the extent feasible, contracts for work to be performed in connection with any such projects be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project. Prior to this amendment, these employment and work opportunity requirements were only applicable to the administration of the Section 235 homeownership program, the Section 236 rental assistance program, the Section 221(d)(3) below-market-interest-rate program, public housing, and the rent supplement program.

11. *Full Employment.*

All Americans able to work and seeking work have the right to useful and remunerative jobs. NHC recommends the measures necessary to achieve full employment with earnings adequate to enable people to maintain decent standards of living. When employment is not available in the private sector or training is required to give people necessary skills to get jobs, NHC favors programs of government assistance designed to encourage and stimulate opportunities for full employment of our citizens.

12. *Support for International Programs for Housing.*

(a) NHC is aware of the critical housing problams elsewhere in the world, particularly in the developing countries. We urge continuation and expansion of our Government's foreign aid programs for housing in the developing countries, particularly cooperative housing to provide ownership by moderate income families as contemplated by the Foreign Assistance Act.

(b) Further, we urge our Government to support efforts: (i) to elevate the importance of housing in the economic development process by supporting efforts to establish, within the framework of the United Nations, a specialized international agency dedicated to solving the housing problems of the developing countries; (ii) to increase U.S. financial support to U.S. universities and other institutions for research and training problems to help solve these housing problems and supply the trained personnel so badly needed.

(c) NHC applauds the leadership provided by the United States in the adoption

of a resolution by the United Nations giving emphasis to a pilot demonstration program for the improvement of squatter areas; also for support of the United Nations resolution concerned with the campaign to focus world attention on housing including consideration of an International Housing Year.

(d) NHC recommends enlargement of the investment guaranty program for housing by increasing the available guaranty authority and by extending the 100% guaranties to other appropriate areas besides Latin America. We recommend legislation providing for the encouragement of cooperative and other homeownership by low and moderate income families in the cooperating countries and for the utilization of financing assistance of the types which have been proven effective in our domestic programs, particularly the establishment of national savings and credit systems specializing in housing and related fields.

(e) NHC supports the proposal for the creation of an International Housing Finance Corporation, which would be associated with the World Bank or the United Nations Development Program, to facilitate the mobilization of capital and the development of housing programs, particularly in the newly developing countries.

(f) NHC applauds the resolution recently adopted by the United Nations giving high priority to housing, planning and building in the XXV General Assembly meeting later this year.

13. *Appropriation Authorizations.*

(a) NHC strongly recommends Congressional appropriations of adequate amounts for the administration of all HUD programs, including the additional funds which are required for additional staff to administer the many new programs contained in the 1968 and 1968 Housing Acts. These funds are urgently needed to meet the critical problems of our urban areas and the shortage of adequate housing for persons of low and moderate incomes. We further recommend all of the additional appropriations described elsewhere in this report.

(b) Advance appropriations to provide lead time for initiating and planning programs in all authorizations in appropriation bills providing contract authority or funds. The authorizations should cover the succeeding fiscal year in addition to the fiscal year involved in the appropriation act. Appropriation acts have previously adopted this practice for the urban renewal and mass transit programs. It is equally necessary that this be done in all other programs involving private enterprise as well as public agencies, and we are pleased that President Nixon has made such a recommendation for advance authorizations on the Sections 235, 236 and rent supplement programs. The same practice should be followed in all other housing and urban development programs. This will give more lead time for the planning and initiation of programs. Such a practice in the housing program will help avoid the past difficulties experienced as a result of uncertainties and delays in providing funds and commitments. Through advance authorizations for two fiscal years, there will be an uninterrupted flow of funds and commitments at an early enough time to permit advance planning and work in the initiation of housing programs. We deplore the action taken by the President in discontinuing requests for advance appropriations for the succeeding fiscal year on programs where this practice was previously established such as urban renewal.

14. *Workable Program.*

In order to remove impediments to construction of low and moderate income housing, NHC recommends repeal of the requirement for a workable program or local government approval of projects receiving Federal assistance. However, in localities without a workable program, the Secretary of HUD must first be satisfied that: (i) there is a need for the project; and (ii) its location will provide a satisfactory residential environment. The 1969 Act accepts this recommendation on several programs.

15. *Preparation for Post-Viet Nam Period.*

In preparation for the termination of hostilities in Viet Nam, NHC recommends that we be ready to provide for the necessary expansion of peacetime development in order to assure steady employment for those formerly in jobs supporting our forces in Viet Nam. This should include the long-delayed construction of housing and urban development, together with the production of all materials and equipment required therein. It should also include plans for the use of abandoned defense housing or other installations. In the post Viet Nam period, we should fulfill the housing needs of those families for which the national goal has not become a reality. This would implement the highest priority and emphasis established for this program in the Housing Act of 1968.

16. *Recommended Change in Budget Concepts Concerning Mortgage Purchases.*

(a) NHC does not believe in the new concept of the Federal Budget which initially reflects expenditures for mortgage purchases in the same way as it reflects expenditures for grants, even though collections on mortgages are later credited as offsetting income. If several billion dollars of mortgages are purchased and retained by a government agency, all of this initially appears as an expenditure in the Budget during the fiscal year when the mortgages are purchased. This has an adverse effect on many public interest and social programs which are dependent upon the steady flow of mortgage financing at reasonable interest rates. The Budget should reflect only the actual cost to the Government of purchasing and holding these mortgages—this would be the differential in interest between the rate of the mortgages held by the Government and the rate on Government borrowings.

(b) *If* the present Budget concepts are retained which initially treat mortgage purchases as an expenditure in its entirety, NHC believes that there should be active encouragement of the sale to private investors of participations in mortgages held by GNMA or other Government agencies. Upon such sales, the funds realized can and should be offset against the expenditures for the purchase of the mortgages.

17. *Availability of Land and Support of S. 3025.*

NHC recommends such measures as are necessary to help assure the availability of enough land, at reasonable cost, to achieve our housing goals. These should include the establishment of appropriate reserves of land for future use to provide the housing, public facilities and recreational areas required to meet these goals. To this end, NHC urges passage of S. 3025, the Urban Land Improvement and Housing Assistance Act of 1969, introduced by Senator Javits.

18. *Increases in Housing Costs.*

We deplore the inflationary rise in housing costs, particularly the spiralling increases in interest rates and prices of building materials such as lumber. It is urgent that action be taken to achieve a reasonable and stable level of interest rates and housing costs. When interest rates and housing costs increase, many people who need homes can no longer afford them—even though they could have afforded them previously when the interest rates and housing costs were at more reasonable levels. NHC strongly recommends that necessary measures be taken to stop these inflationary increases in interest rates and housing costs which adversely affect the consumer and jeopardize achievement of the housing goals established by Congress and the higher goals recommended in this report.

19. *Insurance for Ghetto Areas.* NHC recommends that when a home is purchased in a ghetto area and the mortgage is FHA-insured, necessary federal action should be taken to assure that the home owner obtains all hazard insurance required for his protection. Likewise, on cooperative housing in ghetto or central city areas, federal action is needed to assure the availability of hazard insurance at reasonable costs which reflect the lower losses and risks on such cooperative housing.

20. *Private Investment in Lower Income Housing.*

NHC urges the partcipation of private investors in programs to provide housing for low and moderate income families. NHC recognizes that the tax savings which result from current rules of accelerated depreciation on improved real property are essential to insure the continued flow of such equity funds into investment in low and moderate income housing. NHC opposes any change in such rules which would reduce the already too-low return from investments in housing for families of low and moderate income.

21. *Reduction of Monthly Mortgage Payments.*

With the recent increases in interest rates, people have been excluded from the housing market who need dwellings but can no longer afford them at the higher interest rates. Elsewhere in this report, NHC recommends measures to increase the flow of funds into the housing mortgage market and to make mortgage financing available at more reasonable interest rates. We are pleased that FHA has taken action which accords with the recommendation which we previously made to reduce the monthly debt service on mortgages by providing for level amortization payments instead of the higher initial curtailments of principal which were applicable to certain mortgage insurance programs—e.g., those under Sections 220, 221(d)(4) and 207. By reducing the debt service payments, the level amortization plan will reduce the monthly charges to the consumer and help offset the current high interest rates.

22. *Housing for Indians.*

(a) Low and moderate income Indian families living on Reservations have long been denied the benefits of FHA-insurance homeownership. Such Indian families have not been able to obtain FHA-insured financing on individual homes. Also, it is difficult for them to obtain FHA-insured multifamily housing, such as nonprofit rental housing and cooperative housing under Section 221(d)(3) or Section 236.

(b) There is a great need and market for FHA-insured homes on the Reservations. Many Reservations are now undergoing economic improvement, through increased mineral development and the location there of factories and other sources of employment. Special efforts are needed to bring to the Indans the benefits of programs intended to serve people of low and moderate incomes.

(c) NHC supports S. 3330 introduced by Senator Metcalf to extend the housing assistance available through the Farmers Home Administration to Indians who lease rural non-farm land from their tribe for use only as a homesite. Similar authority now exists where farm land is leased.

(d) NHC recommends that the rehabilitation grant program under Section 115 be extended to include Indian Reservations; and that grant procedures be revised to make the program available to low income rural families of Indians so they can renovate and repair existing housing.

23. *Payment of Prevailing Wages.* In programs involving FHA mortgage insurance on multifamily housing where payment of prevailing wages is now required by law, such prevailing wages shall be established and paid based upon the requirements of the Davis-Bacon Act relating to such housing construction in the area.

CHAPTER EE. NEED FOR EFFECTIVE INSTITUTIONS, ADMINISTRATION AND FEDEAL-LOCAL RELATIONS

In itself, the enactment of adequate legis-

lation will not achieve the goals set forth in these recommendations; nor will it meet the needs of the American people or the crises in our cities. Laws are *not* self-executing. It is necessary to assure the establishment of effective institutions, administration, and federal-local relations. NHC recommends that HUD take the following actions to assure the effective execution of laws relating to the programs under HUD's jurisdiction:

1. HUD should redefine its role to concentrate on major policies and on constructive ledearship in executing federal laws and to grant greater local autonomy to local governments and agencies in undertaking and operating projects involving HUD aid. NHC believes this HUD role would constitute creative federalism. The expenditure of federal monies should be subject to broad federal guidelines. Through the years, there has been a continuing increase in the burden and detail of HUD controls over local operations in the conduct of HUD-aided programs. All HUD controls should be eliminated which are not required by federal law. We will never achieve the volume and expedition required in programs authorized by the Congress unless there is a decentralization of responsibility to the local agencies involved. The local agencies can properly be held to account for their responsibilities under programs. There is no reason to assume that there is any less integrity and competence in local officials than in federal officials.

2. As to matters involving public agencies or others which now require prior HUD administrative approval, HUD should expedite programs by waiving such prior approval in cases where the public agencies or others will certify and proclaim that they have compiled with all of the enumerated administrative requirements of HUD. Upon such certification covering all applicable administrative requirements, the public agencies or others should be allowed to proceed with their program, subject to post audit by HUD that the public agencies or others have conformed with their certifications.

3. HUD should accelerate processing, production and decision-making by federal and local officials and by participants in *all* HUD programs, including the establishment of time schedules for all actions required. There should be a time limit for submission of applications by local agencies and a time limit for HUD action in approving or rejecting applications. However, qualified applications should not be rejected because of technical or insubstantial reasons, lack of money or lack of a priority status according to a schedule established by HUD; likewise, applications should not be rejected in order to remove them from the pending work load.

4. After applications have been approved and allocations made, there shall be a time limit for contracting and execution. With respect to requirements for HUD approval after a contract or commitment is issued, there should be a recognition that HUD has a certain period within which to act; and, failing such action on matters requiring HUD's approval, the proposal to HUD shall thereby be accepted and considered approved.

5. HUD should act promptly in making allocations and commitments of all authorizations and funds made available by Congress. Such allocations and commitments should be based upon:

(a) The requests that are received within a designated time which meet the applicable statutory requirements; and

(b) The respective needs for the communities involved. There should be no impounding or holdback of funds. The money should be allocated and committed as quickly as possible. All monies should be made available based upon the qualified requests that are received within a prescribed time limit. The guideline should be the need for the program in the community involved.

6. HUD should simplify its regulations and conditions attached to HUD aid and eliminate the detailed controls over project development and operations. Such controls are overly burdensome, costly, and time-consuming. They discourage initiative and innovation. They are inconsistent with the achievement of the goals established by law and the larger goals recommended in this report.

7. HUD should eliminate conflicting policies and requirements among its different units, as applied to comparable programs. For example, the methods of determining incomes under the public housing program are different from those under the rent supplement, interest assistance and below-market-interest-rate programs.

8. Civic organizations and citizens' councils have an appropriate role in furnishing advice and recommendations. Where a municipal government has been established whose officials are elected by the voters, the elected officials should give full consideration to the advice and recommendations of such citizens organizations; however, the final responsibility for decisions should properly reside in the elected officials on such programs as urban renewal, model cities, and neighborhood rehabilitation. Otherwise, there will be a division of responsibility which will seriously impede the progress of these programs that are vitally important to the community.

9. To help achieve the housing goals and enlist all available resources, HUD should encourage full participation in its programs by cooperatives and other nonprofit organizations and local public agencies, in addition to limited-dividend sponsors and builders.

10. HUD should consult with representative groups of local public agencies and private participants in each of its programs to identify problems which impede their progress and to develop workable solutions. For this purpose HUD should establish:

(a) A federal-local committee on public housing and urban renewal; such a committee functioned effectively for years until it was discontinued.

(b) A federal-city committee on the model cities program.

(c) Like committees of representatives from the participants in each program; thus, there should be a restoration of the committee of representatives of cooperatives participating in FHA programs.

Each such committee would meet periodically to give HUD first-hand experience concerning the operations of the HUD-aided program involved. Such consultation should result in quick and realistic action in eliminating obstacles and solving problems. Otherwise, such obstacles and problems are long neglected, often because they are not known or because HUD does not get proposals for solutions from those directly engaged in the program.

11. (a) In Section 5, the 1968 Housing Act directs the Secretary of HUD to make a report to the Banking and Currency Committees early in calendar years 1969 and 1970 identifying specific areas of program administration and management which require improvement. The report will describe actions taken and proposed for the purpose of making such improvements, and recommend such legislation as may be necessary to accomplish such improvements.

(b) Many of our recommendations in these Resolutions cover areas of administration on which HUD is required to report to the Committees, pursuant to the following provision in the 1968 Housing Act: "Each such report shall include, but not be limited to, the following areas of program administration and management: uniformity and standardization in program requirements, simplification of program procedures, ways and means of expediting consideration of proposed projects and applications for assistance, the provision of more useful and specific assistance to communities, organizations, and individuals seeking to utilize the Department's programs, and ways and means of combining or otherwise adapting the Department's programs to increase their usefulness in meeting the individual needs of applicants."

(c) We urge HUD to take the actions recommended in these Resolutions relating to areas of program administration and management which require improvement and to report thereon to the Banking and Currency Committees.

### CHAPTER FF. CREATION OF HEALTHY ENVIRONMENTAL CONDITIONS

Housing must be in a suitable environment. We now suffer from the tragic and dangerous effects of air and water pollution and unsafe and inadequate waste disposal. Likewise, recent studies reveal that the high noise level of our cities may prove as deleterious as other forms of pollution. Yet, little has been done to alleviate these pollution conditions which are growing worse.

*I. Summary of existing legislation*

Before the overt public concern with our environment, Congress passed several significant pieces of legislation aimed at controlling the environment. A summary of the more important laws follows:

1. *Clean Air Act of 1963.*

This Act provides for an expanded and strengthened program. It authorized legal actions to stop air pollution. It also authorized matching grants to state, local and interstate agencies for programs of air pollution prevention and control.

2. *Motor Vehicle Air Pollution Control Act—1963.*

This Act directed the Secretary of HEW to establish standards on the emission of substances from new motor vehicles or engines which contribute to air pollution. The Act prohibited the sale, manufacture for domestic sale, or importation of any vehicle or engine not in conformity with the regulations and provided fines of up to $1,000 for each new vehicle or engine manufactured or sold in violation of the regulations.

3. *Water Quality Act of 1965.*

This Act requires the states to establish and enforce water quality standards for all interstate waters within their boundaries. If a state fails to take necessary action by June 30, 1967, HEW can act and set federal standards. The establishment of water quality standards is designed to prevent pollution before it occurs, since it is now possible to determine whether discharges of wastes and sewage cause unacceptable pollution in an interstate body of water.

4. *Clean Waters Restoration Act of 1966.*

This Act provides that a federal grant could pay from 30 to 50 percent of the construction costs of a sewage treatment plant. The higher grants are conditional on state participation in the financing of treatment plants and the establishment by the state of quality standards for non-interstate bodies of water within its boundaries.

5. *Air Quality Act of 1967.*

This Act enlarged the existing federal responsibility for air pollution control. In most cases the Federal Government will not step in unless the States fail to act. The HEW Secretary is authorized in time of "imminent and substantial" danger to public health from air pollution, to seek a court injunction to halt further emissions into the atmosphere.

HEW is also authorized to designate air quality control regions throughout the nation. It can provide full federal financing for regional control commissions to be established by state governors. HEW can enforce air quality standards in the control regions, if the regional commissions fail to enforce an air pollution plan that complies with guidelines for air purity prescribed by HEW.

The Act further requires the registration of all fuel additives with HEW. Fuel manufacturers are required to notify HEW of the type, concentration and purpose of all additives used in their fuels.

The Act provides that automobile exhaust standards can be issued only by the Federal Government, except for California, which is permitted to enforce its own more stringent standards.

*II. Proposed Legislation*

Seven environmental quality bills drafted by the Nixon Administration were introduced in the Senate on February 18 to implement the President's February 10 Environmental Quality Message. They were entitled:

(1) Water Pollution—Research and Development;
(2) Water Pollution—Facilities Construction;
(3) Water Pollution—Enforcement;
(4) Solid Waste Disposal;
(5) Clean Air Act Amendments;
(6) Parks and Public Recreational Procurement; and
(7) Environmental Financing Authority.

*III. Recommendations*

NHC concurs with recent pronouncements of President Nixon that: "It is literally now or never . . . A major goal for the next ten years must be to restore the cleanliness of the air, the water, the broader problem of population congestion, transportation and the like."

NHC believes that we should have a ten-year goal to end air, water and other pollution and create health environmental living conditions. However, it is imperative that we should not let our concern for environment replace our priority concern to fulfill our housing goals. We must avoid the tendency to replace priorities instead of fulfilling them. We must not be diverted from our commitment to meet the need to provide decent housing for all Americans.

CHAPTER GG. MAJOR PRINCIPLES WHICH SHOULD BE OBSERVED IN HUD'S PREPARATION OF PROPOSED LEGISLATION AND IN ADMINISTRATION

In testimony before Congressional committees, Secretary Romney presented the broad outlines of a new housing and urban development law which will be recommended by the Administration. Among the objectives stated by the Secretary was a comprehensive consolidation and standardization of HUD programs. NHC has not been afforded the opportunity to review the proposed legislation so we cannot speak specifically concerning its provisions. However, there are several major principles which we feel should be observed in connection with this proposed new legislation—and in the administration of HUD programs—such as:

1. In any proposed revisions of income limits or subsidy formulas, there should be a recognition of the increases in the costs of housing—due to increases in interest rates and housing construction and operating costs—which have made it impossible for more people to obtain decent housing without Federal assistance. To enable assisted private housing to reach these people, it is necessary to establish more realistic income limits. NHC recommends that the maximum income limits for Federal assistance under Sections 235 and 236 be established at the median income in the locality, with adjustments to reflect different sizes of families. Likewise, the maximum amount of subsidies should be increased to enable these programs to reach the low and moderate income groups who now require more assistance as a result of increases in housing costs.

2. The provisions applicable to different programs should not be standardized by accepting the lowest common denominator and the least favorable terms of existing laws. For example, in these past Resolutions, NHC has recommended a uniform system for computation of incomes and for the allowances of deductions or exemptions in computing income in assisted private housing and public housing programs. There have been reports that the proposed legislation would eliminate deductions in computing income which are presently allowable in assisted private housing under existing laws or pursuant to recommendations in Congressional committee reports, such as: the deduction of $300 for each minor child; and the deduction of 5% of income to cover payroll withholdings for social security or compulsory pensions.

Moreover, it has been reported that with respect to public housing, the proposed legislation would eliminate deductions in computing income which are presently allowable in public housing. NHC recommends against the elimination of such deductions which have been recognized as being a fair and reasonable method to help assure that housing payments reflect ability to pay and allow a family sufficient remaining income for food, clothing and other requirements for a decent standard of living. As set forth in paragraph 3 of Chapter DD, NHC recommends that there be a uniform system for computing incomes in privately-assisted and public housing and that this system should allow appropriate deductions like those long recognized and utilized in the public housing program, in addition to those applicable to assisted private housing.

3. New uniform formulas for housing programs should not be imposed retroactively on existing projects when this will cause hardships and serious problems. Thus, as part of a program to introduce a uniform formula for determining an occupant's contribution to housing expense, there have been reports that the proposed legislation would require residents to make higher payments on existing projects. Where projects have been built and occupied with Federal assistance under either private or public housing programs, there is no justification to impose retroactive requirements which will compel the residents in these projects to pay higher monthly charges. These people moved into these projects in good faith under laws and regulations then in force. They should be allowed to continue in occupancy under those laws and regulations. Increases in their monthly charges will result in great hardships. Such widespread rent increases will further contribute to inflation and a rise in the cost of living for these families; also it will adversely affect the image and position of HUD and the local sponsors or housing authorities who are managing housing projects since the residents will feel that there has been a complete disregard of their needs and welfare. Any new formulas for determining monthly housing charges should apply to new projects which will be occupied in the future and should not be made retroactive to apply on projects already built and occupied.

4. Simplification and standardization should not be achieved through sacrificing and repealing statutory provisions which were found necessary as a result of past experience. There are real distinctions between programs which result from their essential differences and needs. Where existing laws recognize the need for special provisions adopted to the special requirements of a program, these provisions should be continued. Thus, while a formula of appraised value is appropriate for profit-making rental projects, it is entirely inappropriate and unworkable for multifamily projects to be owned by nonprofit cooperatives. In the case of a profit-making rental project, the appraisal formula includes a capitalization of net income. However, there is no net income on a cooperative ownership project where owners get their benefits through use at nonprofit charges. Congress recognized this and other differences in the factors involved in cooperatives and prescribed a workable appraisal formula known as "the value of the project for continued use as a cooperative." This formula was first enacted more than 10 years ago. It was again enacted in the 1969 Housing Act for other cooperative conversion programs. Experience demonstrates the need to continue this tried and tested formula for the appraisal of multifamily projects being acquired for nonprofit cooperative ownership.

5. Simplification and standardization should not be achieved by sacrificing and repealing special incentives in existing laws designed to encourage objectives which serve the public interest. In the 1968 Housing Act and in the Tax Reform Act of 1969, Congress included special statutory provisions to encourage the disposition of rental projects for ownership by the occupants—an objective of major importance to the public welfare. The provisions of these laws were carefully prepared to recognize the practical problems and incentives involved in converting housing projects from limited-dividend rentals to ownership by the occupants. These provisions were also designed to facilitate private investment in the National Housing Partnership and its sale of rental projects for ownership by the residents. In the effort to achieve greater simplification and standardization, there have been reports that the proposed legislation eliminates some of the special provisions in the housing laws which are necessary to achieve the foregoing objectives.

MEMBERS OF THE NATIONAL HOUSING CONFERENCE, assembled in Washington, D.C., for their 39th Annual Meeting, on March 8, 1970, pause in their deliberations, to pay tribute to members who, through death, wrote "30" to distinguished careers in housing, urban development and related careers, since last they met.

*WARREN JAY VINTON*, economist, planner, policy maker, administrator, and destroyer of conclusions based on false assumptions, was active in the affairs of the National Housing Conference from its inception to almost the hour of his death in November of 1969.

Every far reaching Federal housing act adopted in the public interest since 1931, bears the imprint of Warren Vinton. He was the economic and sociologic planner of the Greenbelt towns in the mid 1930s. As a pioneer in low-rent public housing he helped draft the Wagner-Stegall Housing Act of 1937. From 1937 to 1949 he served as Chief Economist and Planning Officer of the United States Housing Authority, and from 1949 to 1957 as First Assistant Commissioner of the Public Housing Authority.

Following retirement from Federal service he was named to the Board of Directors of the National Housing Conference. As Editor of the feature section "National Housing Statistics", he played a major role in making the HOUSING YEARBOOK an instant and continuing success.

Believing that public service begins at home, he served six terms as mayor of his community, Somerset, Maryland. His many services in the fields of planning and education in the Washington, D.C. area are legion. He was active in the affairs of the American Institute of Planners, which honored him with its Distinguished Service Award in 1964; and as a Board member of the American Society of Planning Officials.

For a period of four decades, Warren Vinton stood as a giant in the creation and execution of national housing and urban development policies. For decades to come America will still be trying to catch up to the far reaching plans he spelled out so carefully. His voice is stilled, but his challenges to the status quo, sometimes abrasive, always constructive in the public interest, will carry on.

Members of the National Housing Conference extend their deepest sympathy to his family, and express their thanks for being permitted to share so fully in the life of Warren Jay Vinton.

*CHARLES ABRAMS*, a founder of the National Housing Conference, who always insisted that achievements that fell short of the impossible were no achievements at all, died on February 21, following a long illness. His loss seems irreplaceable.

Compassionate, articulate challenger of the status quo, innovator, writer, teacher, lawyer, administrator, and courageous activist, Charley Abrams made men think, and sometimes move toward social progress. This gentle man will long live in the hearts and minds of people everywhere who believe in the basic goodness, integrity and dignity of the human spirit.

The National Housing Conference shall be forever grateful to him, for sharing his countless talents with us. We extend our sympathy to his wife, Ruth, to his daughters and other members of his family, and we thank them for sharing him with all of us for so many short and exciting years.

*HARRY C. BATES.* For several decades Harry C. Bates was "Mr. Housing" of the American Labor movement. As Chairman of the AFL–CIO Committee on Housing, all programs cleared through him.

When a small group of people assembled in 1931 to create the National Housing Conference Mr. Bates was there. When basic program and policy decisions were made in the years that followed, he gave the final word as to the position of organized labor. His death in 1969 leaves a massive void.

Mr. Bates was President of the Bricklayers, Masons and Plasterers International Union of America, starting as an apprentice bricklayer in Denton and Waco, Texas. He rose through the ranks of labor, first through his local unions in Waco and Dallas, and then in 1920 he was elected Ninth Vice President of the Bricklayers International. Fifteen years later in 1935 he was elected International President. He was a member of the AFL–CIO Unity Committee, participated in all negotiations that led to the establishment of the AFL–CIO, and on December 5, 1955 was elected Vice-President of the merged organization.

Members of the National Housing Conference at their 39th Annual Meeting in Washington, D.C., on March 8, 1970, join Mr. Bates' countless friends in expressing their sense of loss at his death, and their deepest sympathy to his family.

*JOHN CARROLL.* Massachusetts was a first in housing because John Carroll decided in the 1920s that families of low income deserved a decent home in which to live.

As President and Manager of the Cement Masons Union he brought labor support to his efforts. Because of his interest he was named to the Boston Housing Authority, where he served for many years as its chairman. Later he served as Chairman of the Housing Committee of the Massachusetts State Labor Council, and Chairman of the Greater Boston Labor Council. He organized the American Federation of Housing Authorities which played a major role in the enactment of early housing legislation. He helped make sure that the National Housing Conference was reorganized in 1944, and moved to Washington as the principal proponent of housing in the public interest.

When John Carroll left this world last January 7, the national housing program lost one of its greatest and most effective proponents. There is no way to replace him.

*HERSCHEL KRIGER,* a member of the Board of Directors of the National Housing Conference, was a leader for good housing in his State of Ohio and in the nation. He was a distinguished attorney in Canton, where he represented the United Steel Workers of America. He was active in the American Arbitration Association and served on its panel of labor, commercial and educational arbitrators. In 1966 he received the American Arbitration Award, and in 1966 the Federal Bar Association Award. Mr. Kriger was Chairman of the Canton, Ohio, Housing Commission at the time of his death. Members of the National Housing Conference, assembled for their 39th Annual Meeting in Washington, D.C., on March 8, 1970, extend their deepest sympathy to the family of their valued member, Herschel Kriger.

A motion was also adopted to extend the sympathy of the Board of Directors of the National Housing Conference to Hon. Luis A. Ferré on the passing of his wife, Doña Lorencita R de Ferré, the First Lady of Puerto Rico.

Ferré was a former Director of NHC and was scheduled to address this conference. Mrs. Ferré died on Thursday, P.M., March 5, 1970.

*JOSEPH A. "JOE" NEVIN,* NHC board member and 30-year veteran for good housing for disadvantaged Americans, died suddenly of a heart attack on June 16, 1969. Having retired from full-time work a few years past, Joe still served as a consultant to the Newark (New Jersey) Housing Authority and as a sound Board member and a staunch supporter of the National Housing Conference.

Joe was part of the land and the people of northern New Jersey. Newark, Jersey City, Elizabeth—these were the cities housing the people he knew best and for whom his life was a living dedication. There were times when he broke away to see how other folk lived, but he always sent back cards saying that "San Francisco, Denver, St. Louis or Miami are good places to visit but I don't want to live here!" He lived where he wanted with his people in Newark. Joe Nevin never sought to be administrator—the head of an agency. He was the support man who did the work, who questioned and polished executive decisions, adding his own wisdom to program action.

He fled from accolades. This was true when he served faithfully the Federal Housing Authority, the State Housing Board of New Jersey (a competitive exam, he came out first), and the Newark Housing Authority where he supervised that city's early beginnings of a vast urban renewal program. Joe's concern was the people and what happened to them.

Devoted husband, nurse, housekeeper to his wife, Mary, who suffered a long illness, words do not fit to express the loss that is the burden of *Lou Danzig* and our many friends in the Newark Housing Authority. The National Housing Conference weeps for itself in his death.

Members of the National Housing Conference at their 39th Annual Meeting in Washington, D.C., on March 8, 1970, mourn his death.

## CUBAN-AMERICAN SOLIDARITY DAY

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PUCINSKI. Mr. Speaker, today we have the pleasure of having Mr. Joseph R. Julia, president of the Cuban Crusade and a group of his associates visit Washington to call our attention to the fact that today is Cuban-American Solidarity Day.

Mr. Julia has prepared an excellent statement marking this observance, and I should like to place it in the RECORD today.

Mr. Julia's statement follows:

CUBAN INDEPENDENCE DAY, 1970

Crusade 1970—Message honoring Cuban Patriots Jose Marti, General Antonio Maceo Y Grajales, and Gen. Generoso Campos Marquetti

His Excellency President Richard M. Nixon, and administration, Honourable Speaker John W. McCormack, Congressman Dante B. Fascell and Members of the House and Senate: May 20th—Cuban American—or Latin American Solidarity Day is the very first day of Hemispheric Brotherhood. In order to reflect the true sentiments of the majority of Cubans and Americans, who, once having refreshed their memories as to the real meanings of past hemispheric struggles of liberation and historical facts that remain unchallenged today, we expose them for the universe to hear and see. The United States and its people in joining the Cuban patriots in their fight for freedom against Spanish tyranny and oppression of those days, did not exact their pound of flesh and colonize Cuba, as has always been and still is the case when large and powerful countries have aided small nations in their so-called freedom wars. America, instead, rejoiced together with Cuba on May 20th, more than half a century ago celebrating their hard won Freedom and aided a new democratic nation to be born, by helping them during their liberation battles and after economically.

And today more than ever, it is necessary for our nation to point out to the world and its people, our record referring to, in all of our international dealings with any nation, small or large, we have always *liberated or aided to liberate,* but we have never colonized.

May 20th, Anniversary of the Republic of Cuba's Liberation Day is the first and best example of the United States' fraternal behaviour towards a hemispheric brother's liberation struggle. Latin-America should know and must recognize this historical fact today. It will serve them as a sure guide to the big truth in the present day's ideological struggle. United States is your brother and not your master. The same is true for the rest of the world.

The above statements are self-evident truths forgotten under the stress of battle against an ever-aggressive opponent, who specializes in propaganda trickery, and who has enslaved nations, utilizing the false colours of liberators.

In the name of Americans, Cubans, Latin-Americans, and the people of the world at large, we challenge our totalitarian foes to produce just one May 20th in their so-named Liberation Wars of freedom throuout the world.

In one word, they *cannot.*

May 20th, Cuban-American Day or Latin-American Solidarity Day is the actual Anniversary of American's foreign policy principles, *Liberate and Aid, as against Dominate and Colonize.*

Americans, our duty and moral obligation is to hammer home these truths to world opinion by celebrating May 20th adequately and transmitting its strong message hemispherically and universally.

May 20th, 1970—Joseph R. Julia, president—Cuban Crusade.

## TRIBUTE TO CONGRESSMAN WILLIAM ST. ONGE

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HORTON. Mr. Speaker, I was deeply saddened by the death of our colleague, William St. Onge. I wish to join my colleagues in expressing my condolences to Bill's family and all who knew him.

The contributions that Bill made to society are well documented. It is a record of which all who knew him can be proud. As his "next-door neighbor" in

the Cannon Office Building, his passing is a special loss to me.

Bill was born in Putnam, Conn., October 9, 1914, an area that he served for life. He graduated from Tufts College in 1941, and from the University of Connecticut School of Law in 1948. During World War II, he served in North Africa and Europe.

Bill devoted his life to public service. He was a man intimately acquainted with his constituency. He served as mayor of Putnam, judge of the city court of Putnam, prosecutor of the city court of Putnam, chairman and executive director of redevelopment agency of the city of Putnam, a member of the board of education, judge of probate, and State representative.

Bill and I came to the 88th Congress together. Since that time, I developed a deep respect for his talents and legislative ability. He was reelected to the 89th, 90th, and 91st Congresses. He served ably on the Judiciary Committee and the Merchant Marine and Fisheries Committee.

I am thankful that I had the privilege to know Bill. I shall deeply miss him as a colleague and friend.

## A FATHER WRITES HIS SONS

### HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. FOREMAN. Mr. Speaker, I have received a copy of a letter written by Mr. Rich Sims, of Las Cruces, to his two stepsons, Ray and Jerry Boles, which clearly expresses the feeling of many parents and others as we view the so-called student unrest of a highly publicized, very small, disruptive, destructive minority among some of the youth today. I include it for the review of my colleagues:

DEAR RAY AND JERRY: You have both been in my thoughts almost constantly in the past few days. This letter has been anticipated since the Kent State incident several days ago; however, the thoughts and feelings have been in my mind for years.

How proud I am to be your step-father.

Randy, you have been a good productive citizen since you got out of school and now you are serving our country in the U.S. Navy; and, Jerry, you have passed your physical and while waiting to serve your country, you're working and paying your own way.

Those dissident students who are directly responsible for most of the violence and disruptions here at home are proving very emphatically that they don't have the capacity to govern a free democratic country. Thank God they are a minority of the students, although even if they were a vast majority, the group would still be a small minority of this still great and free country. Have they become so self-righteous that they think they are the chosen ones who have finally come along to take over the government of the United States through violence rather than in the voting booth?

"While they are feverishly working to undermine, destroy and then take over the country you guys are going about the business of being good Americans, just as your mother, stepmother, your dad and I have done—and our parents and their's before them. And that includes working to make this a more productive and progressive country through free enterprise and serving our country militarily to preserve our rights, your rights and your children's rights to choose, as free people, how this country should be run through the only proven way ever discovered—the ballot box, with peaceful and fair elections, where the majority not the minority, governs.

"You guys are great. You know what it means to be an American and even though you may not understand everything that is happening, your confidence in the older generation gives you the patience to wait till your generation is the majority in the polling places.

"When your dad and I were your age, we didn't fully understand all that was going on, however one thing we knew for certain was that other people, Godless people were, trying to take our great nation from us from without, and I could safely assume that over 90 per cent of the men and women in America would have gladly given their lives to protect it; tens of thousands did. Your dad fought all the way up the Western Pacific to Iowa Jima in the Marine Corps to preserve your right to be free to choose how this country would be run, and soon it will be your responsibility. We know you will do it well.

"Now a few radical dissidents are trying to take our country from us, from within through violence. They are impatient, too unjust, too unfair to try and do so as free men should, through the electorate. They are like Hitler, they want to take it period, by force or by any other way.

"The dissident is a different kind of enemy and he fights in different ways, but it is your time to protect this country, you must do whatever necessary to stop him and you must do it soon, or there will be no more freedom and no more majority rule. You and your children will live under a dictatorship of some kind.

"Your dad and I fought and worked for this country, we will do it again if we have to. I don't think you'll need our help but if you do you can count on us 100 per cent.

"We all love you; we are proud of you. We are glad you are not part of that misdirected group and we know we are in good hands—YOUR HANDS."

RICH SIMS.

# SENATE—*Friday, May 22, 1970*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, draw near to us as we draw near to Thee. Create in us a clean heart and renew a right spirit within us, that we may strive with fresh purpose and renewed determination for the things which pass not away, but endure as Thou endurest forever.

Impart to us the grace to stand for what is right, the grace to treat others as we would have others treat us, the grace of charity that we may refrain from hasty judgment, the grace of compassion toward the weak, the grace to use power for moral purposes, and the grace to labor in season and out, for that kingdom of truth and righteousness whose builder and maker is God. Amen.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCMILLAN, Mr. ABERNETHY, Mr. DOWDY, Mr. FUQUA, Mr. CABELL, Mr. NELSEN, Mr. BROYHILL of Virginia, Mr. HARSHA, and Mr. HOGAN, were appointed managers on the part of the House at the conference.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 21, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.