

So that more people may become aware of what American citizens are doing in Southeast Asia and other parts of the world, I am inserting Dr. Horton's fine letter in the RECORD. Dr. Horton is a member of the national advisory board of Children's Medical Relief International, Inc., as well as president and member of the board of directors of the Educational Foundation of the American Society of Plastic and Reconstructive Surgeons, Inc.

Mr. Speaker, I commend this fine letter to your attention:

JULY 23, 1970.

HON. WILLIAM WHITEHURST,
House of Representatives,
Washington, D.C.

DEAR BILL: Recently, I received some correspondence from the Executive Director of the Children's Medical Relief International, Inc., which operates a hospital for plastic surgery in Viet Nam. I am on the National Advisory Board for this institution, and the Educational Foundation of the American Society of Plastic and Reconstructive Surgeons, Inc., of which I am now President, officially endorses and is affiliated with this institution. Apparently the committee of responsibility, COR, has been making leftwing statements for some time regarding the advisability of our involvement in the Vietnamese conflict, and our moral responsibility to take care of the warinjured. They mounted a big effort some three years ago to try to bring a lot of warwounded children to the United States to get plastic surgery care. Our plastic surgery society stated that we would help in any way possible, if bringing such wounded children to the United States was necessary, however, we supported the principle of training Vietnamese Nationalists to take care of their own problems, and felt that much greater good could be performed for their

country by this effort. For example, it costs anywhere from \$50,000.00 to \$100,000.00 to bring a child to this country, care for it adequately over a 6 to 12 months period of time, perform major surgery and rehabilitative efforts on the child, and then perhaps change the child so drastically by exposing it to our civilization that it may not wish to return to Viet Nam. For \$10,000.00 we can build an operating room in Viet Nam which will work for 30 years and will take care of thousands of patients.

Although I cannot prove this, many other people feel as I do, that the COR is an organization trying to find a way to influence public opinion in this country against the present administration and our involvement in the war, and most people suspect that it has definite Socialistic and Leftist leanings.

Our plastic surgery participation in Viet Nam is virtually unknown, but is a true example of private enterprise attacking a problem vigorously. When Dr. Richard Stark of New York City was President of the Educational Foundation of the American Society of Plastic and Reconstructive Surgery, this project was approved by our Board. As a consequence, approximately 30 plastic surgeons have volunteered their services over the past four years, each spending a month or more in Viet Nam to operate on plastic surgery patients, and to teach Vietnamese surgeons the art and skill of plastic surgery. Lectures were given, conferences were scheduled, ward rounds were made, services of the plastic surgeons in the Army, Navy and Air Force were utilized, other plastic surgeons from other countries were mobilized into the effort, and as a consequence, last year, an official Society of Plastic Surgery consisting of nine Vietnamese surgeons, all well trained by American standards, was formed. This represents quite a triumph, and has brought a country which had no plastic surgeon five years ago, to a point where they now can be-

gin to take care of their own problems. All this was done at no expense to American taxpayers, as each plastic surgeon donated his time, effort and paid his own expenses.

Concurrently with this effort, Dr. Arthur Barsky, another New York surgeon, was able to persuade the United States government that a model hospital for plastic surgery reconstruction was necessary. This has resulted in the Children's Medical Relief International, which supplies plastic surgeons to this hospital, and through which our plastic surgery society volunteers work. Care MEDICO has also been of great help to us in Viet Nam, and our Educational Foundation is directly affiliated with this organization. I am currently on the National Advisory Board of Care MEDICO, representing the Foundation.

We plan to start a similar program of plastic surgery volunteers to the Dominican Republic where a great need exists. Plastic surgeons have also donated their services to the ship "HOPE", and to hundreds of other developing countries overseas.

This letter is sent to you because so many times, you do not have material available to you to document the gifts which American citizens are giving out of their own pockets in order to promote their own sincere feelings of the right for all people of the world to have liberty and freedom as we do here in the United States. I thought you might find this information useful and, if it can be publicized in any way around the capitol, and if you need more direct specific information to do so, I can provide this at any time.

Incidentally, the two senior plastic surgeons in Viet Nam, Dr. Cat and Dr. Hai will be visiting with us in Norfolk in October on their way to our National meeting in Los Angeles.

With kindest personal regards, I am
Sincerely,

Charlie
CHARLES E. HORTON, M.D.

HOUSE OF REPRESENTATIVES—Friday, August 14, 1970

The House met at 12 o'clock noon.
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Rest in the Lord and wait patiently for Him.—Psalm 37: 7.

O God, whose spirit dwells in the heart of every man and who art seeking to lead Thy children in living happy and useful lives, grant that we may be strong of will, loyal in affection, and great with good thoughts as we endeavor to guide our Nation in these days of decision and destiny. Make us instruments through which justice and good will may come to our Nation and make our Nation a channel through which truth and love may flow into our world.

To this end bless our President, our Speaker, and these Representatives of our people. Lead them in finding the way to a lasting peace, an enduring justice, and an abiding good will in our Nation and among the nations of the world.

May our recess be a source of refreshment and recreation and may we return renewed in body and spirit to carry on the work for our beloved country.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding \$500,000 in aggregate amount, from the provisions of such act;

S. 2176. An act to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes;

S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia;

S. 3903. An act to provide additional revenue for the District of Columbia, and for other purposes;

S. 3905. An act to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; and

S. 3906. An act to authorize the govern-

ment of the District of Columbia to fix certain fees.

The message also announced that the Vice President, pursuant to Public Law 91-332, appointed Mr. JACKSON, Mr. BIBLE, Mr. FANNIN, and Mr. HANSEN to the National Parks Centennial Commission.

The message also announced that the Vice President, pursuant to title 22, United States Code, section 276, appointed Mr. SPARKMAN (Chairman), Mr. JORDAN of North Carolina, Mr. YARBOROUGH, Mr. YOUNG of Ohio, Mr. MCINTYRE, Mr. HOLLINGS, Mr. GRAVEL, Mr. ALLOTT, Mr. JORDAN of Idaho, and Mr. BELLMON to attend the Interparliamentary Union Meeting to be held at The Hague, Holland, October 1 through October 9, 1970.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 9, 1970, the Clerk be authorized to receive messages from the Senate and that the Speaker be author-

to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING PRINTING BY THE CLERK OF REPORTS FILED BY COMMITTEES AUTHORIZED TO CONDUCT INVESTIGATIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the adjournment of the House until September 9, 1970, by committees authorized by the House to conduct investigations may be printed by the Clerk as reports of the 91st Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until September 9, 1970, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, September 9, 1970, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO REVISE AND EXTEND NOTWITHSTANDING ADJOURNMENT OF THE HOUSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until September 9, 1970, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MAKING IN ORDER CALL OF THE CONSENT CALENDAR AND MOTIONS TO SUSPEND THE RULES ON SEPTEMBER 14, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on September 14, 1970, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII, that it shall be in order to consider business under clause 4, rule XIII, the Consent Calendar rule.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, this means that an unlimited number of bills might be called up under suspension of the rules, and that would be on September 14?

Mr. ALBERT. If the gentleman will yield, the gentleman is correct. The regular day would be September 21, this will set the day a week earlier and give us a chance to get rid of some of the bills on September 14, and not have such a long day on September 21. The request would give the Speaker the power that he already has under the rule except that it provides for setting the day up 1 week earlier. That is all.

Mr. GROSS. And this is for 1 day only?

Mr. ALBERT. That is correct, for only 1 day, September 14.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REPUBLICANS SHOULD HANG THEIR HEADS IN SHAME OVER REFUSAL TO GIVE RETURNING VIETNAM VETERANS NEEDED MEDICAL CARE

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, Thursday's vote against the returning Vietnamese war veterans was a shameful act that the Republican Party will never be able to live down.

By agreeing with the President's veto, these Members voted against providing the returning veterans with adequate medical care—care they have earned many times over on the battlefield. I cannot imagine how any Member of this House could vote to deny a veteran proper hospital and other medical treatment for the wounds received in the defense of his country.

We have reached a sorry state when a major political party is willing to use the veterans as a whipping boy to make a partisan issue out of inflation. I say shame on a President who would deny \$105 million for medical care for these veterans; and I say shame on the Members of Congress who would go along with such a cold and cruel decision.

Mr. Speaker, the national commander

of the Veterans of Foreign Wars put the issue squarely:

The VFW takes the position that Vietnam veterans and veterans of previous wars who were wounded on the battlefield contribute enough when they fight the shooting war in the national interest and should not be expected to fight the inflation war at the expense of their health.

The President has exhorted us to support the war in Vietnam and provide the funds to send American boys to Southeast Asia. I have supported him in these efforts, but I never dreamed that the day would come when this same President would say "No" to medical care for these boys we have sent into combat. I am surprised that Members who have been instrumental in sending American boys to Vietnam would not have the compassion necessary to provide these same boys with medical treatment on their return.

Mr. Speaker, the President may think he has a great political issue about spending, but I am convinced that the American people are going to be sickened when they learn the Republican Party is sacrificing wounded veterans in this political game.

THE SOVIET INVASION OF CZECHOSLOVAKIA

(Mr. VIGORITO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VIGORITO. Mr. Speaker, freedom, the exemption or liberation from the control of some other person or some arbitrary power, is a privilege treasured by all people with independence of spirit. As the tragic 20th of August, the second anniversary of the Soviet aggression and occupation of Czechoslovakia approaches, we should be painfully aware of the repression of freedom now ruling the existence of the Czechoslovaks.

In 1948 a Communist coup shattered Czechoslovakian hopes of becoming a modern democracy. The 20 years of deceit and corruption which followed left the nation politically manipulated with no freedoms of speech, press or assembly. In the spring of 1968, despite the great disillusionment, the Czechoslovaks, united behind new, young leaders, began to correct past errors. A spirit of liberty was again felt in the land. Then in August of 1968, violating the principles of international law and the United Nations, the Soviet war machine, sensing its reactionary system in danger, invaded the small country and subdued her.

Mr. Speaker, this crime against freedom cannot be forgotten. This crime against a small nation attempting to establish its own social order is one of the most serious perpetrated in our time. Spurious justifications cannot satisfy the outraged world or the noble Czechoslovaks who continue to resist the growing repression in their midst. I call on my fellow Americans to firmly support the resistance of the Czechoslovaks and to denounce the government which so completely deprives them of their freedom.

REQUEST FOR PERMISSION FOR THE COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT AUGUST 21, TO FILE A REPORT ON H.R. 17555

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight, August 21, to file a report on the bill (H.R. 17555), the Equal Employment Opportunities Enforcement Act of 1970.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would ask the gentleman from Kentucky if this request is being made with the knowledge of the minority members of the committee?

Mr. PERKINS. If the gentleman will yield, I would say to the gentleman that I have not personally discussed it with the minority members. Filing of the report is overdue, and all the minority members know that the report is overdue. We are just trying to expedite the business of the House instead of waiting until we get back after the recess. Under our committee rules the draft of a committee report must be circulated to all members of the committee before it is filed. The report is prepared, but it must be circulated before filing.

Mr. GROSS. Mr. Speaker, I would ask the gentleman to withhold his request until he has consulted with minority members of the committee.

Mr. PERKINS. Mr. Speaker, I will be delighted to do so.

Mr. Speaker, I withdraw my request.

POLITICAL BROADCASTING

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, the conferees from the House and Senate have reached an agreement on the terms of the bill to make broadcast time, both radio and television, more accessible to candidates at reasonable rates and to limit campaign spending for radio and television time.

This is a good bill and a fair bill. It merits the bipartisan support that secured its passage in both the House and Senate.

The amended version adopted by the conference should have the same bipartisan support today.

There have been a few making loud and rather vociferous objections to the amendment that would make the bill take effect in time to cover this fall's general election. The conferees or the majority of them at least, say that if the bill is good for 1972, then why not for the election in 1970?

I hope our friends on the Republican side of the House will continue to look at this matter in the statesmanlike and bipartisan way in which they supported this bill when it passed the House in the first place and we will see the enactment

of this bill before the close of business today.

THE EXISTENCE OF A NATIONAL EMERGENCY

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, last evening I propounded a parliamentary inquiry to the distinguished Speaker. My parliamentary inquiry was to ask whether or not, in view of the fact that the Reorganization Act of 1946 requires Congress to adjourn on or before the 31st of July of each year unless a national emergency exists, Congress should now adjourn. I was informed then by the Speaker, and correctly so, that the reorganization is not in effect because a national emergency exists.

I have carefully checked the RECORD and find that President Nixon has not declared any national emergency, President Johnson did not declare a national emergency, President Kennedy did not declare a national emergency, and President Eisenhower did not declare a national emergency.

But there was a proclamation issued by President Truman which proclaimed the existence of a national emergency based upon events in Korea, and that has not been rescinded and is therefore still in effect. It is Proclamation No. 2914 of December 16, 1950. It may be found in title 50, United States Code Appendix, footnote to chapter 3, page 9497, 1964 edition under the subtitle "Miscellaneous Proclamations and Executive Orders."

THE REQUEST OF ISRAEL TO ACT ON EMPLACEMENT OF MISSILES

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, on July 27 I addressed the House on the then pending negotiations relative to a cease-fire between Israel and Egypt. In the course of my remarks I said:

So while our Government is carrying on these efforts I am sure we are aware of the responsibilities we must face if, having induced the Israelis to give up their present policies they should suffer some gross danger or disaster. We would be wise, I believe, while hoping and working for the best to be prepared for the worst in case there is duplicity or deceit on the part of the Egyptians and the Russians.

The Washington Post of today carries a headline, "Israel Asks United States To Act on Missiles," which they allege, formally and solemnly, were moved to a forbidden area on the adjacent side of the Suez Canal the very night after the 6 o'clock deadline on which they had already agreed to desist fire. I think we can do no less, Mr. Speaker, than to respond to this appeal and live up to our obligation to see to it that the Israelis are protected in the dutiful observance of this agreement.

Mr. Speaker, I insert articles from this morning's Washington Post:

ISRAEL ASKS UNITED STATES TO ACT ON MISSILES—DAYAN SAYS EGYPT BROKE CEASE-FIRE

(By Alfred Friendly)

JERUSALEM, Aug. 13.—Gen. Moshe Dayan said today that his government has "demanded" of the United States that the Soviet surface-to-air missiles introduced into the Suez Canal military standstill zone in violation of the cease-fire agreement be returned to their former sites.

The emplacement of the missiles—SA-2s and SA-3s—"is of considerable military significance," the defense minister told the Knesset, the Israeli parliament. "It is not a marginal act, a burst of fire."

He said that the forward deployment of the missiles into the cease-fire zone, where the truce agreement provides that no new weapons be introduced, occurred "on the first night of the cease-fire—th night of Friday-Saturday—and thereafter." An Israeli newspaper reported today that a presumed second operation took place the following night.

[Cairo Radio denounced the Israeli allegations as an "organized campaign" against the cease-fire. The radio called it a "contemptible Israeli attempt to evade the consequences of their acceptance of the American peace initiative."]

Dayan did not specify the number of missiles, but it is understood in Israel that at least a dozen new sites were constructed and equipped. In SA-2 sites, there are six missiles, in SA-3 sites eight. There are also back-up missiles at each site.

In obtaining rectification of the violation, Dayan said, Israel looks upon the Americans "as bearing a heavier responsibility in this matter, particularly on the basis of their own words, namely that when they came and proposed this agreement to us, they told us that this agreement, with special reference to the standstill section, was made with the knowledge of the Soviets who, as is known, have an important part in the ground-to-air missile systems in Egypt."

Dayan submitted an official complaint of the violation to the chief of staff of the United Nations Truce Supervision Organization. Map reference points were given to UNTSO for the new missile sites.

The matter is taken extremely seriously here. In principle, Israel has "reserved its military option"—presumably an air attack to wipe out the new emplacements—but there is little thought that it will act on it, certainly not at this stage.

Israel's hope—or as Dayan put it, its "demand"—is that the United States in some way induce the Russians to force the Egyptians to pull the missiles back from the cease-fire zone.

More realistically, for the prospect of a pullback seems slight, it is believed that in the absence of corrective action on the Egyptian side, Israel will invoke a recent, secret but apparently firm agreement from the United States to maintain the balance of forces.

This would mean the immediate supply to Israel of aircraft in amounts necessary to offset the new Egyptian defensive capability and, according to reports from abroad, promised electronic anti-missile jamming equipment.

Dayan also made the first official disclosure of the text of the cease-fire agreement, quoting it in full. The "stand-still" section of it says that both sides will refrain from changing the military status quo within a zone extending 50 kilometers (32 miles) on both sides of the Suez Canal, and will not introduce or construct any new military installations in them. Activities in that area are to be limited to maintaining existing

installations and to the rotation and supply of the forces now there.

The standstill section, Dayan emphasized, is "a central part of the agreement. More so—the entire agreement bears considerable weight in the American peace initiative."

"The violation is weighty, the section violated is weighty, and this agreement is of weight within the context of the dialogue under the American peace initiative," he said.

DEMAND TO WASHINGTON

When Israel learned of the violation, he explained, it approached the United States, advised it of the facts and "demanded . . . that matters be returned to their correct status: that these batteries, which were advanced after zero hour, be returned to their former sites."

The official Israeli announcement late yesterday said the SA-2s and SA-3s had been moved up to between 20 and 30 kilometers (12 to 18 miles) from the canal and were in the area between the Suez-Cairo and Ismailia-Nile Delta roads.

If so, this means that they are at least half-way into the cease-fire zone on the Egyptian side. Those to the north, between Ismailia and the Damietta outlet of the Nile, would be a totally new departure. Hitherto there had been no missiles in that area.

In a television interview tonight, Israeli Foreign Minister Abba Eban sidestepped a question on whether the alleged violation would cause Israel to hold up naming its representative to the forthcoming peace talks under the auspices of United Nations special negotiator Gunnar Jarring.

Eban said that the first priority was to get the United States to agree to the facts of the violation, and the second was to get Washington to do something about it.

Eban asserted that Jarring had expressed a preference for the talks to begin at the foreign minister level. Egypt and Jordan have asked for the talks to be held in New York, where the representatives would be the heads of the U.N. delegations.

From Dayan's remarks, and from informed sources, the sequence of the violation can now be reconstructed:

News of the alleged Egyptian "cheating" apparently was not brought to the Israeli cabinet until late Sunday or possibly Monday. The cabinet had met for five hours Sunday on a quite different issue, the truncated wording the U.S. State Department used to convey Israel's acceptance of the cease-fire agreement to Jarring.

Israel's ambassador to Washington, Yitzhak Rabin, had been called home to discuss the issue and was supposed to stay on for another cabinet session Wednesday. But on Monday Rabin was suddenly sent back to Washington, to bear word of the new discovery:

Soon thereafter, news of it spread like wildfire in top governmental and parliamentary circles. By yesterday it had reached some portions of the public through U.S. and British press reports.

Israeli papers alluded to the situation broadly yesterday afternoon, but without specifics. Although the brief official word came only at 11 p.m. yesterday, the Israeli press editorialized on the matter this morning, revealing considerable knowledge of the details.

ISRAELI JETS STRIKE TARGETS IN JORDAN

From News Dispatches

Israeli air force planes crossed the Jordan cease-fire line yesterday to attack a guerrilla base in reprisal for rocket attacks on a frontier settlement, the military command in Tel Aviv reported. Jordan said a village was strafed but there were no casualties.

The 20-minute raid was the first conducted against Jordan-based irregulars since the Middle East cease-fire went into effect Friday

night. Israeli planes have hit guerrilla positions in Lebanon three times.

The Israeli command also reported that two guerrillas were killed and three captured in a clash with an Israeli patrol in the Jordan Valley. The infiltrators were identified as members of the leftist Popular Front for the Liberation of Palestine, one of the most outspoken opponents of the U.S. peace initiative.

Jordanian security authorities have been alerted to guard against attempts to kidnap diplomats, foreigners or government leaders by radical Palestine commandos opposing a peace settlement, diplomatic sources said in Beirut yesterday.

King Hussein of Jordan will arrive in Egypt next Thursday for talks with President Nasser, it was announced in Cairo yesterday.

UNITED STATES WITHHOLDS JUDGMENT, CHECKS CHARGES BY ISRAEL

(By A. D. Horne)

Despite growing public pressure from Israel, the United States continued yesterday to withhold judgment on that country's charges that Egypt had violated the Suez Canal cease-fire by moving forward anti-aircraft missiles the night it went into effect.

"We are still looking into the matter," said State Department spokesman Robert J. McCloskey. "The United States government has not come to a judgment."

Israeli Ambassador Yitzhak Rabin, making his second visit to the State Department in three days, told reporters, "We expect the United States, which is responsible as the initiator of the cease-fire, first to study the facts and second to come to a conclusion."

U.S. officials stressed that the facts were still far from clear and that it might take several days more for Washington, collecting and analyzing its own aerial photographs, to arrive at any verified conclusion from which it might accuse Egypt of violating the truce.

The tentative view here was that between nightfall Friday and dawn Saturday some truck-mounted missiles were moved forward in the 31-mile-deep standstill zone. But there was still no proof here that any of the movement had come after 1 a.m. Cairo time, when the cease-fire began.

Rabin, asked when the missiles were moved, replied, "I believe it started several hours prior to the cease-fire and continued afterward."

Israel, some officials suggested, purposely was making an early test case of American willingness to enforce the letter of the cease-fire agreement, which bars any forward movement of men or weapons into or within the 31-mile zones on each side of the Suez Canal. Defense Minister Moshe Dayan yesterday made public for the first time the language of the agreement.

The United States, however, is anxious to maintain progress toward peace talks likely to begin soon at the United Nations through mediator Gunnar Jarring.

Egypt and Jordan reportedly have told Jarring they want to conduct the talks through their U.N. ambassadors in New York. U.S. officials believe that Israel, which has asked that the talks be between foreign ministers on Cyprus, will agree to the U.N. arrangements. The level of the meeting could be raised easily by Sept. 15, when foreign ministers will be arriving for the opening of the General Assembly.

Yesterday Israel's Rabin and Dr. Ashraf Ghorbal, Egypt's minister here, met separately with Assistant Secretary of State Joseph J. Sisco. Afterward Ghorbal, who returned Wednesday afternoon from several weeks in Cairo, told reporters:

"I think the parties should address themselves to the peace talks and not accuse each other in incriminations and bring about allegations that are unfounded. It would reflect on their future intentions."

Rabin, echoing Dayan, said flatly, "I be-

lieve there was . . . a violation of the cease-fire standstill." But he would not go into detail on how many missiles were involved or how close to the canal they were moved.

Other Israeli and American officials said the charges provided to the U.S. government were detailed, but that Israel wanted the details kept secret to avoid letting Egypt and the Soviet Union know whether anything has gone undetected.

U.S. officials noted that the high-altitude SA-2s could be moved rapidly to prepared sites. Israel is more concerned about the Soviet-crewed SA-3s which are used to protect the SA-2 sites against low-level attacks.

As of last night, American officials said they did not know whether any SA-3s were involved.

TERMS OF CEASE-FIRE

(These are the clauses of the cease-fire agreement between Egypt and Israel, as outlined yesterday by Israeli Defense Minister Moshe Dayan. The clauses were broadcast by Jerusalem and translated by Washington.)

Both sides will honor a cease-fire effective Friday, Aug. 7, at 2200 GMT (6 p.m. EDT).

Both sides will cease infiltration and shooting on land and sea across the cease-fire line.

Both sides will refrain from changing the military status quo in the areas extending 50 kilometers (32 miles) east and west of the cease-fire line. Neither side will introduce or set up any new military installations in these regions. Activities within these regions will be limited to the maintenance of existing installations in their present area and positions and to the rotation and supply of forces now in these regions. In order to bolster the honoring of the cease-fire, each side will rely on its national means, including reconnaissance planes which will be free to operate unhindered up to a distance of 10 kilometers (6 miles) from its side of the cease-fire line.

Each side is entitled to enlist the help of the U.N. machinery, if needed, for reporting to the other side claims of cease-fire violations and the freezing of military operations.

Both sides will act according to the 1947 Geneva Convention regarding the treatment of war prisoners and will agree to enlist the help of the International Red Cross Committee in implementing their commitments under this Convention.

MR. NIXON SAYS "YES" TO HIS OWN BIG SPENDING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in announcing his vetoes of housing, veterans, antipollution, and education appropriations voted by Congress, Mr. Nixon sought to picture himself as the guardian of the taxpayers' dollars, courageously saying "No" to spending. The "No" to spending for education, health, wounded veterans, housing, and water and sewer grants to hundreds of communities, must raise questions in people's minds about priorities.

The people may begin to wonder why he did not say "No" to an \$830,000 expenditure of tax money to push up his airplane, already the plushiest plane in the world. The people may also wonder why he did not say "No" to the construction of a \$350,000 helicopter pad on his Key Biscayne property.

They may wonder why he did not say "No" to the cost of the taxpayers footing the bill for a \$60,000 windscreens around his swimming pool at the San Clemente

retreat. They may wonder why he did not say "No" to the expenditure of an admitted \$250,000 for extra facilities and another \$100,000 annually just to maintain them at San Clemente.

They may wonder why he did not say "No" to the \$1½ million spent on plush White House offices for the largest Presidential staff in history, and "No" for thousands of dollars for silly gilded uniforms for White House guards. They may wonder why he did not say "No" to the additional \$4 million for that staff, many of whom devote time almost solely to partisan political activities in behalf of Republican candidates.

When they look at the life style of this so-called economy-minded administration, the people will not be surprised at a Cabinet member who redecorated his office at a cost of \$40,000 to the taxpayers—including an \$1,800 desk and carpeting priced at more than \$56 per square yard.

The people cannot be fooled forever. They know who the "big spenders" really are.

WAR RISK INSURANCE EXTENSION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of H.R. 17133 to extend the provisions of title 13 of the Federal Aviation Act of 1958, as amended, relating to war risk insurance.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman take a few minutes to explain this?

Mr. STAGGERS. Mr. Speaker, if the gentleman from Iowa will yield, I will be happy to.

This legislation was originally enacted some 19 years ago. It expires September 7, 1970. This renewal—which is the fourth one—would extend the legislation through September 7, 1975.

Briefly this law allows the Secretary of the Department of Transportation to negotiate with the air carriers and provide premium or nonpremium war risk insurance for the protection of aircraft, persons and property transported thereon, after the Secretary has made a determination that such insurance cannot be obtained on reasonable terms and conditions from companies engaged in the insurance business in the United States. Ordinary aviation insurance policies exclude certain named "war risks" from coverage.

This exclusion applies to war, hostilities, insurrections or acts of foreign enemies. The Vietnam war and other trouble spots in the world well establish the need for this legislation if we are to require our air carriers to provide service in such trouble areas. The extension is supported by the Department of Transportation, the Civil Aeronautics Board, the Bureau of the Budget, and the air carriers.

Mr. GROSS. Mr. Speaker, how long has this program been in effect?

Mr. STAGGERS. For 19 years.

Mr. GROSS. Mr. Speaker, we have had a loss of only some \$600?

Mr. STAGGERS. Only \$650.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 17133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of title XIII of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1542), is amended by striking out the words "September 7, 1970", and by inserting the words "September 7, 1975" in place thereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

House Resolution 1132 was laid on the table.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 284]

Abbott	Edwards, La.	McDonald,
Abernethy	Ellberg	Mich.
Addabbo	Erlenborn	McEwen
Andrews, Ala.	Esch	McMillan
Annunzio	Evans, Colo.	MacGregor
Ashbrook	Evins, Tenn.	Martin
Ashley	Fallon	May
Ayres	Farbstein	Mayne
Barling	Fascell	Meskill
Barrett	Fisher	Michel
Belcher	Flood	Mikva
Berry	Flowers	Miller, Calif.
Betts	Flynt	Mills
Bevill	Ford,	Mink
Blackburn	William D.	Mize
Blatnik	Foreman	Mollohan
Boggs	Frey	Montgomery
Brasco	Fulton, Tenn.	Morgan
Bray	Fuqua	Morton
Brock	Gallagher	Murphy, Ill.
Burke, Fla.	Gilbert	Nichols
Burleson, Tex.	Gray	Nix
Byrnes, Wis.	Griffiths	O'Hara
Cabell	Haley	O'Neal, Ga.
Caffery	Hall	O'Neill, Mass.
Camp	Halpern	Ottinger
Carey	Hanley	Passman
Cederberg	Hansen, Wash.	Pickle
Celler	Hathaway	Pirnie
Chappell	Hays	Poage
Chisholm	Hébert	Podell
Clancy	Horton	Pollock
Clark	Hull	Powell
Clay	Johnson, Calif.	Pryor, Ark.
Conte	Keith	Purcell
Conyers	King	Rarick
Corbett	Kluczynski	Rees
Corman	Koch	Reid, N.Y.
Cowger	Landgrebe	Reifel
Cramer	Landrum	Rivers
Cunningham	Latta	Rooney, N.Y.
Daddario	Leggett	Ruppe
Daniels, N.J.	Lloyd	Ryan
Davis, Ga.	Long, La.	Sandman
Davis, Wis.	Lowenstein	Schadeberg
Dawson	Lujan	Scheuer
Dennis	Lukens	Shibley
Dent	McCarthy	Sikes
Devine	McClory	Skubitz
Diggs	McCulloch	Snyder
Dowdy	McDade	Stafford

Stanton	Vander Jagt	Wilson,
Steed	Waggonner	Charles H.
Steiger, Ariz.	Watson	Wold
Stephens	Weicker	Wyder
Stokes	Whalley	Yates
Taft	Whitehurst	Yatron
Taylor	Whitten	Young
Tunney	Wiggins	Zablocki
Van Deerlin	Williams	

The SPEAKER. On this rollcall 253 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR HOUSE COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT, AUGUST 21 TO FILE REPORT ON H.R. 17555, THE EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1970

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT AUGUST 21 TO FILE CERTAIN INVESTIGATIVE REPORTS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight August 21 to file certain investigative reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONSUMER PROTECTION AND REPRESENTATION ACT OF 1970

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, I am introducing today the Consumer Protection and Representation Act of 1970, which I hope to offer at the appropriate time as a substitute for the consumer protection legislation recently reported out by the House Government Operations Committee. This bill is designed to meet some of the deficiencies in that legislation as pointed out by the supplementary views of some of the Members.

Mr. Speaker, I call this to the attention of my colleagues at this time.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 9

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader as to the legislative program for the balance of this day and what we may have for the week after we return.

Mr. ALBERT. Will the gentleman yield?

Mr. ARENDS. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, we are not going to have any further legislative business this week. The program for the week of September 9 is as follows: We are listing these bills for Wednesday and the balance of the week:

H.R. 17809, prevailing rate pay system for Government employees, open rule, 2 hours of debate.

H.R. 17795, Emergency Community Facilities Act, open rule, 1 hour of debate.

H.R. 16542, to regulate the mailing of unsolicited credit cards, open rule, 2 hours of debate.

H.R. 17982, extension of financing for Corporation for Public Broadcasting, open rule, 1 hour of debate.

H.R. 11913, Communicable Disease Control Amendments of 1970, open rule, 1 hour of debate.

H.R. 9804, Supplemental Facilities Yuma Mesa Irrigation District, Ariz., open rule, 1 hour of debate.

H.R. 16987, Minot extension, Missouri River Basin project, North Dakota, open rule, 1 hour of debate.

H.R. 7521, Riverton Extension, Missouri River Basin project, open rule, 1 hour of debate.

H.R. 10874, to establish Gulf Islands National Seashore, Alabama, Florida, Louisiana and Mississippi, open rule, 2 hours of debate.

H.R. 13001, Navajo Indian irrigation project, open rule, 1 hour of debate.

H.R. 9306, to establish Apostle Islands National Lakeshore, Wis., open rule, 2 hours of debate.

This announcement is made subject to the usual general reservation that conference reports may be brought up at any time and any further program may be announced later.

I may add that the conference report which had been previously announced for today will probably be called up during the course of that week.

Mr. ARENDS. I thank the gentleman from Oklahoma.

TWENTY-TWO PERCENT DEPLETION ALLOWANCE PROPOSED TO STIMULATE PRODUCTION OF LOW SULFUR COAL TO FIGHT POLLUTION

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, today I introduced legislation which would permit a 22-percent depletion allowance for the production of low sulfur coal or coal byproducts as a major weapon against air pollution.

A way must be found to increase the production of low sulfur coal or its byproducts because low sulfur coal or solvent refined coal can reduce sulfur dioxide discharges in utility plants, steel mills and other large users to a tolerable and acceptable limit.

My proposal is aimed at stimulating production of coal with less than 1.5 percent sulfur and free of ash as quickly as possible.

At the turn of the century when our Nation was faced with an oil shortage to meet the needs of our industrial growth, the oil depletion allowance was enacted by Congress and it has more than served its purpose.

As we view the crises which face America's utilities and industrial growth because of the mounting problem with air pollution, we must apply the same kind of stimulus to encourage mining of low sulfur coal or production of low sulfur coal byproducts.

My proposed tax break would be applied to the cost of locating low sulfur coal mines, opening such mines, mining the coal, and processing regular coal through various solvent refining methods to convert it into a low sulfur byproduct which also meets the antipollution standards of most communities.

I believe the dual approach of actually mining low sulfur coal or changing bituminous coal to low sulfur fuel would more than meet the needs of our expanding economy and would provide the most meaningful alternative to mass power blackouts being predicted throughout the Nation.

There are three basic methods for converting regular coal to low sulfur fuel and all would be covered under this tax depletion proposal.

These include solvent refined coal, which converts regular coal to low sulfur and no-ash reconstituted coal liquid through application of solvents; the production of coal to gas and firing it into boilers, and the process of hydrogenating coal into low sulfur fuel oil.

Studies indicate that based on the 1969 production rate of 580 million tons of coal, there are sufficient quantities of 1.5 percent sulfur coal to last more than 200 years at a 50-percent recovery rate. This assumes that there would be a demand for 1.5 percent sulfur coal for the entire 580 million tons.

The only solution to the shortage of low sulfur coal is to open new mines in areas with this type of coal.

Unless major steps are taken to increase production of low sulfur coal or low sulfur coal byproducts, this Nation will not only be faced with a major power blackout but also with a disastrous shortage of energy to keep the Nation's industries going as we surge toward a \$2 trillion economy by 1980.

The need for low sulfur coal is aggravated by the fact that municipalities all over the Nation are enacting local laws setting rigid limitations on the effusion of sulfur dioxide from coal burning power plants. New York City has a 1-percent sulfur coal ordinance while Chicago will require 2-percent sulfur coal this summer and ultimately reduce its requirements to a 1.5-percent sulfur limitation.

The overall needs of energy production in the wake of America's enormous industrial growth and fantastic power needs cannot be met by low sulfur fuel oil whether produced domestically or imported. Nor can it be met by atomic energy which at best has limited uses at extremely high cost.

Once the coal mining industry has sufficient incentive to invest in the loca-

tion and opening of new low sulfur coal mines or the creation of processing plants to produce solvent refined low sulfur coal, the price of American coal per 1 million B.t.u.'s to utilities and steel mills will be substantially below the cost of import oil for the same amount of B.t.u.'s.

We have ample studies to show that low sulfur coal can be produced with adequate tax incentives to meet the long range needs of our Nation to produce energy.

I hope the legislation will get an early hearing from the Ways and Means Committee.

SHOE IMPORT SITUATION

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to bring to the attention of the Members a copy of a letter which was directed to Time magazine with regard to the shoe import situation from Mr. William Sheskey, president of Bostonian Shoes in Whitman, Mass.

I hope that the Members will take the time to read this letter as it does an excellent job outlining the plight of the American shoe industry, and I hope they will bear this letter in mind when we consider the trade bill which has been reported out of the Committee on Ways and Means.

The letter follows:

BOSTONIAN SHOES,
Whitman, Mass., July 31, 1970.

EDITOR IN CHIEF,
Time, Inc., New York, N.Y.

DEAR SIR: Time did not distinguish itself in its report on the Trade Bill, page 62 of the July 27th issue. This thoroughly warped picture of Ways and Means Committee action and foreign Trade Policy contains a number of inaccuracies. It is larded with hyperbole and does a disservice to readers who have a right to know why Congress is concerned with imports and the deteriorating trade position of the United States.

Such comments as "surge of protectionism a consequence of the nations economic woes," and "inflation has driven up prices of many U.S. products leading manufacturers to clamor for barriers against imports" indicate the writer's meager understanding of what is going on in international trade today.

The demand for some help against the growing flood of imports has increased over the past decade in response to enormous changes in world trading conditions since World War II. Probably, the most important factor has been the phenomenal industrial recovery of Europe and Japan. Sparked by American aid, these areas are now fully competitive with the United States. As a result the U.S. share of world trade has been shrinking and in 1969 fell to 18.4% of the nearly \$250 billion total. Japan's share has doubled during the past decade and the European share has shown substantial growth.

Another factor is the internationalization of production led by the United States. Sales of American companies to foreign markets out of facilities established abroad are at least five times U.S. exports. This had spread the advanced American technology and management know-how throughout the world.

The U.S. leadership in technology has now disappeared in the majority of lines, and is rapidly disappearing in computers and aircraft. West Germany and Japan particularly, without military burdens, have shown enormous progress in manufacturing technology.

Finally the organization of trade blocs, such as the European Economic Community, and the European Free Trade Association have introduced customs unions which have injected wholly new elements into the trading picture. The EEC, for example, has eliminated internal tariffs and averaged up external tariffs. In the drive for a certain degree of self-sufficiency, barriers to the import of American agricultural products, and nontariff obstacles to industrial imports have been erected. On the other side of the globe, the Japanese have maintained literally hundreds of restrictions on imports, and on investment in Japan. Some reduction of these barriers is now taking place; but almost one hundred restrictions on imports remain.

Following the War, it was the U.S. intention to aid the rebuilding of war-torn economies and help their obtaining dollars by not insisting on a true reciprocity in trade negotiations. Now that these countries are fully recovered and providing severe competition for American industry, which enjoying a marked competitive advantage in lower labor costs, the import flood as well as restrictions on American exports become of vital importance to the long-run welfare of the American economy. Although the impact of steel imports has already produced voluntary restraints, it is usually the labor intensive industries such as shoes and textiles that suffer most from imports from lower wage countries. Countries advancing industrially move first into labor intensive industries which require less capital to increase exports to obtain dollars for capital intensive industrialization.

Labor intensive industries and labor organizations in the U.S. see in our declining share of world trade and the growing pressure of imports on domestic industry, major problems of adjustment in hundreds of communities throughout the nation. For example, footwear imports in the U.S. this year will probably reach 220 million pairs, or almost 38% of domestic production. The domestic industry will produce about 565 million pairs, 20 million less than in 1955. A continuation of this trend will mean closing of more plants; loss of capital to family businesses and stockholders; and further declines in employment opportunities. The economy will need viable labor intensive industries such as shoes and textiles to provide opportunities for entrepreneurs and jobs for the normal increase in the work force, expanded by additions from the reduction of the military complex. The unrest which will result as we move into the 70's and are unable to find employment for the disadvantaged, many of whom could be employed in labor intensive industries, will present a political as well as economic problem. After all there is an Employment Act of 1946 on the statute books.

This is the background for an understanding of the present trade situation which has aroused industry, labor, and a growing number of members of Congress to demand action to slow down the export of jobs and the liquidation of labor intensive industries.

There are other aspects of the Time story which are far from commendable and which present a very misleading picture of trade to the lay reader. Time should have known that the U.S. has no real surplus of exports over imports. The Secretary of Commerce testified before the Ways and Means Committee a short time ago that if grants in aid and giveaways amounting to between \$2.5 and \$3. billion annually are deducted to arrive at the "commercial" exports, imports and exports for 1969 will about balance. In 1968, Time will find there was over a \$1 billion "commercial" trade deficit.

The statement that free trade has been a "mighty engine" of global prosperity exaggerates and in the case of the U.S., grossly exaggerates the importance of foreign trade. U.S. exports and imports are relatively small in relation to Gross National Product. In 1969, exports were about 3.9% of GNP as compared with a 3.2% 35 years ago. Of this total, about 26% goes to the subsidiaries of American corporations abroad.

U.S. imports have risen from 2.6% of GNP in 1934 to 3.8% in 1969 and it is important to note that almost 40% of all imports are duty free. Average duties which were about 47% in 1934 will be about 8% at the end of the Kennedy Round cuts in 1973. The United States is still the greatest free market in the world, and is the target for every exporting country.

While exports may run from 12 to 14% for such nations as England, Germany, Italy and have doubtless aided in the industrial expansion, internal policies and the development of the Common Market rather than foreign trade have been the "engine" of prosperity for these countries. Japan might be one country where foreign trade has actually been an "engine" of prosperity.

The statements that the Ways and Means Bill would "reverse the whole U.S. led post-war movement toward free trade" and "be a great leap backward to the protectionism of the 30's" are hyperbole and misread the present proposals as well as the strength of world trade today. Free World Trade has expanded to its present almost one quarter trillion in spite of the fact that there are restrictions of one type or another in practically every trading country in the world. There are quotas, tariffs, nontariff barriers, value added taxes, subsidies and many other types of hidden restrictions on our trade today. The slow down of a few imports into the U.S. will be insignificant to the present massive world trade.

Moreover, a more careful examination of the proposed bill would have revealed that mandatory quotas may be avoided by voluntary arrangements between countries to slow down imports. The President is also authorized to exempt those imports he deems to be non-disruptive. This could reduce substantially the impact of the proposal. Finally, quotas are authorized on products with over 15% of U.S. market only at the discretion of the President.

At for preventing many Americans from buying products under quotas, if the shoe case is typical this is another error. Had the present proposal been in effect last year, 167,000,000 pairs of shoes could have come in, or about 28 million pairs less than were imported. Furthermore, an additional 5% or about 8 million pairs, would be allowed for the next year. (As a practical administrative matter, it probably would be greater than 5%.) The import base would expand each year as the 5% increase is added. There will be very few Americans who will be unable to find all the imported shoes they want under this arrangement. It is a far cry from the "protectionism" of the 30's.

Only the most gullible consumers will be taken in by the statement that the Ways and Means Committee is turning out a consumer-be damned Bill. If there is one thing this Congress is noted for, it is its interest in consumer protection. The number of consumer bills mount with each session of Congress.

The statement that competition from inexpensive imports is one of the few forces that have moderated inflation will mislead the reader on the importance of imports in the price structure. From 1959 to 1969, total service prices increased over 40%, while all commodities increased about 20%, or half this amount. Considering the fact that imports make up less than 4% of GNP, and that the prices of many imports have increased as rapidly as domestic products, the moderat-

ing influence cannot be substantial. As Time well knows, imports and exports have little influence in this cost-push in the price of products and demand-pull in services, inflation. According to the American Footwear Manufacturers Association, if footwear had been under quotas in 1969, wholesale footwear prices would have been but 1.6% higher and retail prices 0.6% higher.

And as a counter weight to these insignificant increases in prices, it should be pointed out that consumers are workers. Without paychecks, they are not satisfactory consumers. If the above-mentioned quotas had been in effect in 1969, at least 20 Million more work hours would have been available for American workers. This would have meant more jobs for those seeking work and more work of those presently employed. Is it any wonder the unions are waking up to the significance of the export of jobs?

Another unsupported assertion is the statement in Time that economic wars deepened the depression of the 30's. U.S. Gross national product fell from \$103 billion in 1929 to \$55.6 billion in 1933—while exports fell from \$5.2 billion to \$1.7 billion. As any student of the '29 episode knows, and as the above figures indicate, foreign trade played a very small part in this world wide depression. To imply that it played an important part is to make a very small tail wag a very big dog.

Time raises the retaliation bogey which has been the standard propaganda line of the cabal of international bankers, businessmen and ship owners who are joined in fighting any action to help import plagued industry. If there is any basis for retaliation, it lies with the U.S.—not with the EEC or with the Japanese. The Japanese have violated all the Gatt rules, prohibiting restraints in trade. The EEC have taken whatever action is necessary to protect their industry and agriculture. The waiver of U.S. obligations under Gatt on dairy quotas; lack of any action on oil quotas; and sponsorship of the Long Term Cotton Arrangement indicate that the elaborate consultative procedures of Gatt would move slowly on any hasty retaliation. Whatever would be done, would be done very cautiously. After all, countries will continue to buy where they can get the best products at the lowest prices.

The writer's imagination was fully employed in the charge that the Trade Bill threatens to shake the entire monetary system by starting a run to convert dollars to gold. Just the opposite is likely to take place. If Europe believes the U.S. is making an attempt to eliminate, or at least improve its trade deficit, confidence in the dollar will increase. The central banks of Europe have financed some 35 billion of U.S. payments deficits in the last twenty years. As a result the dollar has become the chief international currency and the main currency in exchange markets. The banks must purchase any overflow of dollars in their market to prevent it falling more than 0.75% below the IMF par value. At the time this was agreed to, the dollar could be converted at any time into gold at the U.S. treasury. Conversion is now discouraged and in the face of any threat to convert, this privilege would be withdrawn. These countries have a choice, therefore, of continuing to accept dollars, or appreciating their own currencies in terms of the dollar. The reluctance with which the Germans moved does not forecast a rush in this direction. Until they develop their own common currency, they have no other place to go.

Most everyone today will agree that we must do all we can to expand trade with other nations. But changes in world conditions demand new approaches to methods of trading. Someone has said, "The case for free trade stated so dogmatically in the past in contemporary international trade theory is an extremely qualified proposition today".

A distinguished group of economists pointed out to the Ways and Means Committee, April 9, 1962, while endorsing the theory of free trade, that "It does not exist in a vacuum—but only within the context of certain conditions". Free trade assumes the maintenance of international monetary stability and convertibility of currencies; one homogenous payment community; no trade restrictions; no special advantages from internal tax structures, subsidies or monopolies; that the ratio of money wage increases to productivity increases be approximately uniform in the free trade area; and that there not be a chronic balance of payments deficits existing as in the U.S. Moreover, it has been estimated that 15 to 20% of free world trade is state owned or controlled. In the light of all this much of free trade theory does not seem relevant to world trading conditions today.

The proposed Trade Bill can lead to the expanded use of negotiation techniques to arrive at voluntary arrangements, based on the principle of orderly marketing, to continue the expansion of U.S. and world trade. Countries will be given an opportunity to share in the growth of the U.S. market. There is no doubt that there has been an expansion in world trade in cotton fabrics under the Long Term Cotton Arrangement which permits an expansion of 5% per year. In fact, it is reported the expansion has been more than twice this amount.

At the same time, the Bill will provide a transition period or "breathing spell" for those labor intensive industries which cannot now meet the competition from countries with wage and working conditions that are illegal in the U.S. This is not a turning back of the clock, but a step forward to meet the challenges presented by world trading conditions today.

As the President pointed out in his message accompanying the Trade Expansion Act of 1969, "We can no longer afford to think of our trade policies in the simple terms of liberalism vs. protectionism". "We need a deeper understanding of the ways in which the major sectors of our economy are actually affected by international trade."

It is hoped that Time will provide its readers with a deeper understanding of the trade problems than that presented in the July 27 issue.

Sincerely yours,

WILLIAM SHESKEY,
President, Commonwealth Shoe &
Leather Co., Chairman, National Af-
fairs Committee, American Footwear
Manufacturers Association.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I rise once again to deplore the lack of action on the Legislative Reorganization Act of 1970. Yesterday, I quoted language from an editorial in the Cedar Rapids Gazette questioning whether we were leading the American people on a "wild goose chase." Today I would like to call your attention to an editorial which appeared in the August 11 issue of the Washington Post. The editorial makes reference to the king of France who "went up the hill and then came down again." The editorial will appear in full in today's Extensions of Remarks.

Mr. Speaker, we are part way "up the hill," let us move on to the top rather

than turn around and "go back down the hill."

CAN WE AFFORD THE NIXON ADMINISTRATION

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, 2 days ago, we heard President Nixon denounce "the big spenders" in Congress as he vetoed funds the Congress had voted for education, housing, medical care for veterans, water and sewer facilities, and urban renewal. He showed great concern for the taxpayers who would have to pay the bill for these programs—programs that would benefit the people, programs that are desperately needed. The President suggested that we cannot afford these vital programs.

I suggest that we cannot afford the Nixon administration.

The cost of maintaining the executive branch of Government is going higher and higher. Take, for example, the \$40,000 bill Secretary of the Interior Hickel incurred for refurbishing his office in lavish style. His taste runs to carpeting that costs \$56 a yard. The most expensive carpeting the Government supplies is a mere \$9.63 a square yard. The most expensive Government desk available costs \$463—but Secretary Hickel wanted one four times as good as that, at four times the cost: \$1,800 for a desk.

Of course, Secretary Hickel will refund the "excessive costs"—at the request of the Government Accounting Office because he was caught by our investigators. His extravagance is a drop in the bucket compared to other expenses of an administration that is living in a style that is shocking to taxpayers at a time of rampant inflation.

Consider: \$830,000 for refurbishing the presidential airplane; \$350,000 for the Western White House in San Clemente, plus \$100,000 a year in operating costs; an expanded White House staff that is the largest in history, with a sharp salary jump from a total of \$3.9 million to \$8.5 million in July of this year—and many of those added staff members are there for political support of Republican candidates. Consider the \$350,000 modern communications system installed at San Clemente.

At a time of combined inflation and recession, when the President talks about combating high costs in Government one wonders about the frugality of maintaining three White Houses—in Washington, San Clemente, and Key Biscayne, not to mention Camp David. What of the tremendous cost of communications to link them all?

Certainly no one begrudges a busy President a rest retreat and our President deserves the finest facilities. But our children also need education, wounded veterans need adequate medical care, and our communities need sewer and water facilities. So let the President be consistent, if he wants to project the frugal image for political reasons—for that is the reason—then let him look to the same frugality in his own office.

REDUCED-RATE AIR TRANSPORTATION FOR ELDERLY PEOPLE

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, I am introducing a bill today which will make it easier and less expensive for retired persons to travel.

It provides for reduced fares for air travel, and I feel that it improves upon other measures which have been introduced for this purpose. The reduced rates would follow the lines of the present youth fares, which now provide for a 40-percent reduction on a space-available basis, or a 25-percent reduction on reserved seats with a limitation that excludes travel on Friday and Sunday after 1 p.m.

A number of bills have been introduced in the Congress that would give reduced fares to the elderly, but only on a space-available basis. Many senior citizens simply do not have the health to wait around an airport until a seat is open.

My bill would offer an option—either a 40-percent fare reduction for those who have the stamina to wait for an available seat, or a 25-percent fare reduction with reserved seats.

This 25-percent reduction differs from the reduction on excursion fares. There is no requirement to buy a round-trip ticket. If the traveler is returning, there is no restriction on the length of time he must stay. The reduction would hold whether he returns the next day or 3 months later.

I think that it is important for us to make it easier for senior citizens to travel, both so they can enjoy trips during their retirement and so they can visit their sons and daughters and grandchildren.

A notable characteristic of our society today is that never before have so large a percentage of our young adults moved away from where they grew up and from the towns and cities where their parents still live. This is a new historical phenomenon and it has important consequences on people's lives. Granted that it has meant better jobs for many young persons, at the same time it has disadvantages, too, which I believe we should try to compensate for. Among other things, it has meant greater loneliness for parents. It has brought a weakening of family ties, and I am sure that it has contributed to the lack of understanding between the younger and the older generation. By making travel easier and less costly for these people it would help to keep families close and mitigate some of these problems. Grandparents should have more opportunity to see their grandchildren who live far away.

It should be kept in mind that, in general, senior citizens do not have as much access as other groups in our society to automobile trips which are a less expensive way to travel. Many elderly women now living by themselves never learned how to drive. Health problems and failing eyesight prevent countless people over 65 from driving. Also, an automobile is often just too great an expense on retirement

income. And long automobile trips are simply too tiring for many senior citizens.

In short, because automobile travel is less available to them, senior citizens are at an economic disadvantage in traveling. I want to balance out that disadvantage by providing them with reduced air rates.

BALANCED SYSTEM OF FEDERAL FUNDING FOR TRANSPORTATION

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, for several years I have been interested in trying to bring about a balanced system of Federal funding for transportation.

In 1965, Senator JOSEPH TYDINGS and I introduced a bill which would provide a local option to the States to use some of their highway trust fund moneys for desperately needed mass transit facilities. We have had no success in getting this legislation considered in the Congress, partly because of the committee structure of the House and Senate, which divides the various transportation forms among several committees.

This last week the Governors Conference, after first turning down the proposal, reversed itself and, I am happy to say, endorsed the idea of flexibility and of some local option in the use of the transportation trust funds—not only the highway trust fund but also the recently enacted aviation trust fund. The Governors also approved the idea of having a mass transit trust fund which similarly would be subject to some flexibility on the use of the funds at the State level.

Acting upon the recommendation of the Governors, Senator TYDINGS and I are introducing today—he in the other body and I in the House—a new bill which will give effect to the transportation funding recommendations of the National Governors Conference.

The bill would create a separate urban mass transit trust fund. It would also provide for some flexibility at the State level in the use of the proceeds of the three transportation trust funds that would exist if this bill is enacted.

This proposal moves in the direction of local participation in the use of transportation funds.

It also goes in the direction of a balanced transportation program that would put an end to the extreme discrepancy which exists today in terms of the ways in which the Federal funds are used. And it would bring us closer to a broad transportation trust fund from which all modes of transportation could be supported in a balanced and coordinated manner.

I hope that this legislation will receive consideration—hopefully in the Ways and Means Committee, because I believe it is a Ways and Means Committee problem to consider how these various trust funds may be used. It is something that cuts across the jurisdiction of several other committees that are concerned with various parts of the transportation program.

I hope that the House will give consideration to this measure after the recess.

DESEGREGATION, NORTH AND SOUTH

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I was very interested to notice in the news accounts of today, and also yesterday, that President Nixon and a group of his top Washington advisers were to fly to New Orleans today to talk with people from seven Southern States about how fast and how far school desegregation will be carried out in the South this fall.

This is commendable, and I hope the President comes up with some workable solution.

But it would seem to me, Mr. Speaker, and it would seem to most of the people in my area of the country and indeed to most people of the United States, that if this administration is in fact interested in carrying out the law equally there must be evenhanded justice.

Mr. Speaker, it would seem to me that if this administration is genuinely interested in evenhanded justice and in carrying out the laws of this land, it would be just as concerned and as preoccupied with segregation in the North as in the South.

As a matter of fact, Mr. Speaker, as of today, there is more genuine segregation in the North and in Chicago itself than there is in the whole State of Alabama.

If this administration is truly interested in carrying out the law of the land and in treating everyone fairly, then I would say it is time to bring lawsuits elsewhere than in Alabama, Georgia, and Mississippi. There are 90 school suits consolidated in one suit in my district, the middle district of Alabama. There has not been one suit filed in Illinois that I know anything about or in any other State that has in fact more segregation than we have.

Mr. Speaker, I am calling on the Department of Justice today to start enforcing the law fairly throughout this land.

Mr. Speaker, according to the Health, Education, and Welfare's "1969-70 Survey of the Top 100 Schools," there are over 87 percent of Chicago's Negro students going to schools in essentially all-black schools. An all-black school is defined by HEW as having an enrollment of between 90 percent and 100 percent black students.

Only 3.4 percent of Chicago's blacks are attending integrated school systems. An integrated school, according to the Health, Education, and Welfare definition, is one where blacks are enrolled with 50 percent or more of the enrollment consisting of white students.

The survey continues pointing to the double-standard policies that are ignored in the North and abhorred in the South. How can the schools outside the South continue to receive preferential treatment when their school system are much more segregated, when there is much less

compliance there, when there is no real effort by them to obey the law? The answer is simple. They are allowed to keep their segregated neighborhood school systems while busing and closing of schools is rampant throughout the Southern States.

We in the South are not asking for special handling and special treatment. We are merely asking that laws which we deem unworkable, especially in regard to bussing, be applied equally throughout the United States. We are sick and tired of being the scapegoat. If the laws being applied in the South are just and equal, we demand that they also be applied justly and equally to all sections of the country.

Schools in the South are complying, but HEW's own statistics—which appear below—show clearly that this is not the case outside of the South.

If they mean what they say and the law applies in every State, enforce it in every State—not just in the South.

Mr. Speaker, I include a tabulation of the HEW survey:

TAKEN FROM HEW'S "1969-70 SURVEY OF THE TOP 100 SCHOOLS"

[In percent]

City	Blacks attending integrated schools	Blacks attending all-black schools
New York.....	17.6	54.3
Chicago.....	3.4	87.1
Milwaukee.....	11.4	71.3
Gary, Ind.....	2.9	86.6
Detroit.....	6.4	69.2
Newark, N.J.....	2.4	72.5
Philadelphia.....	9.6	69.6
Washington, D.C.....	1.1	94.9

ISRAELI-EGYPTIAN CEASE-FIRE

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, present reports coming out of Israel have indicated that the Russians are taking advantage of the cease-fire along with the Egyptians and moving Soviet anti-aircraft missiles up to the Suez.

If this is true, Mr. Speaker, this is a very serious event and it should not be underestimated by our State Department, Israel in agreeing to the cease-fire made it very clear that they were so doing with the understanding that there would be in effect a military standdown. If the Egyptians are going to take advantage of this cease-fire to improve their military position, then I think, Mr. Speaker, we may find that the Israelis may feel they must protect themselves.

This would be very detrimental to the start of any peace talks.

Mr. Speaker, I hope that our State Department will look into this matter carefully and seriously, and if there is indeed truth to the statement that these missiles are being moved up to the Suez, that they will immediately contact the Russians and let them know how seriously we consider this breach of the cease-fire agreement, and ask for an immediate pullback of these particular missiles.

DISILLUSIONMENT WITH POLICIES OF CURRENT ADMINISTRATION

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, I rise before you today to voice my utter disillusionment with the policies of the current administration. I rise also to apologize for the misapprehension I had and still have that Members of Congress, act in the Nation's best interest. Surely President Nixon must believe they do not. It would appear that he is convinced that the 535 Congressmen and Senators are bent not only upon the destruction of the economy but upon the destruction of the very country itself. In vetoing the HEW and HUD bills he stated:

I am saying no to bigger spending and no to higher prices in the interest of all the American people.

Gentlemen, let me reiterate, Mr. Nixon and Mr. Nixon alone is acting "in the interest of all the American people" or so he would have us believe.

The two bills have painstakingly been deliberated over and debated by every Member of Congress. They have been approved because they are necessary. Neither I nor anyone here would ever conceive of taking any action that would be detrimental to this great Nation. But yet this is the distorted picture the President has painted.

Mr. Nixon, in his infinite wisdom, relying upon a hand picked group of advisers, has determined that \$1.46 billion for an ABM system is not inflationary even though its supporters concede it will be obsolete when completed. Neither is \$2.7 billion for naval ship construction in this day and age inflationary nor \$78.7 million for the research and development of that horrible tool, chemical biological warfare. I think it is about time that Mr. Nixon realizes that the Members of Congress have been elected by the people to act in their best interest and that 535 Members are infinitely more capable of reaching such a result than one isolated Chief Executive.

THE MISSILE CRISIS IN THE MIDDLE EAST PEACE TALKS

(Mr. VANIK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, I take this time to express my grave concern at the reported action of the Government of the United Arab Republic in moving the SAM III missiles closer to the banks of the Suez Canal in direct violation of the cease-fire agreement which was recently concluded.

The movement of these missiles constitutes an offensive military act which threatens the cease-fire agreement and hope for a settlement of the war in the Middle East.

Israel cannot be expected to stand idly by while these offensive missiles are moved into positions which threaten the integrity of the nation. The Soviet com-

manders who have installed and manned this equipment must be fully aware of the grave consequences of this action. They must assume the burden of wrecking the hopes of the world and dashing any possibility for a peaceful settlement of the conflict.

Our Government should insist on the dismantling of these offensive missiles. President Kennedy successfully made this kind of a demand on the Soviets in the Cuban missile crisis. This administration should do no less at this critical moment.

We can only conclude that the movement of these missile sites within 12 miles of the Suez Canal constitutes an offensive act. Our Government should insist on the prompt and immediate retraction and dismantling of the missile threat to Israel, the Middle East and to the world.

Mr. VANIK. Mr. Speaker, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I was very pleased to see so many Members today react to the charges made by the Israeli Government that the Soviet Government obviously has moved the SAM II and III missile installations since the announcement of the cease-fire.

Mr. Speaker, there is every reason to believe that these statements are correct, that indeed the Soviet Union did violate the conditions of the cease-fire, and after Israel had been assured that there would be no change in status of the missile sites when the cease-fire was negotiated and announced.

Mr. Speaker, it occurs to me that our own Government ought to react as sharply today as it did in 1962 when there was another missile crisis with the Soviet Union.

If indeed the SAM III missiles have been moved closer to the Suez, no longer are they a defensive missile, as they had previously been; they now become offensive missiles in every sense of the word for, indeed, with the range of the SAM III missiles, and being this close to the Suez Canal, it now changes the whole concept of that particular military piece of equipment.

So, Mr. Speaker, it would be my hope that the administration would react to the words of the Members in the House today who have spoken out on this subject, and raise a strong protest with the Soviet Union.

Mr. Speaker, I said on the floor of the House before the cease-fire was agreed to that the first condition of that cease-fire ought to be the removal of the Soviet SAM III and SAM II missiles from Egypt because there is no question in my mind—and we have ample evidence on that—that those missiles are operated and maintained by the Soviet Union.

So it would be my hope that the administration would issue the firmest and strongest protest to the Soviet Union demanding the removal of these missiles before this very carefully negotiated cease-fire falls apart upon us. All of us, I know, hope and pray that there will be peace in the Middle East, but it is obvious now that the Soviet Union does not want peace. It is obvious to us that the

Soviet Union has tried to set up a trap, and I think the United States and the free world ought to react in the strongest terms possible. It is no coincidence that in the Soviet press there has been no mention made of the Soviet acquiescence in the cease-fire. Obviously this is a carefully calculated plot of the Soviet Union to wreck the cease-fire so that there will be no peace in the Middle East.

So, Mr. Speaker, I hope that the voices of all of the Members who have spoken here today will be heard by the administration, and that the administration will break its silence. All we hear now is that somebody is studying the Israeli charges that there has been a movement of the Soviet missiles when the fact of the matter is that the Israel Government has provided ample evidence to show that these missiles have been moved closer to the Suez Canal since the cease-fire started.

And we now have the right to ask ourselves what is now the purpose of the cease-fire? Was that why Nasser so quickly agreed to the cease-fire, because the Soviets wanted to intensify and reorganize not only their defensive installations, but their offensive installations? I say to you, Mr. Speaker, the situation in the Middle East today with the presence of these Soviet missiles is no more different and no less dangerous and no less offensive than the presence of the Soviet missiles in Cuba was in 1962.

It would be my hope that this administration would have the courage that President John Kennedy showed when he stood up to the Soviet Union and demanded the removal of these missiles from Cuba.

Our front line of defense is in the Middle East today. We know that the Soviet Union is trying to move in the Middle East and create out of the Middle East another pro-Soviet Cordon-Sanitaire of captive nations.

America has the greatest interest in what happens in the Middle East. So I hope that the President is going to heed the advice of responsible Congressmen today and demand of the Soviet Union that these missiles be removed forthwith, before this carefully put together cease fire falls apart and we see the resumption of hostilities in the Middle East.

Mr. VANIK. I heartily agree with the position taken by my distinguished colleague, the gentleman from Illinois.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. BINGHAM. Mr. Speaker, I would like to express my great concern about this development in the Middle East.

I think that the Department of State should make its views clear. I think we should bear in mind that the objective is to make the cease-fire a success in terms of leading to a permanent peace in the Mideast in which all the States there would be recognized and secure.

I think we have an opportunity here, and the opportunity should not be missed. If the cease-fire falls apart, it would be a great tragedy. Whatever is done, I hope it will not be done in such a way as to prematurely assume that the cease-fire effort is a failure.

Mr. VANIK. I thank the gentleman.

MENTAL ILLNESS—THE NATION'S NO. 1 HEALTH PROBLEM

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, mental illness still ranks as the No. 1 health problem, despite the fact that in recent years, significant advances have been made in the areas of research and treatment. It surpasses the infectious diseases in the total number of Americans affected each year. There are more people in hospitals for mental illness than for polio, cancer, heart disease, tuberculosis, and all diseases combined.

Mental illness is not a new disease. Actually it dates back to the very beginning of man's existence. Each generation has had its own method for treating mental illness. Over the centuries, mentally disturbed people have been beaten, starved, purged, and imprisoned. Yet we have only recently begun to understand and effectively treat this problem, and hopefully this trend will be continued.

Just 10 years ago, if you were severely afflicted with mental illness, and were unable to pay for private psychiatric care, the only alternative was to send you to a State mental hospital, usually located a great distance away from your home and family. There, you had little chance for rehabilitation. The hospital was overcrowded, poorly funded, understaffed, and often provided nothing more than custodial care. The only treatment was short term, consisting perhaps of symptom-soothing medications.

Within the last 10 years, however, research has shown that there is no better place than the patient's own community for the prevention, detection, and treatment of mental illness. We also know that a patient's chances for successful rehabilitation may be increased if his family life is kept intact.

Congressional support of these new approaches began in 1963 with the passage of the community Mental Health Centers Act. This act authorized funds for the construction of comprehensive community mental health centers which would provide complete programs of preventive and treatment services for everyone who needs them. In 1965 the act was amended to provide grants to cover the initial staffing costs. The primary goal, of course, is to provide effective treatment for the emotionally disturbed person so that he may resume a normal pattern of living as soon as possible after diagnosis of his illness. I think it is notable that this goal is on its way to realization: today between 85 and 90 percent of the patients who enter a mental hospital can expect to be discharged within one year.

In addition, this act encourages a comprehensive program of treatment services, not only in response to the severely mentally disturbed, but also in response to the mental health problems found among other members of our society: the business executive on the verge of a nervous breakdown; the adolescent drug addict; the newly retired senior citizen adjusting to his new life; or the rehabilitated mental patient who needs tem-

porary supportive therapy. Help is available for all individuals, whether it be in the form of inpatient or outpatient services, as well as education and prevention programs.

Fortunately, Congress has wisely chosen to continue these problems. In March of this year, we passed the Community Mental Health Centers amendments which extend and increase the authorizations for the construction and staffing of both Community Mental Health Centers, and facilities for alcoholism and narcotic rehabilitation through fiscal year 1975. Since urban and rural poverty areas tend to have a high incidence of mental illness and few local resources for dealing with these problems, the 1969 amendments provide special benefits to these areas by funding up to 90 percent of the construction costs and staffing grants.

The National Institute of Mental Health estimates that 10 percent of our Nation's schoolchildren are emotionally disturbed and in need of psychiatric guidance. In response to this, these new amendments have provisions for grants to public and private nonprofit organizations which will offer a full range of mental health services for children. To be eligible for a grant, these facilities must be affiliated with a community mental health center or, if there is no center in the area, it must have its services coordinated with other related community services.

At the present time there are approximately 300 such community centers, each distinctly different and tailor made to the needs of the community, whether it be in New Mexico or New Jersey, California or my home State of Maryland.

One of the greatest challenges for mental health experts and participating citizens is determining the organization of the community mental health center. They must establish the personality of the community itself and the needs which prevail within that community.

The population of the South Bronx, for example, is about 40 percent Negro and 55 percent Puerto Rican. There the Lincoln Hospital Center has opened storefront counseling centers adjacent to bars, pawnshops, and restaurants and convenient to public transportation. The atmosphere of these centers is totally informal, with no appointments necessary and no waiting lists. The receptionist greets patients in either Spanish or English, and the professional staff as well is multilingual. These centers serve dual functions: they offer mental health services and they also cooperate with other agencies, such as welfare, vocational rehabilitation, and employment counseling, by screening and referring the patients.

In my own State of Maryland, the State department of mental hygiene has been granted funds to construct a center in a ghetto area of Baltimore near the University of Maryland Medical School.

The plan for this facility shows that the two main centers of activity will be connected by a large walkway. The offices and service units will be grouped around a plaza which will also serve as a meeting place for the school and community. This facility will also have or-

ganized activity centers such as art exhibits, music, games, and a "marking wall" on which demonstrative residents may express themselves freely.

Perhaps the most impressive service of the community mental health center is the 24-hour emergency clinic. For example, the Hahnemann Community Mental Health Center in Philadelphia has an accident ward, a crisis clinic, a walk-in clinic, and a 24-hour telephone service. A psychiatrist and social worker are on duty 24 hours a day, 7 days a week. They may administer emergency treatment immediately or send the patient to the crisis clinic.

In many instances, emergency home care may also be provided. A mental health worker responds to a distressed telephone call by administering to an individual at home, a suicide threat at the scene, or a restless group on the streets.

The outpatient services of the community mental health centers are quite beneficial for the ambulatory patient in that he may take advantage of the full range of treatment with the least amount of disruption to his normal daily functioning. Treatment includes such programs as individual, family, and group psychotherapy; social, recreational, educational, and vocational activities; and emergency visits to the home.

The patient who needs more care than the outpatient services can provide, or who has no family contacts within the community, would find the partial hospitalization program particularly valuable. It offers either daytime or nighttime in-residence treatment programs for the patient who is able to work part time within the community.

Despite our recent progress in the field of mental illness, we still have a long way to go. Economically speaking, the cost of mental illness is estimated at over \$20 billion per year; excluding the costs of related major social problems as suicide, alcoholism, drug abuse, crime, and delinquency. It is estimated that over \$4 billion a year is expended as a result of the 20,000 suicidal deaths reported in America. If only one-third of this country's potential suicide victims were treated successfully, the cost would be less than \$100 million. Of course, I am speaking only of monetary terms. In terms of human suffering, the cost is immeasurable. Nearly one-half of all hospital beds in this country are now occupied by mentally ill persons, and too many of these patients are still receiving only custodial care.

We can and should do more for these people. The task of conquering mental illness is tremendous, and we must not allow ourselves to be content with past accomplishments. New, productive, and enlightened research is vitally important and we must continue to experiment with new ideas and evaluate our programs, until our techniques are perfected.

However, it is the human element which will finally overcome the problem of mental disease. Prevention of mental illness must become an individual and community effort as well as a scientific and governmental one. The American people, especially the younger generation, must insist upon the necessary changes which will free society from its psychological and social ills.

In the opinion of the National Institute of Mental Health:

The wars against poverty, ignorance, and hatred are wars fought in the name of every citizen. In the final analysis, the mental health of each citizen is affected by the maturity and health of our society—from the smallest unit to the largest. The structure of the home and the well-being of the family, the compassion of the surrounding community, the social conscience and social action of our government and its citizens—all of these are crucial. If we fail at any point, the outcome is clear: We shall walk a treadmill of pathology and social unrest. If we succeed the grandest dreams of the American heritage can become reality.

With these sentiments I am wholeheartedly in agreement.

A STATEMENT IN SUPPORT OF H.R. 17767, 91ST CONGRESS, A BILL TO REGULATE RENTS IN THE DISTRICT OF COLUMBIA

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the worst thing about inflation is that both the symptoms and the cure fall unevenly on the various segments in our society. We see inflation eating into the share of real income received by those on social security and welfare. We see the high interest rates reducing the flow of funds into the housing and real estate market and also forcing State and local governments to postpone or cancel their planned bond sales for education, health, and highway improvements. Today we are in one of the worst phases of this dreaded economic disease and only a few members of the body politic have escaped its wrath.

It is apparent that the Nixon administration is not doing enough to stem this inflation. Unemployment was only 3.4 percent when the present administration took office. This figure is now 5 percent and is estimated to reach at least 5.5 percent in the near future. The housing industry, which was constructing nearly 2 million units a year in 1968, has now declined to the woefully inadequate rate of only 1.2 million new units annually. To further complicate matters, the Federal budget deficit for 1970 is expected to be more than the officially estimated \$1.6 billion being probably at least \$3 billion.

All of these figures demonstrate that Mr. Nixon has not yet come to grips with inflation. The administration seems wedded to the policy of letting the market mechanism right itself. In the meantime, millions of people are losing their jobs, schools, and hospitals are not being built, and our less fortunate remain in their substandard housing. The President's recent economic speech contained only a vague concession toward establishing some tye of governmental intervention in the market. This is clearly not enough.

What is needed is far stronger medicine in the form of effective control that can really dampen the violent cost-push inflation we are now up against. The inactivity of the administration sounds the call to action for Congress and I want

now to ask your support for a bill that would be a beginning step in the right direction of actively combating inflation.

My bill, H.R. 17767, would freeze rents in the District of Columbia for both hotel and permanent accommodations at their June 1, 1969, level. This legislation would be in effect through May 31, 1974, and would provide for the appointment of an administrator of rent control. No rent increase or decrease would be allowed unless it were first approved by the administrator. Hopefully, similar rent control legislation would be passed by our States and this followed up by Federal wage and price control.

Housing costs represent a large slice of the cost-of-living pie. Most major cities, Washington, D.C., included, suffer from an undersupply of housing and this problem is further compounded now by the ravages of inflation upon the housing market. Thus there is a tremendous gap between the demand for housing and the supply which offers landlords the opportunity to raise rents, in almost all cases, with impunity.

These landlords, in a move to maintain their profit ratios in an inflationary situation, pass on operating cost increases to their tenants. The result is an overpriced apartment or rented home, a severe burden on the tenant, and a financially unscathed owner.

Mr. Speaker, Government intervention is clearly justified in order to ease the burden of inflation on our hardest-hit groups and to prevent any one segment of society from reaping undue profits from inflation. More farsighted anti-inflationary programs are needed to spread the burden of ending inflation more equitably on all groups in our society.

Congress must put a stop to this rent profiteering. Control of rents would serve both to end this unfair practice and to check the rampant increase in the cost of living. When the economy has slowed down, allowing the housing market to catch up with the housing demand, the rent controls be relaxed. Until then, however, I feel we are in an emergency economic situation and that severe methods should be utilized.

Rent control for the District of Columbia would be an effective means for dealing with a serious situation. I feel Congress must step in where a weak administration refuses to tread. The job must be done and I ask all of you for your support of H.R. 17767.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

In the past 30 years over \$2 billion has been spent in America to conquer cancer. Today one in every three persons with cancer is saved compared to one in five in 1940.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGE FOODS—X

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTAIN) is recognized for 20 minutes.

Mr. FARBSTAIN. Mr. Speaker, from time to time, I have been inserting in the CONGRESSIONAL RECORD feature articles which have been appearing in newspapers across the country in connection with H.R. 14816, legislation I have introduced to require the last day a food item can safely be sold to appear on the label of all perishable, semi-perishable and canned foods.

The Minneapolis Star recently carried a five-part series on food dating by its women's editor, Suzanne Hovik. The series is certainly the most extensive I have seen, and without doubt the best to date.

Miss Hovik's series reveals the results of a Minneapolis Star survey of food coding practices in the Minneapolis area, which found significant amounts of out-of-date food being sold in supermarkets in both the central city and suburbs.

The series also examines in some detail the open dating practices being adopted by some grocery chains and food manufacturers, and their economic and freshness consequences. An area dairy switched to open dating 2 years ago and has experienced no problems. Now even its own personnel can understand the freshness date. An area supermarket switched to open dating of eggs and found the number of eggs unsold by the expiration date was not enough to have any effect on the price of their product. A national bakery products firm has actually been able to cut the price of its refrigerated dough products following the adoption of open dating. It has experienced a very low rate of return from stores.

Finally, Miss Hovick finds that most food manufacturer and grocery personnel do not oppose mandatory open dating. Many store personnel are as baffled as the consumer with respect to the meaning of the coded dates and would prefer upon dating so that they could better serve the public. Many have to rely on salesmen for the food manufacturer to rotate their stocks for them, and when the salesmen slip up, it is the store which gets the blame.

A couple of managers frankly admitted that open dating would force them to follow their stock more carefully, "something we don't watch as closely as we should." Some store managers said open dating would not only help the store employees keep closer watch on the food, but also would help customers find items that were overlooked in the stocking of shelves. One of the largest cold meat manufacturers in the country is test marketing open dating products in the Minneapolis area.

The one negative note in the entire series to my mind comes from an interview with Commissioner Mary Jones of the Federal Trade Commission, who expresses a note of caution with respect to open dating. I hope this is not an indication that the Federal Trade Commis-

sion intends to drag its feet on my petition for open dating. An article in today's Washington Post described the FTC's new image as the consumer's advocate as merely the result of a change in public relations men. I hope this will prove untrue. The FTC's action or nonaction on open dating will be a major test of this. I insert at this point in the RECORD the text of the Minneapolis Star series.

[From the Minneapolis (Minn.) Star,
Aug. 3, 1970]

FRESH, "UNFRESH" FOODS SIDE BY SIDE—I
(By Suzanne Hovik)

(EDITOR'S NOTE.—Consumer groups are demanding that shoppers be able to tell how fresh food is in stores. Suzanne Hovik, The Minneapolis Star's women's editor, decided to find out how fresh the food is in Minneapolis-area stores, how difficult it is to find out and what changes are being proposed).

Unfresh food does exist in Minneapolis-area supermarkets. In a shopping survey of 20 supermarkets, the following were found:

A half-gallon of milk which had been bottled two weeks earlier. Normal shelf life is 10 days.

("Shelf life" is the term used by the food industry for the maximum period of time a product should be offered for sale.)

A carton of sliced beef liver which had been packaged eight days earlier. Normal shelf life is three days.

A package of chicken thighs which had been packaged six days earlier. Normal shelf life is two days.

Two bakery racks almost filled with five-day-old bread. Normal shelf life is two days.

A package of vacuum-packed pepper loaf which was to have been removed from the shelf three months earlier.

A carton of cottage cheese which was to have been removed from the shelf seven days earlier.

Choice beef cuts which had been packaged six and seven days earlier. Normal shelf life is three days.

Pork cuts which were five and six days old. Normal shelf life is two to three days.

Admittedly, unfresh food is the exception rather than the rule when the total number of items on the shelves is considered.

Nevertheless, unfresh food is there for sale, often right next to fresh food.

You could easily spend money on food that may not be as tasty as fresh food, may not be as nutritious, or, worse, yet, may not be safe.

Even if the food has not quite lost its freshness, the longer it has been on the store shelf, the less time you can safely keep it in the refrigerator before using it.

Unfortunately, you do not know how fresh the food is.

The food industry does.

It gives each product a code, a combination of numbers and letters, which tells industry personnel how fresh that item is and how much longer its shelf life is.

This shelf life usually allows some time for the item to be stored at home.

Some of the codes give the day the food was packaged. Others give the day it should be removed from the shelves of the store.

Despite this information available to store managers, food remains in the stores beyond its normal shelf life.

The items checked in the survey were fresh meats, vacuum-packed meats, milk, cottage cheese and bread.

It doesn't make much difference whether you buy food in the city or a suburb. Unfresh food exists in all parts of the area.

Stores in south Minneapolis, north Minneapolis, northeast Minneapolis, southwest Minneapolis, Richfield, Bloomington, Edina, Golden Valley, Brooklyn Center, Fridley and St. Anthony, all had at least one item that

was still offered for sale after its shelf life had ended. Some had many items, a few only one.

The 20 stores were all affiliated with major chains—Penny's, Red Owl, Country Club, Kroger, National and Super Valu.

The managers had a variety of reasons for the old foods being on the shelves.

A common one was that it had been "overlooked."

A few said the package must have been incorrectly coded. One manager said his bread wasn't really five days old—"they probably put the wrong code on it."

His bread department supervisor explained, "Naturally, everybody doesn't pull their bread every day."

A frequent response from meat managers about unfresh meat, especially beef, was that it was "aging."

There was also meat in the display cases which had been rewrapped. Sometimes this is done if the original package is no longer good. Other times it is done when the original wrapping has been removed to allow a check of the meat.

For example, a store which has a three-day rotation policy for beef will usually check the meat at the end of that time. If it is still good, it will be wrapped and placed on the counter for one more day, then removed if not sold.

Sometimes the second wrap is coded, sometimes not. Even if it is coded and you understand the code, you still do not know how old it is because you do not know when it was packaged the first time.

A high degree of confidence in vacuum-packed luncheon meat was also expressed by meat managers when questioned about old packages.

Most of them said the product had a shelf life which went months beyond the date the manufacturer stamped on the package as the limit for quality and freshness.

"If the vacuum seal is intact, that meat is good for three or four months . . . even indefinitely," assured one meat manager.

He ripped open a package of peppered loaf which, according to the shelf life formula, should have been removed from the shelves April 28. It did not taste spoiled but there was no way to compare quality or freshness.

Most managers, when asked about out-of-date products on their shelves, quickly removed them.

But some gave a reason for the items' being there and left them for a consumer to buy.

Consumer groups have urged stores to reduce the price of food as it reaches the end of its shelf life.

Only one store followed such a practice. Beef which had been offered for sale the previous week was marked with a sale price.

THE DATING GAME: THE FOOD YOU BUY

(EDITOR'S NOTE.—Information on the following codes was provided by grocery store employees and managers and by manufacturers. The information was accurate for codes in use when research was done for this series of articles in mid-July. However, these codes may not be followed by all stores of a chain. And they may have been changed since or may be changed after publication of the keys. "Packaging date" is the date of manufacture or bottling (in the case of milk). "Pull date" is the date the product should be removed from the grocer's shelves.)

Penny's Super Markets

Fresh Meats—Packaging day. A two-letter code. The first letter is the week. The second letter is the day of the week. This remains the same from week to week. In the code given below, the store is in week L. The order for the days of the week is the original order for the code. Individual stores in the chain may have altered this somewhat. LO—Monday, LP—Tuesday, LS—Wednes-

day, LT—Thursday, LV—Friday, LX—Saturday.

(No store brand vacuum-packed meats.)

Bread—(Penny's)—Pull day. A single-letter code printed on plastic tab used to close package. A—Monday, E—Tuesday, C—Wednesday, D—Thursday, B—Friday, F—Saturday.

(No store brand milk, cottage cheese or sliced American cheese.)

Kroger Food Stores

Fresh Meat—Packaging day. A three-digit code. The first number is the week of the cycle for the store. The first letter is the first letter of the day of the week (except Thursday which is represented by the letter TH or H). The third digit, added by some stores, "means nothing."

In the example, the store is in the second week of one of its 13 cycles. 2MO—Monday, 2TO—Tuesday, 2WO—Wednesday, 2HO—Thursday, 2FO—Friday, 2SO—Saturday.

(No store brand vacuum-packed meats.)

Bread (Kroger)—Arrival date. Coded by color of twist closing package. Red—Monday, White—Tuesday, Blue—Wednesday, Yellow—Thursday, Orange—Friday, Green—Saturday.

Milk (Kroger)—Pull day. A three-number code. The first two numbers are the date of the month it should be pulled. The third number does not relate to the date.

For example: 29 1—July 29.

Cottage cheese (Kroger)—Packaging day. A three-number code. The numbers give the day of the year it was packaged. For example, 199—July 18.

Sliced American cheese (Kroger's)—Packaging day. A three-number code. The same as cottage cheese.

[From the Minneapolis Star, Aug. 4, 1970]

**FOOD CODED, CONSUMERS DEFIED TO
DECODE—II**

(By Suzanne Hovik)

To the consumer, they are just a jumble of letters and numbers—H-03, 206, 5154, 6U03, LV, B4 and LO1OWI.

In fact, she probably doesn't even pay any attention to the markings on the package as she looks for price, weight and possibly ingredients.

But those confusing letters and numbers also could tell her the freshness of the product if she knew how to read them.

They form a code—a secret combination that tells somebody (the store manager, the stock boy, the delivery man or the manufacturer) how fresh that product is.

The codes are punched into the top of the can, printed on the label of the jar, stamped on the back of the package or imprinted along the top of the carton.

They are not easy to read sometimes, even for those in the know.

The blue ink used to stamp some meat and dairy packages gets wet from moisture in the refrigerated cases and smears into an unintelligible blur that neither the consumer nor the codekeeper can read.

Some manufacturers place the code directly over another word on the package or over a section of fine print.

Other times the codes are imprinted into the carton or package. No ink is used and the colorless impression easily disappears into the box.

These codes are not meant for the consumer to know. They have two purposes, according to those in the food industry.

The codes help the manufacturer to know his product is being sold to the consumer still fresh. And they are to enable him to trace down a bad or faulty product detected in a grocery store or by a consumer.

The codes contain either the date of manufacture or the date the item should be removed from the shelves—the "pull date." Some codes also contain the plant number,

the shift, the machine operator or the machine.

Consumer groups say the consumer has the right to know how fresh the food is she is buying. And they would like to see legislation or regulations passed that would require "open dating"—the final date a product may be kept on the grocer's shelf.

As the codes are now, it would be an impossible task for the average consumer to break them herself.

She does not have the available information. Even her neighborhood store manager probably could not help her, even if he were willing to tell her the codes. Many managers do not know the codes. They say the freshness of many of the products is the responsibility of the salesman or delivery man.

Codes essentially fall into two categories: Those giving the packaging, bottling or manufacturing date, and those giving the "pull date."

This is about as close as one can get to establishing some kind of system of codes. And even here there is no consistency.

Milk can be coded according to the packaging date or the pull date, depending upon the dairy.

Most bread is coded according to the delivery date, but Penny's codes its bread according to the pull date.

Most vacuum-packed luncheon meats are coded according to the packaging date. But Oscar Mayer codes its products according to the "quality control" or pull date.

Even within a brand, the coding can change. Kroger brand grocery products can have either the pull date or packaging date depending upon how perishable they are.

Fresh meats are almost always coded by packaging date.

The codes can be relatively simple combinations or more complex. Some are without any order.

A common milk code, for example, is a combination of a letter and a number. The letter stands for a 10-day period and the number is added onto that to get that date.

A code that read A4 would be the fourth of the month. B4 would be the 14th and C4 the 24th.

A simple code used by some dairies for items such as cottage cheese and sliced American cheese is the day of the year.

Most consumers could see that 30 would mean Jan. 30. But they would need a special calendar to know that 230 meant Aug. 18.

All of the day-of-the-year codes broken for this series of articles started with Jan. 1 as No. 1 and continued through Dec. 31 as 365.

However, this type of code has also been known to be used in reverse, with Jan. 1 as 365 and running backward to Dec. 31 as 1.

Another simple code used by some dairies for items such as cottage cheese is a letter plus a number. The letter is the same number down the alphabet as the month is into the year. The day is the day of that month.

For example, G-22 would be July 22. July and G are the seventh in the calendar and the alphabet.

Most bread is coded according to the color of twist that closes the package.

Egekvist uses the letters from the word FRESH to indicate the delivery day Monday through Friday. For example, Monday is the letter F. On Saturday there is no letter.

Most vacuum-packed meats have a common code—one used by the American Meat Institute. It is a four-number code in which the first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 4233 would be July 23. Instead of 4 and 3, 5 and 2 or 6 and 1 might be used to equal 7.

Fresh meat codes range from the simple to the impossible.

Some Super Value stores put the date of packaging right on the label. Some National

food stores run just the simple alphabet A to F for Monday through Saturday.

A more common method is a two-letter code, with the second letter designating the day of that week.

Other codes are impossible to determine. The wrapper in the meat department at the Country Club store at 2101 W. Broadway sits down with a calendar at the start of each month and arbitrarily gives each day a number code.

For example, one recent week (from Wednesday to Wednesday) read 81, 90, 74, 50, 62, 14 and 30.

The consumer can determine the meat code, at least for that week and day, by looking at the ground beef. In almost all stores this has a one-day shelf life. A quick check of the predominant code on the ground beef will tell the consumer the code the store is using for that particular day.

Most meat department managers say there is a three day counter life for beef, with two days for chicken, veal, lamb and pork.

Buying meat that has been packaged that day may not be as important as making sure you don't buy meat that was packaged the previous week.

As indicated in the shopping survey, while most meats are fresh, area stores still have occasional packages of meat that were wrapped six to eight days previously.

An example of the complexity of the coding of the grocery products can be found in the code for Betty Crocker cake mixes. The code, which gives the packaging date includes the month (lettered, starting with June as A), last number of the year, day of the month, plant and shift.

The code, L010W1 would be May 10, 1970, plant W, shift 1.

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RED OWL STORES

Fresh meat—packaging day. A two-lettered code. The first letter represents the week, the second letter is the day of the week. In the example, the store is in week L. The weeks go KHLX, with K for the first week of the month. The second letter, representing the days of the week, stays the same each week.

LP—Monday	LV—Thursday
LO—Tuesday	LS—Friday
LN—Wednesday	LT—Saturday

Vacuum-packed meat (Farmdale)—packaging day. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 4033—July 3.

Bread (Red Owl)—arrival date. Coded by color of twist closing package.

Red—Monday	Yellow—Thursday
Green—Tuesday	Orange—Friday
Blue—Wednesday	White—Saturday

Mike (Farmdale)—pull date. A four-digit code. The first number and letter do not relate to the date. The last two numbers are the last day of the month the milk can be sold.

For example, 6U31—July 31.

Cottage Cheese (Farmdale brand). The same as milk.

American sliced cheese (Farmdale)—packaging day. A three-number code giving the day of the year it was packaged.

For example, 156—June 5

BREAD, BAKERY PRODUCTS

Wonder Bread

Bread—delivery date. Coded by color of twist closing package.

Red—Monday	Yellow—Thursday
White—Tuesday	Orange—Friday
Blue—Wednesday	Green—Saturday

Egekvist

Sweet rolls—arrival day. A one-letter code which when read Monday through Friday spells out fresh. The frosted rolls have a one-day shelf life, the others have a two-day shelf life.

F—Monday	S—Thursday
R—Tuesday	H—Friday
E—Wednesday	Saturday (no letter)

Bread—delivery date. Coded by color of twist closing package.

Brown—Monday	Blue—Thursday
Green—Tuesday	Yellow—Friday
Red—Wednesday	Black—Saturday

Pillsbury

Cake and brownie mixes—packaging date. A five-digit code. The first letter is the same number down the alphabet as the month is down the year. The first number is the last number of the year. The third digit is the plant letter. And the last two numbers give the day of the month.

For example, A0H15—Jan. 15, 1970, plant H.

Betty Crocker

Cake and brownie mixes—packaging date. A six-digit code. The first letter is the same number down the alphabet as the month is into the fiscal year (with June being letter A). The first number is the last number of the year. The next two numbers are the day of the month. The letter is the plant and the last number, sometimes omitted, is the shift.

For example, L010W1—May 10, 1970, plant W, shift 1.

[From the Minneapolis Star, Aug. 5, 1970]
PRODUCT FRESHNESS FIGHT PRESSED ON THREE FRONTS—III

(By Suzanne Hovik)

The Star's Women's Editor

Grocery shoppers will be given product-freshness information about the food they buy if attempts by various consumer groups are successful.

Efforts to bring about open dating—printing on the food package the last day the item can be sold in the store—are being pushed on three fronts:

Local pressure on store chains to give information about the codes of the products in their stores.

Petitions to federal agencies requesting regulations that would require open dating.

Introduction of bills into Congress to require open dating.

Mrs. Erma Angevine, executive director of the Consumers Federation of America, said that since there is no law, the best way to get open dating is for a local group to pressure a local chain or supermarket to do it. "Competition will force the rest of them to do it," she said.

Mrs. Angevine credits a Chicago-area consumer group, the National Consumer's Union, with a role in the decision of the Jewel Food Stores in Chicago to make available to their customers a book of all codes for all products sold in its stores.

The union has campaigned against outdated foods since it was formed in September.

It has conducted shopping surveys of Chicago-area stores and reported on outdated food it has found. It is dealing with the stores on the subject of open dating "through collective bargaining," according to Mrs. Lynne Heidt, one of its directors.

Rep. Leonard Farbstein, D-N.Y., has used some of the union's information when he

has spoken in the House in support of his bill that would require open dating.

The bill has 60 cosponsors in the House—none is from Minnesota—and is in a subcommittee. Sen. Joseph M. Montoya, D-N.M., introduced a companion bill in the Senate. That bill also is in a subcommittee.

Farbstein also has filed jointly a petition with the District of Columbia Democratic Central Committee in which they ask the Federal Trade Commission (FTC) to require open dating on all perishable foods.

The petition also requests that the FTC prohibit food repackaging or product redating.

"We feel this is within the purview of the FTC," said Ellis Levin, the congressman's legislative assistant.

"Not only does the FTC have the authority, but if it is serious about being a consumer-institution spokesman, this would be a dramatic act to demonstrate it."

The U.S. Department of Agriculture last week agreed to study whether perishable foods should be dated for the customer as well as the grocer.

Levin said open dating has the interest of the consumers. "We have received a huge amount of mail from all parts of the country," he said.

Levin said the congressman's office has heard of consumers who have bought extremely outdated food.

For example, a mother in Louisiana bought a case of brand-name strained liver for her baby this spring. It was spoiled. It was found the food had been manufactured in January 1962.

The shelf life for strained liver is 18 months, if it is kept at 70 degrees, Levin said. If kept at 90 degrees, the shelf life is nine months.

Another consumer bought mayonnaise in May. It had been manufactured in January 1968, Levin said the shelf life of mayonnaise is six months.

He said the open-dating legislation is aimed at two kinds of situations: The store manager who is just not efficient and the store manager who deliberately sells out-of-date food.

"New York City has open dating of milk, and it forces the food-store manager to become efficient. Either he starts paying attention to how much he is selling, or he goes out of business," Levin said.

Some opponents of open dating say consumers would buy only the items with the latest dates on them, leaving behind food that was older but still fresh.

The ignored food, the argument goes, would sit on the shelves until the expiration date and then would have to be returned to the manufacturer for credit or thrown away.

The opponents say the result would be higher food prices.

Levin said he does not think the argument is valid.

"If a manager properly rotates his stock, he is not going to get caught," Levin said.

He said Jewel officials—now that the customers can figure out how old food is in its stores—expect to alter their purchasing practices to help them make sure they don't get caught with unfresh food.

"If a customer has confidence the food she is buying is fresh," Levin added, "she is not going to poke through every item to see if one item is fresher" and thereby leave the store unable to sell any but its freshest food.

He said that if a store did end up with food that is nearing its expiration date, the store could sell the food at a reduced price.

Not only would open dating not increase the cost of food, Levin said, but "by being more efficient, stores might actually save money."

Open-dating legislation is being supported by the Consumers Federation of America and the Consumers Union.

The Minnesota Consumers League does not give it top priority but says it is an area

important to consumers, according to Mrs. Toby Lapakko, president of the local group.

A spokesman for Mrs. Virginia Knauer, the presidential adviser on consumer affairs, said her office has not taken a stand on any legislation but that generally it operates on the premise that "the more information the consumer has, the better off he or she may be."

Mrs. Knauer has resisted attempts by companies to make the coding even more complex, the spokesman said.

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NATIONAL FOOD STORES

Fresh meats—Packaging date. Usually a one-letter code. The letters go alphabetically for Monday through Saturday. Some stores will add another letter or two in front of the code.

- A—Monday.
- B—Tuesday.
- C—Wednesday.
- D—Thursday.
- E—Friday.
- F—Saturday.

Vacuum-packed meats (Top Taste)—Hot dogs, luncheon meats and bacon—packaging date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 6200—June 20.

Bread (Top Taste)—Delivery date. Coded by color of twist on closing of package.

- Yellow—Monday.
- Orange—Tuesday.
- Blue—Wednesday.
- Green—Thursday.
- Red—Friday.
- Red—Saturday.

Milk (Top Taste)—Packaging date. A three-digit code. The first letter is the machine operator's number. The two numbers indicate the code for that bottling date. The code starts with numbers 33 and goes consecutively by days up to 99. It then starts over again at number 33. The dairy gives a calendar to the store to indicate which number is the bottling code for that particular day. Milk is bottled five days a week. The code for last week and this week is:

- July 27 H75.
- July 28 H76.
- July 29 H77.
- July 30 H78.
- July 31 H79.
- Aug. 3 H80.
- Aug. 4 H81.
- Aug. 5 H82.
- Aug. 6 H83.
- Aug. 7 H84.

Cottage Cheese (Top Taste)—Packaging date. A three-number code giving day of the year.

For example, 191—July 10.

Sliced American Cheese (Top Taste)—Packaging date. A three-number code giving the day of the year.

For example, 111—April 21.

VACUUM-PACKED MEATS

Schweigerts: Vacuum-packed luncheon meats and wieners—packaging date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 4093—July 9.

Peters: Vacuum-packed luncheon meats—

packaging date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the day of the month.

For example, 4073—July 7

The company is also experimenting with a pull date on some of its packages now in the meat counter. The same code is used but the date is a 30-day advance at which time the products should come off the shelves.

For example, 4064—Aug 6

Oscar Mayer: Vacuum-packed luncheon meats, wieners and bacon—"control" or pull date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the date of the month.

For example, 4064—Aug. 6

[From the Minneapolis Star, Aug. 6, 1970]

THREE COMPANIES FOUND NO PROBLEM WITH OPEN DATING, BUT THEIR PRODUCTS REPRESENT ONLY FEW OF 10,000—IV

(By Suzanne Hovik)

Among those 1,000 items on the supermarket shelves there are few, very few, that are "open dated"—marked with the last day on which the product can be sold.

Norris Creameries of Minneapolis, for example, open-dates its milk.

Kroger food stores stamp an expiration date on their medium and large eggs.

Pillsbury open-dates its refrigerated dough products.

And Ross Industries in Columbus, Ohio, open-dates its prepared baby formula, Similac.

The experiences of these companies with open dating are significant because they say they have not met the problems posed by some in the food industry as reasons not to have open dating.

The opponents say the consumer wants her bread baked early that morning, her milk delivered that morning and her meat packaged that morning. Yet, they say, these items are still fresh and good two or three days later.

The consumer will look through the shelves for items with the latest date, the argument goes. Fresh food will sit on the shelves, eventually become out of date and have to be thrown away or returned to the manufacturer for credit.

Somebody will have to pay for this wasted food, the opponents say, and eventually it will be the consumer, who will face higher food prices.

The firms that have tried open coding say this does not happen.

Open dating of milk by Norris has been in effect two years, according to Farrell Roser, plant superintendent.

"We used to have an awfully difficult code. We tried to confuse the customer, and we got confused ourselves," he said.

The company changed to an open date, marking its milk to be pulled from the shelves 10 days after it has been bottled. It could go 14 days, Roser said, but the company cut back 4 days as a safety margin.

"I think most of the customers know it is there. We tell them what it is. We want them to know," he said.

"We thought we might run into a lot of problems, but we didn't. The consumer wanted to know this information, and it has worked out better."

Store managers at several Kroger stores said there has been no problem with the open-dated eggs and there have not been enough eggs unsold by the expiration date to cause a price rise.

However, they also said they don't think most of the consumers realize the expiration date is on the eggs.

"There is no problem with the eggs," said Leo Friesen, manager of the store at 3717 23rd Av. S. "Most don't realize the date is there. Those that do realize it know the eggs are in date."

Friesen said that if they misjudge in ordering, they reduce the price so the eggs will sell while they are still in date.

Pillsbury Co. open-dated its refrigerated dough products when they first introduced them on the market because the item is a "living dough," with the leavening in it, according to Linda Anderson, who handles public relations for the products.

"We wanted to indicate to the consumer she had to use it before that date. After that date it is still healthy and will still bake, but it might not raise up as high."

She said the dating in no way has affected the price. In fact, she said, the price on biscuits has come down 40 percent.

When the total number is considered, the number of returns is very small, she said.

Lou Gelfand, director of news media for Pillsbury, said that within the next couple of months in an Upper Midwest city, the company will test the open dating of other Pillsbury products.

Gelfand said the company has no evidence that consumers want Pillsbury to open-date other products. "But we are certainly open-minded about it," he said. "The question is not closed."

Similac has had an open dating for a little more than a year.

The reason Ross Industries uses it is the "psychological reaction from the parent," according to Ron Mullett, manager of nutritional products. "He is assured that the product is in a fresh, nutritious form."

The return rate on Similac, which has an 18-month shelf life, has been no problem, he said. "There has been a very, very low return rate, less than a half percent."

While it cannot be considered open dating because it does not give the date the item should be removed from the shelves, there is another example of consumers being given easily understood product-freshness information.

Some Super Value stores are stamping the day of the month the meat was packaged on its fresh meats. July 28, for example, is 28.

U.S. SAYS ALL EGGS MUST DISPLAY DATE

A uniform method of marking all eggs packaged under supervision of the U.S. Department of Agriculture (USDA) went into effect July 1.

Under a new department regulation, all egg cartons must be stamped with a "lot number." The lot number must be the day of the year the eggs were packaged.

For example, 215 would be Aug. 3.

The packagers may put other dates, such as the date they want the eggs off the shelves or the date the eggs were delivered to the store, on the cartons in addition to the lot number, according to Raymond Greenfield, national supervisor of shell egg grading for the department.

He said a shelf life of two weeks is not unreasonable if the eggs are not improperly handled, such as by inadequately refrigerating them.

[From the Minneapolis Star, Aug. 6, 1970] CHICAGO FOOD CHAIN OFFERS CUSTOMERS CODE DETAILS IN BOOK—V

Jewel Food Stores, a major chain based in Chicago, started three weeks ago to make available a code book so customers can tell how fresh the food is in Jewel stores.

The code book which is kept at the customer service desk in every store, is organized by types of food and lists code explanations by brand. The book indicates whether the code tells the date of manufacture or the date the manufacturer wants the food off the shelves.

Jewel is believed by consumer groups to be the nation's first major food store chain to translate codes for its customers.

And it is being watched by consumer groups and the food industry to see what, if any, problems arise.

At the same time it made the book available, the company also put signs in the stores explaining the codes on some of the more popular types of food, such as fresh meats, processed meats, refrigerated biscuits, butter and potato chips.

The store has always been willing to explain a code to a consumer, according to William Newby, director of public information for the chain.

And many customers knew the simple or common codes, he said.

Newby said the average consumer did not demand code explanations.

"Most of the demand has been from the professional consumers," he said. "This has been on their 'want list,' along with unit pricing."

Newby apparently used the phrase "professional consumers" to mean organizations and a group of housewives that have pushed for more freshness information in Chicago.

The chain has unit pricing—the price per unit of weight is displayed on the package—on 1,000 of its fastest-moving products, and the list is being expanded.

Newby said the company is working with manufacturers to get packages dated in ways that will permit the consumer to figure out the date without having to use a book.

He said there is a risk to Jewel that shoppers will buy only the freshest food leaving other fresh food to sit on the shelves until it must be removed and destroyed or returned to the manufacturer for credit.

"It is a gamble that not so many will do it that it will upset the rotation of products," he said.

Consumers have to be assured, Newby said, that most types of food are fresh not only the first day the food is on the shelves but also the next few days.

He said they also must be assured that although the food industry says a package should be off the shelves by a certain date, the food is still fresh after that date. The date was picked to allow a few days for the shopper to get the food home and use it before it loses its freshness, he said.

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DAIRY PRODUCTS

Clover Leaf

Milk—pull date. A two-digit code. The letters go alphabetically A, B, C. The letter B adds 10 to the number following the letter. The letter C adds 20.

For example, A9—July 9; B9—July 19; C9—July 29.

Cottage Cheese—pull date. A three-digit code. The letter is the same number down the alphabet as the month is into the year. The two numbers are the day of that month.

For example, G-22—July 22.

Sour Cream—packaging day. A three-number code giving the day of the year the product was packaged.

For example, 191—July 10.

Fairmont

Milk—pull date. A four-digit code. The first number and letter do not relate to the date. The last two numbers are the last day of the month the milk can be sold.

For example, 6U31—July 31.

Cottage Cheese—pull date. A four-digit code. The same as milk.

Dairy Fresh

Milk—packaging date. A three-digit code. The first number is the machine number.

The letters go alphabetically A, B, C. The letter B adds 10 to the number following the letter. The letter C adds 20.

For example, 1C2—July 22.

Old Home

Cottage Cheese—pull date. A four-number code. The first and last numbers added together give the month of the year. The middle two numbers give the date of the month.

For example, 3224—July 22.

Sour Cream—pull date. A four-number code. The same as cottage cheese.

COUNTRY CLUB MARKETS

Fresh meats—Packaging date. Most stores with new labeling machines use a two-number code. The first number may be for that particular week, or it may not relate to the date. The second number goes from 1 to 6 for Monday through Saturday. Codes will vary from store to store among those with old labeling machines. An example of the code of the new labeling machine:

31—Monday
32—Tuesday
33—Wednesday
34—Thursday
35—Friday
36—Saturday

(No store brand vacuum-packed meats.)
Bread—Arrival date—coded according to color of twist closing package. Country Club private brands are baked by two companies, Emrich Baking Co. and Pan O'Gold Baking Co. Each has a different code.

Emrich Baking Co.

Brown—Monday
Green—Tuesday
Red—Wednesday
Blue—Thursday
Yellow—Friday
Black—Saturday

Pan O'Gold Baking Co.

Orange—Monday
White—Tuesday
Blue—Wednesday
Yellow—Thursday
Green—Friday
Red—Saturday

(No store brand milk, cottage cheese or sliced American cheese.)

[From the Minneapolis Star, Aug. 7, 1970] SOME MANAGERS FIND CODES BAFLE THEM—V (By Suzanne Hovik)

Codes keep store managers and employees in the dark almost as much as they do the consumers.

Most of the food men do not oppose open-dating of foods.

It would help them get the freshest products to the consumers, they say.

Except for store-label brands, many managers and employees said, they do not know the codes of many of the products in their stores.

Those who said they are in the dark include stockboys for the dairy cases and managers who take care of the vacuum-packed meat display.

The store sets rotation policies—bringing the older products to the front of the shelf and placing the fresh ones in the back. This is done every time the shelf is stocked with perishable items or periodically for semi-perishable items.

Store employees and managers said delivery men or salesmen for many products check the shelves to make sure the food is fresh.

When they slip up, the manager finds out when the customer brings an old or spoiled item back to the store, they said.

A spokesman for a union whose members handle food in stores said, however, that the union has limited the types of food that salesmen are permitted to check in stores.

Eugene Utecht, field representative for the Amalgamated Meat Cutters and Food Han-

diers of North America, Locals 653 and 653A, said salesmen may check bakery goods, cookies, crackers, baby foods, potato chips, beverages, and dairy products (milk, cream, butter, cottage cheese and ice cream).

"All other items are stocked and checked by our members," he said.

Some store managers said open dating would not only help the store employees keep closer watch on the food but also would help customers find items that are "overlooked" in the stocking of shelves.

A couple of managers frankly admitted that open dating would force them to follow their stock more carefully, "something we don't watch as closely as we should."

James H. Willie, president of Red Owl Stores, Inc., said his firm has been working in cooperation with its suppliers and the National Association of Food Chains in an effort to improve the coding of perishable products.

"When our current studies assure us that changes in our coding systems will be beneficial to our customers, coding changes will be initiated by Red Owl," he said.

There are also some food processors who do not object to open dating.

Open dating is "almost a nation-wide trend," said a spokesman for Mid-America Dairymen, Twin City Milk Producers Division.

"Other states are going more and more to the day-of-the-year code. The trend is motivated by the interest these days of consumers wanting to know how old the product is," he said.

Technology, he said, has increased the shelf life of milk to the point where rotation is not a problem. He said his company considers 10 to 11 days the shelf life for grocery store and home.

"I've had milk for as long as 24 days, and it still tasted good," he said.

He said he couldn't give an answer on whether open dating would increase food costs.

"It would come down to the need for arranging things so you never had old stock." Oscar Mayer and Co. is test-marketing open-dated vacuum-packed meats in some SuperValu stores in the Twin Cities area.

Currently Mayer meats are coded according to a "quality control" date, which is "in practice" the date the meat should be pulled from the shelves, according to the company.

While the meat could still be sold and consumed after that time, the quality would not be as high, a spokesman for the company said.

Most food-stores employees and managers and food manufacturers deciphered their codes for the Minneapolis Star when a reporter asked about them recently.

However, a few placed a great deal of emphasis upon the secrecy of their codes and refused to give out any information on them.

A spokesman for Zinsmaster Baking Co. said the company does not want the information public.

"We have never given out the code. If we had wanted it made public, we would have done so long ago. It is strictly our business," he said.

"There is nothing wrong with bread two days old."

A week's shopping survey of stores carrying Zinsmaster's Master Bread indicates the code for the color of the closing twist is probably as follows:

Blue for bread new on Monday, white for Tuesday, green for Wednesday, orange for Thursday, yellow for Friday and red for Saturday.

Nabisco refused to verify the information about its codes that is in the code book that Jewel Food Stores, a Chicago-based chain lets its customers use to help them figure out how fresh food is.

The request by a reporter for verification was transferred from a local spokesman to a local division sales manager to the director of

marketing in the New York City office of the director of public relations in the office.

At some of the earlier stages of the reporter's efforts, the employees verified the first part of the code information in the book. When asked about the date part, however, the employees said the information is incorrect.

The assistant to the director of public relations finally said that "the company had no statement on it, right or wrong."

"We don't give out our code date to anyone," she said. "It is highly confidential. I don't know if it is correct, and I won't tell you if it is correct or not. We don't talk about them. They are for our own personal use."

She said that no Nabisco official gave code information to Jewel.

The Jewel book says the Nabisco code for pretzels is as follows: The first number is the shift that packaged them, the first letter is the plant and the last three numbers are the day of the year.

For example, 11.103 would mean the pretzels were packaged during shift 1 at Plant 1, on April 13.

[From the Minneapolis Star, Aug. 7, 1970]
FOUR ARGUMENTS GIVEN BY OPEN DATING
FOES; SHELF HAVOC FORESEEN

(EDITOR'S NOTE. These are the last in recent interviews with men and women in the food industry. The Minneapolis Star found that some of them oppose a proposal by consumer groups that the industry stamp on packages of food the date that the food should be removed from the shelves in order to guard against lost freshness.)

More of the food men do not oppose the proposal.

(The Star interviewed store employees, managers and officials, along with manufacturers and spokesmen for trade associations.)

Supermarket managers and officials stress one point over and over again when talking about food freshness:

"It is as much to our advantage (as to the consumers) to keep it fresh."

They say they have to sell fresh food to stay in business. And it does not make much difference whether the consumer can read the code or not. If she gets home and finds she has bought stale or spoiled food, she is not likely to buy at that store again.

If the food men are convinced they are selling fresh food, why do some oppose open dating—stamping on the product the last day it may be sold in the store?

There are four main arguments opponents make:

Freshness is the grocer's responsibility, and the consumer should trust him to provide fresh food.

Open dating would create havoc with the order of goods on the shelves as consumers "paved over" the food to find the items with the most recent dates stamped on them.

It would increase the cost of food to consumers, because the unfavorable image of "day-old" food is difficult to erase from the consumer's shopping habits. A "day-old," but still perfectly good, item would remain on the shelf as the customer chose the freshest item. Eventually, it would go out of date and have to be returned for credit or destroyed.

The time a perishable item has been on the shelf is not as important to its freshness as the temperature at which the food is kept.

Melvin Berg, plant manager for Superior Dairy Fresh Milk Co., said he is not in favor of open dating.

"If the code is so the consumer can read it, she figures she wants milk from that morning. It is not necessary anymore. Milk can keep a week or more with absolutely no problem."

Berg said that technology has increased the shelf life of milk to the point at which "a carton of milk kept in the cooler three

weeks would be a better product than milk kept just three days 20 years ago."

He said he is sure open dating would increase the cost to the consumer.

"It is hard to tell the consumer that milk bottled a couple of days ago is still good," he said.

The president of a local independent chain said he does not object to open dating if it would help the consumer.

But he added that there may be something to the objection that it would increase food costs.

These would be very insignificant in a large operation, he said, because the turnover is high. He said the owner or manager of the small store would be the one who would be hurt.

This point was also made by Commissioner Mary Jones of the Federal Trade Commission (FTC), which is hearing a petition requesting that the FTC require open dating.

"We have to act very carefully to know just what we are involved with," she said.

"We have to weigh what is the impact on the little stores. We can hurt the consumers in the long-range by throwing all of them (little stores) out of business."

Some store managers, affiliated with chains said they feel open dating would increase the costs greatly for them also.

"Prices would go sky high" with open dating, said John Sullivan, owner-manager of the Diamond Lake Super Valu, 5937 Nicollet Av.

"The minute an open date is put on a product, it will double the cost of the food."

The spoilage that would result when buyers refused to buy any but the freshest food would not be the only contributor to higher cost, he said.

Another contributor, he said, would be necessary changes in shelf-stocking procedures.

Sullivan said he has had more returns on the Pillsbury refrigerated dough products, which are open-dated, than on any other product in his store.

Stocking the shelves with products of just one date would not be the answer, he said. It has been shown that a "well-stocked shelf will sell 10 percent more food than a partially filled shelf."

The National Association of Food Chains is in favor of anything that better informs the customer and makes her a better buyer, said Wayne Warrington, director of public affairs for the organization in Washington.

"But you have to balance off whatever additional service we have to provide with the ultimate cost of that service to the consumer. We have to balance off the costs against the potential benefit."

A key point to consider when talking about open dating, he said, is that the temperature is seven times as important as the time factor in its effect on the nutritional value and edibility of food.

Temperature is a factor over which the store has no control as the food moves from the fields through the processing stage to the back door of the store, he said.

Warrington also said there is a problem of what date to put on the package. "When dating a package, do you make the assumption the consumer is not going to have it in her home over a week?" he asked.

He said the industry is watching closely the Jewel Food Stores in Chicago, which make available to customers a book giving the codes for all the products sold in Jewel stores.

(EDITORS NOTE.—Information on the following codes was provided by grocery store employees and managers and by manufacturers. The information was accurate for codes in use when research was done for this series of articles in mid-July. However, these codes may not be followed by all stores of a chain. And they may have been changed since or may be changed after publication of the keys. "Packaging date" is the date of manufacture or bottling (in the case of milk).

"Pull date" is the date the product should be removed from the grocer's shelves.)

SUPER VALU STORES

Fresh meats—packaging date. The division office recommends to its stores, which are independently owned and operated, two meat codes. The first is on the older label printing machines and is a two-letter system. The first letter is the week, the second letter stands for the day of the week.

An example is:

KH—Monday	KN—Thursday
KK—Tuesday	KO—Friday
KL—Wednesday	KP—Saturday

The second recommended meat code is done on the newer label printing machines. It is almost a form of open dating in that it gives the day of the month the meat was packaged.

For example, 31 would be July 31.

Vacuum-packed meats (Good Valu)—"caution" (date by which it should be sold) or pull date. A four-number code. The first three numbers are the day of the year. The last number is the last number of the year.

For example, 2120—July 31, 1970.

Bread (Flavorite)—arrival date. Coded by color of twist closing package.

Orange—Monday	Yellow—Thursday
White—Tuesday	Green—Friday
Blue—Wednesday	Red—Saturday

(No private label milk in Twin Cities area.) Cottage Cheese (Flavorite)—"caution" or pull date. A three-number code. The numbers give the day of the year.

For example, 208—July 27.

Sliced American Cheese (Flavorite)—"caution" or pull date. A three-number code. The numbers give the day of the year.

For example 217—Aug. 5.

WATER POLLUTION AND THE REFUSE ACT OF 1899: THE CORPS OF ENGINEERS IS DOING ITS DUTY, WHY NOT THE DEPARTMENT OF JUSTICE?

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, I reported to the Members of this House on June 17, 1970, "about the significant step forward" taken by the Corps of Engineers in recently revising its regulations pursuant to the recommendations of the House Committee on Government Operations—House Report No. 91-917, March 17, 1970. These regulations govern, among other works, applications for Corps permits to conduct filling, dredging, and refuse disposal in navigable waterways.

Today, I am again able to report to the Members of the House about another progressive step taken by the Corps in announcing a policy of enforcement of the 1899 River and Harbor Act (30 Stat. 1151). Equally, I must point out the total abdication by the Department of Justice of its statutory duty "to vigorously enforce" that act. The Attorney General, whose sworn duty it is to enforce law and order, is a scowflaw where water pollution is concerned.

A review of a tabulation of existing industrial waste permits issued by the Corps since March 3, 1899, which was prepared by the Corps at the request of the Subcommittee on Conservation and Natural Resources, of which I am chairman, showed: First, that there are many industrial polluters in this Nation who

are discharging refuse materials into our waterways without a Corps permit and in violation of the 1899 law; and second, that even where a permit exists there appears to be little, if any, treatment of the refuse before it is discharged.

I therefore wrote to the Corps on July 28, 1970, and I urged that it "begin now to notify all present and future discharges of refuse materials into this Nation's waterways about the requirements of the 1899 River and Harbor Act." I informed the House about this on July 29—CONGRESSIONAL RECORD, page 26439.

I am very pleased to report that the Corps on July 30, 1970, has announced a policy of full enforcement of the 1899 law as follows:

Permits will be required for all industrial discharges into navigable waters and their tributaries. New permits will be required where existing permits were granted without adequate consideration of the quality of the effluent. Permits will also be required for current discharges into navigable waters where no permits have been granted.

I commend the Corps for recognizing its responsibility for vigorous enforcement of the Refuse Act. With the adoption of this new policy by the Corps, the polluter will either have to apply for and obtain a permit, or face prosecution under the Refuse Act, or cease discharging its wastes.

No longer will the Nation's polluters be able to gain substantial profits through the use of our public waters as their private sewers. The public's right to clean waters is now recognized by the Corps as superior to the polluter's profits.

With this new policy, the discharger who applies for a Corps permit must also obtain a certification from the State in which the discharge originates, as required under section 21(b) of the Federal Water Pollution Control Act, as amended by Public Law 91-224 enacted April 3, 1970. When a State grants a certificate, after notice and an opportunity for public hearings, it certifies that the applicant's activity "will be conducted in a manner which will not violate" applicable Federal, State, or local water quality standards. Under the Corps recent revised regulations—Circular No. 1145-2-18, expires June 30, 1971—it will not begin to process a permit application until the certificate is granted.

In addition to the certificate, the Corps recently issued regulations requiring that applicants for dredging, filling, and disposal operations list first, the type and quantity of solids to be removed or deposited; second, the proposed method of measurement; third, alternate methods of disposal; and fourth, the economic and environmental impact of alternate methods. Applicants for permits for outfall sewers from industrial and other plants and similar work "which may affect the ecology of a waterway are required to furnish data to identify the character of the effluent."

In the latter case, the applicant must include "data pertaining to chemical content, water temperature differentials, toxins, sewage, amount and frequency of discharge and the type and quantity of solids involved and provide information on plans to abate pollution of solids." The Corps regulations also encourage

the holding of public hearings "when-ever there appears to be sufficient public interest."

Finally, the "decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on the public interest," including such factors as navigation, fish and wildlife, water quality, economics, conservation, esthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

One can readily see that, when the Corps applies these new requirements to applicants who are now discharging wastes without a permit and to existing permittees, the dischargers may find it difficult to comply. They will have to either cease discharging wastes into our waterways or provide effective treatment before the discharge occurs. But that, after all, is the very objective of all our pollution control laws. Until this objective is achieved, we cannot expect clean water.

Again I commend the Corps for announcing this policy. Its action is consistent with the recent decision by the U.S. Court of Appeals for the Fifth Circuit in *Zabel v. Tabb* (C.A. 5, July 16, 1970, No. 27555) which held—page 2:

We hold that nothing in the statutory structure compels the Secretary [of the Army] to close his eyes to all that others see or think they see. The establishment was entitled, if not required, to consider ecological factors and, being persuaded by them, to deny that which might have been granted routinely five, ten, or fifteen years ago before man's explosive increase made all, including Congress, aware of civilization's potential destruction from breathing its own polluted air and drinking its own infected water and the immeasurable loss from a silent-spring-like disturbance of nature's economy.

I hope, however, that the Corps will do more than just issue a press notice of its intentions. I hope the Corps will follow up on this announcement by conducting, as I urged in my letter to the Corps of July 28, a vigorous campaign to notify all polluters of the requirements of the 1899 law and section 21(b) of the Federal Water Pollution Control Act.

I also hope that the Corps will support the current effort by Senator HART and others to add \$4 million to the public works appropriation bill for fiscal year 1971—H.R. 18127—which passed the House on June 24, 1970, for the Corps to carry out this work on an accelerated pace. I urge my colleagues in the House to support this effort.

The Corps' policy of enforcing the Refuse Act is being applied somewhat gradually, because of personnel shortages.

Mr. Robert E. Jordan III, Special Assistant to the Secretary of the Army for Civil Functions who supervises the Corps civil works program, testified on July 29 before the Senate Subcommittee on Energy, Natural Resources and Environment of the Commerce Committee, as follows:

Specifically, we are instructing all District Engineers that permits will be required for future discharges into navigable waters and that applications for such permits must be accompanied by an appropriate state certification.

Initially we will have to concentrate on applying the permit and certification requirement to discharges from new facilities where the certification requirement is immediately effective and, with the assistance of FWQA, to discharges which are known to have a significant adverse effect on water quality. It will, of course, be impossible to individually notify all companies who now discharge into navigable waters of the requirement to apply for a permit. We will, however, through the Federal Register and other public means, attempt to make industry and concerned persons aware of our regulatory changes.

Similarly, Chairman Russell E. Train of the Council on Environmental Quality testified on August 11, 1970, before the Senate Public Works Subcommittee on Air and Water Pollution. Mr. Train said that the Council was working with the Interior and Justice Departments and the Corps in formulating a "new program" to be announced in about a month concerning enforcement of the 1899 law, regarding permit applications for "new facilities."

Mr. Speaker, I urge that the Corps' new policy of full enforcement of the 1899 law be made applicable, as soon as possible, to existing permittees, new facilities, and to existing dischargers who have failed to obtain a Corps permit. The damage to our waters and environment must be remedied with urgency.

There is one discordant item in the Corps press release of July 30, 1970:

All actions under the Refuse Act having Water Quality implications are being closely coordinated to insure unity in the Federal Water anti-pollution program. (Italic supplied.)

This statement appears to reiterate the doctrine of limited enforcement of the 1899 law adopted by the Justice Department on July 10, 1970. That doctrine favors the polluter over the public's interest in preventing the pollution of our waterways.

The Justice Department has said that a polluter can continue to violate the 1899 law, if he is subject to some unspecified proceeding of the Federal Water Quality Administration. No one knows what this proceeding is. I doubt that even the Justice Department or FWQA have any understanding of what it might be.

But, most importantly, it is a doctrine that has no relevance to the 1899 law or section 21(b) of the Federal Water Pollution Control Act.

The Federal Water Pollution Control Act specifically disclaims that it, in any way, effects the 1899 law. To discharge refuse material into a navigable waterway without a Corps permit, even if treated, is a violation of the 1899 law, the law says that U.S. attorneys must vigorously prosecute the violator.

I wrote to Attorney General Mitchell on July 8, 1970, urging him to abandon that pollution-oriented doctrine, and I informed the House about this on July 15, 1970—CONGRESSIONAL RECORD, pages 24529-24531. However, I have not yet received a response from the Department.

The Corps' press release mirrors that doctrine when it states:

All actions under the 1899 act with water quality "implications are being closely coordinated" with FWQA to insure unity in the Federal Water antipollution program. (Italic supplied.)

Last May the Corps and Federal Water Quality Administration announced they were preparing a memorandum of understanding on enforcement of the 1899 act which would, in effect, give the Federal Water Quality Administration, not the Corps, responsibility for enforcing that act. Under the proposed memorandum, the Corps would ask the Federal Water Quality Administration to make recommendations on each proposed enforcement action to see how the Federal Water Quality Administration "proceeding" would be affected.

As I have stated time and time again, the responsibility to enforce the 1899 act belongs solely to the Corps and the U.S. attorneys, not the Federal Water Quality Administration. The recommendations of the Federal Water Quality Administration do not alter that responsibility.

It is my hope that the Corps will not repeat the errors of the Justice Department. The Corps should resist the pressure to tie its hands through such coordination. Its only course must be to enforce the 1899 law as announced above. It must require, through all appropriate means, including criminal sanctions and civil actions, that all waste dischargers obey the law and stop the degradation of our waterways to the public's detriment and the polluter's profit.

The Congress recently stated a new national policy for protecting the environment. This policy, and the procedures to carry it out, are carefully detailed in the National Environmental Policy Act of 1969—Public Law 91-190, approved January 1, 1970—and the Environmental Quality Improvement Act—Public Law 91-224, title II, approved April 3, 1970.

Section 102(C) directs all Federal agencies, including the Justice Department, to include, in all "major Federal actions significantly affecting the quality of the human environment," a detailed statement on—

First, the environmental impact of the proposed action;

Second, any adverse environmental effects which cannot be avoided should the proposal be implemented;

Third, alternatives to the proposed action;

Fourth, the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

Fifth, any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Section 5(a) of the interim guidelines issued by the Council on Environmental Quality dated April 30, 1970 (35 F.R. 7390 7391) defines the term "actions," for the purpose of determining whether a "detailed statement" is required, to include "policy-and-procedure-making" activities of an agency.

In its "Guidelines for Litigation Under the Refuse Act (33 U.S. Code 407)" of July 10, 1970, the Justice Department states as follows—page 3:

II. POLICY

1. The policy of the Department of Justice with respect to the enforcement of the Refuse Act for purposes other than the protection of the navigable capacity of our national waters, is not to attempt to use it as a pollu-

tion abatement statute in competition with the Federal Water Pollution Control Act or with the State pollution abatement procedures, but rather to use it to supplement that Act by bringing appropriate actions either to punish the occasional or recalcitrant polluter, or to abate continuing sources of pollution which for some reason or other have not been subjected to a proceeding conducted by the Federal Water Quality Administration or by a State, or where in the opinion of the Federal Water Quality Administration the polluter has failed to comply with obligations under such a procedure * * * (Italic supplied.)

Thus, the Justice Department, in issuing its guidelines, established a "policy" as that term is defined by the Council, but it did not, to our knowledge, prepare and send to the Council a "detailed statement," as required by the National Environmental Policy Act, on that policy.

Mr. Speaker, how can the public believe that its Government will relentlessly follow a course of protecting and enhancing the quality of the environment, when the Government's chief law-and-order agency violates one of the most important environmental protection laws of this country?

The Justice Department is quite willing to enforce the law against the occasional polluter, but not against the big corporate polluters who continuously violate our pollution laws. It is this type of ragged enforcement that breeds contempt and disrespect for the law.

I urge the Chairman of the Council to review this violation with the Justice Department and to seek the prompt reversion of this unfortunate policy.

Section 21(b) was added to the Federal Water Pollution Control Act by the Water Quality Improvement Act of April 3, 1970, Public Law 91-224. That section requires, as I have said, that an applicant "for a Federal license or permit to conduct any activity, which may result in any discharge into" a navigable waterway, must obtain a "certification from the State in which the discharge originates or will originate." The State must certify "that there is reasonable assurance, as determined by the State, that such activity will be conducted in a manner which will not violate applicable water quality standards" before such license or permit may be granted.

Many Members of the House and Senate have joined with me in pointing out that, if the Corps and the U.S. attorneys vigorously enforce the 1899 law by requiring polluters to get Corps permits, it will trigger the certification provisions of section 21(b). We expect these certificates will not be granted until the State is satisfied that there is, in fact, a firm basis for such assurances. In the absence of such an application for a permit, section 21(b) will not apply. Further, applicants for Corps permits must also comply with its new regulations which are designed to protect our environment.

Mr. Shiro Kashiwa, Assistant Attorney General, Lands and Natural Resources Division, does not yet seem to understand the law.

In a letter he sent to the Conservation Foundation on July 27, 1970, he said:

I cannot agree with you that the licensing procedure you advocate would be an effective way to abate pollution. The chief defect of the plan is that it does indirectly, and re-

quires an extra step to do, what may now be done directly and without further licensing. No person or firm at the present time is exempt from the requirement of compliance with water quality standards, where those standards have been established; and it is therefore completely unnecessary for the federal government to license a person's activities to subject him to those standards. Thus your statement on page 3 of your letter that "of no permit is required by the Corps of Engineers, then the guarantes of Section 21 (b) cannot be applied" misses the point entirely, for it supposes that the States cannot impose their own laws on their citizens except through the medium of a federal license. The purpose of Section 21(b) of the Water Quality Improvement Act is to prevent the federal government from licensing polluting activities which are unlawful under the laws of the state where the activities occur; it is unnecessary to bring this Section into play where a federal license has not issued and the polluting activity is therefore illegal under federal as well as state law." (Italic supplied)

I respectfully suggest that Mr. Kashiwa, not the Conservation Foundation, misses the point entirely.

First, not all polluters are subject to water quality standards under section 10 (c) of the Federal Water Pollution Control Act. The only polluters who are subject to water quality standards are those who discharge wastes into interstate waters covered by section 10(c) or into those noninterstate waters for which the State has adopted its own standards.

Second, Mr. Kashiwa states that the purpose of section 21(b) is to prevent the Federal Government from licensing polluting activities in violation of State laws. That is far too narrow an interpretation of the law.

Its purpose is to assure that all activities, which, in order to discharge lawfully into a navigable waterway, must obtain a Federal license or permit, will also comply with applicable Federal, State, or local water quality standards. Congress sought to assure this through the use of a certification issued by a State, or, if appropriate, by the Secretary of the Interior.

Clearly, a discharger who has failed to obtain a Corps permit under the 1899 act is not "lawfully" discharging into a waterway. Yet that discharger is discharging into a waterway, probably without consideration of applicable water quality standards. There is no assurance that a State is aware of the discharger's violation of its standards, let alone the Federal law. But, if the discharger is required to obey the law and apply for a Corps permit, it will soon come to light whether the discharger is or is not complying with applicable standards.

Third, and most importantly, as we have stated time and time again, the 1899 law is a valid act of Congress. It must be enforced. No polluter may discharge refuse into a navigable waterway without a Corps permit. The responsibility of the polluter to get a permit is not diminished or eliminated by the fact that the polluter may be violating a Federal or State law too.

Mr. Kashiwa, in his July 27, 1970 letter to the Foundation, also said as follows:

Let me here assert that where the Department is supplied by a United States Attorney or any other source with hard evidence

of a violation of the Refuse Act, and where the violation is of a type which the United States Attorney cannot under the Guidelines initiate on his own authority, this Department will authorize the initiation of the action, unless effective measures to abate that pollution are already being taken by the Federal Water Quality Administration or by a State through court action." (Italic supplied.)

I am very puzzled by Mr. Kashiwa's statement when viewed in juxtaposition with the Justice Department's Guidelines.

Does he really mean that where any U.S. attorney requesting authorization to institute an action against a violator of the 1899 law shows first, that the violator is continuously discharging wastes into a navigable waterway; second, that he has hard evidence of a violation; and third, that the Federal Water Quality Administration or a State has not already taken steps "to abate that pollution through court action," the Justice Department will authorize such action? If the answer to that question is "yes," then I congratulate Mr. Kashiwa for, in effect, sacking the guidelines by defining "proceeding" to mean there must be underway a FWQA or State instituted "court action."

This would be a far cry from the totally non-public-interest position of the Justice Department, as stated in its guidelines. While it does not conclude that a Corps permit must be obtained regardless of the Federal Water Quality Administration's or a State's court action, it has the same effect. Why? Because there are no Federal Water Quality Administration abatement actions now in court under the Federal Water Pollution Control Act, and, to my knowledge, none is on the horizon.

Mr. Kashiwa's letter explains that one of the purposes of the guidelines was to acquaint the U.S. attorneys that actions not merely for fines and imprisonment, but also for injunctive relief could be brought under the Refuse Act. The report of the House Government Operations Committee emphasized this aspect of enforcement of the act. I am pleased that the Justice Department is now emphasizing it too.

I again call on the Justice Department to respond to my letter of July 8, 1970, rescind the guidelines, and vigorously enforce the 1899 law as the Corps is now doing.

I append the text of the Corps of Engineers press release of July 30, 1970; Senator PHILIP A. HART's letter of August 7, 1970, to Senator ELLENDER urging that \$4 million be added to the Corps appropriation for fiscal year 1971; and Mr. Kashiwa's letter of July 27, 1970, to the Conservation Foundation and the Foundation's reply of August 7, 1970, for inclusion in the RECORD at this point:

CORPS OF ENGINEERS ANNOUNCES NEW PERMIT REQUIREMENTS

The Corps of Engineers today announced new permit requirements under the Refuse Act (33 USC 407) concerning all discharges into navigable waters. Permits will be required for all industrial discharges into navigable waters and their tributaries. New permits will be required where existing permits were granted without adequate consideration of the quality of the effluent. Permits will also be required for current discharges into

navigable waters where no permits have been granted.

Applicants for new permits are now required to identify the character of the effluent and to furnish pertinent data such as chemical content, water temperature differentials, toxins, sewage, quantity of solids involved and the amount and frequency of discharge.

The Corps' revised requirements are in compliance with the Environmental Policy Act of 1969 which requires agencies to consider environmental impact in the administration of public laws, and with the Water Quality Improvement Act of 1970 which requires applicants for Federal permits to file a certification from the appropriate State that the discharge "will not violate applicable water quality standards." Under the revised procedures, the effects of discharges on water quality will be considered in processing the permit.

While permits will be required for all future discharges into navigable waters and their tributaries, the Corps of Engineers will initially concentrate on major sources of industrial pollution not covered by existing permits. The Corps hopes that through widespread knowledge of its new permit requirements including State certification, it will, along with other Federal, State, and local anti-pollution activities, encourage industries to accelerate their own anti-pollution efforts.

All actions under the Refuse Act having Water Quality implications are being closely coordinated with the Federal Water Quality Administration to insure unity in the Federal water anti-pollution program.

U.S. SENATE,
Washington, D.C., August 7, 1970.

HON. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ELLENDER: In hearings last week on mercury pollution before the Senate Subcommittee on Energy, Natural Resources and the Environment, we discussed the potential usefulness of the Refuse Act of 1899 to prevent further crises of the kind experienced with mercury. The Corps of Engineers testified that while the Act was a valuable tool for pollution control, it had not been used as such in the past. The Corps pledged, however, to begin to administer the Act aggressively if adequate staff and funding could be made available.

The Act states that no waste may be dumped into the navigable waters of the United States without a permit from the Corps. It thus provides a means to compile an inventory of all effluents being discharged into our waters and to effect pre-clearance by federal authorities of all potentially harmful pollutants in such discharges. Such inventories and pre-clearance mechanisms, I would argue, are essential to effective water pollution control.

These mechanisms will operate, however, only if those discharging waste are made plainly aware of the permit requirements of the Refuse Act. Increased personnel will be needed both to pass on applications and to police those who fail to apply on their own initiative.

The Corps' "fact sheet" of August 4 specifies the additional personnel and funds required to "initiate expanded activity" under the Act. It is my hope that your committee will include in the bill it reports their figure of \$4,000,000 for fiscal year 1971. In light of the alarming evidence of nationwide water pollution with which we are increasingly confronted, we must do what is necessary to reverse the trend. Increased appropriations for the administration of the Refuse Act, I believe, would be a major step in that effort.

Sincerely yours,

PHILIP A. HART,
Chairman, Subcommittee on Energy,
Natural Resources and the Environment.

DEPARTMENT OF JUSTICE,
Washington, D.C., July 27, 1970.

MR. ARTHUR A. DAVIS,
Vice President, The Conservation Foundation,
Washington, D.C.

DEAR MR. DAVIS: I am happy to have this opportunity to answer the questions with regard to the enforcement of the Refuse Act raised in your letter of July 15, 1970 to me, and to correct the misconstruction of our Guidelines for Litigation under the Refuse Act which have been publicized by certain persons and which are reflected in your letter.

The first thing which you must realize is that the Guidelines are instructions to the United States Attorneys. The reason for the issuance of the Guidelines was that many United States Attorneys were unfamiliar with the provisions of the Refuse Act of 1899, and those who were familiar with it were uncertain as to how they might proceed to prosecute violations. For example, Section 17 of the Rivers and Harbors Act of 1899 (of which the Refuse Act is Section 13) states that "it shall be the duty of the United States Attorneys to vigorously prosecute all offenders against the * * * [Refuse Act] when requested to do so by the Secretary of the Army or by any of the officials hereinafter designated * * *." It has become increasingly common, however, for possible offenses of the Refuse Act to be reported to the United States Attorneys from sources other than those designated in the statute, and the manner of proceeding on these cases, therefore, was not clear. Very often, the reports of violations were in the most general terms—"X Company is polluting"—and nothing even remotely resembling proof in support of the allegation was presented; the problem then arose, how to obtain evidence to prove the charge in court.

Furthermore, the Refuse Act—that is, 33 U.S.C. 407—is in its express terms of criminal statute, and the only sanctions specifically provided for the violation of its provisions are fine and/or imprisonment. Obviously, thus to punish pollution without stopping it would not be of much aid to the environment.

The purpose of the Guidelines, then, was to advise the United States Attorneys that they might take action on violations of the Refuse Act reported from any source, to indicate to them what federal agencies could be of assistance to them in securing proof of the allegations of discharges in violation of the Refuse Act, and to acquaint them with the fact that the Department believed that actions not merely for fines and imprisonment, but also for injunctive relief could, in appropriate cases, be brought under the Refuse Act.

To this end, the first significant change in previous procedures instituted by the Guidelines was to authorize the United States Attorneys, when they had acquired what they deemed to be evidence sufficient to prove a case, to initiate on their own initiative and authority, with no need of approval from the Department of Justice in Washington, either criminal actions to punish violations of the Refuse Act, or civil actions to enjoin such violations. Prior to the authorization to bring such actions thus conferred by the Guidelines, any United States Attorney who wished to bring any type of action under the Refuse Act involving shore-based pollution, except in New York Harbor, was required to secure the approval of the Department of Justice. Thus the statement on page 2 of your letter, that prior to the issuance of the Guidelines Departmental clearance for the initiation of an action under the Refuse Act was not required, simply is not correct, and the Guidelines represent a significant decentralization of authority in the operations of the Department.

Now it is true that there are three significant areas wherein the requirement for Departmental clearance was continued. These

three areas are set forth in Paragraph III-3, 4 and 5 of the Guidelines. These three exceptions embrace alleged violations of the Refuse Act by (1) State or municipalities, or persons whose actions in violation of the Refuse Act are purportedly authorized by States or municipalities; (2) persons or firms whose polluting activities are the subject of an administrative proceeding conducted by the Federal Water Quality Administration, and (3) persons or firms who are the subject of State, County or Municipal civil or criminal litigation. (A fourth exception, involving foreign vessels, is of minor consequence). In any matter falling within these three exceptions, the United States Attorney may not initiate action on his own; instead, as required by Paragraph III-7 of the Guidelines, he must assemble the facts and evidence showing that a case exists, and then, after himself making the initial decision as to whether injunctive or criminal sanctions would most be in the public interest, forward the information either to the Criminal Division or to this Division to secure authorization to bring the suit.

Much of the criticism I have read of the Refuse Act Litigation Guidelines appears to be based on the assumption that because the United States Attorneys may not themselves initiate three types of actions, then the Department of Justice will not initiate actions falling within these three areas. But this assumption is erroneous, and indeed could not have been arrived at by anyone willing to read the guidelines carefully: the first sentence of Paragraph II-1 states:

The policy of the Department of Justice with respect to the enforcement of the Refuse Act for purposes other than the protection of the navigable capacity of our national waters, is

(1) not to attempt to use it as a pollution abatement statute in competition with the Federal Water Pollution Control Act or with State pollution abatement procedures, but rather

(2) to use it to supplement that Act by bringing appropriate actions either to punish the occasional or recalcitrant polluter, or to abate continuing sources of pollution which for some reason or other have not been subjected to a proceeding by the Federal Water Quality Administration or by a State, or where in the opinion of the Federal Water Quality Administration the polluter has failed to comply with obligations under such a procedure.

I have added the brackets and underlining to this quotation to facilitate its reading, since so many seem to have had difficulty in reading it in its ordinary form, and to emphasize that continuing industrial discharges are not automatically exempted from prosecution by the Department. In your letter, you stated on page three:

"We recognize that the Refuse Act does not itself constitute a water pollution control program. Rather it is a means by which federal and state water quality programs can be enforced."

This, I think you will agree, is substantially the same as the quoted language from our policy statement.

But to make the matter clear beyond doubt, let me here assert that where the Department is supplied by a United States Attorney or any other source with hard evidence of a violation of the Refuse Act, and where the violation is of a type which the United States Attorney cannot under the Guidelines initiate on his own authority, this Department will authorize the initiation of the action, unless effective measures to abate that pollution are already being taken by the Federal Water Quality Administration or by a State through court action.

This brings us to your suggestion that the Corps of Engineers use its permit authority to require polluters to obtain licenses, thereby requiring them to comply with applica-

ble water quality standards. What policies the Corps of Engineers might adopt with respect to the issuance of licenses under the Refuse Act is, of course, a matter for the Corps to decide, but I cannot agree with you that the licensing procedure you advocate would be an effective way to abate pollution. The chief defect of the plan is that it does indirectly, and requires an extra step to do, what may now be done directly and without further licensing. No person or firm at the present time is exempt from the requirement of compliance with water quality standards, where those standards have been established; and it is therefore completely unnecessary for the federal government to license a person's activities to subject him to those standards. Thus your statement on page 3 of your letter that "if no permit is required by the Corps of Engineers, then the guarantees of Section 21(b) cannot be applied" misses the point entirely, for it supposes that the States cannot impose their own laws on their citizens except through the medium of a federal license. The purpose of Section 21(b) of the Water Quality Improvement Act is to prevent the federal government from licensing polluting activities which are unlawful under the laws of the state where the activities occur; it is unnecessary to bring this Section into play where a federal license has not issued and the polluting activity is therefore illegal under federal as well as state law.

In my opinion, the policy we are pursuing is the one most calculated to obtain the maximum results from existing statutes. Since, under our Guidelines, the United States Attorneys now have considerable authority to initiate actions under the Refuse Act on their own, I do not know how many actions have been initiated by them since June 15, and I expect that it may be some time before we can have these figures. We have attempted to act promptly on the requests for authorization which have been sent in to us pursuant to the Guidelines; as you may have read, we recently authorized the United States Attorney in New Haven, Connecticut to initiate actions against the City of Bridgeport and five firms within the city to enjoin their violations of the Refuse Act. We have given similar authority to the United States Attorney in Cleveland with respect to the continuing violations of the Refuse Act committed by a chemical company. On Friday, July 24, having been supplied with evidence of violations by the Department of the Interior, we authorized the United States Attorneys to bring actions to enjoin the discharges into the navigable waters of the United States of mercury issuing from ten plants. Other requests for authorization are under study.

One of the most important things for you to be aware of is that the greatest limitation on our ability to bring actions under the Refuse Act is not that statute, or any other statute, or our policies thereunder, but the acquisition of substantial evidence to prove the charge. It is apparently your assumption that the Corps of Engineers has referred to the Department of Justice many alleged violations of the Refuse Act, which the Department has failed to prosecute; I think that if you will check with the Corps of Engineers, and its regional offices, you will find that in fact the United States Attorneys have asked the Corps of Engineers to supply data or evidence with respect to many alleged violations, but that the Corps, because of limitations of manpower, simply has not been able to investigate these alleged violations, or to supply the required data. Lacking proof of a violation of the Refuse Act, the United States Attorneys cannot go to Court. Improved ways of obtaining proof, and the opening up on the local level of channels of communication between the United States Attorneys, the

regional offices of the Corps of Engineers, and the local offices of the Federal Water Quality Administration, are subjects which are now under discussion. I believe that the situation will improve considerably in the near future, and that if you but observe our implementation of the Guidelines, you will be more than satisfied with the actions we take.

Sincerely,

SHIRO KASHIWA,
Assistant Attorney General.

THE CONSERVATION FOUNDATION,
Washington, D.C., August 7, 1970.

HON. SHIRO KASHIWA,
Assistant Attorney General, Lands and Natural Resources Division, Department of Justice, Washington, D.C.

DEAR MR. KASHIWA: We appreciate your response to our letter of July 15 regarding the Justice Department Guidelines for Litigation under the Refuse Act. Your letter has, indeed, clarified the Department's position.

The need to inform U.S. Attorneys about Refuse Act remedies is, as you explain, understandable. Certainly we agree that the Refuse Act could be used with more effect if U.S. Attorneys were made more familiar with it.

Our basic difficulty, which your letter has not dispelled, is with the underlying policy of the Guidelines. There is a difference between use of the Refuse Act as a supplement to the federal and state water quality program, and its use as an enforcement tool to pursue that program.

This difference is highlighted by the statement in your reply that water quality standards can be obtained without regard to the provisions of Section 21(b) of the Water Quality Improvement Act. You note that "no person or firm at the present time is exempt from the requirement of compliance with water quality standards, where those standards have been established; and it is, therefore, completely unnecessary for the Federal government to license a person's activities to subject him to those standards." Your letter goes on to say that our recommended use of Section 21(b) "misses the point entirely, for it supposes that the states cannot impose their own laws on their citizens except through the medium of a federal license."

The policy you articulate disregards the theory behind the Federal Water Pollution Control Act; federal leverage is required to force states to establish and implement water quality standards. Mercury dumping is only one example indicating that while states now have a water pollution permit system, they frequently neglect it. That the Federal government should insist on such state attention to individual polluters is consistent with current federal water pollution policy. Therefore, Section 21(b) requires states to implement their pollution controls under federal supervision over all U.S. navigable waters, whether or not intrastate. Federal policing initiative under the Federal Water Pollution Control Act is, of course, limited to interstate pollution.

Use of Refuse Act permits under Section 21(b) likewise allows quick federal enforcement of state water quality standards through injunctive remedies, rather than under the six month procedures on which FWQA must rely. Where the Federal government alone has testing facilities capable of detecting pollution, especially the toxic variety like mercury, this injunctive use of Refuse Act remedies under Section 21(b) is both logical and necessary. Once Corps permits were issued in accordance with Section 21(b), the Federal government would be in a position to take quick abatement action when it determines that state water quality

standards were being violated in U.S. navigable waters.

We are heartened, of course, to know that the Justice Department has taken action against certain companies now dumping mercury in violation of the Refuse Act. We hope that the Department will take similar action against the unlawful discharge of other insidious, less notorious substances in the future. That such actions have been difficult to bring because U.S. Attorneys lack information on Refuse Act violations should be easily remedied. It is true, as you state "that the Corps, because of limitations of manpower, simply has not been able to investigate these alleged violations or to supply the required data." But although the Corps does require a larger staff in its district permit offices, expertise on these matters resides with the FWQA and not the Corps. Vigorous efforts of the Justice Department would seem best directed to ensure optimum cooperation from the FWQA. We look forward to early and satisfactory reports of your current efforts to improve the relations between Justice and the FWQA.

We were gratified to learn that the Department will authorize actions under the Refuse Act "unless effective measures to abate that pollution are already being taken by the Federal Water Quality Administration or by a state through court action." As we observe the Department's implementation of the Guidelines, we share your hope that we will be satisfied with the results.

Sincerely,

ARTHUR A. DAVIS,
Vice President for Operations.

SPEAKERS FOR AMERICA, INC., NATIONAL MEETING TO BE HELD IN DALLAS, TEX.

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE), is recognized for 10 minutes.

Mr. KEE. Mr. Speaker, on Wednesday, July 15, 1970, I brought to the attention of the Nation through the CONGRESSIONAL RECORD, "The No. 1 Problem of America: Drug Abuse." In addition to my remarks, I inserted for all to read an article which I fully and completely endorsed, written by Mr. Zig Ziglar, chairman of the board of trustees of Speakers for America, Inc., and a truly effective and concerned leader.

Mr. Speaker, I also wrote to each Member of the House, extending an invitation to attend the national convention to be held at the Statler-Hilton Hotel in Dallas, Tex., on Saturday, August 29 and Sunday, August 30, 1970, beginning each day at 2 p.m.

The meeting on the 29th will be primarily an organizational one which will be open to the decisionmakers of America. The meeting on August 30 will be open to the general public and we are all extremely fortunate to have our most distinguished colleague, Congressman CLAUDE PEPPER, of Florida, chairman of the Select Committee on Crime of the House of Representatives, deliver the principal and most informative address.

Mr. Speaker, this is the very first time in the history of America that outstanding Americans have joined together to hold a national convention on this matter of not only the most vital problem in America, but a matter that will deter-

mine the future leadership of America in the very near future which, in turn, will determine the form of government in which the younger generations will live. In addition to Chairman PEPPER we owe a deep gratitude to the Honorable John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, for his full and complete cooperation.

This national convention of concern to American citizens has been properly designated "the most important sales meeting in history." The time has arrived when we must sell America to Americans if we are to preserve our heritage and prevent anarchy. This non-profit corporation was officially chartered by the State of Texas on August 6, 1970, charter No. 279011.

Mr. Speaker, the major domestic problem of our Nation is drug abuse. We must eliminate the continued growth of this destroyer of America in the process of selling America to all Americans.

Both meetings will be informative and factual. It is my hope that responsible citizens who can possibly do so will attend and learn from the discussions that will be held. This additional knowledge will enable our concerned citizens to be more effective in presenting known facts to those who ask the question, "What can I do?"

In conclusion, Mr. Speaker, I hope to see as many of our colleagues or their representatives in Dallas for the reason that each of us will learn and, therefore, prevent the destruction of America.

CANNING THE CONTROLLERS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, most of us in this House are regular air commuters; I myself fly virtually every weekend to my district and back. As a frequent air traveler, I am keenly aware of the responsibilities of the air controllers who guide aircraft along their paths, and who are responsible for directing the traffic in the thickly filled airspaces of metropolitan areas.

Most of us know that the air controllers have tasks so onerous that the controllers are subject to physical and mental stresses that few men can long tolerate. Indeed many air controllers suffer at an early age from diseases associated with prolonged exposure to extremely tense work that requires hour upon hour of sustained concentration.

Most of us know too that the air controllers work very often with inadequate and outmoded equipment; they make the air traffic control system work despite the system itself.

Most of us know that the air traffic controllers are underpaid, and that they ought to receive consideration for more pay and for early retirement, in consideration of the stress of their jobs and the relatively short worklife that a man can endure in this occupation.

Most of us admire the air traffic controllers, and sympathize with them in

their efforts to obtain better pay and better working conditions. We agree with them that there is a need for better equipment and more men to work in the control system.

Knowing all of this, I am surprised to learn that the FAA is taking pains to fire controllers who recently were said to be responsible for starting a massive "sick-in" that slowed air traffic, and for instigating what the FAA says were work slowdowns to dramatize their demands.

Now I can understand that the FAA does not want to be embarrassed by employees who are trying to tell the public that their boss is imperfect, and in fact might not be too bright. But these FAA employees have done no more and in fact have done less than postal workers who went on strike to dramatize their pay demands, or the Government Printing Office personnel who did the same thing. Yet the Post Office and the GPO has not fired anyone. Why should the FAA fire controllers who are supposed to be union leaders when the only thing they have done is to first, instruct their men to report in sick when they felt sick, and second, to control air traffic according to FAA regulations.

The answer might be that the controllers did strike. But it could also be that they simply decided to follow the book, and show what would happen to the air traffic control system if the controllers actually lived by the FAA's own rules. Perhaps the FAA is trying to discourage these tactics because it does not want the public to become alarmed or concerned about the safety of the control system that it devised and is responsible for.

I can understand this, just as I understand why the FAA a few years ago juggled its regional traffic control system in the Texas area from a location in my district to another—it was not to promote air safety, or improve controlling—it was a purely political move, designed to take advantage of the ambitions of the then administrator. The FAA could not defend that move then and they cannot now. But what was relevant about this episode was that the FAA did not want to have any public discussion about the air safety aspects of the move. At first the Administrator reacted angrily to my protests; but then confronted with technical arguments he receded behind the safe walls of bureaucratic obfuscation.

The FAA could not can me, but it can and has begun to purge controllers who dare challenge them.

This is a most unfortunate thing; it is bad precedent, because it is unfair; it is poor administration because it is manifestly contrary to established practice; and it is dangerous politics because it clearly intends to show any controller that he cannot criticize the FAA or the air traffic control system—even if he knows that it is dangerous—for fear of losing his job. And as everyone knows, for air traffic controllers there is only one game in town, and that one is run by Uncle Sam, who it seems will tolerate strikes by some, but not protests by others. Could it be that the FAA cannot accept protests because it knows that the controllers are right, and cannot afford to admit that they are right? I wonder.

VISION AND FORESIGHT ON THE CAPTIVE NATIONS WITH A SPECIAL HOUSE COMMITTEE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, the recent and highly successful 1970 Captive Nations Week observance stressed the need for vision and foresight with regard to all of the captive nations, particularly those in the Soviet Union. This need can be satisfied by creating a Special House Committee on the Captive Nations. One of the salutary results of the 1970 week is a new drive among our citizenry for such a committee. Dozens of our Members have submitted resolutions favoring this special committee. We look forward to action on this vital measure in the period ahead.

Many Members were struck by the passage in the appeal made by Dr. Lev E. Dobriansky of Georgetown University and chairman of the National Captive Nations Committee for our implementation of the Captive Nations Week Resolution passed by the Congress in 1959:

Ironically enough, as all reports at this stage show, the captive nations in Eastern Europe, the U.S.S.R., Asia and Cuba, not to speak of the near-captives in Southeast Asia and elsewhere, have far more faith in the historic role of America than some segments of our populace. Congress can responsibly and assertively rectify this lag by (1) creating a Special House Committee on the Captive Nations, which would unquestionably offset the appalling ignorance of our youth and others regarding the captive nations.

This objective would be only one among many. Most important would be the development of a vision and foresight concerning the captive nations that would contribute substantially to our foreign policy by substituting this for our current play-it-by-ear approach.

As is well known, our play-it-by-ear policy has not proven to be fruitful and successful against the aggressive forces of Soviet Russian imperio-colonialism.

The wealth of ideas and knowledge to be gained through a special committee is suggested in part by the forum and activities of the observance itself, as illustrated by the following: Proclamations by Gov. Louie B. Nunn of Kentucky, Gov. John Dempsey of Connecticut, and Gov. Frank Licht of Rhode Island; also proclamations by Mayor Roman S. Gribbs of Detroit, Mayor Moon Landrieu of New Orleans, Mayor Joseph L. Alioto of San Francisco, and Mayor Thomas J. D'Alessandro III of Baltimore; news reports and releases on the Boston observance, the one in Cleveland, and the one in Los Angeles; further accounts of the observances in Free China, Midland, Tex., New York, Philadelphia, and Detroit; and a letter to the editor of the Pittsburgh Press, one in the Greensboro, Pa., Tribune Review, and a release by Women for Freedom.

The material follows:

PROCLAMATION BY THE GOVERNOR OF THE COMMONWEALTH OF KENTUCKY

To All To Whom These Presents Shall Come: Whereas, In accordance with Public Law 86-90, unanimously adopted by the 86th Congress, the President of the United States will

proclaim the third week of July as Captive Nations Week, following the tradition established by all his predecessors over the last eleven years; and

Whereas, The observance of Captive Nations Week provides another tangible demonstration of the free world's support of the aspirations of the peoples of East-Central Europe to freedom; and

Whereas, Public observances of Captive Nations Week 1970 in the United States would encourage these people in continuing to persevere in their quest for greater freedom; and

Whereas, This observance will dramatize the quest for universal peace through freedom and will help promote the spiritual unification of Europe and its eventual political reunification;

Now, therefore, I, Louie B. Nunn, Governor of the Commonwealth of Kentucky, do hereby proclaim the period of July 12-18, 1970, as Captive Nations Week in Kentucky, and urge the citizens of this Commonwealth to observe this week with appropriate ceremonies and activities.

LOUIE B. NUNN,
Governor.

OFFICIAL STATEMENT ON CAPTIVE NATIONS WEEK, JULY 12 THROUGH 18, 1970, BY JOHN DEMPSEY, GOVERNOR OF CONNECTICUT

Captive Nations Week, observed annually since 1959 in accordance with legislation approved by the Congress of the United States, is a tangible sign that we share in the free world's opposition to Communist oppression.

Observed this year from July 12 through 18, Captive Nations Week is an occasion which again calls public attention to the plight of millions of people in Europe and Asia who are deprived of their national independence and their individual liberties.

It is fitting that we, as citizens of a nation long regarded as a citadel of human freedom, take note of Captive Nations Week as a means of sustaining the morale of the residents of captive nations.

Let us reaffirm, therefore, at this time our support of the just aspirations of the people of the captive nations who seek only their true right to independence and self-determination.

PROCLAMATION ON CAPTIVE NATIONS WEEK BY FRANK LICHT, GOVERNOR OF RHODE ISLAND

As the world is buffeted by a combination of limited wars, police actions, and general strife; it is important to remember the people of the captive nations who live under the yoke of foreign domination.

The freedom-seeking people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania need the moral support of the free world as they pursue their aspirations to become liberated. Now, therefore, do I, Frank Licht, Governor of the State of Rhode Island and Providence Plantations, proclaim the week of July 12-18, 1970, as Captive Nations Week and urge the people of Rhode Island to commemorate this week with solemn observations.

CAPTIVE NATIONS WEEK JULY 12-18, 1970

Whereas, since 1920, the imperialistic policies of Communist Russia have led to the subjugation of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others, and

Whereas, arresting and containing the spread of Communistic poison is vital to the preservation of the national security of the United States which stands in danger of becoming surrounded by hostile forces whose objective is the weakening of America's effectiveness as the leader of the fight to pre-

service individual freedom and dignity, and Whereas, the National Captive Nations Committee from its headquarters in Washington, D.C., maintains continuous moral pressure on Russia to abandon its role of tyrant and oppressor in keeping with the United Nations Universal Declaration of Human Rights

Now, therefore, I, Roman S. Gribbs, Mayor of the City of Detroit, do hereby proclaim the week of July 12-18, 1970 as Captive Nations Week in Detroit and urge all citizens to support our government's efforts to restore liberty and independence to the millions of people who are innocent victims of Communist aggression and terror.

PROCLAMATION OF CITY OF NEW ORLEANS

Whereas, the imperialistic policies of international communism have resulted, through direct and indirect aggression in the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, the Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Armenia, Azerbaijan, Georgia, Mainland China, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the cause of individual and sovereign right, remains a universal aspiration; and

Whereas, the freedom-loving peoples of these captive nations look to the United States as the citadel of human freedom; and

Whereas, the Congress of the United States in June 1959 passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate programs, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence:

Now, therefore, I, Moon Landrieu, Mayor of the City of New Orleans, do hereby proclaim the period of July 12 through July 18, 1970, to be Captive Nations Week in New Orleans.

PROCLAMATION OF THE CITY OF SAN FRANCISCO

The Captive Nations Committee, Northern California, has requested support for the forthcoming Captive Nations Week in the United States during July 20-25, 1970.

Public Law 86-90, enacted by the Congress of the United States July 17, 1959, calls for the national government and the American People to extend all possible help to the peoples who are true allies of the United States.

Many peoples of the world continue to struggle for the God-given rights of freedom and independence and look to the West, especially our Nation, for moral support, guidance and encouragement.

Now, therefore, I, Joseph L. Alloto, Mayor of the City and County of San Francisco, do hereby proclaim the week of July 20-25, to be one of special observance of the national aspirations and goals of all freedom and independence loving peoples of the world, and I call on all San Franciscans to join in local observances during this week reaffirming their solidarity with all people who seek the goals of freedom and independence.

PROCLAMATION BY MAYOR THOMAS J. D'ALESSANDRO III DESIGNATING THE WEEK OF JULY 12, 1970 AS CAPTIVE NATIONS WEEK IN BALTIMORE

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation

and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week, and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence.

Now, therefore, I, Thomas J. D'Alessandro, III, mayor of the City of Baltimore, do hereby proclaim the week of July 12, 1970, as "Captive Nations Week" in Baltimore, and call upon the citizens of Baltimore to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

BOSTON COMMUNITY OBSERVED CAPTIVE NATIONS WEEK

BOSTON, MASS. /O. S./—A motorcade of over forty cars through the main streets of downtown Boston and the placing of a wreath at the Washington Monument at Boston Public Garden highlighted the observance of this year's Captive Nations Week in this historic city on Saturday, July 18, 1970.

Held at noontime when hundreds of shoppers were on the streets, the motorcade proceeded through the busy streets in downtown Boston and attracted thousands of viewers. All cars were decorated with banners which called viewers' attention to the captive nations and their struggle for freedom: "Freedom for Ukraine and all captive nations," "Freedom of Latvia," "Freedom for Lithuania," "Yes, Virginia, Soviet Union is a prison of captive nations," "UN investigate poisoning of Ukrainian political prisoners" and others. The motorcade included a public address truck which transmitted to the public short messages about the purpose of the CNW. The announcements were delivered by Att. Anna Chopek of the Ukrainian group.

The observance was sponsored by the Ukrainian Congress Committee of America (Boston Chapter), Latvian American National League of Boston and Lithuanian American Council of Greater Boston.

CEREMONY AT BOSTON PUBLIC GARDEN

The ceremony at Boston Public Garden was opened with the singing of the American national anthem. Att. Anna Chopek lead the gathering with the recitation of the pledge of allegiance and also read Governor Francis W. Sargent's CNW proclamation. Rev. Oswald Blumit of the Latvian group delivered a prayer for the freedom of all captive nations. Representatives of Ukrainian, Lithuanian and Latvian organizations placed a wreath at the Washington Monument. Konrad Husak, President of the Boston UCCA, represented the Ukrainians. In conclusion, Orest Szczudluk, Vice President of the Bos-

ton UCCA and Marshal of the parade, spoke briefly on the purpose of the CNW. The speaker, having enumerated all captive nations, called upon the assembled to work for the establishment of a Special Committee on Captive Nations in Congress.

PRESS AND TELEVISION COVERAGE

All Boston newspapers, television and radio stations received a special press release about the parade and CNW. The Boston Globe covered the parade in the July 19th and 21st editions. Channel 5—WHDH covered it in the evening news edition. Boston Record American printed a letter, under the heading "Not part of Russia," about Ukraine and CNW in the July 31st edition. Special articles also appeared in the Lithuanian weekly Keleivis and in the Armenian Weekly.

GOVERNOR'S PROCLAMATION

As in previous years, Governor Francis W. Sargent issued a proclamation, designating the week of July 12 to 18 as "Captive Nations Week" in Massachusetts. "During his annual celebration," the proclamation read in part, "Americans of all extractions throughout our nation have the opportunity to manifest that we share with those nations held in bondage their aspirations for the recovery of their freedom and their independence."

At the ceremony in the Governor's office, the Boston Chapter of the Ukrainian Congress Committee of America was represented by Konrad Husak and Orest Szczudluk, President and Vice President respectively.

[From the Boston (Mass.) Evening Globe, July 21, 1970]

BOSTON P.M.

When a group gathers on Boston Common or Public Garden after a parade through the streets of Boston—and doesn't cause a ruckus—that's news.

The other day, a cavalcade of autos manned by members of the Ukrainian Congress Committee of America, Inc., convened at the Prudential Center, made a fast run downtown and wound up on Arlington street.

A group of 50 to 60 marched across the Garden, over the little footbridge crossing the pond filled with swan boats gliding slowly by, and on to the statue of George Washington.

There was a small contingent of Boston Police waiting (just in case of trouble from hecklers?), but everything remained peaceful. The group sang The Star Spangled Banner (a cappella), recited the Pledge of Allegiance, read Gov. Sargent's proclamation on "Captive Nations Week" and placed a wreath on the greensward in front on the statue.

The police drifted off, and the little knot of men and women quietly walked away, leaving the area to the ubiquitous pigeons and the long and short-haired strollers on a hot Saturday afternoon.

"Captive Nations Week," proclaimed by Congress in 1959, was so named to remind the American public of the nations which, through the years, have lost their independence. Cited by the governor were Armenia, Latvia, Lithuania, Estonia, Hungary, Poland, Rumania, Azerbaijan, Byelorussia, Cossackia, Albania, Serbia, Croatia, Slovenia, Bulgaria, North Korea, Czechoslovakia, mainland China, Tibet, North Vietnam and Cuba.

[From the Boston (Mass.) Record American, July 31, 1970]

NOT PART OF RUSSIA

We are gratified that Ivanka Myhal, a noted Ukrainian mezzo-soprano, received recognition in the Harold Banks column in the Record American of July 8. However, Harold Banks' identification of Ukraine as "Russia's Ukraine" was incorrect. Ukraine, a country of

232,000 sq. miles and 47 million people, belongs to Ukrainians, who have a distinctive history and culture. Because Communist Russia brutally destroyed the Ukrainian National Republic in 1920, the loss of Ukraine's independence did not make it part of Russia. The week of July 12-18 is observed as "Captive Nations Week" in this country. One of its objectives is to focus our attention on captive nations whose independent states were destroyed by Communist Russia: Ukraine, Armenia, Byelorussia, Georgia, Latvia, Estonia, Lithuania and others. It is also very important to note that the name of Russia cannot be identified with that of the Soviet Union. The Soviet Union is a colonial . . . primarily downward. Seeing a renewal of captive nations have outnumbered Russians. sus in the Soviet Union, the non-Russian captive nations have outnumbered Russians.

OREST SZCZUDLUK,

Vice President, Ukrainian Congress Committee of America (Boston Chapter).

PRESS RELEASE

BOSTON, MASS.—A motorcade through the streets of downtown Boston on Saturday, July 18, 1970, will mark this year's observance of the "Captive Nations Week." The motorcade will start at 12:00 noon from the John B. Hynes Civic Auditorium and will end on Arlington Street in front of the George Washington Monument in the Boston Public Garden, where a wreath on behalf of the captive nations will be placed. It is sponsored by Ukrainian Congress Committee of America, Inc., Lithuanian American Council of Greater Boston and Latvian American National League of Boston.

Governor Francis W. Sargent designated the week of July 12-18, 1970, as "Captive Nations Week" in Massachusetts. "Captive Nations Week" proclamations were also issued by President Richard M. Nixon, many governors and mayors.

Enacted by Congress in 1959, the purpose of the "Captive Nations Week" observances is to acquaint the public with the captive nations which lost independence to Communist Russia: Ukraine, Armenia, Latvia, Lithuania, Estonia, Byelorussia, Georgia, Cossackia, Turkestan and others. We are also reminded that the "satellite" nations of Hungary, Czechoslovakia, Rumania and Poland cannot pursue their national policies unless "approved" by Moscow.

During this annual observance, Americans have the opportunity to manifest that we share with the captive and satellite nations of Central and Eastern Europe, as well as with the captive nations throughout the world, their aspirations for the recovery of their freedom and their independence.

PRESS RELEASE

BOSTON, MASS., July 18.—A motorcade of over 50 cars paraded here through the streets of downtown Boston in observance of the annual "Captive Nations Week." Cars carried colorful posters which called public attention to the captive nations and their struggle for freedom. The posters read: "July 12-18 is 'Captive Nations Week,'" "Freedom for Ukraine," "Freedom for Latvia," "Freedom for Lithuania," "U.N. investigate Moscow's atrocities in captive countries."

The parade ended in the Boston Public Garden, where a brief ceremony was held in front of the George Washington Monument. Over 400 concerned citizens said a prayer for captive nations and also heard Governor Sargent's proclamation, which called upon Americans to manifest our support for the freedom and independence of the captive nations under Russian Communist domination. A wreath on behalf of the captive nations was also placed in front of the monument.

This year's observance was sponsored by Ukrainian Congress Committee of America, Inc., Lithuanian American Council of Greater

Boston and Latvian American National League of Boston.

The purpose of the "Captive Nations Week" observance is to stress that the Soviet Union is a totalitarian empire, consisting of captive non-Russian nations: Ukraine, Latvia, Lithuania, Estonia, Byelorussia, Georgia, Turkestan and others. It is also to point out that the "satellite" nations of Poland, Hungary, Czechoslovakia and others are controlled by Moscow.

Reports from the captive nations indicate that these nations are the thorn in the Russian Communist empire. It is important to repeat that Czechoslovakia's short-lived freedom was brutally destroyed by Moscow, because the Kremlin feared that the spirit of independence and freedom will spread to Ukraine, Latvia, Lithuania, Estonia, Byelorussia, Georgia, Armenia and all captive nations.

JULY 10, 1970.

DEAR FRIEND: The American Nationalities Movement of Greater Cleveland will hold a World Forum for Captive Nations on July 17, 1970, at St. John's College Auditorium, Cathedral Square, East 12th and Superior Avenue, at seven thirty in the evening.

Accusations against communist oppression of Captive Nations will be presented by "accusers" on behalf of each oppressed nation.

A panel of judges will preside over this World Forum representing various areas of public opinion: labor, business, science, art, politics, education and minorities.

Among the judges are: Appeals Court Judge John M. Manos, Common Pleas Judge Alvin I. Krenzler, Common Pleas Judge Perry B. Jackson, Cleveland Municipal Court Judge Norman Fuerst, Professor Michael S. Pap, Institute for Soviet Studies, John Carroll University, Professor of Law Howard Oleck, Cleveland Marshall Law School of Cleveland State University, Mr. James Iafelice, District President of the International Association of Machinists (AFL-CIO), Attorney William Petro, Sr. and Honorable Ralph J. Perk, founder and chairman of the Movement, who will act as Chief Judge.

The chief prosecutor will be Attorney Nicholas A. Bucur, who will deliver the final summation and the Chief Judge, Honorable Ralph J. Perk, will submit the case to world public opinion with an appeal for help and action.

The chief purpose of the World Forum is to commemorate Captive Nations Week and to remind ourselves and the entire free world of the real historical conduct of the Soviet Union, marked by genocide, brutality and tyranny. The World Forum will end with ecumenical prayers for all victims of communist persecution and for world peace and freedom for all nations.

We earnestly urge your attendance. Bring your family and friends, and invite everyone who is interested in the cause of the Captive Nations. Parking facilities are alongside the Cathedral.

Hoping to see you on July 17th, on this momentous occasion, we remain,

Sincerely yours,

RALPH J. PERK,
Chairman.

PROGRAM COMMEMORATING CAPTIVE NATIONS WEEK, LOS ANGELES, JULY 11, 1970

ACKNOWLEDGMENT

Local Committee: Bernard Nuremsen, President; Nick Medvid, Secretary; Olgierd Klejnot, Treasurer.

General Chairman: Nick Medvid, Ukrainian.

COORDINATORS

Welcome at Airport, Mykola Novak, Ukrainian.

July 10 evening reception, Bernard Nuremsen, Estonian.

Commemorative Program at City Hall, July 11, Antoinette Rydzeski, Polish.

Luncheon July 11th, Olgierd Klejnot, Polish.

City Council Reception, July 13th, Dora Gabensky, Bulgarian.

Rededication Ceremonies at Freedom Fighter's July 18, Dr. Geza W. Rethy, Hungarian.

Captive Nations Exhibit at City Hall July 20-24, Ivan Metkovich, Vladimir Novak, Stephen Cadovec, Croatian.

And to the countless others who have helped financially and morally to bring the message of the Captive Nations before the eyes of our citizens.

PROGRAM

Opening Salute, Bernard Nuremsen, President Local Chapter.

Welcome and Introduction of Master of Ceremonies, Antoinette Rydzeski of the Polish Community.

Master of Ceremonies, Robert K. Dornan, Channel 5 Commentator.

Presentation of Colors, Polish Army Veterans No. 173, Pulaski Post No. 542, Polish Veterans Association.

Pledge of Allegiance, Ava Szurangyi of the Hungarian Community.

Star Spangled Banner, Edward Partyka of the Polish Community.

Invocation, Rev. Alexander E. Pinter of the Hungarian Community.

Greetings, Mayor Sam Yorty.

Reading of Mayor's Proclamation, Edward Martinez, Chief of Protocol.

City Council Resolution, Councilman R. Stevenson.

Board of Supervisors Resolution, Mr. Robert Donahue, Deputy for Sup Debs.

America the Beautiful, God Bless America, Polish Community Choir and General Assembly.

Address, Dr. Lev Dobriansky, National President of A.F.C.N.

Response, Dr. Anthony Butkovich of the Croatian Community.

Recognition of Special Guests or messages. Acknowledgment, Nick Medvid, General Chairman.

Benediction, Right Rev. Dr. M. Ognyanov of the Bulgarian Community.

AMERICANS FOR FREEDOM OF CAPTIVE NATIONS, Los Angeles, Calif.

You are cordially invited to attend the ceremony opening the Captive Nations Exhibit in the Rotunda of the Los Angeles City Hall, on Monday, July 20, 1970 at 4:00 P.M.

This exhibit will be a graphical presentation depicting the cultural, historical and social events of those nations forced to live under communism, known as Captive Nations.

The exhibit is in conjunction with the commemorative program of Captive Nations Week which was proclaimed by President Nixon, in July.

The exhibit will be on display from July 20 through July 24, 1970 during the business hours of City Hall and is under the auspices of the Americans for Freedom of Captive Nations in cooperation with Mayor Yorty and our City Council.

Chairman of the exhibit is Mr. Tom Gabric, assisted by Mr. Vladimir Novak.

Sincerely,

NICK MEDVID,
Chairman, Captive Nations Week.

CAPTIVE NATIONS WEEK

Mayor Yorty and many civic and community leaders, members of the Los Angeles City Council have been invited to attend the Ribbon Cutting ceremony of the Captive Nations Exhibit. This exhibit will be located in the Rotunda of the Los Angeles City Hall, and officially opened on Monday, July 20, 1970 at 4:00 P.M.

This exhibit will be a graphical presentation depicting cultural, historical and social events of those nations forced to live under communism, known as Captive Nations.

The exhibit is in conjunction with the commemorative program of Captive Nations Week which was proclaimed by President Nixon in July.

The exhibit will be on display from July 20 through July 24, 1970 during business hours of the City Hall and is under the auspices of the Americans for Freedom of Captive Nations, in cooperation with Mayor Yorty and our City Council.

Chairman of the exhibit is Mr. Tom Gabric, assisted by Mr. Vladimir Novak.

FREE CHINA TO HOLD CAPTIVE NATIONS WEEK RALLY FRIDAY

TAIPEI, July 15.—Some 2,000 representatives from all walks of life in the Republic of China will hold a mass rally on Friday at the City Hall to support the "Captive Nations Week" campaign.

Ku Cheng-kang, honorary chairman of the World Anti-Communist League, will preside over the meeting.

Vice President C. K. Yen and P. M. Cranes, U.S. Congressman (Republican-Illinois) who is to arrive here tomorrow to attend the rally, are expected to give speeches on the occasion.

The central theme of this year's Captive Nations Week campaign (July 16-July 22) is to urge the free world to fight for the victory of freedom in the 70s.

Other activities include seminars, prayer meetings, and broadcast programs.

Freedom seekers in Taiwan will hold a seminar tomorrow to discuss ways and means of helping mainland people fight the Communists.

Religious bodies will hold prayer meetings to pray for the liberation of the enslaved peoples at an early date.

The China Youth Corps will sponsor an international youth conference to support the campaign.

All the activities will be broadcast to the people behind the Iron Curtain encouraging them to fight for freedom.

The Captive Nations Week, initiated by the United States in 1959, is aimed at helping enslaved people regain freedom.

The Committee for the Freedom of Captive Nations in this country was set up in 1961.

PRESIDENT CHIANG URGES MORAL COURAGE FOR WINNING FREEDOM

TAIPEI, July 16.—President Chiang Kai-shek said that peace cannot be had without toll and freedom must be gained with moral courage.

In a written message prepared for delivery to the Captive Nations Week rally tomorrow the President added: "A bright world of true peace can emerge only when the earth is without an Iron Curtain and an international society of lasting security can be born only when mankind is completely free from slavery."

The message will be read at a 3,000-man rally to be held tomorrow morning at the City Hall. Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League, will preside over the gathering.

Under the impact of man's desire for freedom, President Chiang pointed out, many tyrannical regimes have been overthrown one after another in the course of history.

"The Communist totalitarians today far exceed all the preceding tyrants in their atrocious and villainous disregard of human nature, destruction of human rights and persecution of people," he said. "But tyranny is destined to perish and slavery ultimately will fall."

President Chiang charged that the Chi-

nese Communists are resorting to all extremes in their oppression of people under their rule.

He said that anti-Maoist and anti-Communist forces are growing constantly everywhere waging struggles of life or death against the Peiping regime and gradually shaping up an anti-Mao and national salvation united front.

"No matter what may come, we must hold fast to our stand as protectors of freedom and strive to launch a mainland counter-attack at an early date, thereby freeing our compatriots from their suffering plight," the President declared.

"This is our solemn responsibility to our compatriots and also the way to eliminate the source of scourges in Asia," he added.

The President deplored that a small number of short-sighted Americans are fanning the air of appeasement because of their lack of knowledge of the true situation.

"We are sure that no one can obstruct the forward-moving power of history," he said.

The Chinese Chief of State expressed his belief that the downfall of Communist tyranny will be a certainty when the anti-Communist force of the peoples behind the Iron Curtain and the supporting strength of the free world are brought into contact and merged as one.

Meanwhile, U.S. Congressman Philip M. Crane (Republican-Illinois) said that all free Chinese in Taiwan have a splendid opportunity to serve as a beacon to the people suffering under the Communist rule on the Chinese mainland.

"It is to you that your fellow Chinese on the mainland look for guidance and hope," he said.

The U.S. congressman arrived here today to take part in the Captive Nations Week activities here.

Answering questions at the airport, he said he supports President Richard Nixon's policy on Indochina, especially the U.S. military operations in Cambodia.

He said the anti-war movement in the United States is promoted by a few young people who are misled by Communist or pro-Communist propaganda. The majority of the American people support President Nixon's policy, he added.

This afternoon, Crane called on Oscar V. Armstrong, deputy chief of mission of U.S. Embassy, and Dr. Ku Cheng-kang, Honorary Chairman of the Anti-Communist League and chairman of the Committee of the Civic Organizations of the Republic of China in Support of the Struggle for Freedom behind the Iron Curtain. He will be Ku's dinner guest in the evening.

The U.S. congressman will deliver a speech to the Captive Nations Week rally tomorrow morning.

On Saturday, he will call on Chinese government officials including Vice President C. K. Yen, Vice Premier Chiang-kuo and parliamentary leaders.

The 39-year-old congressman, who was elected to the House of Representatives last November 25, will leave for Saigon Monday morning.

FREE CHINA MARKS CAPTIVE NATIONS WEEK

TAIPEI, July 17.—More than 2,000 representatives from all walks of life gathered here today at the City Hall to mark the Captive Nations Week.

The rally, presided over by Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League, heard a message from President Chiang Kai-shek who predicted that tyranny is destined to perish and slavery ultimately will fall.

The Chief Executive, who has been engaged in anti-Communist struggle for half a century, declared that "no matter what may come, we must hold fast to our stand as

protectors of freedom and strive to launch a mainland counter-attack at an early date."

Addressing the rally, Vice President and Premier C. K. Yen urged all free people to bring forth their moral courage, give full play to the power of justice and disperse all the dark clouds of appeasement in the face of Communist threat.

He said anti-Communist struggle should not be confined to any one country or area and must be "an all out global action" because "its consequences are bound to affect all the people without exception."

No nation can evade its share of anti-Communist responsibility as peace cannot be had separately and freedom cannot be enjoyed alone, the Chinese Vice President said.

"At this moment as the anti-Communist war in Southeast Asia is undergoing a crucial phase and appeasers are still active anywhere," he said, "it is imperative that all the free world governments and people clearly recognize the need of an allout endeavor, calmly examine the situation and start shouldering a greater responsibility on the anti-Communist battlefield."

He pointed out that the Chinese Communists are not just the public enemies of the Chinese people, they are also the world's chief trouble-makers bent on endangering all mankind.

In this connection, he warned that "if the free world were to ignore the Chinese Communists aggressive and belligerent true faces . . . and seek compromise and peaceful coexistence with them, it would be tantamount to raising tigers to harm ourselves."

Speaking at the rally, Dr. Ku called on all freedom-loving people in the world to arouse and organize the silent masses.

"The Communists and their fellow travelers in the United States have been effective in exercising minority influences upon the majority and in covering up their illegal activities with legal fronts," he noted.

The Communists can be dealt with only through organizing the silent masses, he stressed.

In presenting what he called "major guidelines" in the struggle for freedom and victory over slavery, Ku said free people must help the enslaved people behind the Iron Curtain regain their freedom.

"If we were to shun the responsibility of helping the more than one billion enslaved people," he said, "we would be committing not just a moral crime but a strategic blunder as well."

The staunch anti-Communist leader urged the free world not to make any concessions to the Communists. Instead, he added, "we must make full use of the new anti-Communist situation that is now shaping up, unite all the available forces and start strong counter-attacks on the enemies."

U.S. Congressman Philip M. Crane (Republican-Illinois), who arrived here yesterday to take part in the Captive Nations Week activities here, said in his speech that the Republic of China is a beacon of light to the oppressed people on the Chinese mainland.

"The longing for freedom of the Chinese people will outlive the tyranny of the present Communist regime on the mainland," he said.

The 39-year-old U.S. Representative praised President Chiang Kai-shek for his "effective leadership" under which the Chinese people established on Taiwan an "economically stable and militarily strong fortress."

The rally then adopted a proclamation, calling on all anti-Communist forces in the world to unite, mobilize and establish a powerful and consolidated international anti-Communist united front advancing toward the target of victory.

It also resolved to send cables to U.S. President Richard Nixon, Vietnamese President Nguyen Van Thieu, Cambodian Prime Minister Lon Nol and the armed forces of the United States, Korea, the Philippines, Aus-

tralia, New Zealand and Thailand to pay tribute.

[From Free China Weekly, July 19, 1970]

**TAIPEI OBSERVES CAPTIVE NATIONS WEEK:
VICTORY OF FREEDOM IN 1970'S PLEDGED**

A mass rally of government and civic organizations in the Republic of China pledged all-out support to the peoples of Captive Nations to win Victory for Freedom in the 1970s. The pledge was contained in a proclamation issued by the rally, held at the Taipei City Hall July 17.

The proclamation denounced international Communist rule for unprecedented crimes that have endangered mankind. It blasted the foolish, timid talk of retreat by international appeasers.

Recalling the lessons learned in Laos and Cambodia, the proclamation urged countries inclined toward neutralism to abandon that dream and the mistaken route of a non-alignment policy.

"All non-alignment policies will only facilitate Communist expansion," the proclamation declared.

The proclamation further urged all anti-Communist forces in the world to unite, mobilize and establish a powerful and consolidated international anti-Communist united front to advance toward the target of victory for freedom in the 1970s.

More than 3,000 representatives of various circles in the Republic of China and anti-Communist leaders from other parts of the world attended the Taipei rally, which was presided over by Dr. Ku Cheng-kang, honorary president of the World Anti-Communist League.

Dr. Philip M. Crane, a member of the U.S. House of Representatives was among the distinguished guest speakers.

A written message from President Chiang Kai-shek was read at the meeting.

The Chinese Chief of State said the Communists have created "a dark reverse current never before known in history," but he added "man ultimately will overcome and cross this channel of ruthless waves and reach the shore of happiness and freedom."

Vice President and Premier C. K. Yen, who addressed the rally in person, said that the anti-Communist struggle to save the peoples of captive nations should not be confined to any one country or area. "It must be an all-out global action," he declared, "because its consequences are bound to affect all people without exception."

He said that even though the Communist bloc is being plagued by internal strife, its external move to Communize the entire world and enslave the whole of mankind remains unchanged.

The vice president urged all the freedom-loving people of the world to bring forth their moral courage, give full play to the power of justice and wipe out all the dark clouds of appeasement in the face of the Communists.

In addition to the rally, other activities of Taipei's Captive Nations Week included seminars, prayer meetings and special broadcast programs.

Freedom-seekers who escaped from the Chinese mainland to Taiwan held a seminar to discuss ways and means of helping the people of the mainland in their struggle for freedom.

Religious bodies held prayer meetings to pray for the liberation of the enslaved people in captive nations.

The China Youth Corps sponsored an international youth conference to support the Captive Nations Week campaign.

Reports of the activities were broadcast to the people behind the Iron Curtain to encourage them to fight for freedom.

[From the Midland (Tex.) Reporter
Telegram, July 13, 1970]

GREATER SUPPORT MERITED

Captive Nations Week, now being observed, warrants a great deal more citizen support and cooperation than it receives in most communities.

It was on July 17, 1959, that Congress by unanimous vote, passed Public Law 86-90 which established the third week in July each year as Captive Nations Week and invited citizens to observe the occasion with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence.

Interest was aroused at the time, but today all too many persons are indifferent to the whole business.

Yet, the matter of captive nations now is just as important, and even more so perhaps than ever before.

Captive Nations Week is a tangible sign of the Free World's opposition to Communist oppression. This should be enough to stimulate citizen involvement in a year-round campaign in behalf of residents of captive nations.

"... The enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples," declares the Joint Resolution constituting Public Law 86-90.

Furthermore, the resolution states, "The submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them . . . their individual liberties."

Citizens of the United States simply cannot and must not forget the peoples of captive nations. This is the basic appeal of Captive Nations Week, as cited by the National Captive Nations Committee.

As Midland Mayor Edwin H. Magruder said in proclaiming Captive Nations Week. "It is fitting that we clearly manifest to the peoples of submerged nations through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence."

Furthermore, it is essential today that the United States and other nations of the Free World exert every means to make sure that no new captive nations are created by Communist penetration in Southeast Asia, the Middle East, or anywhere else.

Let freedom and independence for all nations be the goal of All Free World nations.

[From the Brooklyn Tablet, July 16, 1970]
**ASKS REFUGEES TELL UNITED STATES, CHURCH
OF RED MENACE**

A former prisoner of the Chinese Reds warned in a sermon at St. Patrick's Cathedral Sunday that Communist leaders have two principal goals, "systematic destruction from within of the United States and the Catholic Church," and called on refugees from Communism to alert Americans to the Red menace.

Rev. Raymond J. de Jaegher, now vice-chairman of the New York-based Free Pacific Association and on the editorial board of "Twin Circle—The National Catholic Press," preached at a special Mass marking the start of the 11th annual observance of Captive Nations Week (July 12-19).

The Eastern Rite Mass, attended by more than 4,000 representatives of 26 formerly free nations now under Communist control, was celebrated by Bishop Joseph M. Schmondiuk

of the Ukrainian Diocese of Stamford, Conn. Cardinal Terence Cooke presided.

Father de Jaegher, a Belgium missionary in China for 20 years spent four of those years as a Japanese prisoner, then seven under the Chinese Communists. Jailed by the Reds, he escaped to Vietnam where he served for the next ten years. He has visited Vietnam many times since then and is considered a foremost authority on Indochina.

Addressing himself to the hundreds of thousands who have found refuge in the United States from Communist tyranny in once-free nations, Father de Jaegher said "Now, in this time of danger, you must repay the people of the United States for their hospitality and their friendship."

"You must help to educate the American people about the dangers of Communism through your own experiences," he added. "You must speak out, you must be active, you cannot be silent!"

In Communist-controlled countries, he continued, "Christians and others who believe in God do not accept Communism but they are dominated by force." On the other hand, in free countries such as the United States, too many people "do not know the true nature of Communism and how it would destroy their freedoms; even some Christians believe that Communism could be good for the whole world and, unwittingly and through ignorance, are helping pave the way for their own destruction if ever Communism gains control."

Father de Jaegher asked for continued prayers for members of the United States Armed Forces serving in Vietnam, and on guard against Communist take-overs in Korea, Europe and other areas of the world, especially for those who have died fighting Communism or who are prisoners of war, and for the unfortunate people in the one-third on the world who live under Communism.

CAPTIVE NATIONS WEEK

NEW YORK, July 13.—Church services, parades and protest marches Sunday marked the opening of the Captive Nations Week in New York.

President Richard Nixon designated the week beginning July 12 as Captive Nations Week and called upon Americans to observe it with appropriate ceremonies and activities.

New York Mayor John V. Lindsay also proclaimed the week of July 12 through 18 as Captive Nations Week in New York City.

Over 2,500 people filled New York's St. Patrick's Cathedral Sunday for a divine pontifical mass celebrated by Bishop Joseph M. Schmondiuk of the Ukrainian Catholic Diocese of Stamford. Terence Cardinal Cook, Archbishop of the Roman Catholic Diocese of New York presided over the colorful eastern rite liturgy.

Immediately after the mass, an estimated 1,000 persons, grouped by nationalities and carrying their national flags, marched along Fifth Avenue to Central Park for a special Captive Nations Week program, that, beside speeches, included Ukrainian dancers, Byelorussian chorus and a Rumanian folk band.

Speakers on the program included Judge Matthew J. Troy, Sr., of New York, chairman of the New York chapter of the Captive Nations Committee; Dr. Ivan Docheff chairman of the American Friends of anti-Bolshevik bloc of nations, Mario Aguilera, chairman Americans to Free the Captive Nations and Michael Piznak representing the UCCA.

At the conclusion of the Central Park program, some 200 people marched to the Soviet U.N. Mission Headquarters. They were allowed to stage their demonstration two blocks from the Mission Building. The protest received coverage in radio and television news programs Sunday night.

In St. Louis, the Captive Nations Week will get underway today (Monday) with a candlelight march through the downtown section.

One of the featured speakers in the St. Louis program will be a former teacher of Russian in Prague, Czechoslovakia. Miss Monika Flidr, the teacher, will speak on Wednesday (July 15) from the steps of this Midwestern city's old Post Office Building.

Her speech, she said, will include a prayer for the freedom of all peoples "imprisoned behind the Iron and Bamboo Curtains".

Sponsors of the week's activities—the Free Friends of Captive Nations—will begin the program with an evening candlelight procession from the Old Basilica of St. Louis IX, the oldest cathedral West of the Mississippi River, to the Soldiers Memorial Building. The Soldiers Memorial is a World War One monument.

Professor Radko Jansky, of the Political Science Department of St. Louis Maryville College, will make an address as part of the Soldiers Memorial ceremony.

The sponsors of the event say that the purpose of the demonstration is "to give hope to the people living in the captive nations under the tyranny and oppression of atheistic communism, and to pay tribute to the millions who have died at the hands of Communists".

[From the Ukrainian Weekly, July 18, 1970]
NEW YORK CAPTIVE NATIONS WEEK

NEW YORK, N.Y.—Over 3,000 people filled St. Patrick's Cathedral here last Sunday, to attend a special Divine Liturgy of the Ukrainian Catholic Rite. The Liturgy, which was celebrated by the Most Rev. Joseph Schmondiuk and presided over by Archbishop Terrence Cardinal Cook, took place in observance of the 12th Annual Captive Nations Week.

Preceded by a parade on Fifth Avenue of the various organizations representing the 22 national groups in the Captive Nations Week Committee, the Liturgy was attended by hundreds of Ukrainians some in colorful national costumes and others dressed in the uniforms of the various youth groups they represented.

RESIST ONSLAUGHT

The Rev. Raymond J. DeJaeger, one-time prisoner in Communist Red China, delivered the sermon, urging the gathered faithful to "fight the onslaught of Godless communism and to support the struggle of captive peoples throughout the world."

During the Liturgy the responses were sung by the well known choir of St. John the Baptist Ukrainian Catholic Church in Newark, N.J., under the direction of Michael Dobosh.

After the Liturgy the day's program continued with a rally at the Central Park Bandshell, where the participants heard addresses by the Hon. Matthew J. Troy, chairman of the N.Y. Captive Nations Week Committee, Dr. Ivan Docheff, chairman of the American Friends of the Anti-Bolshevik Bloc of Nations, and Mr. Mario Agullera, chairman of the American Friends of Captive Nations.

Earlier in the week, Mayor John V. Lindsay of New York, issued a proclamation declaring the week of July 12 through 18 as Captive Nations Week in the City of New York.

On hand for the Ceremony at City Hall were many prominent Ukrainians including: Joseph Lesawyer, UNA Supreme President; Dr. Walter Dushnyck, UCCA publications editor; Roman Huhlewych, president of the United American Ukrainian Organizations Committee of Greater New York; Mrs. Mary Dushnyck, representing Women for Freedom; Mrs. Rosalie Polche of the League of Ukrainian Women; Roman Hoydysh, Wasyl Magal,

and Katherine Poleshok, of the N.Y. UCCA branch, and Mrs. Mariana Mohylyn-Blume.

"As Americans committed to democratic values, we deeply sympathize with the just aspirations of people in Eastern and Central Europe and in other parts of the world. We believe that our fellow human beings should enjoy the kind of liberty we treasure.

"As we try to live in peace with all nations, we hope that more nations will attain the chance to live in freedom.

"The Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July of each year as Captive Nations Week. The people of the United States are invited to observe this week with appropriate prayers and ceremonies.

"Now, there, I, John V. Lindsay, Mayor of the City of New York, do hereby proclaim July 12-18, 1970, as "Captive Nations Week." I call upon New Yorkers to express peacefully their concern for the future of individual rights in Eastern and Central Europe and wherever those rights are threatened or violated.

"In witness whereof I have hereunto set my hand and caused the Seal of the City of New York to be affixed."

"JOHN V. LINDSAY,
Mayor."

[From the Ukrainian Weekly, July 18 1970]
INDEPENDENCE HALL RALLY STAGED IN PHILADELPHIA

The Philadelphia community marked last Sunday, as it has for the past 11 years, the observance of the Captive Nations Week with a motorcade and a rally at Independence Hall.

Sponsored by the Philadelphia Captive Nations Week Committee, scores of organizations, representing the various nationality groups which make up the committee, participated in the motorcade that saw 200 autos, decorated with anti-Communist signs, banners and flags as well as a number of floats, make the drive to Independence Hall. The motorcade was led by UCCA chairman and newly elected UNA Supreme Auditor, Iwan Skalczuk. Leading the Ukrainian contingent was W. Zabrotsky.

The rally began at Independence Hall with the reading of Pennsylvania Governor Raymond P. Shafer and Philadelphia Mayor James Tate, proclamations of Captive Nations Week by state cabinet member, Perrin Hamilton, and by the Philadelphia committee head, Dr. Austin App. Serving as master of ceremonies at the rally was Ignatius Bilinsky, executive vice-chairman of the CN Week committee.

Afterwards there was a wreath laying ceremony at the Liberty Bell, where Dr. App spoke, describing the events as symbolic of the captive nations yearning for freedom and drawing comparisons between the American people's struggle for liberty and the captives' plight in modern times.

Thousands of leaflets were distributed in Philadelphia Friday, July 10, by young girls dressed in national costumes. Religious services in the Ukrainian churches preceded the observances on Sunday.

DETROIT, MICH.

FELLOW PARTICIPANTS: Our presence here today clearly demonstrates the great concern which we feel for the Captive Nations behind the Iron and Bamboo Curtains. As descendants of the Captive Nations who have found refuge in America we can better appreciate the liberties and freedoms—so often taken for granted by most Americans—which are denied to the captive people. Today, as Americans, we have a greater obligation to work more actively for the eventual libera-

tion of those lands which are oppressed today.

Reserving one day in the year for the remembrance of the Captive Nations is not enough! It is not enough that the President of the United States sign a proclamation honoring the Captive Nations once a year and then ignore their cause in his actions! It is not enough that mayors, governors and congressmen show their concern one day in the year. It is not enough that the Captive Nations Committee function during only a few weeks a year.

Our efforts should not be limited to a day, a week, a month. They must continue throughout the year. We must assert ourselves. We must organize. Captive Nations Committees must function permanently in all major cities. Our students should form a joint organization to promote the cause of freedom for Captive Nations on university campuses. Through our combined and continuing efforts freedom for the Captive Nations can become a reality!

"Only he deserves freedom and life who daily conquers them" Goethe.

UKRAINIAN STUDENT ORGANIZATION OF
N. MICHNOWSKY.

FELLOW AMERICANS: This year marks the tenth anniversary since the Congress and Senate of the United States of America instructed the president (Public Law 86-90) to proclaim the third week in July as Captive Nations Week, and to continue this until all nations are free. Former President Eisenhower, in his first proclamation, in 1959, stated the following:

"Whereas the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties; and

"Whereas it is appropriate and proper to manifest to the peoples of the captive nations the support of the government and the people of the United States of America for their just aspirations for freedom and national independence, and . . ."

For this support, expressed yearly since, by the government and people of the United States of America, we, on behalf of all the captive nations, are and will be, eternally grateful.

The political situation, since 1959, changed very little in favor of human liberty. To the contrary, there has been a continuous assault by the Russian Communism on the basic human rights of individuals and nations. They kill everything in their way to a final conquest and domination of the world.

They kill individuals as, for example, the leader of the Ukraine Liberation Movement (OUN) Stepan Bandera, who was murdered by an agent of the Russian politburo on specific orders by Alexander M. Shelepin, a leading member of the new and so-called "technokrate" elite class.

They kill whole nations, as in the case of the Crimean Tartars and more recently the Czechoslovakian invasion that shocked the civilized world from its complacency.

They attempt to kill whole continents by their penetration in South-East Asia and the Middle-East. And, as a too-familiar-slogan of World War II, by another tyrant said ". . . tomorrow the world."

The tyrants will not permit even a speck of liberty. They could not permit that ray of hope to penetrate from Czecho-Slovakia and infect the captive nations: Albanians, Armenians, Azerbaijanis, Byelorussians, Bulgarians, Mainland Chinese, Cossacks, Croats, Cubans, Czechs, Estonians, Georgians, East Germans, Hungarians, Idel-Uralians, North Koreans, Latvians, Lithuanians, Poles, Rumanians, Serbians, Slovaks, Tibetans, Turkestanians, Ukrainians, North Vietnamese, and others.

The world must realize a need to take some action, not only because it wants to help these nations but simply for its own survival. The free world must fully reaffirm its resolve to defend freedom—not with half measures, but resorting to full measures as the situation may require. One of those measures is the full truth—the truth about Russian imperialism.

Fellow Americans! Don't we really see the bloody Russian hand in this now troubled country of ours. Don't we pay any attention to F.B.I. Director, J. Edgar Hoover, or the distinguished and patriotic Americans who recognize that conspiracy is clear in many "peacenik" or "anti war anti draft" movements? The only difference is they call it "Communist" conspiracy and we who know the threat from sad experience call it "Imperial Russian Conspiracy."

For in Czecho-Slovakia, there was not a communist conspiracy. Czechs and Slovaks apparently did not object to communism but decided to rule themselves by their own government and under their concept of communism. But again, the Russian true face and purpose was revealed (not unpredictably) when it crushed, with brute force, this attempt at self-determination.

There are many painfully striking facts and definite evidences that a similar fate is being in active preparation by the Russian Communist forces for the as yet free world. We, therefore, feel that our commemoration of the Captive Nations Week should serve everyone as a gruesome reminder of what might happen to the free world, if we don't take a very realistic approach in defense of the freedom and justice in the world. A very realistic approach is a firm and persistent policy of liberation of the captive nations.

CAPTIVE NATIONS WEEK COMMITTEE.

RESOLUTION OF CAPTIVE NATIONS WEEK COMMITTEE

Whereas: The people of Detroit having gathered for a mass meeting on July 18, 1970, at the Veteran's Memorial Building to conclude the observance of the Captive Nations Week which included appropriate prayers, ceremonies, and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas: The desire for liberty and independence by the overwhelming majority of peoples presently enslaved in Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas: The freedom loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about freedom and independence; and

Whereas: The majority of the peoples of Detroit are linked to these captive nations through the bands of family and who through nativity or ancestry, treasure the heritage which endowed them with the culture and industry which are theirs;

Now therefore, be it resolved: That we pledge our support to our President and his policy to contain the spread of communism in Southeast Asia and other parts of the world; and

We request the President to initiate a strong program against imperialistic policies of Russian Communists who have enslaved and subjected millions of people; and

We condemn the commemorations held

under the auspices of the United Nations honoring the centennial birthday of Lenin, thus highlighting and honoring the father of terror and genocide; and

We request the United Nations De-Colonialization Committee to fulfill its duty and take up the case of Soviet Colonialism in the world; and

We request our government to increase and expand the operations of the United States Information Agency, especially increasing the number of hours of broadcast by the Voice of America to the peoples of the captive nations; and

We further request the United States Congress to create a special committee on the Captive Nations in the House of Representatives; and

We pledge to avail ourselves and our organized activities to combat communistic imperialism on all moral and legal grounds, as spokesman for the oppressed, until the captive nations are free again; and

Be it resolved that copies of this Resolution be sent to the President, Secretary of State, United States Ambassador to the United Nations, United States Senators from Michigan, members of the United States House of Representatives from Michigan, the Governor of the State of Michigan, and the Mayor of the City of Detroit.

PROGRAM COMMEMORATING THE CAPTIVE NATIONS WEEK, JULY 18, 1970, VETERANS MEMORIAL BUILDING, DETROIT, MICH.

HONORARY COMMITTEE

Chairman

William G. Milliken, Governor, State of Michigan.

Members

Philip A. Hart, Senator, United States Senate.

Robert P. Griffin, Senator, United States Senate.

William S. Broomfield, Member of Congress, U.S. House of Representatives.

Gary E. Brown, Member of Congress, U.S. House of Representatives.

Rev. Father Malcolm T. Carron S. J., president, University of Detroit.

Charles C. Diggs, Jr., Member of Congress, U.S. House of Representatives.

John D. Dingell, Member of Congress, U.S. House of Representatives.

Marvin L. Esch, Member of Congress, U.S. House of Representatives.

Gerald R. Ford, minority leader, U.S. House of Representatives.

Roman S. Gribbs, mayor, city of Detroit.

Martha W. Griffiths, Member of Congress, U.S. House of Representatives.

James Harvey, Member of Congress, U.S. House of Representatives.

Guy Vander Jagt, Member of Congress, U.S. House of Representatives.

Emil Lockwood, majority leader, Michigan State Senate.

Jack McDonald, Member of Congress, U.S. House of Representatives.

Lucien N. Nedzi, Member of Congress, U.S. House of Representatives.

William Ryan, speaker, Michigan State House of Representatives.

Robert Waldron, minority leader, Michigan State House of Representatives.

Executive board

Sigurd Rudzitis, co-chairman.

Bohdan Fedorak, co-chairman.

Emily Zaporozet, secretary.

Committee chairmen

Exhibit, Michael Baansky.

Decorations and Program, Emily Zaporozet.

Motorcade, Mykola Klymyshyn.

Ticket and Patrons, Petro Rohatynsky.

Publicity, S. Barda and C. Zaporackao.

PROGRAM

1. Opening Remarks, Sigurd Rudzitis.

2. Presentation of the Flags.

3. National Anthem, The Polonaise String Trio and Audience.

4. Invocation, Rev. Valter Livalentis, Pastor of the St. Pauls Latvian Ev. Lutheran Church.

5. Address, Judge George N. Bashara, Jr.

6. Proclamations.

7. Remarks, Hon. Mary V. Beck.

8. Resolutions.

9. The Polonaise String Trio, Noreen Smialek Sinclair, Violin; Gass Smialek, Viola; Marta Szyal Dyczewski, Piano:

Lithuanian Song, Opus 74, No. 16, Fryderyk Chopin;

Sorrow (Zal), Etude in E Major, Opus 10, (1810-1849, Polish);

Andante from the Sonatina for Violin and Piano, M. Hayvoronsky, (1892-1949, Ukrainian);

Rumanian Folk Dances (Transcribed by Zoltan Szekely) B. Bartok;

1. Dance with Sticks (Joe Cu Bata), (1881-1945, Hungarian);

2. Waistband Dance (Braul);

Romance from the Second Violin Concerto in D Minor, Henryk Wieniawski (1835-1880, Polish);

Slavonic Fantasia in B Minor, Antonin Dvorak (Medley of Slavic melodies arranged by Fritz Kreisler) (1841-1904, Czech);

Aria for String Trio, Janis Medins (1890-1967, Latvian);

Melody, Opus 18, No. 1, Moritz Moszkowski (1854-1925, Polish);

Polish Dance, Opus 3, No. 1, Xaver Scharwenka (1850-1924, Polish).

Trio and audience: Finale—America, the Beautiful, Words by Katherine Lee Bates.

Music by Samuel A. Ward. (Written in 1893).

10. Benediction, Rev. Father Patrick Paschak, Father Provincial OSBM.

Master Ceremony, Bohdan Fedorak.

SPONSORS

American Friends of ABN.

Baltic Nations Committee of Detroit, Mich.

Ekrem Bardha.

Mr. and Mrs. V. Eelnurme.

Estonian Organizations in Detroit, Mich.

Petras Januskas.

Arpo Jemen.

Latvian Daugavas Vanagi of Detroit, Inc.

Latvian Association in Detroit, Inc.

St. Paul's Latvian Evangelical Lutheran Church.

St. Paul's Latvian Federal Credit Union.

Lithuanian Organization's Center of Detroit.

Arturs and Daina Mednis.

ODFFU (Ukraine).

Polish American Congress, Detroit, Mich.

Petro Rohatynskyj.

Dainis Rudzitis.

Sigurd Rudzitis.

Ukrainian Sport Club "Chernyk".

Mr. Emily Zaporozet.

[From the Pittsburgh Press, July 16, 1970]

LETTERS TO THE EDITOR: CAPTIVE NATIONS WEEK REMINDS UNITED STATES THAT RUSSIA STILL PROWLs

This week, July 12 through 18, has been designated by congressional resolution as Captive Nations Week.

The author of the resolution, Dr. Lev Dobriansky of Georgetown University, advocated its passage in 1959 as a periodic reminder to the American people of the plight of 27 once-free nations now dominated by communism without the express will or consent of their people.

Calling attention to the captive nations each year at this time enables us to review Moscow's intentions in the light of her most recent actions.

A close analysis of what has happened in the last few years will indicate to the astute observer that the cold war as waged by Moscow and its proxies has not ceased as far as the Communists are concerned.

Vietnam, where Moscow has had us by the tail for years, has cost us over 40,000 men and endangered our economy.

The recent Russian penetration in the Middle East is not motivated by improving the lot of Arab refugees but by acquiring control of Arab oil, much of which feeds the U.S. economy.

In Latin America, Havana, backed by Russian military aid, has become the key exporter of revolution against so-called Yankee imperialism.

The recent rape of Czechoslovakia and the announcement of the Brezhnev doctrine of justifiable intervention into the affairs of any socialist state under the guise of insuring its security should shatter any illusion of a detente with Russian imperio-colonialism.

And let us not be deceived by diplomatic gestures that produce irrelevant treaties on nuclear test bans, fisheries, airway routes, consular establishments and strategic arms control.

These are deceptive deterrents from the main issue, Moscow's ever-present, compulsive drive for world domination.

In our efforts to cope with the spread of Russian influence throughout the world we have neglected to call to our assistance the one force that Moscow fears—the nationalism of the captive nations, both within the Soviet Union and outside of it.

Nationalism means self-determination, independence, economic freedom, cultural progress and a respectful place in a peaceful community of independent nations.

These are honorable concepts that should be advocated by us at the United Nations in behalf of the silenced majorities in the captive nations.

MICHAEL KOMICHAK,

McKEES ROCKS.

[From the Pittsburgh Post-Gazette, July 21, 1970]

COMMUNISM—"NOT MELLOWING"

In 1959 Congress passed Public Law 86-90, commonly known as the Captive Nations Resolution. The third week in July is set aside each year to remind the world of the plight of our fellow human beings behind the Iron Curtain.

Among others, these nations are under Red rule: Albania, Armenia, Bulgaria, Cuba, Czechoslovakia, East Germany, Estonia, Hungary, North Korea, Latvia, Lithuania, Poland, Red China, Romania, Russia, Tibet, Ukraine, North Vietnam and Yugoslavia.

Americans must be informed of the fact that Communism is not "mellowing" because we might be put to sleep and wake up some morning in another "workers' paradise." The Captive Nations themselves need this peaceful demonstration of our solidarity with them. They must know that they are not forgotten. This will restore their hope that someday they will be free.

Some suggestions on how to become involved:

Display the flag at half-mast every day of that week.

Contact groups that have speakers who are well qualified to speak on the Captive Nations.

Distribute posters on the Captive Nations Week observance.

Write your Congressman to introduce bills and official protests directed at the Communists' weakest points: their enslavement of over one-third of the human race. Encourage your legislators to make this year's Captive Nations Week with its "ceremonies

and activities" more dramatic and better executed than ever before. . . .

ANNE BURDICK.

PITTSBURGH.

[From the Greensburg (Pa.) Tribune Review, July 6, 1970]

CAPTIVE NATIONS WEEK

DEAR SIR: On July 17, 1959, the Congress of the U.S. passed unanimously Public Law 87-90 which provided for the designation of the third week of July as Captive Nations Week. The quickest and most effective way to begin our homework on the precarious condition of human liberty throughout the world today is to understand exactly what is meant by Captive Nations Week. Let us examine portions of this Congressional resolution.

"Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of: (here are listed 32 formerly sovereign nations who have been imprisoned by the communists—including North Vietnam.)

"Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their religious freedoms, and of their individual liberties; and Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive."

The unanimous finding of fact by Congress that the murderous Communist conquest of human freedom and the consequent "mockery of the idea of peaceful coexistence" with Communist governments was undeniable in 1959 and remains undeniable today.

Unfortunately, during the eleven years that have elapsed since it was passed, our government has done literally less than nothing to implement the Captive Nations Resolution—the boldest profession of our faith in freedom since 1776.

For our failure to encourage the revolutionary anti-Communist liberation of the captive people of North Vietnam in 1959, we are now face to face with the pro-Communist "liberation" of the United States by the outspoken, unrestrained advocates of obscenity, murder, arson and wholesale universal destruction.

For 25 years we have been buying our own temporary security by prostituting our birthright of self-evident truth with official sanctions for the progressive enslavement of other people. Before our own time runs out, perhaps we should read the Captive Nations Resolution again before we are forced to join the club.

ALBERT N. HOPFER.

YOUNGWOOD, PA.

1970 CAPTIVE NATIONS WEEK

Captive Nations Week, established by the U.S. Congress on July 17, 1959, will be noted for the 12th consecutive year during the week of July 12-19 with appropriate programs and observances throughout our country and 17 other free nations. These annual observances of Captive Nations Week

reaffirm the affinity of freedom-loving citizens in the free world with the enslaved people of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba and others, who aspire to freedom.

It will be particularly significant this year for us to take time out from the turmoil around us to note the fate of the captive nations and the billion people who are being denied their basic freedoms—freedoms which we take so much for granted.

We would like to see the youth and intellectuals of the free world demonstrate their concern for the men and women behind the Iron, Bamboo and other Curtains, who are persecuted through arrests, incarceration in mental institutions and in concentration or labor camps. Few of our youths or intellectuals stop to realize that one-third of the earth's people are captives of regimes which deny them their God-given rights.

A most recent example of the Communists' unrelenting efforts to impose their ideology upon others is demonstrated by the tactics of the Soviet delegates at the World Youth Assembly at the United Nations, where they are trying to bar the participation of delegates from South Vietnam, South Korea, the Republic of China and others, whom they label puppets!

An appropriate time for the youth and intellectuals of the free world to start raising their voices for the freedom of the hapless victims of Communist totalitarianism would be now—during Captive Nations Week.

In observing Captive Nations Week, we appeal to all citizens to support legislation for a Special House Committee on the Captive Nations and a Freedom Academy bill.

WOMEN FOR FREEDOM, INC.

CAPTIVE NATIONS WEEK OBSERVANCES

The following local public observances will be held during Captive Nations Week:

Saturday, July 11, 1970, 10:30 A.M.—Special Services at Temple Emanu-El.

Sunday, July 12th, at 10:00 A.M.—St. Patrick's Cathedral—Solemn Mass presided over by His Eminence Terence Cardinal Cooke.

The Celebrant will be the Most Rev. Joseph M. Schmondiuk, Bishop of the Ukrainian Catholic Diocese of Stamford. The Mass will be accompanied by the St. John the Baptist Ukrainian Catholic Choir of Newark, N.J. Sermon by Rev. Raymond J. de Jaeger.

11:00 A.M.—Special Services will be held at St. John the Divine Cathedral, with sermon by Canon Edward West.

11:30 A.M.—Protest March on Fifth Avenue from 51st Street to 72nd Street to Central Park's Band Shell.

12:00 noon—A Captive Nations Week program with speeches and Folk Dancing and singing.

Sunday, July 19th, at 1:00 P.M.—Assembly at Statue of Liberty, and parade.

1:30 P.M.—Rally, with addresses by prominent speakers.

COAL MINE SAFETY: A CONTINUING BATTLE

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. HECHLER of West Virginia. Mr. Speaker, on April 22, 1970, my colleagues, Hon. JOHN H. DENT and PHILLIP BURTON, and myself addressed a joint letter to

Secretary of the Interior Walter Hickel, followed by a letter from me dated May 20, 1970. We have just received an extensive response by Acting Secretary of the Interior Hollis Dole, dated August 10, 1970, as well as a response to my May 20 letter written by Acting Secretary of the Interior Fred J. Russell and dated August 7, 1970.

For purposes of continuity, I am placing this complete correspondence into the RECORD because of its importance in relation to coal mine safety:

MARCH 5, 1970.

HON. WALTER J. HICKEL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: Sixty-five days ago the landmark Federal Coal Mine Health and Safety Act of 1969 was signed into law by President Nixon after the Congress worked nearly ten months to draft the most comprehensive worker's health and safety Act of this nation. What has happened since then? Hardly anything for the good of the coal miner.

In less than one month, the Act will be in effect. Yet your department and the Health, Education and Welfare Department have failed to meet any of the following time schedules listed in the Act:

1. Section 101(j)—All interpretations, regulations, and instructions in effect on enactment must be published, according to the House Conference Report "as soon as possible after enactment for information purposes and to consolidate them in one place. The managers view this requirement as a very minimal task for the Department to undertake and one that is quite important to both the operators and the miners."

2. Section 202(a)—Prescribe methods, locations, intervals, and manner of sampling respirable dust within 60 days after enactment.

3. Section 307(d)—Prescribe procedures and safeguards for making repairs on high-voltage lines within three months after enactment.

In addition to failing to meet these time schedules, a number of key positions in the Bureau of Mines have long gone unfilled and remain unfilled, except in an acting capacity, even today—just 27 days before the Act becomes effective. Some of these are:

1. Associate Director of Health and Safety—Mr. Henry Wheeler is filling this position in an acting capacity. The position has been vacant for over a year.

2. Assistant Director for Mineral Industries Health—Mr. Henry Doyle is filling this position in an acting capacity, but I understand that he has submitted his resignation because your Department has not appointed him permanently to the position for over one year.

3. Assistant Director Minerals Research—Mr. Carl Rampack is filling this position in an acting capacity.

Now, over the last weekend the President abruptly and unceremoniously accepted the pro forma resignation of Mr. John F. O'Leary effective on Sunday, March 1, 1970—one month before the Act becomes effective, leaving the Bureau to be run, again in acting capacity, by Dr. Earl T. Hayes who has little or no experience or understanding of this new Act. Mr. O'Leary is a dedicated public servant who realized at the time of the tragedy in Farmington, West Virginia, on November 20, 1968, that, while coal mining is a hazardous occupation, it can be made many times safer and healthier. His efforts in seeking workable, but strong, health and safety legislation will, in future years, be remembered by coal miners. Although I have not

always agreed with him, I believe his performance overall for the coal miner was commendable.

In accepting Mr. O'Leary's resignation, your Department has rid itself of the only person with any real understanding or knowledge of this new Act. It will take time for new people, when finally appointed to these positions, to have even a modicum of this knowledge and understanding. This delay in leadership will inure to the benefit of those operators who continue, and there are still many, to oppose the legislation and resist its enforcement and to the detriment of the coal miners. It will be used as an excuse for lackadaisical enforcement—an excuse that the Congress, I am sure, will not tolerate.

Mr. Secretary, the Department's record since March, 1969, when President Nixon sent a proposed bill to Congress in this area has been equivocal, inept, and unresponsive, and it has generally exhibited, by its inaction, an unconcerned attitude for the coal miner. Even its rhetoric has been less than satisfying to the coal miner. Now the fate of the coal miner is left by the Department to the mercies of a leaderless Bureau of Mines that has long history of floundering before the Farmington disaster. While I generally believe that no one is indispensable, I am convinced that the demise of Mr. O'Leary at this very crucial time is one instance where the falseness of this belief is unmistakably demonstrated.

I understand that, prior to his leaving office on March 1, Mr. O'Leary had approved a number of proposed health and safety regulations for publication in the Federal Register, including one on dust sampling. I would appreciate promptly receiving a copy of these proposed regulations. I would also appreciate a prompt response to my letter of February 20, 1970, regarding regulations published in the Federal Register under Section 303(r) of the Act.

Sincerely,

KEN HECHLER.

FEBRUARY 20, 1970.

HON. WALTER J. HICKEL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: I am concerned with the Interior Department's new final regulation published in the *Federal Register* on February 18, 1970 (35 F.R. 3122) regarding applications for extension of time under section 303(r) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

Why was not the new regulation published as proposed rule-making under the first sentence of section 302(d) of the Act, since there appears to be sufficient time to do so before Title III of the Act becomes operative?

A review of the definition set forth in the regulation of a "mechanized mining section" indicates that it is at variance with the definition of that term in the Senate Report on the legislation (see S. Rept. No. 91-411, p. 63) and the section-by-section analysis of the Act set forth in the Congressional Record on final passage of the Act in the Senate (see Cong. Rec. of December 18, 1969, p. 39990). I would appreciate your advising me why there is such a variance. I also would like to know what is excluded from the term "production equipment" by referring to a "conventional" or "continuous mining section."

The last paragraph of the regulation provides that the Bureau of Mines' district manager "will advise the operator of the conditions which must be met during the period of extension", but there is no reference made anywhere in the regulation to the rights of the miner in the affected mine.

The second sentence of section 301(d) of the Act provides:

"Before granting any exception to a mandatory safety standard as authorized by this title, the findings of the Secretary or his authorized representative shall be made public and shall be available to the representative of the miners at the affected coal mine." (Italic supplied)

This provision is designed to protect the miners at a mine from the granting indiscriminately of exceptions from the mandatory safety standards of Title III of the Act. It also makes public such exceptions and avoids the often criticized procedure of carrying out a safety program without active participation by those most interested, namely the miner. The statement of the Managers of the House on the bill explains this provision as follows (H. Conf. Rept. No. 91-761, p. 78):

"3. The Senate bill provided that, where an exception to a standard is authorized, it can only be made when the criteria for the exception as set forth in the standard is met and upon a finding that granting the exception would not pose a danger to the safety of miners. There was no comparable House provision. The conference agreement adopted the approach of including this requirement in the appropriate provision of the title which permits exceptions rather than making it a general requirement, but, at the same time, requiring that, in granting any exception to a standard, the Secretary or his inspector must publish the reasons therefor and make them available to the miners at the mine before the exception is effective. If the miners believe that the granting of any exception will diminish safety, their redress is to utilize the provisions of section 301(c)."

A similar statement is in the Senate's section-by-section analysis (see Cong. Rec., supra, p. 39989).

I would appreciate your promptly advising me (a) why there is no reference to section 301(d) of the Act in the new regulations, and (b) what steps you have taken to implement section 301(d) in connection with exceptions such as the one in this new regulation.

As you know, I am very much interested in insuring that this new Act will be implemented and administered vigorously and in a manner that will afford the greatest health and safety protection to the miner as is possible.

Sincerely,

KEN HECHLER.

WASHINGTON, D.C., April 22, 1970.

HON. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: Thank you for your letter of April 3, 1970, in response to a letter of March 5, 1970, concerning the administration of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173; 83 Stat. 742), to Congressman Hechler.

SUMMARY

After reviewing the actions taken by the Department since the new law was approved on December 1, 1969, we are seriously concerned (1) that with 31 top positions of the Bureau of Mines filled with officials who serve in an acting capacity only, it cannot function effectively; (2) that the new reorganization divides the Bureau's health functions into separate divisions for coal mines and for metal mines which will duplicate each other, and fosters too close a confidential relationship with industry in its research function which could be harmful to workers and to protecting the total environment; (3) that the schedule of fees set forth in the regulations for violations of the Act is contrary to law; (4) that it failed to provide an opportunity for rule-making as di-

rected by the new law; (5) that the Department, in apparently publishing new "mandatory safety standards" in its regulations of March 28, 1970, did so without following the precedures of Title I of the Act; (6) that its announced policy of conducting "partial, but representative" inspections is not in accord with the law; and (7) that the Department say fit to be critical of some provisions of the new law after being silent on them during its consideration.

DISCUSSION

I. Personnel of the Bureau of Mines

Your letter of April 3, provides assurance that the Bureau of Mines' "entire Health and Safety organization is intact with minor exceptions." While the organization may be intact, it is clear that the personnel are still in a state of flux. It has not had a permanent director since March 1, 1970. In your letter you state as follows:

"Mr. Henry P. Wheeler, Jr., who was recommended by John O'Leary to the position of Associate Director—Health and Safety, Bureau of Mines, has been formally appointed to the position. Mr. Henry Doyle has been offered a choice of positions in a new organizational set up which we plan to put into effect shortly, but has so far declined the opportunities. Mr. Carl Rampacek's detail as the Acting Assistant Director for Minerals Research has been terminated. He has returned to his permanent assignment and is under consideration for a key position in the new organization. Earl T. Hayes, as Deputy Director under John O'Leary, followed the health and safety activities of the Bureau closely, and, since he himself has suffered from silicosis when he worked in the mines, can naturally be expected to favor strict application of the law in his present capacity. He is being assisted by Harry Perry of my staff, who worked closely with John O'Leary during Congressional consideration of the law, and has now been detailed as Acting Deputy Director of the Bureau."

Mr. Henry P. Wheeler, according to the Bureau's Personnel Bulletin No. 70-73 of April 1, 1970, is again listed in an acting capacity and in two positions.

Mr. Henry N. Doyle was appointed to his position in acting capacity on February 13, 1969. His appointment terminates on April 30, 1970. We understand that Mr. Doyle declined an offered position in the Bureau's new reorganization because he disagreed with it and expressed his views in writing. We would appreciate your providing us with a copy.

Mr. Carl Rampacek was in an acting capacity from July 27, 1969, through March 24, 1970, and now the position is vacant. In the above bulletin, he is listed as Acting Assistant Director of Metallurgy. What, in fact, is his status?

Dr. Hayes, as Deputy Director of the Bureau is familiar with its health and safety functions prior to enactment of the new law. In the past year, he had little direct contact with the development of the new law. He did not participate with the committees or the staff during its consideration. As a matter of fact, he was traveling for the Department during a large portion of the period the legislation was being considered. The above bulletin which was signed by Dr. Hayes as Deputy Director lists him also as acting in two other positions. How can the acting head of the Bureau effectively carry out his heavy responsibilities of leadership if he is also required to act in two other capacities?

The choice of Mr. Harry Perry, who is familiar with the new law and its background and participated in its development in the Congress, as Acting Deputy Director is a good one. The fact still remains that you have only "detailed" him to the position.

Thus, the Bureau continues to have no one in its top staff on a permanent basis of Mr.

Perry's or Mr. O'Leary's caliber and experience. Further, 31 of the Bureau's most important posts are not permanently filled, including the four heads of the health and safety divisions. (See Bulletin No. 70-73.)

II. Reorganization of the Bureau of Mines

The Bureau was reorganized in January, 1969, for the primary purpose of upgrading the health function of the Bureau. The overwhelming evidence that occupationally caused health problems in the coal and metals industry which are at least as serious, and possibly even more serious, than safety problems helped to bring about this change. (See attached Press Release.)

Yet, on April 1, 1970, at a time when all of the Bureau's energies and attention should have been directed at implementing the new law, a new reorganization was devised. This time, the Department has reversed its earlier decision of January, 1969, and moved once again to submerge the Bureau's health function from its once prominent, but shortlived, position to a division level subordinate to an assistant director for both health and safety. Further, it no longer treats coal mine health and metal mine health as one unit with its common problems. Instead, it divides the function into two separate entities subordinate to a health and safety assistant director for coal mines and one for metal mines, Mr. Westfield and Mr. Jarrett, who have no health background.

Safety too is downgraded from a position headed by an assistant director solely for coal mine safety and one for metal mine safety to two divisions headed by a division chief who is subject to an assistant director for both health and safety.

In addition, the reorganization appears to divorce completely the Bureau's health and safety functions and the Bureau's research functions. This, despite the fact that Congress, in the new law greatly expanded the Bureau's health and safety research function and, in sections 301(b) and 501(a), set forth specific priorities in this area. We fail to see how the health and safety program can be effectively carried out unless there is, as the enclosed press release emphasizes, a close relationship between those who investigate and enforce and those who research and test. A Bureau divided under two deputy directors, in our opinion, will not foster such a relationship.

Further, we believe that the reorganization will encourage an even closer, confidential relationship with industry in the research area than that now cherished by it. Such a relationship could well be detrimental to the miner concerned with health and safety and to the public concerned that the mineral industry meet its responsibilities to prevent the degradation of the environment. In this reorganization, what efforts have been made by your Department to require greater public participation and disclosure in the Bureau's research programs as required by section 501 (c) of the new Act and section 102 of the National Environmental Policy Act?

We strongly recommend that the new reorganization be rescinded for these reasons:

First, it is ill-conceived and designed to foster an unhealthy confidential relationship between parts of the Bureau and industry, while dismantling the Office of Mineral Industry Health which was seeking ways to curb and eliminate occupationally caused diseases, such as pneumoconiosis, in the case of coal miners, and lung cancer, in the case of uranium miners. As a matter of fact, Mr. Doyle was an outspoken advocate of tough health standards for uranium miners along the lines adopted by former Secretary of Labor Wirtz. The uranium industry, including Mr. J. Rigg of Assistant Secretary Dole's staff, has a long history of opposing the Wirtz standard.

Second, the President's Advisory Council

on Executive Reorganization is now in the process of preparing a report on the organization of the executive branch, including the Interior Department and the Bureau of Mines. In view of this, the Bureau's new reorganization should be shelved, at least until that report is available and its recommendations fully evaluated.

We would appreciate your comments on this recommendation.

III. Regulations publication

Thank you for providing copies of the proposed Coal Mine Health and Safety regulations recommended to you by Mr. O'Leary on February 27 and 28, 1970. We will compare them with the published regulations and comment thereon, where appropriate, at a later time.

In addition to the regulation which was referred to in the February 20, 1970 letter, the Interior Department has now published under the Federal Coal Mine Health and Safety Act of 1970 the following regulations and notices:

(A) Coal Mine Dust Personal Sampler Units—(35 F.R. 4326-4329)—Published March 11, 1970;

(B) Mandatory Safety Standards, Underground Coal Mines—(35 F.R. 5221-5258)—Published March 28, 1970;

(C) Notice of Regulations Continued in Effect—(35 F.R. 5335-5345)—Published March 31, 1970; and

(D) Mandatory Health Standards—Underground Coal Mines—(35 F.R. 5544-5550)—Published April 3, 1970.

In the case of the mandatory safety standards, Congress specifically provided in section 301(d) of the Act that "where the provisions of sections 302 to 318, inclusive, of this title (Title III of the Act) provide that certain actions, conditions, or requirements shall be carried out as prescribed by the Secretary, or the Secretary of Health, Education and Welfare, as appropriate, the provisions of section 553 of Title 5 of the United States Code shall apply unless either the Secretary otherwise provides." In publishing these final regulations, the Department did not refer to this exception to the rulemaking requirement, but found that it is "impracticable" under section 553 to have proposed rulemaking. We are distressed at this finding.

Congress, in enacting this statute, clearly recognized that the Department probably could not properly issue regulations of the magnitude found in the March 28, 1970, publication and, at the same time, provide the operators, the miners, and the public sufficient time to review and comment on them by April 1, 1970. That is the reason section 101(j) was added to the Act. That section provides that "interpretations, regulations, and instructions" existing under the 1952 Act which are consistent with the new Act could, upon republication, continue to exist until superseded by more comprehensive regulations. In the letter of March 5, 1970, to you, it was pointed out that the Conferees expressly urged that this republication be made "as soon as possible after enactment." Despite this congressional admonition to act quickly, the Department did not republish these until March 31, 1970. Many of the mandatory safety standards in Title III could be enforced on April 1, 1970, without the need for additional regulations immediately. In such cases, proposed rulemaking of these comprehensive regulations would have been quite proper. We would appreciate your Department advising us (a) why it was impracticable to publish such extensive regulations on March 28 without proposed rulemaking as required by section 301(d) of the Act; (b) what standards in Title III could not be enforced without implementing regulations on April 1, 1970; and (c) why it took your Department so long to develop regulations that were begun, as your April 2, 1970, press release states, in December, 1969.

IV. Scope of safety regulations

The preamble to the March 28 regulations (35 F.R. 5221) states that the regulation: "includes mandatory safety standards for underground coal mines which are set forth in Title III * * *, other mandatory safety standards issued pursuant to that title and section 101(j) of the Act, and interpretations and supplementary regulations."

The publication identifies each statutory standard. It does not, however, identify these other items. Please identify each item in the publication that your Department considers to be "interpretations and supplementary regulations" and each item that it considers to be "other mandatory standards." Since neither Title III nor section 101(j) of the Act authorize the issuance of such standards, we would appreciate (a) your requesting the Department's Solicitor to provide us with a legal opinion concerning the authority for such other standards, and (b) advising us why such other standards were not issued in accordance with the procedures set forth in Title I.

V. Fee schedule

Section 301.50 of the regulations (35 F.R. 5257) establishes proceedings for the assessment of civil penalties to be initiated by a hearing examiner or the Appeals Board if an operator or miner fails to pay a fine to the Bureau "within 30 days after receipt of the notice of violation by the mine operator or miner" in accordance with a fee schedule in the regulation.

Under section 109(a) of the Act, an operator who violates any provision of the Act, except Title IV, shall be assessed a civil penalty of up to \$10,000 for each violation, after an opportunity for a hearing. It also provides that, in determining the amount of the penalty, the Secretary (whether a hearing is held or not) "shall consider the operator's history of previous violations, the appropriateness of such penalty to the size of the business of the operator charge, whether the operator was negligent, the effect on the operator's ability to continue in business, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation."

The schedule sets a fine for first violations committed by an operator in a 12 month period (a) for imminent danger violations at \$500.00; (b) for unwarrantable failures (which the conferees described as a "failure of an operator to abate a violation he knew or should have known existed, or the failure to abate a violation because of lack of due diligence, or because of indifference or lack of reasonable care on the operator's part") at \$100.00, and (c) for all other violations at \$25.00. Miners who willfully smoke or carry smoking materials underground are charged \$5.00 out of a possible \$250.00. We understand that, by first violations, the Department means—violations cited in a first inspection. Violations cited in second and later inspections in such period incur a progressively greater fine.

We are strongly opposed to this illegal fee schedule or "justice of the peace" type of approach to civil penalties because:

(a) It is contrary to law. The statute requires that the above cited factors be considered when a penalty is assessed. The fee schedule is an assessment of a penalty in advance of the violation and does not consider those factors at all. Thus, a negligent operator whose violation resulted in death or injury could pay his \$25.00 and avoid a higher penalty when the factors are considered.

(b) It establishes the same penalty for a 500 man mine operator and for a ten man mine operator. A \$25.00 penalty against a Bethlehem Steel mine is a mere slap on the wrist. Even in the case of a ten man mine, a \$25.00 fine may not be appropriate.

(c) In the case of a miner, a \$5.00 fine for "willfully" smoking underground in a mine

endangers the lives of his fellow miners. It amounts to a mere license to smoke. We are sure that the workers themselves would support a more realistic fine where, as the law provides, there are proper proceedings instituted before the fine is assessed.

We call upon the Department (1) to rescind this fee schedule in the regulations immediately; (2) to reassess civil penalties according to law for violations arising since April 1; and (3) to establish a policy that provides meaningful penalties for all violations consistent with the above factors.

On April 20, 1970, a House staff member talked by telephone to Assistant Solicitor Gershuny of the Department who apparently will handle litigation under the new law. Mr. Gershuny stated that he knew when he drafted the fee schedule for the Department that it was "illegal", but it was needed to "wash-out" some of the proceedings before the Board, since the Bureau anticipated about 25,000 violations per year. He also contended that the Act impliedly authorized the Secretary to "compromise" civil penalties once assessed.

We request a detailed explanation as to why the Department, knowing the fee schedule was illegal, published it. We understood from Staff discussions with Department officials, during consideration of the civil penalty provisions proposed by it, that Bureau officials (other than inspectors) would assess the penalty subject to the right of the alleged violator to request a public hearing. We, therefore, would like to know why it is necessary or desirable for the Board or a hearing examiner, who are not administrators, to assess civil penalties when a hearing is not requested.

Finally, since Congress failed to adopt the Department's civil penalty provisions which provided for administrative compromise, and did not specifically authorize such compromise, as it did in the case of other recent statutes, we fail to see how the Department now believes from the statute and its legislative history that administrative compromises are authorized after considering the above cited factors. We would appreciate your providing us with the Department's rationale for administrative compromises.

VI. Burden of proof

Section 301.68 of the regulations (35 F.R. 5258) states:

"In proceedings under Subparts B, C, and F of this part, the burden of proof shall be on the Bureau of Mines. In all other proceedings, the burden of proof shall be on the moving party."

Under the second sentence of the regulation, the moving party, who is the miner or his representative, has the "burden of proof" on applications for compensation or for review of discharge actions or acts of discrimination under section 110 of the Act.

We believe that this requirement is totally inconsistent with section 110(a) of the Act. It is an outrageous attempt by your Department to bail out the coal operators from enforcement of section 110 of the Act which protects the worker's salary and job status. Under section 110(a), compensation to the miners is guaranteed for specified periods where a closure order is issued under section 104 of the Act, where a final unwarrantable failure closure order is issued, and when an operator violates or fails or refuses to comply with a section 104 closing order. Only in the case of an unwarrantable failure order is there any requirement that the order be a final one or that there be an opportunity for a hearing. In the other cases, the miners must be compensated once an order is issued, even if, on appeal, it is vacated. There is no proceeding in such cases in which the miner or his representative must prove a violation.

Further, under section 110(b) of the Act the operator is prohibited from discharging or discriminating against a miner under the

circumstances prescribed. If he violates the prohibition, he is subject to the penalty section of the Act. The Secretary must enforce this prohibition too on his own motion or on application by the miner or his representative. He does so by investigation which may or may not include a public hearing. We fail to see why the minor or his representative should bear this burden.

We believe that the last sentence of section 301.68 should either be abandoned or substantially clarified consistent with the requirements of section 110 of the Act. Please advise us when you do so.

Subpart B relates to applications for review of orders and notices, subpart C to review of notices under section 104(h) of the Act, and subpart F to assessment of penalties. Thus, in these three proceedings the "burden of proof" is on the Bureau. Please provide us with a legal opinion from the Department's Solicitor (a) establishing the statutory authority for placing this burden on the Bureau and not on the appellant in each case; and (b) setting forth what the Solicitor considers sufficient proof in each proceeding for the Bureau to sustain this burden.

VII. Inspections

Your Department's news release of April 3, 1970, announcing the adoption of an "Interim Coal Mine Inspection Plan" quotes your statement that the Bureau has "only about 220 fully qualified coal mine inspectors now", and that 50 more have been hired and are being trained. Yet, in testimony before the House Subcommittee on Department of the Interior and related agencies, the Department's witness, Mr. Wheeler, testified that you "have about 300 coal mine inspectors at the present time." (Hearings, p. 806). Why this discrepancy?

We are concerned about the slowness of the Department's efforts to hire and train inspectors. We, therefore, would appreciate promptly receiving your response to the following questions:

1. How many inspectors will be needed to make four complete inspections a year under the Act?

2. How many inspectors will be needed to carry out inspections under section 103(1) of the Act?

3. What is your authorized personnel ceiling on inspectors?

4. (a) Has the Department sought new increased funds and personnel authorizations in this fiscal year for inspectors?

(b) If so, how much money, and how many positions?

(c) If not, why not?

5. (a) Is the Department seeking increased funds and personnel in the fiscal year 1971 budget now before Congress for inspectors?

(b) If so, how much money, and how many positions?

6. What salaries are being offered to attract qualified people as inspectors?

7. (a) How long is the training period for inspectors?

(b) When did you begin hiring new inspectors?

In his statement before the House Subcommittee on Appropriations, Dr. Hayes stated (supra, p. 783):

"In the past the Bureau has inspected every underground coal mine twice a year and we have managed to inspect most of the large coal mines three times a year."

While we recognize that the new law has many more mandatory provisions to be enforced during an inspection than existed under the 1952 Act, many of these provisions are similar to the old voluntary Code provisions which were also enforced during those inspections. Thus, if the Bureau inspected every mine completely twice last year, as the above statement indicates, and most of the larger mines three times last year, how long will it be before the Department makes all of the inspections required by the Act for its first full year in operation?

In testimony before the House Subcommittee on Appropriations, the Department's witnesses testified that the Administration cut \$83 million from the Department's budget for Fiscal Year 1971 for the enforcement of the new Federal Coal Mine Health and Safety Act of 1969. (See hearings, *supra*, p. 805). With the mandates expressed by Congress to the Department to increase its enforcement activity now, how is it possible that the Administration would apparently disregard that mandate and reduce substantially the Department's budget request in this area? What was the use intended for this sum? Did the Department appeal the cut by the Budget Bureau? If so, what was the Budget Bureau's justification for this cut?

We are also disturbed about your program of representative inspections with the stated objective of inspecting all underground coal mines by the end of June, 1970. While it is, of course, desirable to inspect all mines as soon as possible, the Congress in enacting the new law was not concerned with the volume of inspections, but with the adequacy of each inspection. The law contemplates four complete inspections, plus spot inspections. The "partial, but representative inspection" is a new concept altogether which was never previously mentioned during consideration of the new law. The Associate Director for Health and Safety describes, in his March 26, 1970 memorandum to Dr. Hayes, each of these as follows:

"1. A spot inspection, which would enable us to get into all of the mines as quickly as possible but which would not be extensive enough to be informative to the operator as to what is required throughout the entire mine;

"2. A regular inspection, which would extend throughout each mine inspected, but which would, because of the time required for each such inspection, leave some mines for a rather long time before an inspection could be made under the new law; and

"3. A partial, but representative inspection (PBR inspection), in which we would inspect enough, but only enough, of a mine to be representative of the entire mine insofar as health and safety are concerned. A PBR inspection would take longer than a spot inspection but not nearly as long, in most instances, as a regular inspection."

The law now requires four complete inspections per year. The Administration proposed three per year in its legislative proposal of March, 1969. Did the Administration contemplate PBR inspections then? If not, how did the Administration intend to comply with its own recommendation in one year?

VIII. Accidents

We would appreciate your providing us with the complete details concerning the two mine accidents of a few days ago which killed two men—one a roof fall and one an ignition—and the actions taken by the Bureau to prevent them in the future. Also, we would appreciate your providing us with the details concerning the accident at the Helen Mining Company in Homer City in Pennsylvania, including the area of the mine inspected just prior thereto, a copy of the inspection report, and an identification of the area of the mine where the accident occurred.

IX. Interior's criticism of statutory safety standards

It is inconceivable to us that a Federal agency, such as the Department of the Interior, would appear before the Appropriation Committee of the House of Representatives after Congress enacted the 1969 law and criticize various provisions of it after remaining silent on the provisions during its consideration by the legislative committee of the House. Yet, the Department's witness did just that on March 2, 1970, when he said (hearings, *supra*, p. 815-816) as follows:

"Mr. WHEELER, Madam Chairman, overall I do not think anyone would have any question with the objectives and law itself. But there are a few provisions and I would like to cite one of them to you—there is a provision in the law that all mine cars after a year must be provided with automatic brakes and there are no automatic brakes that can be put on mine cars.

"Mrs. HANSEN. Are they nonexistent?

"Mr. WHEELER. There are none in existence.

"Mrs. HANSEN. What are you going to do about that provision?

"Mr. WHEELER. Maybe we have some consternation in our own organization. I think what we will have to do is to cite them as being in violation of the law, because they will be.

"Mrs. HANSEN. Is anyone in the process of developing automatic brakes?

"Mr. WHEELER. Yes, ma'am. We have met with all the car manufacturers to first find out if there are any brakes, and we found out there are none. And since then we have been talking with them as to how we can get some developed as soon as possible.

"Mrs. HANSEN. Has the Department appeared on behalf of this provision before the Education and Labor Committee?

"Mr. WHEELER. We have not gone back to them yet. We will have to after we study all the provisions of the law. We are now studying this new law section by section to determine what the problem areas are. This is just one which is obvious on the face of it that I have decided to use. There are others.

"Mrs. HANSEN. Will you please insert in the record other areas of the Coal Mine Health and Safety Act which cause similar problems?

"Mr. WHEELER. Yes, ma'am.

(The information follows:)

"In addition to the matter of the act requirement for car brakes which must be resolved before March 30, 1970, there are other unresolved problems. Among these are:

"1. Sec. 315 of the Act provides that the Secretary may require that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine. Such chambers to be equipped with first-aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the persons while awaiting rescue, and other equipment. Where shelters are required, there shall be an approved plan for the erection, maintenance, and revisions of such chambers and an approved training program for the use of the shelter.

"Much of the technology involved is unclear, especially in connection with an integrated standby system. A contract for the development of a total rescue and survival system should be awarded shortly and completed within a year thereafter.

"2. Section 317(e) requires the Secretary to propose standards by December 30, 1970, under which all working places in a mine shall be illuminated by permissible lighting within 18 months after promulgation of the standards.

"The nature and content of these standards is being considered in the light of practicability. Some research may be required and new permissibility standards may have to be developed. These efforts are being carried on at a rapid pace in order to meet the deadlines. It is not certain, however, that the present uncertainties can all be resolved in the available time.

"3. Section 317(j) authorizes requiring electric face equipment, including shuttle cars, be provided with canopies or cabs to protect the miners from roof falls and from rib and face rolls where the height of the coal bed permits.

"Practical designs are under consideration and consideration is being given to determining the minimum height of the coal bed

which will permit installation of such devices.

"4. Section 317(g) provides that the Secretary shall require, when technologically feasible, that devices to prevent and suppress ignitions be installed on electric face equipment.

"Research on an ignition suppression system has been carried out in the Bureau's laboratories and experimental mine for several years. We are presently concentrating on converting our basic knowledge into a commercially feasible system. Progress is being made and emphasis placed on the project; nevertheless, it is not possible to set a specific completion date."

It is obvious that the Department's witness is not very familiar with the provisions of the Act in making this criticism. None of the standards referred to in the Department's four numbered paragraphs just quoted requires action by March 30, 1970. In the case of the rescue chambers, the Department, by section 315 of the Act, is given discretion to require them when the technology is available. The same is true for underground lighting and canopies and cabs. In the case of ignition suppression devices (the reference is section 317(q), not section 317(g)), we fail to see why it is the Bureau's responsibility to convert its experiments into a "commercially feasible system." Why not make this knowledge public and let American business convert it competitively into an effective commercial system?

In regard to automatic brakes, the Act only requires them "where space permits." The Department, in its letter of July 17, 1969, to the Senate Committee on Labor and Public Welfare (Sen. Hearings—Part 5, Appendix, p. 1589, 1594) said that the provision "should be deleted at this time because in many instances it is not physically possible in the limited space underground in some mines to install and operate such automatic brakes." (Italic supplied.) Based on this comment, the Congress added "where space permits", the Department did not say, as it is now contended, that they were unavailable in all mines or that they were "non-existent". "Where space does not permit," other devices may be used to achieve the same objective. What has the Department done to insist on such other devices?

X. Mine closures by operators

We are deeply concerned about the increasing number of coal mine operators in this country who are closing their mines.

A. Some are closing because of the uncertainty surrounding the Department's administration of the law. The Interior Department has contributed to this situation by its long delay in issuing regulations and republishing old ones and by eliminating any opportunity for the operators and the miners to express their views on them before they were finalized. Only a short while ago, Assistant Secretary Dole wrote, in connection with regulations for metal mines, that by publishing proposed regulations "the Bureau is following a long-established policy to afford the public an opportunity to participate in the rule-making process." He noted that "the benefits to be reaped from analysis and consideration of comments received may save considerable legal involvement later." He did not follow his own sage advice for coal mines.

Further, the Department in applying the statute to each mine apparently has failed to recognize that some violations, such as the failure to have a bulletin board, are not as serious as others. It has treated them equally in its fee schedule and thus caused operators to turn to closing their mines rather than pay the same penalty for all violations, regardless of their gravity.

B. Some are closing with the objective of creating a coal shortage in lieu of meeting the requirements of the Act. Many of them predicted early last year, when the legislation was being considered by Congress, that

It would close many mines. Now they are apparently attempting to make their predictions come true without any sincere, good faith effort to comply with the new law.

They are using these tactics to embarrass the Congress for passing a strong health and safety law designed to protect coal miners. They are attempting to demonstrate that the Act will close mines, cause coal shortages, and eventually cause blackouts. They have not, however, even made a good faith effort to comply with the Act. Many are marginal operators whose profits are dependent on not providing safe and healthful working conditions. In some cases, one need not even go underground to find hazardous conditions. An inspector need only look at the unsafe conditions on the surface to realize that many of these operators are not safety conscious, but rather are profit and production conscious only.

C. In our opinion, both of these reasons are an attempt to create a crisis in the industry to force changes in the law. We are certain that Congress will not stand for such a patent attempt to weaken the law.

Please provide us (a) with a list of the mines closed in each State by the operators since April 1, 1970; (b) the number of persons working in each; (c) the reason for closure, if known; and (d) the estimate of tons lost per day from such closures. If a mine was reopened since then, was it inspected as required by section 303(x) of the Act? If not, why not?

Also, we would appreciate your providing us (a) with a list of the mines inspected during the first three weeks of this month; (b) the number of working sections in each; (c) the working sections inspected; (d) the violations per working section; and (e) the fines assessed or paid per violation.

XI. Temporary relief

Section 301.15 of the regulations (35 F.R. 5256) provides a procedure for filing applications for temporary relief, except "in the case of a notice issued under section 104(h) or section 104(i) of the Act." The reference to section 104(h) is in error. Section 105(d) of the Act provides that the exception applies to notices "issued under section 104(b) or (i)." Please advise us when this section is corrected, and when it is amended to show that such relief is not available in cases of "an order issued under section 104(a)" of the Act.

XII. Notices

Section 301.10 provides that an operator or miner or the miner's representative may file an application "for review of orders and notices." We believe that this provision needs clarification to assure that review of notices is limited only to the reasonableness of the time prescribed therein as is explained in the Senate's section-by-section analysis of the Conference Report (Cong. Rec., December 18, 1969, p. 39987) as follows:

"Subsections (a), (b), and (c) establish a procedure for reviewing administratively withdrawal orders issued by an inspector, modifications or terminations of such orders by an inspector and the reasonableness of the time limits in notices, upon request made by an operator or representative of the miners. Upon making the request, the Secretary must undertake a special investigation to ascertain the facts which must include an opportunity for a public hearing pursuant to 5 U.S.C. 554." (Italic supplied.)

On December 18, 1969, when the Congress adopted the conference report, both the Department and the operators should have been certain of its provisions, but for the threat of a "veto" by the Administration which threat was not quashed until December 30, 1969, when the President signed it. Congress provided an additional delay period of 90 days before the safety standards became effective to enable the Department and the operators to adjust to the new law. This delay was only

30 days less than that recommended by the Department. Based on the Department's performance to date, twice as much time would apparently not have been enough.

The Department's actions, or rather its inaction, has given the operators ammunition to wage war against the new law. It is time that the industry and the Department recognize the fact that the Congress and the public will not tolerate unsafe and unhealthful working conditions in the coal mines. Both expect, so long as the program remains in Interior, that the Department will act reasonably and responsibly to administer the law and to obtain quickly the personnel to do so. To date, Congress, the public, and most important, the miners and many operators have been disappointed.

We hope to hear from you on these vital issues by May 4, 1970.

Sincerely,

JOHN H. DENT, *Chairman*,
PHILLIP BURTON,
KEN HECHLER.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 10, 1970.

HON. JOHN H. DENT,
Chairman, General Subcommittee on Labor, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. DENT: This is in reply to your letter of April 22, 1970, signed jointly by Representatives Burton and Hechler, concerning the administration of the Federal Coal Mine Health and Safety Act of 1969. For your convenience, our reply is keyed to the numbered paragraphs in your letter.

I. PERSONNEL OF THE BUREAU OF MINES

It is true that a number of officials were designated to serve in an acting capacity as a result of the Bureau reorganization effective April 1, 1970. Prompt action was necessary at that time to eliminate gaps in the redelegation of authority within the Bureau. Also, under Civil Service procedures, position descriptions must be revised and grade levels redetermined whenever an organization structure is changed. This results in an increase in the number of "Acting" positions, as the Civil Service Commission must approve the revised position descriptions and grade levels prior to formal designation for all positions GS-16 and above. These top Bureau positions (Deputy and Assistant Directors and Chief Scientist) are now in the final stages of processing at the Civil Service Commission. The remaining positions for Division Chiefs and their subordinates are currently being revised to reflect new organizational arrangements and these actions should be completed in the very near future.

As your letter pointed out, several Bureau officials were named as acting in two positions, and Dr. Hayes' name appeared under three titles. We recognize that this is a very heavy responsibility for all concerned, but we are accomplishing the programs under these individuals by a tremendous amount of team effort. Recognizing further that a very heavy responsibility had been placed on Dr. Hayes and that this burden would not be alleviated until such time as a Bureau Director is appointed, we designated Mr. Carl Rampacek as Acting Deputy Director—Mineral Resources and Environment Development on July 23, 1970.

Specific information on the current status of the other individuals named in your communique is as follows:

(1) *Mr. Henry P. Wheeler*—Acting Deputy Director—Health and Safety, and Acting Assistant Director—Education and Training. Mr. Wheeler had been appointed to the position of Associate Director in the previous organization. However, in the reorganization his title was changed from Associate to Deputy. As this is a supergrade position, he must serve in an acting capacity until the Civil

Service Commission approves this change of title. The appointment papers for the new Assistant Director—Education and Training are now in process. Mr. Wheeler will continue to act in this position until the candidate is approved.

(2) *Mr. Carl Rampacek*—As we mentioned above, Mr. Rampacek has been designated Acting Deputy Director—Mineral Resources and Environmental Development. The position in which Mr. Rampacek was acting until March 24 was abolished under the reorganization. He is presently our primary candidate for the position of Assistant Director—Metallurgy and is also serving in an acting capacity in this position until such time as his new position is approved by the Civil Service Commission.

(3) *Dr. Earl T. Hayes*—Our third paragraph explains Dr. Hayes' present situation. The criticism of his knowledge of the Act is in our opinion without a sound basis. His involvement with the Act, while not as complete as others who had the direct responsibility, was more than adequate to permit him to enforce the Act efficiently and in a manner prescribed by the legislation. Dr. Hayes is intimately familiar, from his previous experience, with the other programs of the Bureau of Mines.

(4) *Mr. Henry Doyle*—Mr. Doyle resigned his position with the Bureau on April 12, 1970. A copy of his memorandum on a reassignment to a line position is attached. (Attachment A.)

(5) *Mr. Harry Perry*—Mr. Perry resigned his position with the Department of the Interior effective June 30, 1970, for a position with the Library of Congress.

II. REORGANIZATION OF THE BUREAU OF MINES

There are substantive changes in the responsibilities assigned to defined organization units that perhaps are not fully revealed by a comparison of the titles used prior to April 1 with those in the new structure. The full significance of separating all of the greatly expanded enforcement functions from other responsibilities of the Bureau of Mines must be appreciated when comparisons are to be made between the old and new organization units.

In announcing the reorganization the Department clearly stated that the express purpose was to insure that the Bureau of Mines capabilities would be strengthened in response to its new responsibilities in the field of mine safety and recent developments on the national scene in the resources area. As a result more attention was given to waste and pollution and more emphasis was placed on environmental problems associated with mining and with the processing of minerals and fuels. The enforcement powers provided by new legislation in the fields of mine health and safety also were carefully weighed to relate and substantially strengthen the Bureau's capabilities in that area. In addition, the increasing variety of complex mineral and fuel supply problems called for a major overhauling of organizational alignments so as to improve performance in that critical area of Bureau responsibility.

Your letter also expresses concern about the way in which staff responsibilities for health are divided between the jurisdictions of the Assistant Director—Coal and the Assistant Director—Metals and Nonmetals. The Bureau is, as you say, charged with similar responsibilities under both acts. But we cannot agree that the problems in the industries to which the separate laws apply are also similar. In fact, they are so dissimilar as to require a considerable array of specialization, and we intend to provide just that. As structured, the new organization was designed to facilitate continuous interchanges between Assistant Directors and between their respective organization components.

Another point we wish to emphasize is that all permissibility testing remains with the enforcement functions. Moreover, all research

was supervised by the Director of Mining Research (now the Assistant Director—Mining) prior to reorganization. The system for assuring consideration of research needs that are indicated by enforcement experience is firmly established under the Deputy Director—Health and Safety and is not changed by the reorganization.

Experience in planning for the assumption of new obligations has demonstrated the need for greater and more effective staff support oriented to the specialized requirements of the individual laws rather than to the common increments of both laws.

We cannot agree that there is any impropriety in the objective of closer relationships between the Bureau and all levels of the industry, nor can we agree that the objective is in any way inconsistent with any of the Bureau's statutory obligations. We believe our position becomes clear if the cited phrases are presented in their proper context.

The quoted objective applies exclusively to the instance where "the nature of the mineral and energy supply problems that merit Federal attention demand the closest of relationships . . ." Our material supplies, in this country, are products of private industry under a free enterprise system. When some part of the system appears to conflict with the public interest and thus "merit Federal attention," a thorough understanding of the involved industry sector is necessary if the Federal decisionmaking process is to function effectively. In this regard, the Bureau of Mines has repeatedly expressed its statutory responsibilities as follows:

"The present mission of the Bureau of Mines is to conduct such programs of inquiry and regulation as necessary to inform the Government and to stimulate the private sector in production of minerals and fuels to supply an appropriate and substantial share of the national needs in a manner that is acceptable in the public interest. Specifically, concern is directed to the means by which current and emerging demands may be met, the real cost of such achievements, and the assessment of related socioeconomic factors, seeking ways to accommodate material needs in a manner that minimizes occupational hazards to workers in the industry, that reduces wastes, and that ensures that mineral raw materials are supplied and mineral-based products are used and disposed of without objectionable social and environmental costs."

The reorganization is expressly designed to strengthen this concept. It also recognizes that basic data and intelligence in matters relative to the private sector must be improved if the job is going to be done more effectively. Whatever knowledge is available on mineral reserves, production, consumption, production costs, prevailing technology, investments, plant capacity, plans, or any of the facts that are necessary to understand supply trends or the nature of emerging social or environmental issues is derived through voluntary responses to Bureau of Mines inquiries. The Bureau of Mines has no mandatory authority to require reporting of this information. Yet, an effective exchange has been developed over the years and a means of maintaining and strengthening the system to insure that the Government, the public, and the industry are correctly informed is the single purpose of the objective that has aroused your concern.

Based on the foregoing we believe that the reorganization should not be rescinded and that to do so would hamper and hinder implementation of Health and Safety Acts and development of our other program responsibilities.

III. AND IV. REGULATIONS PUBLICATION AND SCOPE OF SAFETY REGULATIONS

These parts of your letter are addressed to the regulations issued as Part 75 of Title 30, Code of Federal Regulations. I am sure you

are aware that the basis for and the validity of the regulations are at issue in the case presently pending in the U.S. District Court for the Western District of Virginia. Therefore, in our opinion, it would be inappropriate to answer these inquiries at this time.

V. FEE SCHEDULE

You have expressed concern over Section 301.50 of the regulations which contains procedures under which the mine operator can avoid assessment of penalty procedures contemplated by Section 109 of the Act. You have requested an explanation of the publication of such a schedule and for assigning responsibility to the Board of Mine Operations Appeals to conduct the assessment proceedings. Inasmuch as the validity of the fee schedule is in issue in the case pending in the Western District of Virginia, we will address ourselves only to the second part of your request.

Responsibility to set penalties was delegated to the Board for a number of reasons. This responsibility should, in our judgment, be delegated to someone having the facilities for gathering and considering evidence bearing upon the factors required to be considered under Section 109(a)(1). While much of the information would be readily available to the Bureau of Mines, at least two of the factors are economic in nature and one—whether the operator was negligent—is legal. We chose to delegate this responsibility to the Board because it has the capability of receiving the relevant evidence and because it is independent of the Bureau of Mines. It would have been inappropriate, we believe, to assign this quasi-judicial function to the Bureau of Mines, which now functions in the capacity of the "policeman." On the other hand, assigning this responsibility to the Board will, in our judgment, produce an eminently efficient and equitable procedure.

VI. BURDEN OF PROOF

You have requested that the Secretary amend the procedural regulations for the Board of Mine Operations Appeals so as to place the burden of proof, in cases arising under Section 110 of the Act, upon the mine operator. Section 301.68 of the regulations presently assigns the burden of proof in such cases to the miner or representative of the miner.

This provision of the regulation, we believe, is entirely consistent with Section 110 of the Act. Moreover, it preserves the traditional allocation of proof in legal proceedings and comports with traditional notions of justice. Section 110 of the Act is not self-executing. If the operator has not voluntarily compensated the miners or abated the allegedly discriminating conduct, the miner or the representative of the miners must invoke the administrative procedures established by the Secretary. The Act does not contemplate the initiation of administrative action by the Secretary on his own motion.

Nor is it unconscionable to place the burden of proof on the applicant. The burden of proof contemplated by Section 301.68 is neither rigid nor inflexible. In cases involving claims for compensation, the requisite proof often will be slight, consisting principally of (1) evidence concerning the issuance of the notice or order and the condition existing in the mine, and (2) evidence establishing the applicant as an eligible employee of the operator. In discrimination cases, the proof ordinarily will consist solely of the testimony of the applicant and fellow employees. In either case, however, the investigation contemplated by the Act will take the form of an adversary-type proceeding before the hearing examiner, with the examiner being empowered to call witnesses. Moreover, Section 301.65 grants to the hearing examiner broad powers designed to simplify the issues and reduce the need for an evidentiary hearing. In our judgment, the purpose of Section 110 is well served by em-

ploying this kind of a procedure and the rights of both the miner and the mine operator are fully protected.

You have also questioned that portion of Section 301.68 which assigns to the Bureau of Mines the burden of proof in proceedings for the review of orders and notices, including Section 104(h) notices, and for the assessment of civil penalties. This provision is consistent not only with procedures of the now defunct Federal Coal Mine Safety Board of Review, but also with the philosophy of the Administrative Procedures Act, which provides that "except as otherwise provided by statute, the proponent of a rule or order has the burden of proof" (5 U.S.C. 556).

The Bureau's proof, in the ordinary case, will consist of evidence concerning the condition existing in the mine and the results of laboratory tests if any. In proceedings for the assessment of a civil penalty, additional evidence bearing upon the factors required to be considered by the hearing examiner will be offered. Again, I would expect that much of the evidence will be documentary, including stipulations and records of the operator and the Bureau of Mines.

VII. INSPECTIONS

The figure of "only about 220 fully qualified inspectors" contained in the April 8 news release did not include the specialized inspectors or engineers who support the regular inspection force. The total figure of "about 300" is comprised as follows:

Coal mine inspectors and supervisors	220
Coal mine inspector trainees	54
Coal mine inspectors (roof control specialists)	11
Coal mine inspectors (electrical)	8
Engineers	17
Total	310

The following information is keyed to the questions contained in your letter. Questions 1 and 2 have been combined to give a more complete picture.

1 and 2. Inspectors required to make four complete inspections of underground mines a year, 440.

Inspectors required to make inspections under Section 103(1) of the Act, 200.

Inspectors required to make two complete inspections of strip and auger mines a year, 53.

Inspectors required to make spot check inspections other than those required under Section 103(1), 68.

Inspectors required for health inspections, 285.

Total inspectors required (including supervisors), 1,046.

3. Authorized personnel ceilings include 506 inspectors.

4. The Department received a supplemental appropriation for fiscal year 1970 in the amount of \$12,000,000 for the purposes of carrying out the provisions of the Federal Coal Mine Health and Safety Act of 1969.

One and a half million dollars was allocated for increased inspection work with personnel ceilings for an additional 188 employees including inspectors and support personnel.

5. Budget estimates for fiscal year 1971 provide additional increases of \$12,421,000 for inspection work and 592 additional inspectors and support personnel.

6. Inspectors are hired at Grades GS-9, GS-11 or GS-12 depending upon the qualifications of the person employed. Entrance salary rates for these grade levels are \$9,881, \$11,905 and \$14,192 respectively.

7. New inspectors generally require extensive training, including classroom instruction and on the job experience, to become fully qualified for their duties. Training is geared to the progress of the individual and he receives inspection assignments during the training depending upon his demonstrated capability and with close supervision and review of his work.

Hiring of new inspectors has been a continuing process. During the first four months of FY 1970 we recruited inspectors for a class that began in October 1969 and 54 inspectors completed the course. Since passage of the Federal Coal Mine Health and Safety Act of 1969, intensified recruitment of inspection personnel has been in progress. In February 1969, 1459 applicants took the Coal Mine Inspector Test. Of the 586 applicants that passed the initial written part of the examination, 287 were rated eligible for appointment after considering their experience and other qualifications. Information on 121 written test eligibles was combined with the results of regular Civil Service scheduled examinations, and the pass-fail rate for this group is not available. A second nationwide walk-in examination is planned for September 1970.

As indicated above, in order to carry out the provisions of the Act we estimate 1046 inspectors will ultimately be required and we are making a massive effort to recruit and train new inspectors in the shortest possible time. The requirement for four inspec-

tions a year will be met although, during the first and possibly through part of the second year of enforcement, we will not be physically able to comply with this provision of the Act.

The "partial but representative" inspections concept was developed to be used during the early enforcement period when there would be a major deficiency in the number of inspectors. Through this type of inspection the Bureau will optimize the use of its limited inspection force so as to obtain the most rapid compliance by industry with the provisions of the new Act. After the first PBR inspection, complete inspections will be undertaken but until the inspectorate grows to its required size it will be necessary to strike a balance between complete inspections, spot inspections, and those required under Section 101(i) in such a way as to continue to make optimum use of the limited inspection force.

The table below shows the requested appropriations and the amount allowed by the Bureau of the Budget for FY 1971. An analysis of the reductions follows:

BUREAU OF MINES—COMPARISON OF REQUEST WITH BUDGET BUREAU ALLOWANCES—HEALTH AND SAFETY INSPECTIONS AND INVESTIGATION, FISCAL YEAR 1971

	Request	Allowance	Reduction
Safety inspections.....	\$16,943,000	\$15,480,000	\$1,463,000
Technical support.....	1,000,000	1,000,000	
Permissibility equipment testing.....	1,210,000	1,100,000	110,000
Accident analysis.....	769,000	616,000	153,000
Statistics.....	1,170,000	1,070,000	100,000
Dust inspections.....	5,646,000	5,446,000	200,000
Dust laboratory.....	300,000	300,000	
Health studies.....	150,000	150,000	
Training inspectors.....	1,424,000	1,324,000	100,000
Industry education.....	1,050,000	1,050,000	
Industry assistance.....	900,000	900,000	
Grants.....	2,400,000	400,000	2,000,000
Mine Safety Institute.....	3,500,000	500,000	3,000,000
Metal and nonmetal mine safety.....	5,471,000	4,221,000	1,250,000
Total.....	41,933,000	33,557,000	8,376,000

1. Safety and dust inspections, \$1,663,000 reduction: We believe there will be difficulty even in hiring the number of inspectors allowed for fiscal year 1970. However, we have been assured by the Bureau of the Budget that if we are able to hire inspectors at a rate faster than the 1971 budget allowance would permit, the matter will be reconsidered.

2. Grants, \$2,000,000 reduction: Because we have as yet no information on what claims the States will make for grants, there was no basis on which to appeal the reduction. At the same time the Bureau of the Budget stated that if substantial requests from the States materialize, the Bureau of the Budget will permit a reconsideration of the funding level.

3. Mine Safety Institute, \$3,000,000 reduction: The Bureau of the Budget allowed \$500,000 for planning of the Institute but disallowed funds for construction since they will not be required during FY 1971.

4. Metal and nonmetal mine safety, \$1,250,000 reduction: This item is of course not involved in the enforcement of the Coal Mine Health and Safety Act.

The other small reductions in the budget request were made for a variety of administrative reasons.

VIII. ACCIDENTS

Attached are copies of the report on an explosion at Compass No. 2 Mine of the Clinchfield Coal Company on April 2, 1970 (Attachment B), copies of the report of a fatal roof fall accident at Lancashire No. 20 Mine on April 4, 1970 (Attachment C), and copies of a report on the details concerning an accident at Homer City Mine (Attachment D), including copies of inspection reports of July 22 to 29, 1969 (Attachment D-1), November 19 to December 2, 1969 (Attachment D-2), and April 6 to 8, 1970 (Attachment D-3).

IX. INTERIOR'S CRITICISM OF STATUTORY SAFETY STANDARDS

We do not believe that Mr. Wheeler's testimony before the House Appropriations Committee was critical of the Federal Coal Mine Health and Safety Act of 1969, nor did it reflect a lack of familiarity with the law. Rather, in the testimony referred to in your letter he emphasized portions of the Act which require the development of new technology and the inherent uncertainty in predicting the success and timing of such development.

With regard to automatic brakes on mine cars, Mr. Wheeler's comments were based upon advice from our representatives who participated in the drafting of the legislation and from our attorneys that Section 314(e) requires automatic brakes, speed reduction gear, or other similar braking devices on each locomotive and mine car used in an underground coal mine. Although Mr. Wheeler referred specifically to only the unavailability of automatic brakes for mine cars, his remarks were intended to cover generally the unavailability of any braking devices suitable for use on individual mine cars. Further, we are advised by our representatives who worked with your staff that, in addition to citing the problem of space for automatic brakes on mine cars in low coal, they also informed the staff concerning the unavailability of automatic braking equipment for mine cars generally.

In reply to your question regarding the Bureau of Mines responsibility to convert its experiments into "a commercially feasible system," we believe that it is our responsibility to promote this development either through additional research and development by the Bureau of Mines or by persuading the industry to do it. Mr. Wheeler certainly did not mean in his remarks that we would at-

tempt to go any further than necessary to indicate the feasibility of the project and to attract further development, manufacture, and sale of equipment by industry. Information concerning the research and development undertaken by the Bureau of Mines is, of course, made public at appropriate times during its progress.

X. MINE CLOSURE BY OPERATORS

There is attached a listing of mines, of which the Bureau of Mines has a record, which we understand have been closed (Attachment E). There is no requirement that an operator advise the Bureau of his intention to close a mine, so the listing may be incomplete. Moreover, most of the mines listed are relatively small. They may decide to operate again at any time and it is thus difficult to keep a current list of active or inactive mines.

There is also attached a listing of all mines inspected along with the information about each which you requested (Attachment F).

We, too, are deeply concerned about any significant loss of production that might be caused by the enforcement of the new law. We have done everything within our power to administer the law fairly, efficiently, and in conformance with our best understanding of the intent of Congress. It is, of course, impossible for us to know the reasons why some operators have decided not to operate their mines at this time. We certainly hope that your statement that "some are closing with the objective of creating a coal shortage" is not an accurate evaluation of the present situation.

XI. TEMPORARY RELIEF

You properly point out that Section 301.15 of the regulations erroneously refers to Section 104(h) rather than 104(b). This was a typesetting error and a correction appears in the Federal Register of April 25, 1970 at page 6650. We concur that there is a need to also provide in the regulation that temporary relief from a Section 104(a) order is not available, although that limitation appears in Section 105(d) of the Act.

XII. NOTICES

We agree that Section 310.10 should specifically provide that notices are subject to review only insofar as concerns the reasonableness of the time allowed for abatement. This limitation is clearly set forth in Section 105(a)(1) of the Act but for administrative clarity should be restated in the procedural rules. This matter, as well as others, including that immediately above, is presently under study by the Board with a view toward amendment of the rules of procedure at the earliest opportunity consistent with sound administrative practice.

We hope that this information will be helpful to you in understanding the methods we are using to enforce this complex new Act.

Copies of this letter are being transmitted to Representatives Burton and Hechler for their information.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

ATTACHMENT A

MEMORANDUM, MARCH 9, 1970

To: Acting Director, Bureau of Mines.
Through: Associate Director—Health and Safety.

From: Acting Assistant Director—Mineral Industry Health.

Subject: Reassignment of line position.

I am grateful for your discussion with me on March 6 transmitting an offer of a GS-16 line position in Coal Mine Safety. This offer is respectfully declined.

For the past 20 years, the greater part of my work has been devoted to health problems in the total mining industry. My career in occupational health has covered the full

gamut of the field. Therefore, a staff position in Coal Mine Safety would be quite restrictive and most unrewarding. Additionally, the health problems to be faced by the Bureau could not be dealt with effectively at that organizational level.

Trends in the mining industry are such that in a relatively short time, the industry will be unable to operate until critical health problems have been solved. Some of my views on this subject have been expressed in previous memoranda and budget justifications. The absence of a strong health component in the Bureau of Mines has allowed at least three problems to become significant causes of industrial morbidity and mortality—lung cancer due to radiation in uranium miners, coal workers, pneumoconiosis and silicosis. Thus, the Bureau would be well advised to reevaluate the decision to abolish the Office of Mineral Industry Health.

Morbidity and mortality due to occupational causes in the mining industry is far greater than that due to occupational accidents. Conservative estimates place the number of deaths due to coal pneumoconiosis in excess by a factor of four of the number due to occupational accidents. Among uranium miners over 150 deaths, due to occupational lung cancer, have been identified and it is estimated that this is less than one-fourth of the number expected among those already exposed. The compensation cost for all forms of pneumoconiosis, most of which comes from the minerals industry, exceeds the combined compensation cost for all other occupational diseases.

A shortage of ore reserves will soon require exploration of deep earth deposits and the recovery of ore conglomerates on the sea floor. High energy sources such as laser beams will doubtlessly be used in the mining process. In all cases, the health restraints are such that these procedures cannot be used until health protective measures have been developed. Public issues will soon require an immediate solution to more mundane problems such as noise and sanitation. So far, our efforts in Mineral Industry Health have only dealt with the visual disease spectrum. Evidence indicates that certain chronic diseases, such as heart, cancer, respiratory, and arthritis have a higher incidence among miners and that these diseases may have their origin in, or may be aggravated by, the mining environment.

Recent information from the Social Security Administration disability statistics indicates that there is approximately a four-fold increase in disability due to psychosomatic reactions attributed to stressful occupations of miners.

Mineral products are increasingly being identified as significant causes of mortality among workers and those innocently exposed. Asbestos and beryllium are excellent examples of these offenders. Metals which are now laboratory curiosities will in the near future be items of commerce and some of these have tremendous toxicological implications.

The abolition of the Office of Mineral Industry Health is certainly not consistent with the Secretary's public policy of dealing with environmental problems before they become major issues. Before such action is taken, the Bureau should have a review of actual and potential health problems, in the mining industry, made by a group of outside experts.

The accomplishments of the Office of Mineral Industry Health during the past year have been phenomenal, notwithstanding limited staff and facilities. Our demonstrations of controlling face-generated dust in underground coal mines permits most mines to meet the dust requirement of the Federal Coal Mine Health and Safety Act at a nominal cost and virtually assumes the elimination of coal workers' pneumoconiosis. These

accomplishments, in my opinion, have not been evaluated.

In the event that the abolition of the Office of Mineral Industry Health is an irrevocable decision, it is best that I permit my temporary appointment to expire on April 30.

The past 18 months with the Bureau has been a highly rewarding experience. A personal goal has been a dedication to the elimination of certain diseases in the mining industry. It has been gratifying to have been able to make one small step in that direction and to know that many individuals in the Bureau share this concept. It is disappointing, however, to realize that others are unaware of the fact that mining, from the health standpoint, is our most dangerous industry.

I would appreciate your transmitting a copy of this memorandum, as well as the attached document entitled, "Acting Program for the Prevention of Coal Pneumoconiosis," to the Assistant Secretary for Mineral Resources.

HENRY N. DOYLE.

ATTACHMENT B

Subject: Explosion Compass No. 2 Mine, Clinchfield Coal Co. (Div. of Pittston Co.), Dola, Harrison County, W. Va., April 2, 1970.

An explosion occurred in the Compass No. 2 mine about 3:40 p.m., April 2, 1970. Twelve men were underground at the time of the explosion. One man, the superintendent, was killed, but the other 11 men underground were uninjured and escaped without assistance. Shortly after the explosion occurred, Federal Inspector Layne arrived at the mine, posted a closure order on the entire mine and assessed the operator a penalty of \$500. Bureau personnel began an investigation of the occurrence the same day, completed the underground investigation Friday, April 3, and conducted a joint hearing with the West Virginia Department of Mines on the occurrence Saturday, April 4. The investigation and hearing established the fact that severe thunderstorms occurred in the area on April 2. The electric company's main power failed, and the mine fans ceased operating for about 40 minutes, between 11:00 and 12:00 a.m. After the fans resumed operating, the mine was fire-bossed, found safe, and underground employees reentered the mine. At 1:19 p.m., the mine's electrical power failed again and the fans stopped. The men were again withdrawn. The fan was restarted at 2:20 p.m. Officials of the company made another complete fire-boss examination of the entire mine, and these officials were on their way to the surface when the explosion occurred. Apparently, methane was ignited on the 12 right supply tracks, about 500 feet in by the belt drive, as the mine superintendent was preceding to the shaft bottom in a personnel carrier. The most likely source of ignition was an electric arc from the personnel carrier. Although it is possible that methane was ignited at the belt drive by an electrical arc or spark, coal dust entered into and helped propagate the explosion. The 12 right entries are surrounded on three sides by unsealed abandoned workings, and the investigators believe the methane from the unsealed pillared areas escaped and contaminated the 12 right entries. Mine personnel stated that barometer readings were lower on the day of the occurrence than any previously recorded readings. Following the explosion, the mine operator was required to rehabilitate and ventilate the mine and ventilate or seal the abandoned workings before resuming operations. The operator chose to ventilate the abandoned area which was possible because of two shafts into the abandoned areas. The work of rehabilitating the mine and ventilating the abandoned areas was done during the week of April 6-10 and an inspection of

the entire mine on April 11 indicated the mine was free of violations and the abandoned area was being ventilated by exhaust fans. Therefore, Federal inspectors abated the closure order. The Compass No. 2 mine is entered by shafts and drifts into the Pittsburgh No. 8 coalbed. Six active sections were being operated with continuous miners and 162 underground employees working three shifts a day produced an average of 4,000 tons of coal daily.

The final report of this investigation is being prepared and upon completion of this report, a copy will be submitted.

ATTACHMENT C

[U.S. Department of the Interior, Bureau of Mines, Coal Mine Safety District A]

REPORT OF FATAL COAL-MINE ROOF-FALL ACCIDENT, LANCASTERSHIRE NO. 20 MINE, BARNES & TUCKER CO., CARROLLTOWN, CAMBRIA COUNTY, PA., APRIL 4, 1970

(By Warren K. Lewis, Federal Coal-Mine Inspector, and W. O. Montgomery, Federal Coal-Mine Inspector (Roof Control))

Originating Office, Bureau of Mines, Federal Building, U.S. Post Office, Johnstown, Pennsylvania 15901.

Donald W. Huntley, Subdistrict Manager, Johnstown, Pennsylvania, Subdistrict, Coal Mine Safety District A.

INTRODUCTION

This report is based on an investigation made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

On Saturday, April 4, 1970, about 10:30 a.m., Stanley J. Benosky was killed instantly by a fall of roof in the first crosscut between the main J track and belt entries in by J-1 in the Lancashire No. 20 mine. Benosky, age 51, is survived by his widow and one dependent child under 18 years of age. He had 16 years and 3 months experience as a miner, the last 2 years and 3 months with this company. He was employed as a brattice-man and was performing his regular duties when the accident occurred. Only maintenance work was being performed on this shift.

Paul Lenyo, Federal coal-mine inspector, was notified of the accident by Robert Stratton, company safety inspector, at 11 a.m. the same day. Lenyo informed the writers by telephone about 11:20 a.m., and an investigation was started the same day.

GENERAL INFORMATION

The mine openings consist of two drifts, a slope, and two shafts into the Lower Kittanning coalbed, which averages 60 inches in thickness in the active areas. Of the 276 men employed, 28 worked on the surface and 248 worked underground on 3 shifts a day, 5 or 6 days a week. The average daily production of 3,500 tons of cleaned coal was mined with ripper-type continuous-mining machines and a longwall system. Shuttle cars were used to transport coal from the face areas to the belt conveyors.

A room-and-pillar method of mining was followed and pillars were recovered. Entries were driven on 60- and 90-foot centers in sets of three to nine. The widths of entries, rooms, and crosscuts were not to exceed 18 feet. The distance between crosscuts was not to exceed 100 feet. The immediate roof in the crosscut where the accident occurred was sandy shale intersected by a previously undetected slickensided slip near the left rib of the crosscut. Posts, set at 3- to 4-foot intervals on one or both sides of the crosscut within 3 feet of the ribs, were the sole means of permanent roof support in the accident area, which had been mined in June 1969. The roof in the crosscuts and entries in the nearby area was bolted with the exception of this crosscut and the crosscut immediately outby. The adopted plan for roof support specified that permanent posts were to be

set 4 feet apart in a row on one side of a 15-foot-wide roadway. Additional supports were to be set where necessary. Roof bolts were used as supplemental roof support and had been installed in compliance with the company's bolting plan. There were several unintentional roof falls in entries and crosscuts throughout this area of the mine.

Information for this report was obtained from an investigation at the scene of the accident and from statements by Richard Seabolt, mine foreman; William Carroll, general assistant foreman; John Toth, third-shift assistant foreman; Joseph Ciccotelli, bratticeman, who worked with the deceased; and John Glinsky and Clair Peacock, rockmen.

The investigating committee consisted of the following persons:

Barnes and Tucker Company: Edward Arotin, Production Manager; George Kutchman, Superintendent; Richard Seabolt, Mine Foreman; William Carroll, General Assistant Foreman; Julius Klemstine, Mining Engineer.

United Mine Workers of America: Thomas Smith, Michael Zeanchock, Jr., Darrell Lane, Safety Committeemen.

Pennsylvania Department of Mines and Mineral Industries: Lawrence Jones, Inspector, 19th Bituminous District; Anthony E. Valeri, Inspector, 24th Bituminous District.

United States Bureau of Mines: Warren K. Lewis, Federal Coal-Mine Inspector; W. O. Montgomery, Federal Coal-Mine Inspector (Roof Control).

The last Federal inspection was completed September 10, 1969. Spotcheck inspections were made on December 3, 1969, and February 2 and 3, 1970.

DESCRIPTION OF ACCIDENT

The maintenance crew, which included Stanley Benosky and Joseph Ciccotelli, bratticemen, entered the mine at 8 a.m. and arrived in the working section about 8:30 a.m. Benosky and Ciccotelli were instructed by William Carroll, general assistant foreman, on the surface to go to the undercast in J-1 section and complete the installation of concrete blocks on the sides of the undercast. When they arrived at the entrance to J-1, Benosky went to the crosscut in which the accident occurred. There he found that boards to be used for building a door in the crosscut to provide ingress and egress into J-1 had been delivered during the previous shift, and Benosky told his helper they would build the door instead of going into J-1 as instructed. Benosky also told Ciccotelli to wait there while he went into J-1 to get the necessary tools. Ciccotelli stated he made a thorough examination of the roof in the crosscut while Benosky went to get the tools and found the roof good in his opinion. After Benosky returned with the tools, they measured for the door frame and Ciccotelli got a plank and prepared to measure and cut the plank to the proper length. Benosky, upon determining that one of the posts in the crosscut was in the way of the door frame, attempted to knock the post out with an ax. The post was too tight to knock out so he told Ciccotelli that he would have to cut the post out with a saw and he proceeded to start cutting the post. In the meantime, Ciccotelli, who was near the main J belt and facing Benosky, had sawed the plank for the door frame nearly through when he heard the sound of the roof falling and saw a cloud of dust. After a few moments, the dust cleared and Ciccotelli called to his buddy and received no answer. After determining that Benosky was under the fall, he hurried to get help from the crew in J-1. The victim's body was recovered in approximately 1 hour and was placed on a stretcher and transported to the surface where Dr. A. W. Fees pronounced him dead at about 12 o'clock noon.

The roof rock that fell was slickensided on one side and measured 26 feet long, 13 feet 6 inches wide, and was 16 inches thick at two sides and near the center, and tapered to a featheredge on the other two sides. The post the victim was sawing was within three quarters of an inch of being cut through when the roof collapsed. The saw and post were found under the fall, see sketch (not reproduced in the Record).

During the preceding (12 midnight to 8 a.m.) shift, two workmen had removed the concrete-block stopping in the crosscut in which the accident occurred in order to move some equipment into and out of J-1. They stated that John Toth, night assistant foreman, had inspected the crosscut and tested the roof at approximately 2 a.m. and 6:30 a.m., and Toth stated that he considered the roof normal. The workmen also tested the roof throughout the shift and considered the roof safe. They also stated that they removed three posts along the main J belt and three posts from the entrance to the affected crosscut near the track entry to allow clearance for the equipment being moved. The workmen stated that the posts they knocked out and also the brattice which was removed did not show any pressure and were not difficult to take out. William Carroll, general assistant foreman, said he examined the area on April 2, 1970, and that, in his opinion, the roof was good at that time.

CAUSE OF ACCIDENT

Failure of the victim (employee) to provide equivalent support before removing permanent posts and failure of management to roof bolt the crosscut according to the plan used in the immediate area was the cause of this accident.

RECOMMENDATIONS

Compliance with the following recommendations may prevent accidents of a similar nature:

1. Supports should not be removed unless equivalent temporary protection is provided prior to removal, and the workmen should be in the safest location possible while removing supports.
2. In areas where roof bolting is being done, all roofs should be bolted.

ACKNOWLEDGMENT

The cooperation of the company officials and employees, members of the Mine Safety Committee, and representatives of the Pennsylvania Department of Mines and Mineral Industries during this investigation is gratefully acknowledged.

Respectfully submitted,

WARREN K. LEWIS.

W. O. MONTGOMERY.

ATTACHMENT D

INSPECTION OF HOMER CITY MINE, HELEN MINING CO., HOMER CITY, INDIANA COUNTY, PA.

PBR inspection made April 6-8, 1970. Area covered was track and belt entries, and 4, 5, 6, and 7 entries of crossover mains, and second right. Area not inspected was the south main face area, 1, 2, and 3 crossover main entries, and none of the back entries were inspected.

Explosion occurred in No. 7 entry crossover mains section. This area was inspected April 8 and explosion occurred April 10.

There was a total of five mechanical mining units in operation, and the inspector observed the conditions in the area in which two units were in operation.

During the PBR inspection 14 Notices and 1 Directive were issued. The exhaust line brattice was approximately 27 feet from the face at the time of the explosion. The continuous miner was in the initial sumpeut (line brattice side) and the sump was approximately 14 feet deep.

An Order was issued because of the explosion. The Order covered the entire mine and is still in effect.

Some of the actions taken by the Bureau of Mines to prevent a similar occurrence follows:

1. The entire mine was inspected thoroughly and 45 Notices and 5 Directives were issued. The majority of Notices have since then been abated.
2. Each mechanical unit will be put on a separate split of air.
3. Line brattice will be installed to within 10 feet of each working face.
4. Methane monitors are required.
5. Until methane monitors can be obtained, tests for methane are required after each shuttle car of coal is loaded using a flame safety lamp with a nonluminous flame, or a permissible methane detector.
6. Water sprays shall be turned on before the bits are rotated for the purpose of cutting or trimming coal or rock.
7. When the mine resumes operation, there will be spot check inspections made at least once every 5 working days.
8. After the mine resumes operation, it is intended that an investigation will be made to determine whether methane liberation while coal is being produced will require an increased volume of air to meet the requirements of the law.

ATTACHMENT D-1

[U.S. Department of the Interior, Bureau of Mines, Division of Coal-Mine Inspection]

COAL MINE INSPECTION REPORT, HOMER CITY MINE, HELEN MINING COMPANY, HOMER CITY, INDIANA COUNTY, PA., JULY 22-25 and 27-29, 1969

(By Harry C. Thompson, Federal Coal Mine Inspector)

Originating Office, Bureau of Mines, Federal Building, U.S. Post Office, Johnstown, Pennsylvania 15901.

Donald W. Huntley, Subdistrict Manager, Johnstown, Pennsylvania, Subdistrict, Coal Mine Safety District A.

INTRODUCTION

This report is based on an inspection made in accordance with provisions of the Federal Coal Mine Safety Act (66 Stat. 692; 30 U.S.C. Secs. 451-483) as amended.

The operator and mine workers are parties to the National Bituminous Coal Wage Agreement which requires compliance with provisions of the Federal Mine Safety Code.

GENERAL INFORMATION

The Homer City mine is adjacent to Legislative Route No. 32024, about 1 mile west of Coral, Indiana County, Pennsylvania, where it is presently served by autotricks. The coal produced at this mine will in the near future be utilized by the Homer City electric generating station.

The mine was opened on May 26, 1969, by the present company. The names and addresses of the operating officials are as follows:

James H. Hurlley, President, Indiana, Pennsylvania.

Thomas Musick, Vice President and General Manager, Indiana, Pennsylvania.

Joseph Nippes, Production Manager, Homer City, Pennsylvania.

Michael Gatskie, Mine Foreman and Superintendent, Coral, Pennsylvania.

The mine is opened by a double-compartment slope, 2,617 feet long on a 15 degree pitch and a 15-foot-diameter shaft, 608 feet in depth, with a metal curtain wall installed 5 feet from the nearest side. A double-compartment shaft is presently being sunk by a private contractor. The shaft is 106 feet in depth at the present time and will penetrate the coalbed at 635 feet at a distance approxi-

mately 2 miles from the bottom of the present slope.

The Upper Freeport coalbed, which ranges from 48 to 96 inches in thickness in the present workings, was being mined. The coal is medium-volatile bituminous, the dust of which is explosive.

Of the 29 employees, 18 worked underground on 3 shifts a day, 6 days a week, and produced an average of 300 tons of coal daily.

Surface structures at the slope opening consisted of a main office building, hoist house, a combination mine office, supply room and shop and a combination lamp house and bathhouse, all of sheet-metal construction; two 2,500-ton-capacity raw-coal storage silos and a 2,000-ton-capacity clean-coal storage silo, both of concrete construction; a 42-inch belt conveyor from the slope portal to the raw-coal storage bin, 522 feet in length; a 36-inch belt conveyor from the raw-coal storage bin to the breaker, 310 feet in length; and a 36-inch clean-coal belt conveyor from the breaker to the clean-coal storage bin, 505 feet in length. At No. 1 shaft opening surface structures consisted of a small wooden building located within 60 feet of the mine opening which was owned by the contractor who sunk the shaft; and a combination mine office, bathhouse and lamp house of sheet-metal construction. At No. 2 shaft surface structures consisted of two hoist houses and a small building that housed the air compressor, all of sheet-metal construction. A small supply house and a carpenter shop of wooden construction were located within 60 feet of the mine opening. A changehouse of wooden construction was located more than 100 feet from the mine opening.

A room-and-pillar system of mining will be used. Entries 18 feet wide were driven in sets of four on 85-foot centers. Crosscuts were driven 16 feet wide on 100-foot centers. Pillars were not recovered. Coal was mined with continuous miners equipped with water sprays to control dust on the cutting heads and from observation they appeared to be effective.

The immediate roof consisted of sand rock and was supported by conventional timbers and roof bolts. The adopted roof-support plan appeared adequate and was followed.

Permissible explosives were used by the contracting crew to blast rock at the No. 2 shaft; however, drilling and blasting were not being done during this inspection.

The mine is classed gassy in accordance with the laws of the State. Preshift, on-shift, and weekly examinations were made; however, the results of the weekly examinations for dangerous conditions were not recorded until brought to the attention of the mine officials. During this inspection the mine examiner was accompanied while making a preshift examination of the mine. Ventilation was induced by two Aerodyne fans properly installed on the surface at the slope and at the No. 1 shaft operating exhausting, and were equipped with the necessary safety devices except pressure recording gages. Ventilation at the No. 2 shaft was induced by an auxiliary blower fan installed on the surface with 18-inch tubing installed in the shaft. The air current was controlled by solid concrete-block stoppings, and air was conducted to the working faces by use of check curtains and line brattice. Face ventilation was adequate. Tests made in all active working places throughout the mine with a permissible flame safety lamp and a methane detector did not indicate the presence of methane accumulations or an oxygen-deficient atmosphere. One air sample was collected near the bottom of the No. 2 shaft presently being sunk by a private contractor and two samples were collected in the main returns, see table 1. Methane monitors were not used.

The mine surfaces ranged from wet to damp and were free from accumulations of loose coal and coal dust. The applications of rock dust and general cleanup of loose coal in the face regions were included as part of the mining cycle. Rock dust had been applied to all areas of the mine, including back and parallel entries, but dust samples were not collected due to excessive moisture. Float dust was controlled with water sprays on the heads of the continuous miner and at the feeder car when coal was transferred into the bucket at the bottom of No. 1 shaft. Coal was transported from the working faces in shuttle cars to the bottom of the shaft where it was discharged onto a belt feeder car into a bucket of 2-ton capacity. The bucket was lifted to the top landing of the shaft with a hoist, where it was dumped into an auto-truck. Men and supplies were lowered into and lifted out of the mine in the bucket used to transport coal. The hoist was equipped with automatic stop controls but not over-speed or overwind devices; however, when men were being transported in the bucket a second engineer was on duty at all times. The hoisting equipment was inspected daily by a competent person, and a record of the examination was kept. The 3/4-inch-diameter no twist rope was connected to the bucket with a self-locking hook, and the rope was fastened to the hook by means of five properly installed Crosby-type clamps. Two bridle cables were connected securely to the rope at least 3 feet above the socket and attached to the bucket securely. Rope guides were used on each side of the bucket to prevent the bucket from twisting while in transit. The bucket was equipped with locking devices on each side to prevent the bucket from tilting. Four men were transported at one time at a speed of approximately 300 feet a minute. As soon as the contractor completes his work in the slope, a period estimated at about two weeks, coal production will start at the bottom of the slope.

Coal will be transported from the face with shuttle cars which will discharge onto belt conveyors that will transport the coal directly to the Homer City electric generating station. Men will be transported on a man-trip car equipped with the necessary safety devices. The hoist used at the slope will be equipped with all the necessary safety devices. The track and rolling stock were in good condition. Clearance was adequate and shelter holes provided where necessary.

Electric power at 110, 220, 480, 2,300, and 13,200 volts alternating current was used on the surface and 550-volts alternating current and 250-volts direct-current power was used underground. Alternating current at 13,200 volts was taken into the mine through shielded cables properly installed in the No. 1 shaft to the 600-kilowatt silicon-diode rectifier and into the slope to the 100-kilowatt silicon-diode rectifier. Cutout switches were provided where required. Lightning protection was provided for the power circuits leading underground. All underground face equipment was of permissible type, maintained in permissible condition, provided with overload protection, and frame grounded or equivalent devices provided. The trailing cables were of fire-resistant type and were provided with short-circuit protection. Tests for methane were made frequently while electrical equipment was being operated in face areas and just prior to the time such equipment was taken in by the last open crosscut.

Firefighting facilities were adequate and consisted of chemical fire extinguishers, water piped to the faces, and rock dust.

An accurate map of the mine was posted in the mine office and indicated that the active workings were not approaching abandoned workings, adjacent mines, im-

pounded water or oil wells. Several gas wells were on the property but none in the area presently being mined. Escapeways were adequate and marked. Permissible electric cap lamps were used for portable illumination underground and smoking was not permitted in the mine. A suitable check-in and check-out system was being used by the close of the inspection. Protective hats and protective footwear were worn by the workmen and eyeshields were worn by the workmen where there was a hazard from flying particles. Health hazards from dusts, fumes, and mists were not present in and around the mine. Adequate first-aid supplies were available by the close of the inspection. Self-rescuers were provided for underground personnel.

Most of the employees had been trained in accident prevention and first aid, and eight employees had been trained in mine rescue and recovery operation.

The importance of complying with the provisions of the Federal Coal Mine Safety Act and the Federal Mine Safety Code between inspections was discussed with mine officials and the mine safety committee.

Part I—Federal Coal Mine Safety Act

Violations of the Mine Safety Provisions of the Federal Coal Mine Safety Act were not observed during this inspection.

Part II—Federal Mine Safety Code

Article II—Miscellaneous Surface Conditions

Section 1d. Two buildings of wooden construction at No. 2 shaft and one at No. 1 shaft were located within 60 feet of mine openings.

This hazard was partially corrected by removing the building at No. 1 shaft from the property.

Article III—Control of Roof, Face, and Ribs

Section 2a. Several posts were set in Nos. 2, 3, and 4 entries on cap wedges or round insecure blocks.

No action taken.

Section 2f. Several posts knocked out accidentally along the supply roadway were not reset promptly.

No action taken.

Article V—Ventilation and Mine Gases

Section 1f. The main fans at the No. 1 shaft and at the slope were not provided with pressure-recording gages.

No action taken.

Section 10f. A record of the weekly examinations for dangerous conditions was not kept at the mine.

Corrected.

Article VII—Transportation

Section 2d. A second means of signaling between the bottom and hoisting station at No. 1 shaft was not provided.

Corrected.

Article VIII—Electricity

Section 5a. The switchboxes for the two hoists and the air compressor at the No. 2 shaft were not frame-grounded.

No action taken.

Section 7c. Lightning arresters were not provided where the telephone circuits enter the mine at the slope and at No. 1 shaft.

Corrected.

Article XI—Miscellaneous

Section 6a. A check-in and check-out system was not provided.

Corrected.

Article XII—General Safety Conditions

Section 4a. The first-aid supplies at the top of No. 1 shaft did not include stretchers and splints, and at the bottom splints were not provided.

Corrected.

HARRY C. THOMPSON,
Federal Coal Mine Inspector.

HOMER CITY MINE—HELEN MINING CO.

Violations observed		Violations observed	
Date of inspection	Act Code	Date of inspection	Act Code
July 22, 1969	0 (1) Art. II, sec. 1d. (1) Art. III, sec. 2a. (1) Art. V, sec. 1j. (1) Art. V, sec. 10j. (1) Art. XI, sec. 6a. (2) Art. XII, sec. 4a.	July 24, 1969	0 0.
July 23, 1969	0 (1) Art. III, sec. 2f. (1) Art. VII, sec. 2d. (1) Art. VIII, sec. 7c.	July 25, 1969	0 (1) Art. V, sec. 1j. (1) Art. VIII, sec. 7c.
		July 27, 1969	0 0.
		July 28, 1969	0 0.
		July 29, 1969	0 (1) Art. II, sec. 1d. (3) Art. VIII, sec. 5a.

TABLE 1.—HEALTH AND SAFETY RESEARCH AND TESTING CENTER, BUREAU OF MINES, 4800 FORBES AVENUE, PITTSBURGH, PA.

ANALYSIS OF AIR SAMPLES—HOMER CITY MINE, HOMER CITY, INDIANA COUNTY, PA., HELEN MINING CO.

[Collected July 23, 29, 1969; last sample received July 31, 1969]

Bottle No.	Laboratory No.	Location in mine	Percent by volume					Cubic feet air per minute	Cubic feet methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
A-8865	408726	Working place, sinking shaft near bottom of No. 2 shaft, 13 ins. from floor and 13 ins. from nearest sides.	0.03	20.93	0.00		79.04		
A-8890	408727	Main return, 25 ft. inby slope fan	.03	20.93	.00		79.04	58,050	
B-7978	408728	Main return, 50 ft. inby bottom of shaft	.03	20.93	.00		79.04	27,360	

ATTACHMENT D-2

[U.S. Department of the Interior, Bureau of Mines]

COAL MINE INSPECTION REPORT, HOMER CITY MINE, THE HELEN MINING CO. (FORMERLY HELEN MINING CO.), HOMER CITY, INDIANA COUNTY, PA., NOVEMBER 19-20, 24-26, 28, AND DECEMBER 2, 1969

(By Frank A. Koza, Federal Coal-Mine Inspector)

Originating Office, Bureau of Mines, Federal Building, U.S. Post Office, Johnstown, Pennsylvania 15901.

Donald W. Huntley, Subdistrict Manager, Johnstown, Pennsylvania, Subdistrict, Coal Mine Safety District A.

INTRODUCTION

This report is based on an inspection made in accordance with provisions of the Federal Coal Mine Safety Act (66 Stat. 692; 30 U.S.C. Secs. 451-483) as amended.

The numeral recorded after a section identification shows the number of consecutive repetitions of the hazard cited under the Code.

The operator and mine workers are parties to the National Bituminous Coal Wage Agreement which requires compliance with provisions of the Federal Mine Safety Code.

GENERAL INFORMATION

The Homer City mine is adjacent to Legislative Route No. 32024, 1 mile west of the village of Coral, about 4 miles west of Homer City, Indiana County, Pennsylvania.

Since the previous Federal inspection, which was completed July 29, 1969, Alfred J. Horwath, Shadyside, Ohio, had been appointed superintendent, and Rudolph Siskki, Bolivar, Pennsylvania, had been appointed mine foreman.

The mine is opened by a double-compartment slope 2,617 feet long on a 15-degree pitch, and a 15-foot-diameter shaft 608 feet in depth, with a metal curtain wall installed 5 feet from the nearest side. A double-compartment shaft is presently being sunk by a private contractor. The shaft is 400 feet in depth at the present time and will penetrate the coalbed at 635 feet at a distance approximately 2 miles from the bottom of the present slope.

The Upper Freeport coalbed, which ranges from 48 to 96 inches in thickness in the present workings, was being mined. The mine afforded employment on 3 shifts a day, 6 days a week, for 120 men, 45 of whom worked

on the surface and 75 underground. The average daily production was 800 tons of coal. An official estimated the life of the mine to be 30 years.

Coal was mined with two Lee-Norse continuous miners. Pillars were not recovered.

The immediate roof in the slope section was 24 inches of top coal, and the immediate roof in the shaft section was shale. Roof conditions varied from good to poor, and the roof was supported by conventional timbers and roof bolts. The bolts were installed in compliance with the Bureau-approved plan. The roof-control plan required temporary supports to be set at 4-foot intervals in the first lift to within 4 feet of the face before the second lift was started. One row of permanent posts is set on 4-foot centers to maintain a 14-foot-wide shuttle-car roadway. Turnout openings bypassed for haulage purposes are to be posted to comply with roadway widths. The adopted roof-support plan appeared adequate and was followed.

This mine is classed gassy in accordance with the laws of the State. Check curtains and line brattice were used to conduct the air to the working faces. Face ventilation was adequate. Methane was being liberated freely in the face areas, but it was being diluted properly and carried away by adequate air currents during this inspection. Preshift, on-shift, and weekly examinations were made, and they included tests for methane and oxygen deficiency with a permissible flame safety lamp and a methane detector. During this inspection, a fire boss was observed while performing his duties during the preshift examinations. Tests made in all active and inactive places throughout the mine with a permissible flame safety lamp and a P-2 methane detector did not indicate the presence of methane accumulations or an oxygen-deficient atmosphere. The analyses of five air samples collected, one near the bottom of the No. 2 shaft presently being sunk by a private contractor, two in the return from immediate working sections, and two in the main returns, are shown in table 1. The main returns samples indicated that the mine was liberating 1,180,000 cubic feet of methane in 24 hours, see table 1. Methane monitors were not used.

The mine surfaces varied from wet to dry and were free from accumulations of loose coal and coal dust. The applications of rock dust and general cleanup of loose coal in face regions were included as part of the mining cycle. The areas along belt heads, belt tails, and air locks along the belts were

cleaned of coal-dust accumulations daily, and rock dust was applied to the affected areas. Two continuous miners were used to mine coal and produced coal dust; however sprays of water were conducted onto the cutting heads of the miners as the coal was being mined. The water sprays appeared to be effective when coal was being mined but were only partially effective when rock was cut with the miners. Air locks were used to control dust along belt conveyors. All areas of the mine, including the back and parallel entries, were rock-dusted adequately. A dust survey was made in the advancing main entries in the No. 1 shaft section and the slope section by the standard Bureau of Mines method, see table 2. All dust samples collected contained more than 65 percent of incombustible material.

The electric face equipment was of permissible type, maintained in permissible condition, and provided with overload protection. The trailing cables were flame resistant and were provided with short-circuit protection. Tests for methane were made frequently while electrical equipment was being operated in face areas and just prior to the time such equipment was taken inby the last open crosscut.

An up-to-date map of the mine was posted in the mine office on the surface, and it indicated that the active workings were not approaching abandoned workings, adjacent mines, impounded water or gas, or oil and gas wells.

The section escapeways, belt entries, and main returns were traveled during this inspection; they were in safe, travelable condition and were marked. The mine has only one separate opening to the surface; however, the only work being done in the mine is confined to development of the main entries between the slope section and the No. 1 shaft section to provide a separate escapeway and an airway to the surface.

Both the slope and the No. 1 shaft section are liberating methane freely and must be given constant supervision at all times to prevent the possibility of an accumulation.

Most of the employees had been trained in accident prevention and first aid, and 10 employees had been trained in mine rescue and recovery operations.

The importance of complying with the provisions of the Federal Coal Mine Safety Act and the Federal Mine Safety Code between inspections was discussed with mine officials and a member of the mine safety committee.

Part I—Federal Coal Mine Safety Act

Provisions of the Federal Coal Mine Safety Act were being complied with at the time of this inspection.

Part II—Federal Mine Safety Code

Article III—Control of Roof, Face, and Ribs

Section 2a. 1. Many posts which were too short were set on cap wedges or round, insecure blocks in the No. 1 shaft and slope sections.

No action taken.

Section 2f. 1. Posts knocked out accidentally at several places along the shuttle-car roadways in the No. 1 shaft and slope sections were not reset promptly.

No action taken.

Article V—Ventilation and Mine Gases

Section 1j. 1. The main fan at the slope was not provided with a pressure-recording gage.

No action taken.

Section 6a. The No. 5 main entry in the No. 1 shaft section was advanced 120 feet beyond the last open crosscut.

No action taken.

Article VII—Transportation

Section 4e. The clearance space at one place outby the main slope belt tail was obstructed with discarded supplies.

No action taken.

Section 6b. The lights on the small Kersey mine tractor in the No. 1 shaft section were not maintained in working condition.

Article VIII—Electricity

Section 5b. 1. The switchboxes for the welder on the surface at No. 1 shaft, and the pump in No. 2 main entry in the slope section were not frame-grounded. The frame-grounding circuits in the trailing cable to the Joy loader in the slope section were twisted onto the grounding medium.

Corrected.

Section 6e. Insulating mats or other electrically nonconductive material were not provided at the power-control switchboxes for the air compressor on the surface and the heater in the washhouse at No. 1 shaft, and at the pump in No. 2 main entry in the slope section.

Corrected.

Section 6f. The resistors for the No. 2 hoist at the No. 2 shaft were not guarded against personal contact.

No action taken.

Article IX—Safeguards for Mechanical Equipment

Section 2a3. The belt drives on the air compressor on the surface at No. 1 shaft and on the Barber Greene portable belt conveyor at the silo at the slope were within 7 feet of the floor and were not guarded.

This violation was partially corrected by adequately guarding the belt drives on the air compressor on the surface at No. 1 shaft.

Section 2a4. The flywheel on the vibrator at the cleaning plant was not guarded.

No action taken.

Article X—Fire Protection and Mine Disasters

Section 1k. Empty paper rock-dust bags were piled at one place along the main slope belt and were strewn out by the belt tail.

Corrected.

FRANK A. KOZA,
Federal Coal-Mine Inspector.

HOMER CITY MINE—THE HELEN MINING CO.

Violations observed		Violations observed	
Date of inspection	Act Code	Date of inspection	Act Code
Nov. 19, 1969	0 (1) Art. III, sec. 2a. (1) Art. III, sec. 2f.		(1) Art. VIII, sec. 6e. (1) Art. VIII, sec. 6f.
Nov. 20, 1969	0 (1) Art. VII, sec. 6b. (1) Art. VIII, sec. 5b. (2) Art. VIII, sec. 6e. (1) Art. IX, sec. 2a3.	Nov. 26, 1969	0 (1) Art. V, sec. 6a.
Nov. 24, 1969	0 0.	Nov. 28, 1969	0 0.
Nov. 25, 1969	0 (1) Art. III, sec. 2a. (1) Art. III, sec. 2f. (2) Art. VIII, sec. 5b.	Dec. 2, 1969	0 (1) Art. V, sec. 1j. (1) Art. VII, sec. 4e. (1) Art. IX, sec. 2a3. (1) Art. IX, sec. 2a4. (1) Art. X, sec. 1k.

TABLE 1.—HEALTH AND SAFETY RESEARCH AND TESTING CENTER, BUREAU OF MINES, 4800 FORBES AVENUE, PITTSBURGH, PA.

ANALYSES OF AIR SAMPLES—HOMER CITY MINE, HOMER CITY, INDIANA COUNTY, PA., THE HELEN MINING CO.

[Collected Nov. 19, 25, 28, 1969, last sample received Dec. 1, 1969]

Bottle No.	Laboratory No.	Location in mine	Percent by volume					Cubic feet air per minute	Cubic feet methane in 24 hours
			Carbon dioxide	Oxygen	Methane	Carbon monoxide	Nitrogen		
B-8992	410459	Return air, split return between No. 1 and No. 2 main entries No. 1 shaft section.	0.03	20.77	0.35		78.85	27,740	140,000
B-8994	410460	Main return air course 30 ft. in by No. 1 shaft bottom.	.04	20.72	.48		78.76	38,000	260,000
B-2311	410552	Working place, sinking shaft near bottom of No. 2 shaft, 24 in. from floor and 13 in. from nearest side.	.04	20.92	.00		79.04		
B-2391	410553	Main return air, main return top deck of slope at trap door.	.03	20.81	.49		78.67	130,000	920,000
B-2547	410554	Return air, return from immediate working section, 0 entry slope section.	.03	20.82	.44		78.71	86,400	550,000

TABLE 2.—ANALYSES OF DUST SAMPLES, HOMER CITY MINE, THE HELEN MINING COMPANY

[Collected by Frank A. Koza]

Lab. No.	Sample No.	Sample of dust from	Location in mine, dust survey samples	¹ As received percent in-combustible	Lab. No.	Sample No.	Sample of dust from	Location in mine, dust survey samples	¹ As received percent in-combustible
NOV. 20, 1969									
5 main entries No. 1 shaft section. Starting point 15 feet inby No. 4 shaft entry.					No. 4 entry (intake):				
No. 1 return entry:					J-38184	1D1	Band	0+00	95
J-38169	1A1	Band	0+00	98	J-38185	1D1CCL	do	0+170	85
J-38170	1A1CCR	do	0+180 ft.	93	J-38186	1D2	do	0+200	87
J-38170	1A2	do	0+200	98	J-38187	1D2CCL	do	0+360	88
J-38172	1A2CCR	do	0+360	91	J-38188	1D3	do	0+400	86
J-38173	1A3	do	0+400	95		1D4	do	0+600 (not driven)	
J-38174	1A3CCR	do	0+540	95	No. 5 entry (intake):				
J-38175	1A4	do	0+600	96	J-38189	1E1	do	0+00	93
No. 2 belt entry:					J-38190	1E1CCL	do	0+170	96
	1B1	do	0+00 (moving belt)		J-38191	1E2	do	0+200	92
	1B2	do	0+200 (moving belt)		J-38192	1E2CCL	do	0+350	98
	1B3	do	0+400 (moving belt)		J-38193	1E3	do	0+400 ft.	97
	1B4	do	0+600			1E4	do	0+600 (not driven)	
J-38176	Band	do	0+600	98	NOV. 28, 1969				
No. 3 entry (purposed belt entry):					5 main entries slope section. Starting point—72 ft. inby bottom of slope.				
J-38177	1C1	do	0+00	86	0 entry (return):				
J-38178	1C1CCL	do	0+190	98	2A1		do	0+00 (not driven)	
J-38179	1C2	do	0+200	82	2A2		do	0+200 feet (not driven)	
J-38180	1C2CCL	do	0+370	81	2A3		do	0+400 (not driven)	
J-38181	1C3	do	0+400	90	2A4		do	0+600 (not driven)	
J-38182	1C3CCL	do	0+550	98	J-38915	2A5	¾ band	0+800 (left rib wet)	96
J-38183	1C4	do	0+600	98					

Footnote at end of table.

Lab. No.	Sample No.	Sample of dust from	Location in mine, dust survey samples	¹ As received percent in-combustible	Lab. No.	Sample No.	Sample of dust from	Location in mine, dust survey samples	¹ As received percent in-combustible
J-38916	2B1	Band	No. 1 entry (return):	99	J-38926	2D2	Band	0+200	91
J-38917	2B1CCR	do	0+00	96	J-38927	2D2CCL	do	0+308 (gobbed)	95
J-38918	2B2	do	0+180	93	J-38928	2D3	Band	0+400	82
J-38919	2B2CCR	do	0+200	95	J-38929	2D3CCL	do	0+550	95
J-38920	2B3	do	0+380	100	J-38930	2D4	do	0+600	97
J-38921	2B3CCR	do	0+400	99	J-38931	2D4CCL	do	0+760	93
J-38922	2B4	¾ band	0+580	97	J-38932	2D5	do	0+800	93
J-38923	2B4CCR	Band	0+600 (left rib wet)	96	J-38933	2E1	do	No. 4 entry (intake):	
J-38924	2B5	do	0+780	97	J-38934	2E1CCL	do	0+00	92
			0+800	96	J-38935	2E2	do	0+180 ft.	93
			No. 2 belt entry:		J-38936	2E2CCL	do	0+200	89
			0+00 (moving belt)		J-38937	2E3	do	0+380	92
			0+200 (moving belt)		J-38938	2E3CCL	do	0+400	89
			0+400 (moving belt)		J-38939	2E4	¾ Band	0+580	95
			0+600 (moving belt)			2E4CCL	do	0+600 (left rib wet)	
			0+800 (moving belt)			2E5	¾ Band	0+780 (too wet for sampling)	
J-38925	2D1	Band	No. 3 entry (intake):	97				0+800 (left rib wet)	100
	2D1CCL	do	0+00						
			0+180 (gobbed)						

¹ By volumeter.

ATTACHMENT D-3

[U.S. Department of the Interior, Bureau of Mines]

COAL MINE INSPECTION REPORT, HOMER CITY MINE, THE HELEN MINING CO., HOMER CITY, INDIANA COUNTY, PA., APRIL 6-8, 1970

(By Stanley J. Smetana, Federal Coal-Mine Inspector)

Originating Office, Bureau of Mines, Federal Building, U.S. Post Office, Johnstown, Pennsylvania 15901.

Donald W. Huntley, Subdistrict Manager, Johnstown, Pennsylvania, Subdistrict, Coal Mine Safety District A.

INTRODUCTION

This report is based on an inspection made pursuant to the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

GENERAL INFORMATION

The Homer City mine is located about 2 miles south of Homer City, Indiana County, Pennsylvania.

The mine is opened by a shaft and an over and under two-compartment slope into the Upper Freepport coalbed. Of the 128 employees, 108 worked underground on 3 shifts a day, and produced an average of 1,100 tons of coal a day.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Notices and orders

Violation—Section 75.518: The three-phase alternating-current pump motor at the slope bottom was not provided with adequate overload protection that would deenergize all three phases in the event that any phase is overloaded. A Notice of Violation No. 1 was issued April 6, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 8, 1970, and a Notice of Penalty No. 1 pertaining thereto was issued April 6, 1970. This violation was not totally abated in the time set, and a Form 104.(b) extension was issued, extending the time for abatement to 8 a.m., April 15, 1970.

Violation—Section 75.1101: Deluge-type water sprays or foam generators automatically actuated by rise in temperatures or other no less effective means approved by the Secretary of controlling fires were not installed on the No. 1 flight belt conveyor drive. A Notice of Violation No. 2 was issued April 6, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 2 pertaining thereto was issued April 6, 1970.

Violation—Section 75.1100: The waterline

along No. 1 flight belt conveyor was not provided with 150 feet of rubber-lined firehose or the equivalent at each firehose outlet. A Notice of Violation No. 3 was issued April 6, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 3 pertaining thereto was issued April 6, 1970.

Violation—Section 75.1404: The haulage locomotives underground were not equipped with automatic brakes or other devices approved by the Secretary, which are designed to stop the locomotives with the proper margin of safety. A Notice of Violation No. 4 was issued April 6, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on June 19, 1970, and a Notice of Penalty No. 4 pertaining thereto was issued April 6, 1970.

Violation—Section 75.1715: The employees were not provided with a positive identification check fastened to the lamp belt and made of rust-resistant metal of not less than 16 gage. A Notice of Violation No. 1 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 15, 1970, and a Notice of Penalty No. 1 pertaining thereto was issued April 7, 1970.

Violation—Section 75.1714: Self-rescuers were not provided for the miners in 2 right that would protect the miner for 1 hour or longer. A notice of Violation No. 2 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 2 pertaining thereto was issued April 7, 1970.

Violation—Section 75.1712: Sanitary toilet facilities were not provided in the active workings of 2 right. A Notice of Violation No. 3 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 3 pertaining thereto was issued April 7, 1970.

Violation—Section 75.1718: Potable water for drinking purposes was not provided in the active workings in 2 right. A Notice of Violation No. 4 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 15, 1970, and a Notice of Penalty No. 4 pertaining thereto was issued April 7, 1970.

Violation—Section 75.1101: Deluge-type water sprays or foam generators automatically actuated by a rise in temperature or other no less effective means approved by the Secretary of controlling fire were not installed at 2 right belt conveyor drive. A Notice of Violation No. 5 was issued April 7, 1970, on Form 104.(b) requiring that this

violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 5 pertaining thereto was issued April 7, 1970.

Violation—Section 75.516: The power wires in 2 right for the battery charger, the pressure pump, and the control cable along the belt conveyor were in contact with combustible material at many locations. A Notice of Violation No. 6 was issued April 7, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 8, 1970, and a Notice of Penalty No. 6 pertaining thereto was issued April 7, 1970. This violation was totally abated in the time set.

Violation—Section 75.1712: Sanitary toilet facilities were not provided in south mains crossover. A Notice of Violation No. 1 was issued April 8, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 1 pertaining thereto was issued April 8, 1970.

Violation—Section 75.1101: Deluge-type water sprays or foam generators automatically actuated by a rise in temperature or other no less effective means approved by the Secretary of controlling fire were not installed at south mains crossover belt drive. A Notice of Violation No. 2 was issued April 8, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 2 pertaining thereto was issued April 8, 1970.

Violation—Section 75.1718: Potable water for drinking purposes was not provided in the active working section in south main crossover. A Notice of Violation No. 3 was issued April 8, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on April 15, 1970, and a Notice of Penalty No. 3 pertaining thereto was issued April 8, 1970.

Violation—Section 75.1100: Waterlines parallel to the track-haulage entry equipped with outlets at intervals of 500 feet and 1,000 feet of firehose with suitable fittings at strategic locations, or two portable water cars were not provided in the mine. A Notice of Violation No. 4 was issued April 8, 1970, on Form 104.(b) requiring that this violation be abated by 8 a.m. on May 15, 1970, and a Notice of Penalty No. 4 pertaining thereto was issued April 8, 1970.

Safeguard—Section 75.1403: Positive stop-blocks or derails were not provided in the track near the top and at the slope landing. A directive No. 1 was issued April 8, 1970, requiring that this condition be abated by 8 a.m. on April 15, 1970.

STANLEY J. SMETANA,
Federal Coal-Mine Inspector.

PT. I.—COAL MINES CLOSED BY OPERATOR APR. 1, 1970 THROUGH APR. 24, 1970

ALABAMA

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 5	W. M. Taft Coal Co.	3	Unable to comply with act	12	X		Does not apply.
C	No. 5	Mahaffey Coal Co.	10	do	35	X		Do.
C	No. 7	Higginbotham Coal Co.	6	do	25	X		Do.
C	No. 8	River Valley Coal Co., Inc.	12	do	50	X		Do.
C	No. 10	B & D Coal Co.	14	do	45	X		Do.
C	No. 19	A. J. Taft Coal Co.	5	do	15	X		Do.
C	No. 40	Webster & Sons Coal Co.	7	do	70	X		Do.
C	Norris No. 1	Norris Coal Co.	3	do	8	X		Do.
C	Prichett No. 3	Tolbert Coal Co.	6	do	35	X		Do.
C	Prichett No. 4	Butler Coal Co.	6	do	20	X		Do.
C	Prichett No. 5	Jett Coal Co.	6	do	20	X		Do.
C	Riverside	Harden Coal Co.	7	do	20	X		Do.
C	Riverside No. 7	Abbott Coal Co.	8	do	40	X		Do.
C	Riverside No. 9	Young Coal Co.	7	do	25	X		Do.
C	Turley No. 2	Turley Coal Co.	5	do	8	X		Do.
C	Trussel No. 4	Edgefield Coal Co., Inc.	6	do	50	X		Do.
C	Pate No. 5	Pate Coal Co., Inc.	6	do	50	X		Do.
C	Blocton No. 11	Black Diamond Mining Co.	27	Fear of penalties	250	X		Do.
C	B and D	B & D Coal Co.	5	Unable to comply with act	25	X		Do.
C	Caserock No. 11B	Jimmy Melcher Coal Co.	5	do	15	X		Do.
C	Caserock No. 14	(No. 2 mine) Abbott Coal Co.	6	do	15	X		Do.
C	Childers No. 6	Childers Coal Co.	10	do	35	X		Do.
C	F & W	F & W Coal Co., Inc.	9	do	65	X		Do.
C	Box & Huguley	No. 2, Box & Huguley Coal Co.	15	do	60	X		Do.
C	Holmes	Holmes Coal Co.	6	do	20	X		Do.
C	Melcher No. 6	B. & W. Melcher Coal Co.	4	do	15	X		Do.
C	Moody No. 2	Moody Coal Co.	5	do	12	X		Do.
C	No. 1	Miles & Spiller Coal Co.	8	do	75	X		Do.
C	do	Troy Morrison Coal Co.	7	do	15	X		Do.
C	do	Reames Coal Co.	3	do	30	X		Do.
C	No. 2	Weeks Coal Co.	7	do	25	X		Do.
C	do	Earley Coal Co.	11	do	75	X		Do.
C	do	Garrett Coal Co.	6	do	20	X		Do.
C	do	Miles & Spiller Coal Co.	8	do	50	X		Do.
C	do	Lloyd Pharris Coal Co.	7	do	20	X		Do.
C	do	Sims Coal Co.	9	do	50	X		Do.
C	do	Sprinkle Coal Co.	21	do	120	X		Do.
C	No. 3	Miles & Spiller Coal Co.	7	do	40	X		Do.
C	do	Mahaffey Coal Co.	12	do	40	X		Do.
C	do	Abe Burgess Coal Co.	8	do	55	X		Do.
C	No. 4	Pate Coal, Inc.	6	do	40	X		Do.
C	do	Gray Coal Co.	7	do	30	X		Do.
C	do	Miles Coal Co.	16	do	70	X		Do.
C	No. 5	do	10	do	50	X		Do.

ARKANSAS

D	Johnson	Johnson Coal Co.	17	Cannot comply with law	125	X		Does not apply.
D	Praire No. 2	Praire Coal Co., Inc.	20	Cannot change to permissible equipment	150	X		Do.

COLORADO

E	Imperial Mine	Imperial Coal Co.	20	Act	200	X		Does not apply.
E	Golden Quality No. 5	Dominic and Tony Carestia	2	do	50	X		Do.
E	Red Canyon No. 1	Belden Enterprise, Inc.	3	do	25	X		Do.
E	Top	Wellard W. States Co.	4	do	20	X		Do.

INDIANA

D	Boone	Boone Coal Co., Inc.	11	Cannot comply with law	150	X		Does not apply.
D	RSK No. 1	RS & K Coal Corp.	18	do	500	X		Do.

KENTUCKY

C	No. 1	Bradley & Wicker Coal Co.	4	Lack of knowledge of the act	150	X		Does not apply.
C	No. 2	K. Kaiser Coal Co.	4	do	150	X		Do.
C	No. 1	Garner Coal Co.	4	do	100	X		Do.
C	do	Garner May Coal Co.	5	do	100	X		Do.
C	No. 2L	Cantrell Coal Co.	6	do	100	X		Do.
C	No. 11	Nichols Coal Co.	6	do	150	X		Do.
C	No. 1	Varny & Thacker Coal Co.	14	do	200	X		Do.
C	No. 21	Greer & Salyers Coal Co.	6	do	150	X		Do.
C	No. 102	Big Wood Coal Co.	7	do	100	X		Do.
C	No. 7	Reese Coal Co.	6	do	100	X		Do.
C	No. 3L	O. L. & M. Coal Co.	6	do	250	X		Do.
C	No. 2	Coleman A. J. Coal Co.	6	do	150	X		Do.
C	No. 1	Stiltner Coal Co.	4	do	100	X		Do.
C	do	Hursei Justice Coal Co.	7	do	100	X		Do.
C	No. 2	Genia Fay Coal Co.	6	do	100	X		Do.
C	No. 1	Bennett Looney Coal Co.	4	do	90	X		Do.
C	No. 12	Premium Coal Co.	3	do	80	X		Do.
C	No. 3	Four L Coal Co.	5	do	75	X		Do.
C	No. 1	B. P. & W. Coal Co.	6	do	100	X		Do.
C	No. 6	Johnie Childers Coal Co.	6	do	125	X		Do.
C	No. 117	Double O Coal Co.	4	do	100	X		Do.
C	No. 1	Taylor & Thompson Coal Co.	6	do	200	X		Do.
C	No. 121	Double O Coal Co.	9	do	300	X		Do.
C	No. L-7	Smallwood Coal Co.	6	do	100	X		Do.
C	No. 93	Double R Coal Co.	6	do	200	X		Do.
C	No. 1	Belcher & Justice Coal Co.	5	do	100	X		Do.
C	No. 7	Little Beaver Coal Co.	4	do	90	X		Do.
C	No. 2	Stewart Coal Co.	9	do	250	X		Do.
C	No. 6A	Williams Coal Co.	4	do	100	X		Do.
C	No. 2	Honeydew Coal Co.	10	do	500	X		Do.
C	No. 1	Rockhouse Coal Co.	6	do	150	X		Do.
C	do	Stalker & Wellman Coal Co.	5	do	80	X		Do.
C	No. 116	Clevinger & Swiney Coal Co.	9	do	350	X		Do.
C	No. 2	Three Forks Coal Co.	6	do	150	X		Do.
C	No. 9	Spring Branch Coal Co.	9	do	500	X		Do.
C	LS-2	Wellman Coal Co.	4	do	100	X		Do.
C	LB-1	Dimple Coal Co.	11	do	250	X		Do.
C	LA-3	Wellman & Wallace Coal Co.	4	do	90	X		Do.
C	LB-5	Kermit Meade Coal Co.	3	do	60	X		Do.
C	LD-2	Rita Coal Co.	9	do	150	X		Do.

PT. I.—COAL MINES CLOSED BY OPERATOR APR. 1, 1970 THROUGH APR. 24 1970—Continued

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 29	Little Hackney Creek Coal Co.	8	Lack of knowledge of the act	250	---	X	Does not apply.
C	No. 30	do	8	do	250	---	X	Do.
C	No. 2	Chaney & Justice Coal Co.	8	do	300	---	X	Do.
C	No. 12	Thorpe & Farley Coal Co.	8	do	200	---	X	Do.
C	No. 14	do	7	do	200	---	X	Do.
C	No. 1	Little Beaver Coal Co.	6	do	150	---	X	Do.
C	do	Conn & Parker Coal Co.	7	do	200	---	X	Do.
C	do	May & Bevins Coal Co.	6	do	150	---	X	Do.
C	No. 6	Justice Brothers Coal Co.	10	do	450	---	X	Do.
C	No. 101	Lookout Mining Co., Inc.	6	do	150	---	X	Do.
C	No. 4	Bithe Hollow Coal Co.	4	do	90	---	X	Do.
C	No. 5	DeLuxe Coal Co.	12	do	500	---	X	Do.
C	No. 21	Little Hackney Creek Coal Co.	8	do	200	---	X	Do.
C	No. 21 B	do	8	do	200	---	X	Do.
C	No. 28	do	8	do	200	---	X	Do.
C	No. 28 A	do	8	do	200	---	X	Do.
C	No. 5	Mullins & Ratliff Coal Co.	4	do	90	---	X	Do.
C	No. 2	Elkhorn Fuel Co. Inc.	7	do	150	---	X	Do.
C	No. 3	do	8	do	200	---	X	Do.
C	No. 4	do	8	do	175	---	X	Do.
C	No. 19	Childers & Field Coal Co.	6	do	200	---	X	Do.
C	No. 3	Little Creek Coal Co.	5	do	90	---	X	Do.
C	No. 1	Adkins Coal Co.	3	do	60	---	X	Do.
C	do	Younce Coal Co.	6	do	100	---	X	Do.
C	No. 10C	Mile Tree Mining Co., Inc.	9	do	300	---	X	Do.
C	No. 6C	Ramey Coal Co.	5	do	150	---	X	Do.
C	No. 5L	Prospect Coal Co.	9	do	250	---	X	Do.
C	No. 5C	Southern Mining Co., Inc.	6	do	125	---	X	Do.
C	No. 2C	Ratliff, Adkins Coal Co.	7	do	200	---	X	Do.
C	No. 8C	do	6	do	100	---	X	Do.
C	No. 12C	do	5	do	90	---	X	Do.
C	No. 1	R & S Coal Co.	5	do	75	---	X	Do.
C	No. 2	do	5	do	75	---	X	Do.
C	No. 6	Mill Branch Coal Co.	7	do	100	---	X	Do.
C	No. 3	Camp Fort Fuel Co.	8	do	200	---	X	Do.
C	No. 1L	Adams Branch Coal Co.	4	do	75	---	X	Do.
C	No. 4	Mullins & Ratliff Coal Co.	5	do	100	---	X	Do.
C	No. 3	Eddie Coal Co.	10	do	300	---	X	Do.
C	No. 2	Hodge Harvey Coal Co.	4	do	55	---	X	Do.
C	No. 1	May & Johnson Coal Co.	5	do	75	---	X	Do.
C	No. 112	Clayton, Abram, Adkins Coal Co.	6	do	200	---	X	Do.
C	No. 103	Birchfield & Adkins Coal Co.	6	do	200	---	X	Do.
C	No. 120	Alfred Adkins Coal Co.	4	do	90	---	X	Do.
C	No. 1	O'Quinn Coal Co.	7	do	110	---	X	Do.
C	No. 2	Anderson & Barkley Coal Co.	7	do	150	---	X	Do.
C	No. 24	Big Ridge Coal Co.	9	do	125	---	X	Do.
C	No. 118	Mountain View Coal Co.	8	do	170	---	X	Do.
C	LM-1	Stalker and Wellman Coal Co.	8	do	250	---	X	Do.
C	No. 5	Elkhorn Fuel Co.	5	do	100	---	X	Do.
C	No. 1	Raccoon Coal Co.	6	do	100	---	X	Do.
C	No. 3	Dolph Hazelwood Coal Co.	18	Cannot comply with law	150	---	X	Do.
C	No. 1A	Cumberland River Coal Co.	43	Inability to mine at a profit and comply with the act including penalties.	700	X	---	Do.
C	No. 1	John Kent Coal Co.	10	do	80	X	---	Do.
C	do	Garry Coal Co.	12	do	100	X	---	Do.
C	do	Sheppard Coal Co.	25	do	150	X	---	Do.
C	No. 1A	Sheppard Coal Co.	10	do	100	X	---	Do.
C	No. 5	House Branch Coal Co.	12	do	80	X	---	Do.
C	No. 3	Cal-Glow Coal Co.	51	do	800	X	---	Do.
C	No. 2	Tan Coal Co.	2	do	10	X	---	Do.
C	No. 1	Gary Hellon Coal Co.	4	do	18	X	---	Do.
C	No. 18	Day Coal Co.	8	do	120	X	---	Do.
C	No. 4	H. & V. Coal Co.	2	do	20	X	---	Do.
C	No. 1A	T. & S. Coal Co.	2	do	20	X	---	Do.
C	No. 4A	Alonzo Cohen Coal Co.	2	do	40	X	---	Do.
C	No. 1	Vernon Bailey Coal Co.	7	do	65	X	---	Do.
C	No. 4A	D. & H. Coal Co.	6	do	120	X	---	Do.
C	No. 113	Cedar Grove Coal Co.	7	Lack of knowledge of the act	200	---	X	Do.
C	No. 119	Hillard Bryant Coal Co.	4	do	90	---	X	Do.
C	No. 2	Art Coal Co.	6	do	125	---	X	Do.
C	No. 11	Two Rose Coal Co.	9	do	150	---	X	Do.

MISSOURI

D	Clark	Henry T. Clark Coal Co.	5	Cannot comply with law	12	X	---	Does not apply.
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PENNSYLVANIA (BITUMINOUS)

A	Molnar No. 5	Molnar Coal Mining Co., Inc.	24	No money to comply with act	250	X	---	Does not apply.
A	Scott Haven	Krevokuch Coal Co.	8	Could not comply with act because of economics.	30	X	---	Do.

TENNESSEE

C	No. 2	Lynn Coal Co.	3	Fear of Public Law 91-173	30	X	---	Does not apply.
C	No. 1A	K & G Coal Co.	3	do	25	X	---	Do.
C	No. 63	Gob Coal Co.	12	do	150	X	---	Do.
C	GC No. 4	Gravitt Coal Co.	4	do	80	X	---	Do.
C	Maple No. 3	M & N Coal Co. Inc.	4	do	50	X	---	Do.
C	No. 1	Morgan County Coal Co.	2	do	8	X	---	Do.
C	do	Lone Mountain Coal Co.	7	do	100	X	---	Do.
C	do	L & C Coal Co.	12	do	75	X	---	Do.
C	No. 3	Hickory Coal Co.	6	do	50	X	---	Do.
C	No. 2	L & L Coal Co.	8	do	200	X	---	Do.
C	No. 1	Mill Creek Coal Co.	2	do	15	X	---	Do.
C	No. 2	Seals Coal Co.	6	do	8	X	---	Do.
C	No. 1	Patton & Sanders Coal Co.	9	do	35	X	---	Do.
C	No. 23	Sycamore Coal Co Inc.	4	do	12	X	---	Do.
C	No. 2	Wiggins Coal Co.	3	do	15	X	---	Do.
C	do	Walter Reed Coal Co.	2	do	18	X	---	Do.
C	A-1	Gene Kilgore Coal Co.	2	do	15	X	---	Do.
C	No. 1	Hackworth Coal Co.	5	do	18	X	---	Do.
C	Clearcreek No. 2	Clearcreek Coal Co.	23	do	250	X	---	Do.
C	No. 1	C & R Coal Co.	2	do	8	X	---	Do.

TENNESSEE

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 1	Maples Coal Co.	3	Fear of Public Law 91-173	30	X		Does not apply.
C	No. 3	C. L. Kline Coal Co.	4	do	30	X		Do.
C	No. 1	John Sowders Coal Co.	3	do	12	X		Do.
C	do	Rex Mining Co.	11	do	40	X		Do.
C	do	S & J Coal Co.	9	do	50	X		Do.
C	do	Campbell Coal Co.	7	do	40	X		Do.
C	No. 2	Braden Mountain Coal Co.	5	do	80	X		Do.
C	L. Duncan	Ivey Dell Coal Co.	3	do	3	X		Do.
C	No. 1	Rutherford Coal Co.	5	do	40	X		Do.
C	Rogers	S & W Coal Co.	10	do	80	X		Do.
C	No. 2	Bill Gothard Coal Co.	3	do	20	X		Do.
C	do	Carl Baird Coal Co.	3	do	12	X		Do.
C	do	Sweetwater Coal Co.	2	do	10	X		Do.
C	East Fork	Shultz Coal Co.	3	do	15	X		Do.
C	Curley Maple	Wilson Coal Co. Inc.	9	do	150	X		Do.
C	East Fork	A. D. Murphy Coal Co.	2	do	10	X		Do.
C	No. 2	Layton P. Hood Coal Co.	11	do	75	X		Do.
C	No. 11	James E. Nunley Coal Co.	3	do	30	X		Do.
C	No. 9	G. E. Gilbert Coal Co.	5	do	30	X		Do.
C	GC No. 3	H & L Coal Co. Inc.	12	do	225	X		Do.
C	No. 1	Cedar Ridge Coal Co. Inc.	5	do	150	X		Do.
C	GC No. 10	John Stephenson Coal Co.	8	do	120	X		Do.
C	No. 1	J & H Coal Co.	3	do	35	X		Do.
C	Oak Hill No. 8	Oak Hill Coal Co.	6	do	60	X		Do.
C	No. 2	Barney K Igoe & Sons Coal Co.	5	do	25	X		Do.
C	No. 4	Poor Mountain Coal Co. Inc.	4	do	60	X		Do.
C	No. 3	Phillips & West Coal Co.	10	do	60	X		Do.
C	No. 1	Duncan Coal Co.	5	do	15	X		Do.
C	No. 1A	Pine Knott Coal Co.	3	do	25	X		Do.
C	No. 1	Earl Phillips Coal Co.	6	do	80	X		Do.
C	do	Flatwood Coal Co.	5	do	30	X		Do.
C	No. 2	H & W Coal Co.	5	do	100	X		Do.
C	do	Ernie Phillips Coal Co.	6	do	65	X		Do.
C	do	Lee Roy Galbraith Coal Co.	5	do	30	X		Do.
C	Graves Gap	Tennessee Auger Co. Inc.	16	do	250	X		Do.
C	No. 2	J. L. Long Coal Co.	3	do	25	X		Do.
C	No. 1	C & J Coal Co.	6	do	50	X		Do.
C	Grays Gap No. 1	T. T. & W. Mining Co.	2	do	50	X		Do.
C	No. 1	Pine Knot Coal Co.	2	do	12	X		Do.
C	Grays Gap No. 2	T. T. & W. Mining Co.	4	do	50	X		Do.
C	Gulf	James Earle Nunley Coal Co.	4	do	15	X		Do.
C	Smith No. 1	Smith Coal Co.	2	do	10	X		Do.
C	No. 3	Island Creek Coal Co.	3	do	20	X		Do.
C	No. 1	Hickory Coal Co.	4	do	50	X		Do.
C	do	L & L Coal Co.	5	do	35	X		Do.
C	do	Indian Creek Coal Co.	4	do	8	X		Do.
C	2-A	J & V Coal Co.	9	do	200	X		Do.

UTAH

E	No. 7	Spring Canyon Coal Co.	62	Act	860	X		Does not apply.
F	No. 1	Sunshine Coal Co.	13	do	500		X	Do.

VIRGINIA

C	No. 10	McGlothlin Coal Co.	8	Fear of Public Law 91-173	80	X		Does not apply.
C	No. 4	James Strouth Coal Co.	6	do	60	X		Do.
C	No. 1	Pond E Coal Co.	9	do	60	X		Do.
C	No. 2	do	3	do	35	X		Do.
C	No. 9	Webb & Whited Coal Co.	12	do	125	X		Do.
C	do	H. N. McGlothlin Coal Co.	5	do	80	X		Do.
C	No. 1	John Brewster Coal Co.	10	do	100	X		Do.
C	do	Patsy Coal Co.	12	do	125	X		Do.
C	No. 2	Enterprise Coal Co.	8	do	80	X		Do.
C	No. 1	Mary E Coal Co.	7	do	70	X		Do.
C	do	Cantrell Bothers Coal Co.	10	do	100	X		Do.
C	No. 7	Howard Lowe Coal Co.	10	do	100	X		Do.
C	do	Horn Coal Co.	13	do	140	X		Do.
C	No. 1	Flora Coal Co.	4	do	40	X		Do.
C	No. 4	Smith Coal Co.	9	do	90	X		Do.
C	No. 7	Salyers Coal Co.	12	do	125	X		Do.
C	No. 10	Harvie Cordill Co.	9	do	80	X		Do.
C	No. 14	Lawson Brothers C. C.	8	do	85	X		Do.
C	No. 10	do	7	do	60	X		Do.
C	No. 4	L. M. Colley Coal Co.	11	do	135	X		Do.
C	No. 2	D & J Coal Co.	5	do	40	X		Do.
C	No. 5	Harold Webb Co.	12	do	110	X		Do.
C	No. 1	V & Z Coal Co.	3	do	40	X		Do.
C	No. 2	Aulbert Burke Coal Co.	6	do	50	X		Do.
C	No. 12	Maggard Coal Co.	14	do	140	X		Do.
C	No. 3	Ken Coal Co.	10	do	80	X		Do.
C	No. 1	Left Fork Coal Co.	17	do	200		X	Do.
C	No. 3	do	15	do	200		X	Do.
C	No. 11	Little Rock Coal Co.	9	do	100		X	Do.
C	No. 9	Little Mike Coal Co.	8	do	120		X	Do.
C	No. 8	Van-Bill Coal Corp.	8	do	120		X	Do.
C	No. 10	Slate Creek Coal Co.	12	do	250		X	Do.
C	No. 3	Wanda Coal Co.	4	Loading dock idle	50		X	Do.
C	No. 6	Hurshel Justus Coal Co.	12	do	200		X	Do.
C	No. 1	Sharon Coal Co.	13	Fear of Public Law 91-173	200		X	Do.
C	No. 5	L & M Coal Co.	8	do	100		X	Do.
C	No. 1	Diston Mining Co.	10	Loading dock idle	140		X	Do.
C	No. 2	Ramey & Skeens Coal Co.	11	do	175		X	Do.
C	No. 3	do	11	do	150		X	Do.
C	No. 6	Betty Jean Coal Co.	2	do	30		X	Do.
C	No. 19	Presley Whited & Whited Coal Co.	7	do	100		X	Do.
C	No. 2	Top Notch Coal Co.	7	To get mine in compliance	150	X		Do.
C	No. 3	S & F Coal Co. Inc.	13	Fear of Public Law 91-173	150	X		Do.
C	No. 7	David Branch Coal Co. Inc.	8	do	100	X		Do.
C	No. 2	Double "M" Coal Co.	12	do	300	X		Do.
C	do	Mullns Coal Inc. of Virginia	14	do	400	X		Do.
C	No. 1	John C. Comony Coal Co.	4	Unknown	40	X		Do.
C	No. 3	Red Ash Coal Co.	4	do	30	X		Do.
C	No. 1	W. W. L. Coal Co.	4	do	40	X		Do.

District	Mine	Company	Employment	Reason for closing the mine	Tons lost per day	Mine still closed		Remarks 303.(x)
						Yes	No	
C	No. 3	Wharton Coal Co	14	Fear of Public Law 91-173	150	X		Does no apply.
C	No. 5	A. C. Coal Co	7	do	75	X		Do.
C	No. 8	Kilgore Brothers Coal Co	7	do	50	X		Do.
C	No. 1	Ace Coal Co	5	do	120	X		Do.
C	No. 7	Columbus Hale Coal Co	3	do	45	X		Do.
C	No. 15	Dorothy Mae Coal Co	6	do	65	X		Do.
C	No. 2	Dialton Mining Co	9	do	200	X		Do.
C	No. 3	do	9	do	200	X		Do.
C	No. 4	do	10	do	120	X		Do.
C	No. 13	Rock Branch Coal Co	15	do	200	X		Do.
C	No. 1	Russell Dye Coal Co	7	do	50	X		Do.
C	No. 13	Skeggs Branch Coal Co	9	do	120	X		Do.
C	No. 14	Van Dyke Coal Co	9	do	120	X		Do.
C	No. 2	Everett Bailey Coal Co	12	do	175	X		Do.
C	No. 1	Maverick Mining Corp	25	do	400		X	Do.
C	do	Purple Lead Coal Co	10	do	175	X		Do.
C	do	Spring Hollow Coal Co	11	do	150		X	Do.
C	No. 2	Big Branch Coal Co	6	do	125	X		Do.
C	No. 9	North Hill Coal Co	6	Adverse mining conditions	100	X		Do.
C	No. 11	Coleman Coal Co	8	Lack of coal and fear of law	80	X		Do.
C	No. 1	Virginia Mining Co	7	Fear of public law 91-173	100		X	Do.
C	No. 2	J & L Coal Co	4	do	40		X	Do.
C	No. 16	Anchor Coal Co	9	do	150		X	Do.
C	No. 14	do	20	do	450		X	Do.
C	No. 7	G & G Coal Co	10	do	170		X	Do.
C	No. 6	Broyles & Dotson Coal Co	14	do	200		X	Do.
C	No. 11	Smith & Baker Coal Co	12	do	200		X	Do.
C	No. 2	Hobbs Brothers Coal Co	1	do	60	X		Do.
C	No. 6-A	do	7	do	70	X		Do.
C	No. 13	do	8	do	80	X		Do.
C	No. 14	do	8	do	80	X		Do.
C	No. 15	Hobbs Brothers Coal Co	9	do	90	X		Do.
C	No. 2	Mindy Mining Corp	8	do	80	X		Do.
C	No. 8	Richardson Coal Co	10	do	125	X		Do.
C	No. 1	Lonesome Pine Coal Co	10	do	175	X		Do.
C	No. 2	Raines & Fuller Coal Co	9	do	180	X		Do.
C	No. 1	Deep Hollow Coal Co	7	do	140	X		Do.
C	No. 5	R & A Coal Co	6	do	120	X		Do.
C	No. 1	Coleman & Yates Coal Co	9	do	160	X		Do.
C	No. 1	D. O. W. Coal Co	10	do	120	X		Do.
C	No. 6	Anchor Red Ash Coal Corp	8	do	150	X		Do.
C	No. 15	Ratliff & Son Coal Co	12	do	200	X		Do.
C	No. 2	Ivy Branch Coal Co	9	do	200	X		Do.
C	No. 4	Anchor Red Ash Coal Corp	13	do	220	X		Do.
C	No. 5	Muney Coal Co	8	do	120	X		Do.
C	No. 11	R. F. Coal Co	8	do	150		X	Do.
C	No. 11	Fields Coal Co	13	do	200		X	Do.
C	No. 10	do	13	do	150		X	Do.
C	No. 6	Little Rock Coal Co	10	do	130		X	Do.
C	No. 1	C. B. Coal Co	6	do	100	X		Do.
C	No. 3	Sue Coal Co	11	do	200		X	Do.
C	No. 18	Presley Whitedj & Whited Coal Co. Inc	9	do	150		X	Do.
C	No. 11	Q & G Coal Co	4	do	125	X		Do.
C	No. 2	Breeding & Belcher Coal Co	4	do	60		X	Do.
C	No. 9	Muncy Coal Co	4	do	100	X		Do.
C	No. 22	Ramey Coal Co	7	do	110		X	Do.
C	No. 1	Founding Mill Coal Co	11	do	275	X		Do.
C	No. 5	Fullins & Smith Coal Co	4	do	50	X		Do.
C	No. 11	H. M. Baker Coal Co	4	do	60	X		Do.
C	No. 2	H & E Coal Co	6	do	80	X		Do.
C	do	Belibe Coal Corp	11	do	225	X		Do.
C	No. 3	do	13	do	160	X		Do.
C	No. 10	Bulgove Ridge Coal Co	7	do	50	X		Do.
C	No. 12	Fowler & Chaney Coal Co	7	do	125	X		Do.
C	No. 15	do	11	do	140	X		Do.
C	No. 2	Hess & Hale Coal Co	7	do	70	X		Do.
C	No. 5	J & M Coal Co	11	do	225	X		Do.
C	No. 7	Leetown Coal Co	4	do	50	X		Do.
C	No. 2	Melba Coal Co	5	do	40	X		Do.
C	No. 3	Stiltner Coal Co	9	do	150	X		Do.
C	No. 5	Stiltner Coal Co	8	do	150	X		Do.
C	No. 4	Yuna Ellon Coal Co	6	do	70	X		Do.
C	No. 5	White Birch Mining Co, Inc	11	do	100	X		Do.
C	No. 1	W. H. Coal Co	8	do	100	X		Do.
C	No. 7	Black Guns Coal Co	6	do	150		X	Do.
C	No. 1	S & D Coal Co	5	Short life mine	70	X		Do.
C	No. 3	Little Beaver Coal Co	9	Fear of Public Law 91-173	150	X		Do.
C	No. 7	Elsie Lester Coal Co	6	do	70	X		Do.
C	No. 16	Welmore Coal Corp	10	Loading dock idle	100		X	Do.
C	No. 21	do	8	do	120		X	Do.
C	No. 7	Q & G Coal Co	9	do	120		X	Do.

WASHINGTON

E	Martin No. 1	Stoker Coal Co	5	Act	40	X		Does not apply.
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WEST VIRGINIA

B	No. 1	Kessler Coals Inc	60	To avoid payment of penalties	750	(1)	(1)	Does not apply.
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1 Mine closed ¾ shift only.

PT. II.—COAL MINES INSPECTED APR. 1 1970, THROUGH 24, 1970

ALABAMA

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
C	Sayre	Republic Steel Co	5	3	29	9 $\frac{3}{4}$	\$25
C	Mulga	Woodward Co	5	2	5	2 $\frac{1}{2}$	25
C	Concord No. 1	United States Steel Corp	13	3	6	2	25
C	Bessie	U.S. Pipe & Foundry Corp	3	2	15	2 $\frac{1}{2}$	25
C	No. 1	Mahaffey Coal Co	1	1	0	0	500
C	Chetopa	Alabama By-Products Corp	2	1	7	7	25
C	Fiat Top	U.S. Pipe & Foundry Corp	3	2	6	3	25
C	Segco No. 1	Southern Electricity Generating Co	11	3	27	9	25
C	Gorgas No. 7	Alabama Power Co	7	3	13	4 $\frac{1}{4}$	25

COLORADO

E	Allen	C.F. & I. Steel Corp	8	2	10	5	\$25
E	Bear	Bear Coal Co	1	1	6	6	25
E	Dutch Creek No. 1	Midcontinent Coal & Coke Co	2	1	5	5	25
E	Imperial	Imperial Coal Co	2	1	19	19	25
E	Lincoln	Clayton Coal Co	2	1	15	15	25
E	L. S. Wood	Midcontinent Coal & Coke Co	3	2	4	4	25
E	Somerset	United States Steel Corp	4	2	5	2 $\frac{1}{2}$	25
E	Redwing	Colorado Coal Co	1	1	17	17	25
E	Calumet No. 2	Delcarbon Coal Co	1	1	4	4	25
E	White Hill No. 4	Silengo Coal Co	1	1	14	14	25
E	Maitland No. 2	Red Ash Coal Co	1	1	14	14	25

ILLINOIS

D	Orient No. 3	Freeman Coal Mining Corp	12	2	11	5 $\frac{1}{4}$	\$25
D	No. 10	Peabody Coal Co	14	3	7	2 $\frac{1}{4}$	25
D	No. 5	Sahara Coal Co	3	2	11	5 $\frac{1}{2}$	25
D	No. 24	Old Ben Coal Corp	8	1	7	7	25
D	Zigler No. 4	Bell & Zoller Coal Co	6	2	27	13 $\frac{1}{2}$	25
D	Crown	Freeman Coal Mining Corp	8	2	12	6	25
D	No. 16	Sahara Coal Co	2	2	8	4	25
D	Orient No. 4	Freeman Coal Mining Corp	7	2	5	2 $\frac{1}{2}$	25
D	V-Day	V-Day Coal Co	1	1	19	19	25
D	Midwest Highwall No. 2	Peabody Coal Co	2	1	17	17	25
D	Spartan	Bell & Zoller Coal Co	3	2	8	4	25
D	Orient No. 5	Freeman Coal Mining Corp	4	2	6	3	25
D	No. 1	Harrisburg Coal Co	1	1	7	7	25
D	Mine No. 26	Old Ben Coal Corp	8	2	16	8	25
D	Hillsboro	Truox Traer Coal Co	4	2	5	2 $\frac{1}{2}$	25

INDIANA

D	R. & H	R. & H. Mining Co	1	1	7	7	\$25
D	Kings	Old Ben Coal Corp	4	2	12	6	25
D	Mine No. 1	Mt. Pleasant Coal Corp	1	1	8	8	25

KENTUCKY

D	Dotiki	Webster County Coal	3	2	6	3	25
D	Zigler No. 9	Bell and Zoller Coal Co	4	2	11	5 $\frac{1}{2}$	25
D	Ken No. 4	Peabody Coal Co	6	2	11	5 $\frac{1}{2}$	25
D	Crescent	Island Creek Coal Co	4	2	8	4	25
D	East Diamond	do	7	3	12	4	25
D	Providence No. 1	do	3	2	9	4 $\frac{1}{2}$	25
D	Drake	Pittsburg and Midway Mining Co	2	1	6	6	25
D	River Queen No. 1	Peabody Coal Co	6	2	10	5	25
D	Buffalo Creek No. 1	Rialto Coal Co	2	1	5	5	25
D	Uniontown	Island Creek Coal Co	6	2	12	6	25
D	Mine No. 1	Roberts Bros. Coal Co	1	1	5	5	25
D	Ken No. 3	Peabody Coal Co	2	1	6	6	25
D	Hamilton	Island Creek Coal Co	12	3	13	4 $\frac{1}{4}$	25
D	Fies	do	8	3	12	4	25
C	No. 1	S. R. Coal Co., Inc	1	1	6	6	25
C	No. D-1	International Harvester Co	2	1	5	5	25
C	No. 2	Tudor Key Coal Co., Inc	1	1	21	21	25
C	do	Potter Mining Co., Inc	1	1	16	6	25
C	do	Tantrough Coal Co	1	1	1	1	500
C	No. 5	E. B. Coal Co	1	1	14	14	25
C	No. 3	Caperton Coal Co	1	1	17	17	25
C	do	Cal-Glo, Inc	3	1	33	33	25
C	Jones Fork	Beaver Creek Consolidated, Inc	2	1	5	2 $\frac{1}{2}$	25
C	No. 1	Belman Coals, Inc	2	1	19	19	25
C	No. 2	Karst-Robbins Coal Co	2	1	14	14	25
C	Leatherwood	Blue Diamond Coal Co	9	2	14	7	25
C	Wisco No. 1	Pioneer Coal Co	1	1	20	20	25
C	No. 2	Harlan Mason, Inc	2	1	18	18	25
C	No. 1-A	Ellis Branch Coal Co	1	1	26	26	25
C	No. 1	Harlan No. 4 Coal Co., Inc	1	1	18	18	25
C	No. 4	South-East Coal Co	5	2	28	14	25
C	do	Liberty Coal Co	2	1	37	37	25
C	No. 5	Patsy Development Co., Inc	2	1	22	22	25
C	Sapphire	Elkhorn-Jellico Coal Co	2	1	17	9	25
C	Caperton	Caperton Coal Co	2	2	9	8 $\frac{1}{2}$	25
C	No. 1-A	M. & W. Coal Co	1	1	19	19	25
C	No. 1	Perry County Coal Co	3	2	19	9 $\frac{1}{2}$	25
C	No. 6	Kentucky East Corp	2	1	24	24	25
C	No. 1	Pratt Bros. Coal Co., Inc	1	1	14	14	25
C	do	Dixie Jewel Coal Co	1	1	28	28	25
C	No. 11	Adkins Coal Co	2	1	19	19	25
C	No. 3	Oliver Springs Mining Co., Inc	1	1	5	5	25
C	No. 1	Anderson Coal Co	2	2	12	6	25
C	Peewee	Peewee Mining Corp	1	1	13	13	25
C	No. 1	Birch Coal Co., Inc	1	1	5	5	25
C	No. 5	Gay Coal Co	1	1	3	3	25
C	Windrock No. 2	T. T. & W. Mining Co	1	1	5	5	25
C	No. 24	Grundy Mining Co	1	1	7	7	25
C	No. 1	Volunteer Mining Corp	1	1	5	5	25
C	Mathews	Consolidated Coal Co	7	2	7	3 $\frac{1}{2}$	22
C	No. 36	Mary Lee Coal Co	2	1	6	6	55
C	No. 22	Beth-Elkhorn Corp	6	2	10	5	25

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
PENNSYLVANIA (BITUMINOUS)—Continued							
A	Robena	United States Steel Corp.	20	2	10	5	\$25
A	Vesta No. 4	Jones & Laughlin Steel Corp.	4	1	6	6	25
A	Isabella	National Mines Corp.	6	2	7	3½	25
A	Nemacolin	Buckeye Coal Co.	7	2	10	5	25
A	Somerset No. 60	Beth Mines Corp.	10	2	6	3	25
A	Maple Creek	United States Steel Corp.	16	2	10	5	25
A	No. 5	Beth Mines Corp.	5	2	7	3½	25
A	Earl Titus	Eberhart Coal Co.	1	1	11	11	25
A	Sapper	McGee Coal Co.	1	1	7	7	25
A	C. and W. No. 4	C. and W. Mining Co.	1	1	8	8	25
PENNSYLVANIA (ANTHRACITE)							
A	Forge Slope	Glen Nan Coal Co.	7	2	6	3	\$25
A	No. 1 and 2 Slopes	Hatter Coal Co.	2	1	8	8	25
A	Top Split Mammoth Slope	Bush Coal Co.	3	2	6	3	25
A	Wanamie No. 18	Blue Coal Corp.	4	2	9	4½	25
A	Skidmore Slope	Williamson Coal Co.	1	1	7	7	25
A	Porter Tunnel	Leon & Kocher Coal	1	1	6	6	22
A	Wanamie No. 19	Blue Coal Corp.	4	2	8	4	25
A	B. & M. tunnel	V. & M. Coal Co.	1	1	6	6	25
A	Eureka Water level tunnel	Mercury Coal Co.	3	2	6	3	25
A	Skidmore Slope	R. & K. Coal Co.	2	1	5	5	25
UTAH							
E	Geneva	United States Steel Corp.	5	2	21	10½	\$25
E	Kenilworth	North American Coal Corp.	3	2	18	9	25
E	King	U.S. Fuel Co.	4	2	17	8½	25
E	Sunnyside No. 1	Kaiser Steel Corp.	5	2	17	8½	25
E	Beehive	Corporation of Presiding Bishop Church of Jesus Christ of Latter Day Saints	1	1	10	10	25
E	Plateau	Plateau Mining Co.	1	1	17	17	25
E	No. 1	Southern Utah Fuel Co.	1	1	12	12	25
VIRGINIA							
C	Bullitt	Westmoreland Coal Co.	3	2	10	5	\$25
C	Moss No. 2	Clinchfield Coal Co.	8	2	34	17	25
C	Laurel Fork No. 12	Jewell Ridge Coal Corp.	4	2	13	6½	25
C	No. 2	Edd Potter Coal Co.	2	1	13	13	25
C	No. 3	Young's Branch Coal Co.	2	1	8	8	25
C	do	Betty B. Coal Co.	1	1	9	9	25
C	Hagy No. 1	Clinchfield Coal Co.	2	1	7	7	25
C	Virginia Pocahontas No. 3	Island Creek Coal Co.	2	1	5	5	25
C	No. 1	Maverick Mining Corp.	1	1	5	5	25
C	No. 19	Buchanan Coal Co.	1	1	24	24	25
C	Open Fork No. 2	Clinchfield Coal Co.	4	2	29	14½	25
C	No. 4	Anchor Red Ash Coal Corp.	1	1	17	17	25
C	Pine Branch Coll. No. 1	Westmoreland Coal Co.	5	2	18	9	25
C	Beatrice	Beatrice Pocahontas Co.	8	2	13	6½	25
C	Virginia Pocahontas No. 2	Virginia Pocahontas Co.	5	2	7	3½	25
C	Big Creek Jewell	Jewell Ridge Coal Corp.	2	2	10	5	25
C	Va. Pocahontas No. 1	Island Creek Coal Co.	9	2	9	4½	25
C	No. 14	Anchor Coal Co.	1	1	17	17	25
C	No. 1	Quincher Coal Corp.	1	1	7	7	25
C	do	Raven Smokeless Coal Co., Inc.	2	1	8	8	25
C	do	Virginia City Jawbone No. 2 Coal Co.	1	1	29	29	25
C	No. 7	R. & W. Coal Co.	1	1	11	11	25
C	No. 2	Oakwood Red Ash Coal Corp.	1	1	13	13	25
C	Moss No. 3 Portal C	Clinchfield Coal Co.	4	2	21	10½	25
C	No. 11	Jewell Ridge Coal Corp.	5	2	26	13	25
C	Big Creek Pillar	do	1	1	5	5	25
C	No. 5	Alfredton Coal Co.	2	1	8	8	25
C	No. 2	Harmon Mining Corp.	1	1	7	7	25
C	No. 3	Little Byrd Coal Co.	1	1	20	20	25
C	Wentz No. 1	Westmoreland Coal Co.	7	2	17	8½	25
C	Lambert Fork	Clinchfield Coal Co.	5	2	12	6	25
C	Smith Gap	do	2	2	11	11	25
C	No. 2	Eddy B Coal Co.	2	2	10	5	25
C	No. 1	Left Fork Coal Co.	1	1	6	6	25
C	do	R. & E. Coal Co.	1	1	12	12	25
C	do	Mark Alan Coal Co.	1	1	19	19	25
C	No. 6	Long Branch Coal Co.	1	1	12	12	25
C	No. 11-B	Jewell Ridge Coal Corp.	1	1	21	21	25
C	No. 2	Vansant Coal Corp.	1	1	9	9	25
C	No. 6	Broyles & Dotson Coal Co.	1	1	10	10	25
WEST VIRGINIA							
A	Ireland	Ohio Valley Division Consolidated Coal Co.	20	2	11	5½	\$25
A	Shoemaker	do	9	2	18	9	25
A	Valley Camp No. 1	Valley Camp Coal Co.	11	2	10	5	25
A	Alexander	do	5	2	4	2	25
A	Beechbottom	The Windsor Power House Coal Co.	2	2	5	2½	25
B	Loveridge	Mountaineer Coal Co.	14	2	5	2½	25
B	Osage	Christopher Coal Co.	12	2	5	2½	25
B	Christopher No. 5	National Coals Inc.	2	1	5	5	25
B	No. 8	Kittanning Coal Co., Inc.	2	1	6	6	25
B	Simpson Creek	McClanish Coal Co.	2	1	4	4	25
B	Blacksville	Consolidation Coal Co.	2	2	5	2½	25
B	Mars No. 2	Clinchfield Coal Co.	4	2	7	3½	25
B	Buffalo No. 1	Buffalo Coal Co.	2	1	8	8	25
B	Joanne	Eastern Association Coal Corp.	6	2	9	4½	25
B	Adrian	Upshur Coals, Ltd.	2	2	7	3½	25
B	No. 6	Roaring Creek Coal Co.	2	1	9	9	25
B	No. 1	W. R. Nethkin & Co.	1	1	7	7	25

PT. II.—COAL MINES INSPECTED APR. 1 1970, THROUGH 24, 1970—Continued

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
WEST VIRGINIA—Continued							
B	No. 1	Coal Lick Coal Co.	1	1	5	5	\$25
B	Kanes Creek	Reliable Coal Corp.	3	1	5	5	25
B	Arkwright No. 1	Christopher Coal Co.	10	2	5	2½	25
B	No. 5A	A. C. & H. Coal Co.	1	1	5	5	25
B	Dawson	Galloway Land Co.	5	2	7	3½	25
B	No. 4	Killkenny Coal Co.	1	1	5	5	25
B	Federal No. 1	Eastern Association Coal Corp.	11	2	9	4½	25
B	No. 44	Bethlehem Mines Corp.	7	2	6	3	25
B	Alpine	Island Creek Co.	6	2	7	3½	25
B	No. 93	Mountaineer Coal Co.	7	2	3	1½	25
B	Borgman	Borgman Coal Co.	2	1	3	3	25
B	Compass No. 3	Clinchfield Coal Co.	5	2	4	2	25
B	Pursglove No. 15	Christopher Coal Co.	8	2	7	3½	25
B	No. 2	Herring Coal Co.	1	1	5	5	25
B	No. 6	Marson Coal Co.	2	1	6	6	25
B	Marybeth No. 2	S & P Coal Co.	1	1	6	6	25
B	Ruby No. 4	Ohio Mining Co.	3	1	7	7	25
B	Badger No. 13	Badger Coal Co.	5	2	5	2½	25
B	Badger No. 14	Badger Coal Co.	5	2	8	4	25
B	Hampton No. 3	Westmoreland Coal Co.	6	2	14	7	25
B	Sewell No. 1	Sewell Coal Co.	6	2	11	5½	25
B	Quinwood No. 7	Imperial Smokeless Coal Co.	6	2	5	2½	25
B	Saxsewell No. 8	Island Creek Coal Co.	2	1	8	8	25
B	Saxsewell No. 15	do.	3	2	9	4½	25
B	No. 2	E & J Coal Corp.	1	1	8	8	25
B	Putnam	Union Carbide Corp.	4	2	6	3	25
B	Coal Brook No. 1	Central Appalachian Coal Co.	4	1	6	6	25
B	Lady Dun No. 105	Cannelton Coal Co.	5	2	20	10	25
B	No. 1	Peerless Eagle Coal Co.	4	2	5	2½	25
B	No. 2	Margaret Peerless Coal Co.	2	2	9	4½	25
B	No. 1	Douglas Eagle Coal Co. Inc.	1	1	5	5	25
B	Douglas Eagle No. 2	Iron City Eagle Coal Inc.	1	1	5	5	25
B	No. 1	Forty Three Mining Co.	2	2	11	5½	25
B	No. 6	A & A Coal Co.	1	1	8	8	25
B	No. 27	Davison Fuel & Dock Co.	3	1	3	3	25
B	Robin No. 1	Brooklyn Coal Co.	2	1	8	8	25
B	No. 5B	Union Carbide Corp.	3	2	8	8	25
B	No. 1	J. O. Mining Co.	2	2	11	5½	25
B	No. 12	Valley Camp Coal Co.	1	1	6	6	25
B	No. 31	Union Carbide Corp.	1	1	8	8	25
B	No. 2	United States Steel Corp.	9	2	4	2	25
B	Turkey Gap Colliery	Pocahontas Fuel Co.	4	2	5	2½	25
B	No. 56	Hawley Coal Mining Corp.	2	1	4	4	25
B	Elkhorn No. 11	Pocahontas Fuel Co.	1	1	5	5	25
B	Peerless No. 2	Miller Coal Co.	1	1	9	9	25
B	Donegan No. 10	Island Creek Coal Co.	4	2	12	6	25
B	Tioga No. 1	do.	5	2	10	5	25
B	Saxsewell No. 16	do.	1	1	6	6	25
B	No. 1	Craigsville Coal Co.	1	1	4	4	25
B	Milburn No. 4	Milburn Colliery Co.	2	1	10	10	25
B	Keystone 3B	Eastern Association Coal Corp.	2	1	11	11	25
B	Guyan No. 5	Island Creek Coal Co.	5	2	11	5½	25
B	No. 31B	do.	1	1	9	9	25
B	No. 1 Cedar Grove	Boone County Coal Corp.	5	2	9	4½	25
B	No. 4B	Belva Coal Co.	1	1	10	10	25
B	Jane Ann No. 15A	Powellton Coal Co.	1	1	10	10	25
B	Jane Ann No. 17	do.	1	1	11	11	25
B	Dehue	Youngstown Mines Corp.	8	2	12	6	25
B	No. 2	Chaltn Coal Co.	2	1	9	9	25
B	No. 18L	Wheeling Pittsburgh Steel Corp.	1	1	9	9	25
B	No. 34F	Island Creek Coal Co.	1	1	5	5	25
B	No. 2	Kermit Coal Co., Inc.	1	1	15	15	25
B	No. 7	Amherst Coal Co.	4	1	7	7	25
B	No. 25	Island Creek Coal Co.	8	3	17	5½	25
B	No. 19C	Wheeling Pittsburgh Coal Corp.	2	1	16	16	25
B	Alma No. 12	Sycamore Mining Co.	1	1	18	18	25
B	Lundale No. 1	Amherst Coal Co.	4	1	15	7½	25
B	Lundale No. 2	do.	3	2	18	9	25
B	Paragon	do.	5	2	14	7	25
B	No. 1	Smith Bros. Construction Co., Inc.	1	2	12	12	25
B	No. 6	Snap Creek Coal Co.	2	1	14	14	25
B	Jane Ann No. 2	The Powellton Co.	2	1	12	12	25
B	No. 2C	Boone County Coal Corp.	3	1	18	9	25
B	No. 2	Omega Smokeless Coal Co.	2	2	13	13	25
B	No. 2A	do.	1	1	5	5	25
B	No. 2	Karen Coal Co.	1	1	5	5	25
B	B	Ranger Fuel Corp.	2	1	6	6	25
B	Eccles No. 5	Winding Gulf Coals Inc.	4	1	13	6½	25
B	No. 4	Imperial Colliery Co.	2	2	4	4	25
B	Siltix	The New River Co.	4	1	15	7½	25
B	Robin Hood No. 8	Armco Steel Corp.	8	2	12	6	25
B	Lochgelly	The New River Co.	2	2	10	10	25
B	Keystone No. 2	Eastern Association Coal Corp.	11	2	17	8½	25
B	MacAlpin No. 3	Winding Gulf Coals Inc.	4	2	13	6½	25
B	Keystone No. 4	Eastern Association Coal Corp.	6	2	9	4½	25
B	Crane Creek No. 6	Pocahontas Fuel Co.	3	2	4	2	25
B	Eckman	do.	2	1	4	4	25
B	Eckman No. 12	do.	1	1	4	4	25
B	No. 1	Trace Fork Coal Co.	1	1	4	4	25
B	Lynco Colliery No. 2	Pocahontas Fuel Co.	1	1	10	10	25
B	No. 10	United States Steel Corp.	3	1	1	1	25
B	Gary No. 11	Ridge Land Co.	1	1	12	12	25
B	No. 3	White Park Coal Co., Inc.	1	1	8	8	25
B	Bishop	Bishop Coal Co.	12	2	15	7½	25
B	No. 33-37	do.	3	2	5	2½	25
B	No. 7	Pocahontas Fuel Co.	3	1	5	5	25
B	Eckman Page	do.	1	1	2	2	25
B	No. 1	Genoa Coal Corp.	1	1	11	11	25
B	No. 6 East	United States Steel Corp.	1	1	2	2	35
B	No. 11	Imperial Colliery Co.	1	1	4	4	25
B	No. 34	Carbon Fuel Co.	1	1	3	3	25

District	Mine	Company	Working sections	Working sections inspected	Violations		Fines assessed per violation
					Total	Per section	
WEST VIRGINIA—Continued							
B	No. 31	Carbon Fuel Co.	2	1	4	4	\$25
B	No. 1	Ford Coal Co.	1	1	2	2	25
B	No. 115	Bethlehem Mine Corp.	3	2	6	3	25
B	Sewell No. 4	Sewell Coal Co.	4	2	12	6	25
B	Birch No. 1	Island Creek Coal Co.	3	2	8	4	25
B	Summersville No. 2A	do.	3	2	9	4½	25
B	No. 11	Leckie Smokeless Coal Co.	1	1	10	10	25
B	No. 27	do.	1	1	9	9	25
B	Harewood	Allied Chemical Corp.	5	2	10	5	25
B	No. 8	Cannelton Coal Co.	3	2	10	5	25
B	No. 5	Zella Coal Co.	1	1	7	7	25
B	No. 3	Johns Coal Co.	1	1	6	6	25
B	No. 3	E. B. Coal Co.	1	1	7	7	25
B	No. 4	Jacks Branch Coal Co.	1	1	8	8	25
B	Nos. 3 and 4	Cannelton Coal Co.	4	2	12	6	25
B	Indian Ridge No. 6	United Pocahontas Fuel Co.	1	1	9	9	25
B	Angus	Robinson & Phillips Coal Co.	1	1	8	8	25
B	No. 17	United Pocahontas Coal Co.	1	1	9	9	25
B	No. 39	Robinson & Phillips Coal Co.	1	1	7	7	25
B	Brian Creek No. 1	do.	1	1	8	8	25
B	East Gulf	Winding Gulf Coals Inc.	5	2	24	12	25
B	Kopperston	Eastern Association Coal Corp.	8	2	18	9	25
B	No. 10	Sterling Smokeless Coal Co.	2	1	13	13	25
B	No. 5	Hawley Coal Mining Corp.	2	1	14	14	25
B	No. 116	Bethlehem Mines Corp.	2	1	11	11	25
B	No. 6	Hawley Mining Corp.	1	1	11	11	25
B	No. 5	Hawley Coal Mining Corp.	2	1	20	20	25
B	No. 9E	Island Creek Coal Co.	4	2	12	6	25
B	No. 9M	do.	1	1	5	5	25
B	No. 1	Shannon Construction Equipment Co.	1	1	4	4	25
B	Ashland 11A	Ashland Mining Co.	1	1	4	4	25
B	No. 1	Wyoming Mining Co.	1	1	3	3	25
B	do	C & C Coal Co.	1	1	3	3	25
B	No. 6	Perry & Hylton Inc.	1	1	5	5	25
B	Keystone No. 1	Eastern Association Coal Corp.	13	2	7	3½	25
B	Algoma No. 12	United Pocahontas Coal Co.	2	1	7	7	25
B	No. 7	Hawley Coal Mining Corp.	2	1	5	5	25
B	Crane Creek No. 11B	Pocahontas Fuel Co.	2	1	3	3	25
B	No. 5	L. & D. Coal Co.	1	1	4	4	25
B	Chesterfield No. 1	Omar Mining Co.	3	1	9	9	25
B	Chesterfield No. 3	do.	1	1	11	11	25
B	No. 1	V & B Coal Co., Inc.	1	1	4	4	25
B	V. C. No. 30	Valley Camp Coal Co.	2	1	9	9	25
B	No. 1	Backus Branch Coal Co.	1	1	11	11	25
B	No. 8L	B & B & N Coal Co.	1	1	11	11	25
B	Roland No. 1	Consolidation Coal Co.	1	1	5	5	25
B	Kepler	Pocahontas Fuel Co.	2	1	5	5	25
B	Olga	Olga Coal Co.	9	2	8	4	25
B	Ashland No. 11	Ashland Mining Corp.	1	1	5	5	25
B	Maitland	Pocahontas Fuel Co.	6	2	3	3	25
B	Itmann No. 3	Itmann Coal Co.	5	2	27	13½	25
B	Tralee	Allied Chemical Corp.	2	1	10	10	25
B	Buckeye Colliery	Pocahontas Fuel Co.	5	2	25	12½	25
B	No. 4H	Amherst Coal Co.	2	2	17	8½	25
B	No. 8B	Buffalo Mining Co.	1	1	18	18	25
B	No. 4B	Island Creek Coal	1	1	15	15	25
B	No. 4	do.	2	1	15	15	25
B	No. 1	do.	5	1	19	19	25
B	Slab Fork No. 8	Slab Fork Coal Co.	4	2	15	7½	25
B	No. 10	Slab Fork Coal Co.	5	2	13	6½	25
B	Gaston No. 2	do.	4	2	9	4½	25
B	No. 9	Red Bird Mining Co.	1	1	6	6	25
B	No. 41	Robinson & Phillips Coal Co.	1	1	6	6	25
B	Shannon Branch	Allied Chemical Corp.	10	2	11	5½	25
B	No. 18	Riverton Coal Co.	4	2	25	12½	25
B	Harris No. 1	Eastern Assoc. Coal Corp.	4	2	13	6½	25

11 imminent danger order.

* 3 imminent danger order.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 2, 1970.

HON. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: This is in reply to your letters of April 22, 1970 and May 20, 1970, commenting on this Department's enforcement policies under the Federal Coal Mine Health and Safety Act of 1969 and requesting the comments and opinions of this Department. Your letter of February 20, 1970 was answered on April 30, 1970. A detailed response to the April 22, 1970 letter was being prepared, but in the meantime on May 1 and May 14, 1970, protracted meetings were held between representatives of this Department and representatives of both the Senate and House Labor Subcommittees.

The purpose of these meetings—the first of which was attended by the Under Secretary, the Assistant Secretary and me and members of our staff—was to initiate a dialogue concerning enforcement policies and problems under the Act. I am happy to report that the purpose of the meetings was

achieved and there developed an extended and candid exchange of views concerning this Department's enforcement plans in general.

Each of the subjects raised in your letters was discussed at some length at these meetings which lasted more than eight hours. It would appear that the staff members from the House Labor Subcommittee who were present—Messrs. Vagley, Finnegan, Bernstein, Baker and Sellers—have not yet had an opportunity to report the results of these meetings to the members of the Subcommittee. I am certain you will find that comprehensive answers to your questions already have been provided.

Inasmuch as further meetings are contemplated, I believe that any other questions can be dealt with most effectively in this way.

One further comment should be made at this time. Difficult enforcement problems have been encountered and this Department is making every effort to meet its obligations under the Act in such a way as to insure the health and safety of the miners. In discharg-

ing these responsibilities this administration is not and will not be dominated by any interest group, industry or labor, in the enforcement of the Act.

I am sending copies of this letter to Congressmen Dent and Burton who also signed the April 22 letter.

Sincerely yours,

MITCHELL MELICH,
Solicitor.

MAY 20, 1970.

HON. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.S.

DEAR SECRETARY HICKEL: I know that you are deeply concerned about the plight of this Nation's coal miners. Your concern was evidenced early in the consideration of the Federal Coal Mine Health and Safety Act of 1969 when you testified before the House General Subcommittee on Labor on March 4, 1969 and said (Hearings, pp. 52-54):

"* * * It is clear that our society can no longer tolerate the exorbitant cost in human life and human misery that is exacted in

the mining of this essential fuel. Unless we find ways to eliminate that intolerable cost, we must inevitably limit our access to a resource that has an almost inexhaustible potential for industrial, economic, and social good.

"Our society has achieved an affluence unparalleled in man's history. It is time, I think—in fact, past time—that we begin to recognize more distinctly the responsibilities and realize more fully the opportunities which that affluence has given us.

"No longer can there be a claim that the safety and health of the workers in one of our major industries are luxuries that we cannot afford.

"As a people we have always placed human values at the summit of our esteem. We pride ourselves on our resourcefulness and our efficiency. Yet, the way that we mine coal today is not humanitarian, resourceful, or efficient. It is excruciatingly wasteful of our most precious asset—the human being."

But unfortunately, I find little evidence that other officials of the Interior Department who are responsible to you for the administration of the Federal Coal Mine Health and Safety Act of 1969 share your concern. They do not even attempt to show a sense of urgency in administering this law. Frankly, I am appalled at some of the actions taken by the Department to date, as well as at the many instances where it has failed to act.

I urge you to make a personal review of the administration of the Act to date before the situation worsens.

I believe it appropriate to bring the following points to your attention.

I. NO GOVERNMENT POSITION ON TEMPORARY RESTRAINING ORDERS

On April 23, and 30, 1970, United States District Court Judge H. E. Widener, Jr., issued two temporary restraining orders governing coal mine health and safety enforcement.

Almost a month has passed since the first order was issued and the Interior Department has yet to state its position on the orders. It has not even indicated what, if any, actions it will take to appeal them, or to revise its regulations to remove the objectionable features that caused the Judge to issue the orders.

As a matter of fact, the Department's first response was a negative one, namely on April 24, 1970, it issued an instruction by telegram to cease all inspections.

Next, the Department responded to the suit by extending the scope of the orders beyond the 77 plaintiffs to the entire nation. Thus, the largest operators, like U.S. Steel, have received from the Department a gift of the fruits of the orders which they did not seek themselves in court. They are not even parties to the suit, except behind the scenes.

Further, Under Secretary Russell, in two recent amendments to the penalty fee schedule, which the court forbade the Department to enforce, is still acting as if the fee schedule is in accord with the law.

1. What is the Department's position on these temporary restraining orders?

2. Is it not more profitable from the standpoint of the miner's safety to take steps to rescind the fee schedule and the regulations in the March 28, 1970 *Federal Register* publication which the court now forbids the Department to enforce and republish those which meet the requirements of sections 101(j) and 301(d) of the Act than attempt to fight the orders before a three judge court, and possibly lose?

II. REMARKS BY ASSISTANT SECRETARY HOLLIS M. DOLE

On May 11, 1970, Assistant Secretary Dole spoke before the 1970 Coal Convention of the American Mining Congress, in Cleveland, Ohio. A copy of his remarks is enclosed.

Mr. Dole said in part as follows:

"The intent of the Congress in this Act is clear, and the provisions are quite specific. In the Administration of the law, we in the Interior Department feel that very little has been left to our discretion. If there are any doubts with respect to the wording in particular places, we believe we must resolve them in favor of affording greater protection to the men working in the mines, even if we are knowingly putting an additional burden on the industry."

3. (a) What is the Department's basis for concluding that "little has been left to our discretion under the law?"

(b) Is it not true that the Department has wide discretion, for example, (i) to establish new standards, (ii) to provide reasonable time and to extend that time in notices of violations issued to operators to comply with various provisions of the Act, (iii) to determine whether a closing order should be issued, and (iv) to establish the amount of any civil penalty?

I am heartened to see that Mr. Dole believes that if "there are any doubts with respect to wording 'in the Act, the Department' must resolve them in favor of affording greater protection to the men working in the mines."

That statement is significant because it is consistent with the preamble in section 2 of the Act which provides that "the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

It also is consistent with the Statement of the Managers on the Part of the House (H. Conf. Rept. 91-761, December 16, 1969) which holds " * * * the managers intend that the Act be construed liberally when improved health or safety to miners will result."

It is, however, disquieting, Mr. Secretary, to also see Mr. Dole adding a final patronizing clause to an otherwise fine sentence that the Department will resolve those doubts in favor of the miners "even if we are knowingly putting an additional burden on the industry."

This is a "burden" that is long overdue in this industry. It is a burden that is inherent in a broadened health and safety program that requires many more safety standards and a dust standard, and that eliminates the unscientific distinction between gassy and non-gassy mines. You recognized that there would be such a burden just in eliminating this distinction when you said, at the March 4, 1969 House Hearings, it "will require large new investments and increased operating costs * * *." Rather than expressing patronizing statements to the industry, the Department, in its rhetoric and its actions, should assure the operators and the miners that it will act reasonably and responsibly in its administration of the law.

III. NO REPLY YET

On April 3, 1970, you responded to my letter of March 5, 1970, concerning enforcement of the Act. I had also written the Department on February 20, 1970. In your letter, you advised me that since my letter of February 20, 1970, "raised a legal question" it was referred to the Solicitor and I will receive a "substantive reply in a few days."

More than 40 days have passed and the Solicitor has yet to reply.

IV. JOINT CONGRESSIONAL LETTER

On April 22, 1970, the day before Judge Widener's first order, Congressman Dent, Chairman of the General Labor Subcommittee, Congressman Phillip Burton, a member of that subcommittee, and myself sent a joint letter to the Department raising a number of issues concerning its administration of the Act and requesting a response to the issues raised therein by May 4, 1970.

We have yet to receive that response.

V. THE FEE SCHEDULE

In our April 22, 1970, joint letter to you, we called upon the Department to "rescind" this fee schedule which is not in accord with the Act. Seven days later, Federal District Court Judge Widener specifically restrained the Secretary of the Interior and others from enforcing section 301.50 of the Department's March 28, 1970 regulations (35 F.R. 5257) "insofar as it permits the Bureau of Mines to assess penalties and accept payments in accordance with the schedule published therein in lieu of hearing * * *."

Yet, on May 4, 1970, the Department published two separate amendments to this fee schedule (35 F.R. 7181 and 7182). Both are effective upon publication. Both amendments were approved by Under Secretary Russell.

4. (a) If the Department is restrained from enforcing the fee schedule by the court order of April 30, 1970, what is the legal effect of these two amendments (i) on the plaintiffs in the law suit, and (ii) on operators and miners not plaintiffs to the law suit?

Please provide to me a legal opinion of the Solicitor on this point.

(b) If, under the order as the Department interprets its scope, the Solicitor finds the amendments without legal effect, then why did the Under Secretary find it necessary or desirable to publish them?

(c) Since the Department recognized that the rulemaking provisions of 5 U.S.C. 553 applied to the fee schedule on initial publication, but found it "impracticable" to have rulemaking, what is the legal basis for the Department now concluding (i) that, in the case of the first amendment (35 F.R. 7181), rulemaking is not applicable because the "amendment involves rules of agency organization, procedure, or practice", and (ii) that, in the case of the second amendment (35 F.R. 7182), there is no need to cite a reason for failure to provide rulemaking?

Please provide to me a legal opinion on this point also.

(d) Was there consultation with the Justice Department prior to publishing the amendments? If so, please provide a copy of any written views of that agency.

5. (a) Why is the definition of second, third, and additional violations set forth in the first amendment limited to violations of "a particular standard" only?

(b) What about violations of Title I of the Act?

6. In our joint letter of April 22, 1970, we said that we understood that the Department intended the terms first, second, and third violations to mean that violations "cited in second and later inspections" in a 12-month period would "incur a progressively greater fine." Please explain the reasons for the Department changing its position so as to require increased penalties only if there is a repeat of "a particular violation" on reinspection.

7. What is the legal basis in the statute for, in effect, wiping the slate clean at the end of each 12-month period and reducing the penalty to the level of a first violation?

8. (a) In regard to the second amendment, why are those reduced penalties applicable retroactively to Mar. 30, 1970, and prospectively to Sept. 30, 1970?

(b) What is the justification for reducing an imminent danger penalty, for a violation that could be as serious as the Farmington disaster that killed 79 miners, from \$500 to \$20?

(c) What is the justification for reducing the other penalties from \$100 to \$4, and \$25 to \$1, respectively?

(d) Is the footnote added to the fee schedule by the second amendment intended to apply to the second and subsequent violations also?

(e) If the Department found it appropriate to reduce the penalties for the mine

operators under the fee schedule, why was not a proportionate reduction made for the miners also?

VII. MANDATORY SPOT INSPECTIONS

Section 103(1) of the Act requires that the Secretary "provide a minimum of one spot inspection by his authorized representative of all or part of" a mine having a history of certain hazardous conditions "during every five working days."

In response to my request of April 7, 1970, the Acting Director of the Bureau of Mines by letter of May 6, 1970, provided to me three tables listing underground coal mines in West Virginia which the Bureau finds (1) meets the criteria of section 103(1), and (2) that spot inspections are required for such mines. The tables identify 91 mines in West Virginia subject to section 103(1). The tables also show that few spot inspections have, in fact, been made by the Department at these mines between April 1, 1970 and May 6, 1970.

9. When will the Department meet the requirements of this section as to each of these mines?

10. (a) If a death or injury occurs in any one of these 91 mines during any five day period when a required spot inspection does not take place, will the United States be liable for damages in a suit brought by the miner or his survivor under the Federal Tort Claims Act, as amended for failure to comply with the statutory mandate? Please provide to me a legal opinion on this issue.

(b) If the answer is yes, what steps is your Department taking to prevent the possibility of such suits and loss to the treasury?

VII. INTERIOR'S APRIL 25, 1970 TELEGRAM TO INSPECTORS

Enclosed is a copy of my statement of April 29, 1970, "Crisis in Coal Mine Safety" (CONG. REC. pp. 13479-13491), concerning some of the actions of the Interior Department under the Act. The statement includes a discussion of a telegram issued by the Bureau of Mines to its 5 district managers directing them to resume inspections suspended by the Bureau on April 24, 1970.

11. (a) What, in either temporary restraining order issued by Judge Widener, leads the Department to the conclusion that the orders apply nationwide? Please cite the appropriate provision in the orders.

(b) If there is nothing in either order to support the Department's action, what is the administrative justification for extending the application of these orders nationwide?

12. What is the legal basis in the Judge's orders for the Department's statement in the wire that the March 28, 1970, regulations of the Department "are invalid and unenforceable"?

13. (a) What is the legal basis in the Judge's April 23, 1970, order for Interior stating in the wire that the Act's Title III mandatory safety standards "may be enforced to the extent that the operators are able to comply within the bounds of existing technology and available equipment"?

(b) If there is none, why has the Department so limited its enforcement?

14. (a) What is the legal basis in the Judge's April 23, 1970, order for the Interior Department to instruct its inspectors to "inspect all coal mines *only* as against the safety standards under Title III of the Act"? (Italics supplied.)

(b) If there is none, why has the Department so limited its enforcement?

15. Did Judge Widener hold that "with regard to conditions that cannot be abated because of the lack of technology or because equipment is not available" the Department's inspectors should not "issue any notice or penalty"?

I hope that the Department can promptly answer this letter and my letter of February 20, and our joint letter of April 22. If, however, the Department finds it impossible to

provide a complete response to all of the issues raised in these letters within a short period of time, I hope that it will respond to as many as possible and indicate when a response will be made on the others.

Sincerely,

KEN HECHLER.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 7, 1970.

HON. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: This is in reply to your letter of May 20, 1970 concerning the administration of the Federal Coal Mine Health and Safety Act of 1969. For your convenience our reply is keyed to the numbered paragraphs in your letter.

I. Following receipt of the restraining order of April 23, 1970 late that afternoon, the Department suspended inspection activities for Friday, April 24, 1970 to permit an assessment of the effect of the restraining order. On Monday, April 27, 1970, enforcement activities were resumed and the Department limited enforcement to the provisions of the Act itself. Although the litigation had been instituted only on behalf of seventy-four operators and one miner, the theory of the case—and the basis for the restraining order—went beyond the application of the safety regulations to these particular plaintiffs. Rather, the plaintiffs challenged their general validity. Had the regulations continued to be enforced with regard to other operators, the Department's action would, in our judgment, have resulted in a multiplicity of "tag-along" litigation. Moreover, considering the basis for the order, it would have been unfair to continue to enforce the safety regulations elsewhere.

As you are aware, we have recently decided to republish the safety regulations, together with certain amendments and additions, as proposed rule making. Written comments, suggestions or objections will be invited. The decision of whether or not to republish the safety regulations as proposed rule making involved a delicate balance of a number of factors:

One, the order temporarily restrained enforcement of the safety regulations on the ground that they should have been promulgated under Section 101 of the Act. Republication under Section 301(d)—the provision under which they were originally promulgated—might not necessarily moot the litigation. Two, we continue to be of the opinion that the regulations were properly promulgated. And three, we were continually reassessing our position to determine whether the regulations could be revalidated faster by defending the litigation than by republishing. We believe now, under present circumstances, that republication of the safety regulations, with revisions and additions, is the more appropriate procedure to follow.

II. The general remarks of Assistant Secretary Dole to the 1970 Coal Convention of the American Mining Congress are being read entirely out of context. There is no basis for disagreement on the terms of the Act; in certain areas, considerable discretion has been delegated to the Department.

III. Your letter of March 5, 1970 was answered on April 30, 1970.

IV. Your letter of April 22, 1970, signed jointly by Representatives Burton and Dent, was answered on June 2 and a further response is being prepared.

V. Since the validity of the fee schedule is in issue in the case pending in the Western District of Virginia as well as in the case instituted by you in the District of Columbia, it would be inappropriate, in our opinion, to answer your inquiries concerning the fee schedule at this time.

VI. Similarly, it would be inappropriate to answer your questions concerning mandatory

spot inspections, since the requirements of Section 103(1) of the Act are in issue in the case instituted by you in the District of Columbia.

VII. Our decision to limit enforcement to the provisions of the Act has already been discussed under Paragraph I of the letter. The telegram of April 24 sent by the Bureau of Mines to the five Coal Mine Safety District Managers was intended to explain, in general and simple terms which could be understood by laymen, the effect of a complex restraining order.

While the language used would not meet the requirements for a court pleading, it does accurately and fairly state that the Court based its *temporary* injunction upon his *determination* that the regulations were not properly promulgated. The District Managers were advised that the safety standards could be enforced "to the extent that the operators are able to comply within the bounds of existing technology and available equipment" since, essentially, that was what the Order provides. Section 104(h) (1) of the Act—the only procedure which the Order permits in cases of lack of technology or unavailability of equipment—is, in our judgment, a wholly inappropriate procedure under the circumstances. The procedures of that Section are entirely too cumbersome to be employed with regard to such violations, particularly at a time when inspectors should be devoting their maximum efforts toward enforcement of standards which can presently be met.

We hope that this information is fully responsive to your inquiry.

Sincerely yours,

FRED J. RUSSELL,
Acting Secretary of the Interior.

THE EXETER-ANDOVER INTERN PROGRAM—A PLEA FOR POLITICAL OBJECTIVITY IN THE ACADEMIC COMMUNITIES OF OUR NATION

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, for many years now, I have been concerned about the lack of political objectivity and the imbalance of political thought and opinion that prevails on some of our Nation's campuses. In these times of tension, complexity, and challenge, I have been disappointed by the apparent narrowness of view that prevails in some segments of the academic community. This narrowness strikes me as unscholarly, unintellectual, and perhaps worst of all unproductive in developing creative solutions to the problems facing our Nation.

I believe that this ideological and political imbalance is in large part due to the failure by the academic community to expose itself equally or fairly to differing points of view. I refer to a lack of exposure to conservative and even moderate viewpoints by the academic community which may be inadvertent, and perhaps it is deliberate. Perhaps conservatives and moderates of both parties do not want to talk with this country's youth, to explain their stands, to show their concern; but I doubt it. Whatever the reason for the imbalance, it is regrettable. How can we expect students to make sound decisions about political issues today? They have too often been either partially or totally deprived of

exposure to conservatives and moderates on the college campuses. They have been overexposed to the Jerry Rubins, the Abbie Hoffmans, the Huey Newtons, and the Mark Rudds of America. The academic community should make a more conscious effort to attract middle-of-the-road and conservative guest speakers and lecturers to expose their constituency to different points of view. This would be a most welcome breath of fresh air and a renewal of the goals of all true academicians: to maintain intellectual honesty, to continue academic integrity, and to preserve the campuses as truly open and free-thinking communities.

It is unwise to legislate political balance to traditionally and legally apolitical institutions. The initiative for achieving intellectual honesty must come from within the academic community—from its teachers, its students, and its administrators.

The Phillips Exeter Academy in Exeter, N.H., and the Phillips Academy in Andover, Mass., have determined that education is more than just classroom studying, that it is practical experience and dealing with people. They have given a limited number of young men a chance for an interesting and eye-opening experience in Government, and Members of Congress have welcomed their presence. I agree with this approach to education, and I applaud these two schools for implementing this program, the first such secondary school program. Many of my colleagues in both the House and the Senate have had participants in the Exeter-Andover spring intern program gaining valuable experience helping in the workings of their congressional offices.

I have had an Exeter intern in my office on two occasions and they have both proved extremely helpful to me. They have done their share of the drudgery involved in office work, and they have researched some very useful projects and reports for me. I find that the youthful and fresh ideas my interns have given me enlightening and helpful. My most recent Exeter intern is George Tetter, of Nashua, N.H., who proved so useful to me during the spring that I hired him to help me this summer.

Every year, to accompany and supplement the work experience on Capitol Hill, the two academies conduct a seminar program, inviting guests of various expertises to talk with the interns, field questions, and introduce interesting proposals and opinions. These seminars and many of the ideas that came out of them were useful to the interns in their work, and I am sure that they greatly influenced the political persuasions and leanings of these young men.

A case in support of my assertions that the academic communities often lack exposure to all points of view is the Exeter-Andover seminar program. This program is an example of the imbalance of political exposure that pervades segments of the academic community today and to which I referred earlier.

Last May, after George and I visited Dartmouth College's "lobbying group", the Continuing Presence in Washington, we talked about the Exeter-Andover

seminar program. I was surprised to learn that no practicing Republican officeholder had visited with the group. I readily volunteered to be the "token Republican" for the Phillips Academies intern program of 1970, and George arranged with the director of his program to schedule me for the last seminar of the spring internship. I found my 2-hour meeting with these interns stimulating and most encouraging. I am sure that many of the young interns disagreed with my "moderately conservative" views and opinions, but at least they were exposed to new opinions which tested the validity of some of their own. I would like to insert the list of seminar guests during the 1970 Exeter-Andover intern program and letters I received in reaction to my meeting with the interns in the RECORD at this time, along with a reiteration of my plea for the restoration of political balance and a more meaningful dialog in our academic communities.

The material follows:

THE PHILLIPS ACADEMIES WASHINGTON INTERN PROGRAM OF 1970

SEMINAR GUEST SPEAKER LIST

- February 26, 1970—Roan Conrad, Center for Political Research.
 March 4, 1970—S. Douglas Cater, former Special Assistant to President Johnson.
 March 5, 1970—Chester E. Finn, Jr., Staff Assistant to President Nixon.
 March 9, 1970—Gale P. Gotschall, Federal Trade Commission.
 March 11, 1970—Grenville Garside, Legislative Assistant to Senator Jackson.
 March 17, 1970—Lloyd L. Duxbury, Vice-President of Burlington-Northern Railroad.
 March 19, 1970—Bruce Rabb, Staff Assistant to President Nixon.
 March 24, 1970—John R. Kramer, Executive Director of the Council on Hunger and Malnutrition.
 March 26, 1970—Karl G. Harr, President of Aerospace Industries Association.
 March 30, 1970—Wilcomb E. Washburn, Historian at the Smithsonian Institution.
 April 2, 1970—Charles W. Bailey II, Bureau Chief for Cowles Publications.
 April 7, 1970—Richard J. Ramsden, White House Fellow, O.E.O.
 April 8, 1970—Robert Amory, Jr., former Deputy Director of C.I.A.
 April 9, 1970—Terry F. Lenzner, Assistant Director of Legal Services, O.E.O.
 April 13, 1970—James A. Guest, Jr., Legislative Assistant to Senator Kennedy.
 April 16, 1970—Richard W. Murphy, Bureau of Near East and South Asian Affairs, State Department.
 April 22, 1970—John T. Walker, Canon at the Washington Cathedral.
 April 23, 1970—Bruce K. MacLaury, Deputy Under Secretary for Monetary Affairs, Treasury Department.
 April 28, 1970—Timothy E. Wirth, Deputy Assistant Secretary for Educational Affairs, H.E.W.
 April 30, 1970—Robert B. Choate, Jr., Hunger Lobbyist.
 May 3, 1970—Thomas G. Corcoran, Special Assistant to President Franklin D. Roosevelt.
 May 6, 1970—Edward I. Koch, Representative from New York.
 May 7, 1970—Nan Robertson, Staff Reporter for the *New York Times*.
 May 11, 1970—Richard C. Van Dusen, Under Secretary of HUD.
 May 12, 1970—Barry Zorthian, President of *Time-Life Broadcasting*.
 May 13, 1970—Eric Wentworth, Staff Reporter for the *Washington Post*.
 May 21, 1970—Robert Semple, Staff Reporter for the *New York Times*.

May 23, 1970—Neil MacNeil, Correspondent for *Time, Inc.*

May 26, 1970—William Proxmire, United States Senator from Wisconsin.

SPECIAL EVENTS

April 10, 1970—The Freer Gallery of Art, Director John A. Pope.

April 15, 1970—The State Department Asian Affairs Expert, Jonathan Moore.

April 17, 1970—Luncheon at the Capitol with Senator Philip Hart of Michigan.

April 20, 1970—Interview with S. French; the Senate Committee on Interior and Insular Affairs.

April 29, 1970—Dinner with Herbert Salzman (A.I.D.).

May 5, 1970—Conference at the Supreme Court with Associate Justice Thurgood Marshall.

May 6, 1970—Luncheon with Representative John Brademas of Indiana.

May 27, 1970—Luncheon with Representative James C. Cleveland of New Hampshire.

THE PHILLIPS EXETER ACADEMY,

Exeter, N.H., May 28, 1970.

DEAR MR. CLEVELAND: On behalf of our 1970 program, I want to thank you for redressing the political balance at yesterday's luncheon. Your trenchant defense of G.O.P. positions was welcomed especially by some of the interns. I shall intrust my successor to schedule you for another session next spring. In the meantime, I hope that I may find another candidate for work in your office.

With warm regards—

Cordially,

JOHN MAYHEE,

Director of Exeter-Andover Intern Program 1970.

May 27, 1970.

Congressman JAMES C. CLEVELAND, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN CLEVELAND: I would just like to say that it was a genuine pleasure to listen and exchange ideas with you at the Phillips Academies' Washington Intern luncheon today. While I would tend to disagree with you in some areas, particularly in the means to subsidize mass urban transit and on your stand in Cambodia, I was greatly impressed by the sincerity and honesty of your views.

I hope that your efforts in the area of Congressional reform are successful and that the idea to provide congressional offices with computers and closed circuit televisions is adopted.

While working on the Hill, I have come to know well the demands of time made on congressmen, and I would like to thank you again for taking the time to talk to us. I feel strongly that if somewhat conservative thinkers like yourself were to make yourselves more in evidence on the nation's campuses, there would be a far better understanding on the part of the students of the divisive issues facing the country today.

Take good care of our man George, over the summer.

Sincerely,

RICHARD SCHAEDEL,
Exeter Intern to Congressman Brademas.

MAY 27, 1970.

HON. JAMES C. CLEVELAND, House Office Building, Washington, D.C.

CONGRESSMAN CLEVELAND: On behalf both of myself and the entire group, I want to thank you for taking time off from your busy schedule to talk with us this afternoon.

Our session with you was certainly fascinating and will be remembered as a high point of the Washington experience by everyone. I especially enjoyed having the opportunity to listen to a public official who could be classified as something other than a liberal Democrat. Thank you for imposing

this diversity on Mr. Mayher, our program director, who, despite the fine job he does otherwise, is often prone to repetition in his selection of speakers.

Again, sir, thank you very much.

Sincerely yours,

PETER F. OLBERG,
Exeter Intern.

MAY 28, 1970.

HON. JAMES C. CLEVELAND,
Longworth House Office Building,
Washington, D.C.

DEAR MR. CLEVELAND: I want you to know how grateful I am for your splendid appearance before our group at yesterday's luncheon. I must say that I was slightly prejudiced in your favor, since I knew you previously, and since I find myself in agreement with you most of the time.

To hear a Republican congressman address us was a truly great privilege, especially for me. It was certainly a much needed and sorely lacking aspect of the Washington experience for most of the interns. I only wish that the imbalance had been turned the other way, and that there had been more Clevelands and Teagues in the program and addressing us.

I was really proud, as a Republican and American, to hear this group of students be told a few hard facts for once, from a man so eminently qualified on an intellectual and political basis to do the telling.

In closing, I must say that I do disagree on one point—your views on highways. While I may be a conservative, I am also militantly inclined towards a radical line on conservation. Nevertheless, you would certainly have my sentiments with you when you run against Tom McIntyre in 1972, as I pray you will.

With warmest personal regards,
MICHAEL S. BURD,
Exeter 1970.

CAPITAL LEADERS HONOR L. MENDEL RIVERS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is no ordinary thing when a Member of this body is honored simultaneously by the Air Force Association and the Navy League—two great and respected national organizations.

It is even more unusual when more than 2,000 Capital leaders—Senators, Congressmen, Government officials, heads of industry, military leaders, and others from many walks of life, gather to pay tribute to one individual for his contributions to national defense and to a better way of life for uniformed personnel of the armed services and their families.

Add to this the presence of such outstanding personalities as Deputy Secretary of Defense David Packard, members of the Defense Secretariat, and members of the Joint Chiefs of Staff and you really get a feel for the importance of the event.

The occasion was a luncheon honoring L. MENDEL RIVERS, who has served with great distinction as chairman of the House Committee on Armed Services. It was held in Washington on Wednesday, August 12. The speakers who joined in tribute to our distinguished colleague included South Carolina's senior Senator, the Honorable STROM THURMOND.

It is my privilege to submit for print-

ing in the CONGRESSIONAL RECORD the remarks made by this great leader on this most significant occasion:

REMARKS BY SENATOR STROM THURMOND BEFORE CAPITAL CHAPTER OF AIR FORCE ASSOCIATION HONORING L. MENDEL RIVERS, AUGUST 12, 1970

Mr. Vice President, Chairman Rivers, President Schissel of the District Air Force Association, Members of the Senate and House Armed Services Committees, Distinguished Guests, Ladies and Gentlemen.

This is "Speedy" Strom, and I have come to call "Caesar."

That is what my colleague, Senator Bill Fulbright, calls our distinguished guest of honor, and I kind of like it. What this country needs is more Caesars and fewer Chamberlains.

Last Monday when I thought I might need a lawyer to help with a traffic ticket, the first name that crossed my mind was Mendel Rivers—symbol of power.

Back during the first decade of this century in a community called Gumville, South Carolina, situated in an area also known as Hell Hole Swamp, the man being honored here today began the great adventure called life.

It was not an easy life, for at the age of eight, his father passed away and responsibilities far beyond his years were thrust upon his shoulders. Before attending school each day he milked cows and delivered newspapers. This habit of being an early riser has carried over to his work in the Congress today.

This restlessness to get with the work at hand and get things done personally—has characterized a life of public service. He was elected to the House of Representatives of South Carolina in 1932, the same year I was elected a State Senator in that Body. This state-wide public service first brought us together and we have been good friends since that time.

One of the first impressions I received of our honored guest back in those early days was that he possessed a deep sense of loyalty. He was not only loyal to his friends but to any organization to which he belonged.

I recall an incident during our first year in the State Legislature. The City of Columbia, our capital city gave a barbecue for the lawmakers, and the legislator with whom Mendel was rooming ate too much hash on this occasion. During the night he began to have nightmares and awoke shouting, "There are Robbers in the House. There are Robbers in the House!" Hardly awake, but preserving that keen sense of loyalty I have just mentioned, Mendel turned over and said, "Oh, no, there may be Robbers in the Senate, but not in the House."

It was in these early days in the South Carolina House of Representatives that Mendel first exhibited that immensity of energy, devotion to a cause, scorn for those who despaired, and an abiding faith in America—those qualities that have made Mendel's name a beacon of strength in these troubled times.

During that time, and to this day, he has been an admirer of another great South Carolinian, John C. Calhoun. He has lived by Calhoun's admonition: "The very essence of a free government consists of considering public office as a public trust, bestowed for the good of the country and not for the benefit of an individual."

He has also faithfully followed the challenge laid down for us all by Daniel Webster who said: "Let our object be our country, our whole country, and nothing but our country."

Over the years I have worked with Mendel on many matters. During this time he has been a source of inspiration, of wisdom, and above all, of faith that right and justice firmly maintained will triumph. His life style, his flamboyance, his wit, his intelligence, his per-

sonality are all unique in the annals of American politics.

One of the rarest things a man ever does is to do the best he can. Chairman Rivers has always met that test. In my studied opinion, I can say that no man in America, including our Presidents, has done more for our national defense than L. Mendel Rivers.

This man has ably applied his qualities of leadership and determination to his role as Chairman of the Armed Services Committee of the U.S. House of Representatives. In this role, and before as a Committee member under the Chairmanship of Carl Vinson, he has clearly left his mark on our defense establishment. He has fought long for a modern Navy; he is the father of the unchallenged airlift capability of our Air Force; he has fought harder for increased pay of our servicemen than any previous Chairman; and he is a strong advocate of providing the most modern tools for our foot soldiers.

Many defense programs which have become reality were brought to fruition under his leadership. He championed the nuclear submarine when the Navy itself was full of doubters; he pushed forward with the C-130, the C-141 and the C-5A when the need for these aircraft was not recognized by many. He dedicated himself to a tremendous increase in the nation's military airlift capability; and today men and equipment can be quickly deployed anywhere in the world to aid our allies and preserve our national security.

The B-1 bomber, the Navy's all purpose F-14, the Air Force's F-15 superiority fighter, and the Marine's vertical takeoff fighter, the Harrier, have all received his special attention.

All of these accomplishments, and many more, were possible because L. Mendel Rivers is a man of exceptional personal qualities. He is a man of courage, a man of action and a true espouser of Americanism.

Mendel is also a devoted family man. His wife, Margaret, a dedicated and intelligent lady, who understands Communism better than her husband, has shared with him the demands of high office. They have reared three handsome children: Two daughters, Margaret Middleton Eastman, the mother of their two grandchildren; Lois Marion Rivers, a ladies' fashion designer in London; and a son, L. Mendel Rivers, Jr., a Phi Beta Kappa student, who is now working on his law degree at Georgetown University.

I am pleased that the Capital Air Force Association has seen fit to recognize Mendel Rivers on this occasion. It is rare that a man is properly recognized in his own time. The accomplishments of my distinguished colleague from South Carolina are such that his name has already been inscribed across the nation and the world. His portrait hangs in the House Armed Services Committee Room, a rare tribute for a man who still sits in the Chairman's seat. A bronze bust has been erected in his honor by his hometown of Charleston. In North Charleston there is a Rivers Avenue and the Rivers Postal Annex. A high school in Altus, Oklahoma bears his name. In Vietnam there is Rivers Boulevard. There is also a Rivers Gate, Men-Rivers Park, and so on.

A distinguished colleague, Rep. Philip J. Philbin of Massachusetts, has described Mendel Rivers as one who "never falters, never hesitates, never draws back, once he is sure he is right." It is that sense of duty—duty understood and faithfully discharged—which our Nation urgently needs in these tension filled times.

Some years ago, the title of a popular play summoned men to "Watch on the Rhine." It has been the singular achievement of L. Mendel Rivers to summon his fellow citizens for the past three decades to stand watch at the frontiers of national security on the land, on the sea, and in the air. The American people have reason to be grateful for his steadfast leadership.

America draws its real strength from men such as Mendel Rivers. The Poet Laureate of South Carolina, Archibald Rutledge, wrote a poem entitled "Our Land" which makes this point. He penned these words,

"We do not love our land because,
Her might can mold all human fate.
Her power has its source in us.
It is our love that makes her great."

The life of Chairman Rivers has been guided by a deep and abiding love for his country. His life brings to mind the words of the great Winston Churchill as recited recently by the Rev. Dr. Billy Graham: "Never give in!" But Dr. Graham did not complete the statement made by that wise, old British Statesman, and I offer it to you now, as it expresses better than I can, the philosophy of L. Mendel Rivers:

"Never give in! Never give in! Never, Never, Never, Never—in nothing great or small, large or petty. Never give in except to convictions of honor and good sense."

Ladies and gentlemen, that is the philosophy of a fighter. That is the philosophy of L. MENDEL RIVERS.

BICENTENNIAL OF THE AMERICAN REVOLUTION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, as we approach the bicentennial of the American Revolution, there has been a spirited and refreshing increase in interest in the great events of the Revolution. Fortunately for history itself, there has been emphasis on many Revolutionary events which heretofore had received comparatively little attention. The Sons of the American Revolution, a great national organization, has quite naturally devoted much interest to all phases to that great and important conflict. One in particular, which should be better known to historians, is the contributions of Don Bernardo de Galvez, a great Spanish general who fought against the British during the American Revolution. In connection with the Galvez story, I am pleased to call attention to the fact that on September 26, 1970, the Republic of Spain will honor the National Society of the Sons of the American Revolution with a reception in Madrid.

His Excellency, Jaime Arguelles, the Spanish Ambassador in Washington, and Fernando Sartorius, Viscount Priego, the cultural counselor of the Spanish Embassy in Washington, have announced that the mayor of Madrid, Don Carlos Arias, will receive more than 50 SAR's and their wives in the Salon Goya of the Primera Casa Consistorial. The event will be dedicated to the memory of Don Bernardo de Galvez, the Spanish commander whose record of smashing victories in Florida, Louisiana, Mississippi, and Alabama against the British in the American Revolution is without parallel. The ceremonies will inaugurate a program instituted by the Spanish Government, the U.S. American Revolution Bicentennial Commission and the Sons of the American Revolution, to develop belated and justified recognition of General Galvez about whom Washington wrote—in a letter October 12, 1781—regarding Gen. Galvez' well-known attachment to the cause of America.

Although students and historians of the American Revolution are well aware of the victorious role of the youthful Don Bernardo de Galvez in capturing Mobile, Baton Rouge, Natchez, and Manchac from the British, he is best known for his smashing victory at the Battle of Pensacola—Florida—long considered by qualified authorities to be the most brilliantly executed battle of the Revolution. With negligible losses to his own forces, consisting of Spanish, French and Americans, Galvez captured 1,113 British troops, two naval frigates, 143 cannons, six howitzers, four mortars, 40 swivel guns, 2,142 guns, 8,000 flints, 298 barrels of gunpowder, and thousands of bombs, balls, grenades, bayonets and so forth.

The military genius displayed in his brilliant and unanimously successful campaigns created a vital diversion in the South, and the opening of a "second front," stifling the possibility of British military movements in that direction. Galvez permanently relieved the American Colonies from all danger of attack from the rear or flank by way of the upper Mississippi and east Florida.

With the American Revolution Bicentennial years close at hand, we must, at long last, recognize the critical role of Spain and her distinguished son, Don Bernardo de Galvez, in the American Revolution.

CLEVELAND'S LITTER SUGGESTION—AUTO AND OIL COMPANIES RESPOND

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last month I inserted into the RECORD—July 20, page 24988—an article proposing that automobile companies should build litter containers into their cars, and that oil companies should have their service stations empty these containers as part of their service. In the interest of finding out how these two industries would react to the idea, I sent letters and copies of the RECORD insert to the four major American car makers and 14 oil companies. I have found the responses most interesting. Several oil companies in particular have shown themselves to be most willing to cooperate. One company, Standard Oil of California, sent along a plastic litter bag that is given out to motorists by the company's stations. At this time, I would like to insert the letters which I have received to date into the RECORD. I hope that the auto and oil industries will finally get together on a cooperative program of litter control on our highways. I have seen that each one separately has shown an interest; but they must work together if a substantial contribution is to be made toward cleaning up our road.

The letters follow:

HUMBLE OIL & REFINING Co.,
Houston, Tex., August 4, 1970.

HON. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

DEAR MR. CLEVELAND: Thank you for your letter of July 27 and your suggestion con-

cerning a possible method of alleviating highway litter. We will certainly give your suggestion serious consideration. I am referring your letter to Mr. L. G. Rawl, Humble's Vice President for Marketing. You may expect a further reply from Humble in the near future. Thank you for taking the time to write me concerning this matter.

Sincerely,

CHAS. F. JONES.

CITIES SERVICE Co., Inc.,
New York, N.Y., August 4, 1970.

HON. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

MY DEAR MR. CLEVELAND: Thank you for your letter of July 27th calling my attention to your proposal that automotive companies install a built-in litter container for automobiles and requesting that oil companies arrange for their service stations to assist in keeping them clean.

We are thoroughly in accord with your idea that provision should be made in automobiles for collecting litter and we are prepared in our service stations to take care of emptying them when the cars come in for service. We sell small litter baskets in many of our service stations and have a manufacturing concern which manufactures plastic litter baskets under the Festival trade name.

It may well be that such a removable basket would be more satisfactory than a "built-in" container.

Very truly yours,

J. E. HESTON.

TEXACO, INC.,
New York, N.Y., August 5, 1970.

HON. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

DEAR MR. CLEVELAND: Thank you very much for your letter of July 27th to Mr. Marion J. Epley, Jr. and the enclosed copy of the extension of your remarks on highway litter as contained in The Congressional Record of July 20th.

There is no question but that in some areas highway litter poses a real problem. Of course, this is but one aspect of the problem of general refuse disposal in this country.

Our Company is indeed interested that our nation's road and highway system be maintained in an esthetically appealing manner and cleanliness is a prerequisite. Thus, we have initiated specific programs designed to reduce the occurrence of litter on the highways.

For some time, Texaco has made litter bags available to motorists so that refuse can be disposed of without its being carelessly thrown by the roadside. Recently a Texaco test program was carried out in New Canaan, Connecticut where, in addition to distributing litter bags, publicity was carried in the local newspaper and discussion took place in local organizations such as the women's clubs. This program was immensely successful in enhancing awareness of the litter problem and, because of the favorable results, other communities are now being selected for similar programs. Awareness of, and education regarding, proper litter disposal are basic in our opinion to coping satisfactorily with the problem on a national basis.

In addition, Texaco service station personnel are being trained as part of their service training when performing oil changes, lubrication and other maintenance work to empty litter bags and other trash receptacles. And our stations have facilities available to motorists for disposal of litter.

We carefully analyze the design of facilities including service stations to assure their compatibility with the area where located. In our opinion, a pleasing well-designed facility itself encourages cleanliness by those who are in contact with it.

Your proposal for built-in litter containers in automobiles would of course be fully consistent with Texaco's programs outlined above.

You are to be congratulated for your efforts to deal with this aspect of the environmental problem and we wish you every success in your endeavors.

With kindest regards, I am
Sincerely,

J. HOWARD RAMBEN, JR.

STANDARD OIL CO. OF CALIFORNIA,
San Francisco, Calif., August 7, 1970.

Hon. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

DEAR MR. CLEVELAND: Thank you for your recent letter on highway litter and the copy of the Congressional Record discussing litter on the highways. I share your concern on auto litter, its rapid growth, and increasing tax burden on our communities.

Our Marketing Departments are implementing a program to assist in collecting the litter in autos with litter bags, providing collection receptacles at our stations, and notifying the public of the availability of this service through newspaper advertising. I am enclosing a sample litter bag for your review.

You will be interested to know that the Eastern Division of the Chevron Oil Company, our operating subsidiary in the eastern United States, will be introducing the auto litter program this fall.

Sincerely,

H. J. HAYNES.

STANDARD OIL CO.,
Chicago, Ill., August 11, 1970.

Hon. JAMES C. CLEVELAND,
House of Representatives,
Washington, D.C.

DEAR SIR: Your letter of July 27 regarding highway litter points up a growing national problem toward the solution of which a significant effort should be made. Our dealers have supported a multitude of car litter bag programs over the years, and I am sure that their and similar efforts have helped.

In my opinion your suggestion has real merit. The automobile companies could well build into the American automobile a uniform litter bag. Conceivably, this is a device with plastic disposal inserts (bags), available and disposable in the nation's service station network across the country.

Should this concept be pursued by the auto industry, you can certainly count on our company's total cooperation, both with others in the oil industry and with the auto industry, in working toward a solution in this vital concern.

Very truly yours,

ROBERT C. GUNNESS.

PHILLIPS PETROLEUM Co.,
Bartlesville, Okla., August 6, 1970.

Representative JAMES C. CLEVELAND,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CLEVELAND: This will acknowledge your letter of July 27, to Mr. John Houchin, President of Phillips Petroleum Company, regarding your efforts in behalf of a built-in litter container for automobiles, combined with the assistance of service stations in emptying them.

Phillips has for a number of years encouraged its dealers to provide this type of service for their customers, and although we have not been as successful as we had hoped, many of our dealers do offer this service. In our publications we continually encourage them to provide this service and for your information I attach a copy of the front page of our dealer publication issued July 1, 1970, which again reminds the dealer of the importance of helping relieve the

litter situation. We think it is a good program and we are striving to make all our dealers conscious of its importance.

Yours very truly,

G. E. GLATFELDER.

GENERAL MOTORS ENGINEERING STAFF,
Warren, Mich., August 7, 1970.

Hon. JAMES C. CLEVELAND,
House of Representatives,
House Office Building,
Washington, D.C.

MY DEAR MR. CLEVELAND: Mr. E. N. Cole, President of General Motors Corporation, has referred to our New Devices Section your letter of July 27 enclosing a copy of a House Congressional Page dated July 20 indicating your concern and interest in having built-in litter containers for automobiles. For your interest, enclosed is a copy of the pamphlet explaining our activity.

We very much appreciate both your concern and suggestion. Apparently, more and more people are also becoming concerned and the expressions we receive from our friends collectively assist our people in learning about those things desired for cars. As you undoubtedly know, our car divisions have been selling accessory litter containers for a number of years. A few of our automotive vehicles have also been provided with center console compartments which, while not designed exclusively for litter, can be used for this purpose. It is always possible that litter containers might become standard items on future cars.

Thank you for your correspondence.

Very truly yours,

G. P. RUMBOLD.

THE REALITY OF THE CAPTIVE NATIONS AND THE PRESSING NEED FOR A SPECIAL COMMITTEE

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks at this point in the RECORD, and to include extraneous matter.)

MR. DERWINSKI. Mr. Speaker, a few weeks ago the 1970 Captive Nations Week was observed enthusiastically both in our country and in over a dozen nations abroad. So far, the chief significance of this annual observance has been to enable us to regain a sense of perspective toward the realities of the international situation. The reality of the captive nations, 27 of them, is brought home to us by this observance. Really, there is no major problem affecting the security of our Nation, whether directly or indirectly; that is, not tied up with this fundamental reality. The billions expended for our national defense would, clearly, not be necessary if all of the captive nations were free and independent today of Soviet Russian domination and its threat of power in the direction of even Red China.

Except for the representatives of the National Captive Nations Committee and its associated bodies, I know of no one who has advanced this fundamental view more cogently and persistently for the benefit of our security and progressive internal development. Nor have I heard a valid and strong counterargument to this viewpoint, except the naive and invalid one of trusting in the imperio-colonialist Russians—"They'll stop in the eastern Mediterranean, Southeast Asia, and with dependent Cuba." Negotiations will see us through. Maybe, but Russian diplomacy over centuries, not just by years, more than adequately shows that

the process of negotiations is only a technique for the next aggressive move.

THE SCORECARD OF CAPTIVE NATIONS

In our short, contemporary period of 50 years, experience shows that the submergence of nations into Red captivity was largely preceded by some sort of Russian "negotiations." Over and beyond the annual Captive Nations Week observance, it is well for us to continually recite the long list of captive nations which, as provided by Dr. Lev E. Dobriansky, of Georgetown University, and chairman of the National Captive Nations Committee, cumulates as follows:

The captive nations—Who's next?

Country and people:	Year ¹
Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Idel-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkistan	1922
Mongolian People's Republic	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Serbia, Croatia, Slovenia, etc. in Yugoslavia	1946
Poland	1947
Rumania	1947
Czechoslovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

¹ Of Communist domination.

Who's next? South Vietnam? Algeria? Colombia? Congo? Laos? Tanzania? Cambodia. Thailand? Greece? Guatemala? Chile? Israel?

LET US FACE REALITY

MR. SPEAKER, I, and most of my colleagues, are for negotiations with Moscow, but let us engage in these knowledgeably, imaginatively, and with a thriving sense of basic reality. There is a whole ripe area for negotiations, and peaceful coexistence and understanding with the nations in the Soviet Union itself. This area has not been adequately explored by our Government in the interest of world peace. We in the Congress have this opportunity to invest in our foreign policy by creating a Special Committee on the Captive Nations to investigate and analyze this new dimension of our foreign policy. While we are negotiating, let us also face reality and let Moscow know that we know what the scorecard is.

During the 1970 Captive Nations Week observance and now, groups in all sections of our country have urged the establishment of a Special House Committee on the Captive Nations. They will continue to fight for this necessary committee. The following material exemplifies the breadth of captive nations support both here and abroad: First, proclamations by Gov. Jack Williams of Arizona, Gov. Robert B. Docking of Kansas, and Gov. Francis W. Sargent of Massachusetts; second, additional proclama-

tions by Mayor Sam Yorty of Los Angeles, Acting Commissioner Graham W. Watt of the District of Columbia, and Mayor Stephen P. Clark of Miami, Fla.; third, the program, news accounts, and items of the Arizona Captive Nations Week observance; fourth, an address by Clarence Manion at the Chicago observance; fifth, an article on the subject by Father Donis Dirscherl, S.J., in the August 9 issue of "The Way"; sixth, an August 6 American news reports on "Captive Nations Week in Boston," similar reports and a release on the San Francisco observance, and a statement and clarification by the Senate minority leader, HUGH SCOTT; seventh, reports on the New Orleans CNW observance; eighth, further accounts of the week in the Vietnam Newsletter *Serboda*, the New York Daily News, and an editorial in the Minnesota Nationalities Reporter; and ninth, Life Line on "Russia, the Captor," and an address at the New York observance:

PROCLAMATION: CAPTIVE NATIONS WEEK, 1970

Whereas, the free people of the United States hold within them a special compassion for those peoples of the earth who live in less than freedom; and

Whereas, there is a growing concern for the integrity of human rights among those individuals living in the captive nations of the world; and

Whereas, the National Captive Nations Committee conducts the annual observance of Captive Nations Week, as called for in Public Law 86-90; and

Whereas, the observance has as its aim the reaffirming of America's moral support for the captive and freedom-seeking peoples of those nations now under the domination of world Communism;

Now, therefore, I, Jack Williams, Governor of the State of Arizona do hereby proclaim the period from July 12 through July 18, to be Captive Nations Week, 1970, and do urge all the citizens of Arizona to enter wholeheartedly into the spirit of this observance.

In witness whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Done at the Capitol in Phoenix this 6th day of July in the year of Our Lord One Thousand Nine Hundred and Seventy and of the Independence of the United States the One Hundred and Ninety-fifth.

JACK WILLIAMS,
Governor.

Attest:

WESLEY BOLIN,
Secretary of State.

PROCLAMATION BY THE GOVERNOR

To the people of Kansas, greetings:

Whereas, Captive Nations Week was inaugurated in 1959 by a Joint Resolution of the United States Congress; and

Whereas, each year, Captive Nations Week has provided a fitting opportunity for the American people to show their solidarity with their captive brethren in East and Central Europe; and

Whereas, twenty-five years ago, the war in Europe came to an end, but the hopes and expectations that came in the wake of the hard-won victory over the Nazi military machine have yet to be realized, and for 100 million people in East and Central Europe Nazi domination has been replaced by Communist rule;

Now, therefore, I, Robert B. Docking, Governor of the State of Kansas, do hereby proclaim the week of July 12, through July 18, 1970, as Captive Nations Week, and urge all people of the free world to support

the aspirations of the people of East-Central Europe to freedom.

Done at the Capitol in Topeka Under the Great Seal of the State this 29th day of June, A.D., 1970.

By the Governor: ROBERT B. DOCKING,
ELWILL M. SHANAHAN,
Secretary of State.

A PROCLAMATION BY THE GOVERNOR

Whereas, The week of July 12-18, 1970 will be observed as "Captive Nations Week," and

Whereas, A large number of the citizens of our State are Americans who proudly claim ancestry to those once free nations now held under Communist domination: Armenia, the Ukraine, Latvia, Lithuania, Estonia, Hungary, Poland, Rumania, Azerbaijan, Byelorussia, Cossackia, Albania, Serbia, Croatia, Slovenia, Bulgaria, North Korea, Czechoslovakia, Mainland China, Tibet, North Vietnam and Cuba, and

Whereas, It is especially appropriate for the people of Massachusetts to take note of the "Captive Nations Week," since our Commonwealth has always been a populous center of the heritage stocks, many of whose parental nations are either captives or satellites of Communist Russia, and

Whereas, During this annual celebration, Americans of all extractions throughout our nation have the opportunity to manifest that we share with those nations held in bondage their aspirations for the recovery of their freedom and their independence;

Now, therefore, I, Francis W. Sargent, Governor of the Commonwealth of Massachusetts do hereby proclaim July 12-18, 1970 as Captive Nations Week, and urge the citizens of the Commonwealth to join with President Nixon and myself in observing this most worthwhile week.

Given at the Executive Chamber in Boston, this first day of July, in the year of our Lord, one thousand nine hundred and seventy, and of the Independence of the United States of America, the one hundred and ninety-first.

By His Excellency the Governor:
FRANCIS W. SARGENT,
JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

CITY OF LOS ANGELES PROCLAMATION

Whereas, the people of the Free World annually observe Captive Nations Week during the third week of July; and

Whereas, the aggressive policies of the Soviets led to a direct subjugation of the national independence of Armenia, Bulgaria, Byelorussia, Croatia, Cuba, Czechs, Slovaks, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Ukraine, and others; and

Whereas, these nations, through their former citizens who now reside in the City of Los Angeles as citizens of the United States, seek to place in proper perspective and exposure the deceit and trickery of the Soviets while the enslavement of their countries continues; and

Whereas, it is fitting to call attention to the plight of millions of people who have been deprived of their identity;

Now, therefore, I, Sam Yorty, Mayor of the City of Los Angeles, do hereby proclaim the week of July 11-18 as Captive Nations Week and commend the thousands of citizens of our City for being the conscience of brethren behind the Iron Curtain. I urge all citizens to join with me in support of their return to complete independence and freedom.

SAM YORTY,
Mayor.

A PROCLAMATION BY THE COMMISSIONER OF THE DISTRICT OF COLUMBIA: "CAPTIVE NATIONS WEEK," JULY 12-18, 1970

Whereas, by a joint resolution approved July 17, 1959, the Congress authorized and requested the President of the United States

of America to issue a proclamation designating the third week in July as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all captive nations of the world; and

Whereas, there is a strong belief that the observance of "Captive Nations Week" throughout our country and our community will serve the cause of America and the entire free world; that the keeping alive of the spirit of liberation is the free world's most effective instrument; and

Whereas, it is deemed appropriate and proper for the people of our community to extend to the peoples of the captive nations our support and sympathy for their just aspirations for freedom and national independence;

Now, therefore, I, the Acting Commissioner of the District of Columbia, do hereby proclaim the week of July 12-18, 1970, as "Captive Nations Week," and invite the people of the Nation's Capital to participate in the observance of this period by offering prayers in their churches and synagogues for the peaceful liberation of the peoples throughout the world who are denied their fundamental human rights.

GRAHAM W. WATT,
Acting Commissioner of the
District of Columbia.

PROCLAMATION BY THE CITY OF MIAMI, FLA.

Whereas: the imperialistic policies of the Communist monolith, through direct and indirect aggression, have resulted in subjugation and enslavement of various peoples throughout the world, and

Whereas the overwhelming majority of the more than one billion residents in these conquered nations look to the people of America for assistance in eventually realizing their ever-consuming desire for freedom and independence, and

Whereas the Congress of the United States, by unanimous vote, passed the Public Law 86-90 establishing the third week in July annually as Captive Nations Week and further invited Americans to observe this week with appropriate prayers, ceremonies and activities, designed to express sympathy with and support for the captive peoples of the world,

Now, therefore, I, Stephen P. Clark, Mayor of the City of Miami, Florida, do hereby proclaim the week beginning Sunday, July 12, 1970, as Captive Nations Week.

In observance thereof I call upon my fellow Miamians to join with me in honoring the noble principles that guide the Captive Nations Committee in Washington, D.C., and to support, by both word and deed, the desire of captive peoples to eventually rid themselves of their shackling and binding yokes.

In witness whereof I hereunto set my hand and cause the seal of the City of Miami to be affixed.

Done in the office of the Mayor of the City of Miami, Florida.

STEPHEN P. CLARK,
Mayor.

July 9, 1970.

PHOENIX, ARIZ.: CAPTIVE NATIONS WEEK,
JULY 23, 1970

(Joint resolution providing for the designation of the third week of July as "Captive Nations Week")

Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a

warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, and others; and

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July 1959 as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Approved July 17, 1959.

NATIONAL CAPTIVE NATIONS COMMITTEE,
ARIZONA BRANCH

Executive Committee: Walter Chopiowskyj, President; Vytas Mozart, Vice President; Albert T. Koen, Executive Director; Shirley Beckman, Secretary; Wayne Wallick, Treasurer; and Joe Jezorski, Public Relations.

Committee Members: Mykola Burda, Don E. Clarke, Emily Josen, Eva A. Krone, Mintauts Kukalnis, Genie Pidashecky, Janina Rimavicius, Alimpija a Velmirovic, Bill Sawicky, Saveta Velmirovic, and Fern Wallick.

CAPTIVE NATIONS WEEK OBSERVANCE,
PHOENIX, ARIZ.

(Rally, July 23, 1970—Grady Gammage Auditorium, Tempe, 8:00 P.M.)

Program

National and Marine Corps Colors, U.S. Marine Corps.

National Anthem, 541st Air Force Band.
Invocation, Rev. Charles S. Poling, D.D.

Pledge of Allegiance, Mr. Roger Pingree.

Role Call of Nations, Mr. George Archibald.

Welcoming Remarks and Resolution, Mr. Walter Chopiowskyj, President, Arizona Branch, NCNC.

Band Selection, 541st Air Force Band.

Proclamation, Hon. Jack Williams, Governor of Arizona.

Recognition of Distinguished Guests, Mr. George Archibald.

Tribute to Our Fighting Men, Albert T. Koen, Lt. Col. USAF (Ret.).

Taps and Salute, 541st Air Force Band.

Keynote Address, Hon. Paul J. Fannin.

Presentation of Captive Nations Award, Mr. Walter Chopiowskyj.

Band Concert, 541st Air Force Band.

Just To Die Free Men, Mr. Ned Mullan.

Songs, That Certain Sound.

Benediction, Rev. Wesley Darby.

Dismissal of Flags, Mr. George Archibald.

Master of Ceremonies, Mr. George Archibald, Executive Director, Young Americans For Freedom.

Patrons

Mr. George Archibald, Mr. Walter Chopiowskyj, Mr. and Mrs. Mykola Czopiowskyj, Friend, Mr. and Mrs. Jack Harris, Mr. and Mrs. Richard Johnson, Mrs. Emily Josen, Mr. and Mrs. Albert T. Koen, Mr. Kenneth E. Leach, Mr. Felix Milius, Mr. and Mrs. Vytas Mozart, Miss Genie Pidashecky, Mr. and Mrs. Joseph Pidashecky, Mr. and Mrs. Al Rimavicius, Mr. and Mrs. Leonard Strikauskas, Mr. Walter Taranowsky, Mrs. Antanas Urbotes, Mr. and Mrs. Wayne E. Wallick, Mr. and Mrs. John F. Whalen, Mr. and Mrs. V. L. Miezells, and Mr. and Mrs. B. Uzemis.

Boosters

Mr. Tony Angell, Mr. Michael Bojeczko, Mr. and Mrs. Charles Frank, Friend, Mr. and Mrs. J. Nazarewitch, Mr. and Mrs. Gene Ong, Jr., Miss Helena Pidashecky, Mr. and Mrs. Gregory Poniak, Mr. and Mrs. Robert Ramirez, Mr. Paul Rihs, Miss Sharon Ritter, Mr. and Mrs. Wasyl Sawicky, Mr. Dushan Slmich, Mr. B. Todorovich, Mr. Tony Troisi, Mr. and Mrs. Iiko Turchyn, Mr. Mitchel Turyl, and Mr. Benny Yee.

[From the Tempe (Ariz.) Daily News,
July 21, 1970]

CAPTIVE NATIONS DAY PROGRAM SET THURSDAY

The Arizona Branch, National Captive Nations Committee, will stage its sixth annual "Captive Nations Day" observance at Grady Gammage auditorium on the Arizona State University campus, Thursday night, President Walter Chopiowskyj has announced.

Open to the public, the 8 p.m. program honoring more than 20 nations subjugated by Communist rule throughout the world will feature U.S. Senator Paul Fannin (R-Ariz.) as keynote speaker.

Also features of the evening will be a concert by the 541st Air Force Band from Luke Air Force Base; songs by "That Certain Sound," a group of Valley young folk singers; presentation of colors by a Marine Corps contingent from the Ninth Engineering company; and Ned Mullan, prominent Phoenix civic leader and businessman, reciting a selection of his own poetry to musical accompaniment.

Senator Fannin earlier this year addressed the ninth annual Ukrainian Congress in New York City. He is a member of the Arizona Captive Nations Committee's honorary advisory board along with Senator Barry Goldwater, honorary chairman; Congressmen John Rhodes and Sam Steiger, Governor Jack Williams and other government and business leaders.

President Richard Nixon and Governor Williams have both proclaimed Captive Nations Week observances this month, in accordance with a 1959 joint Congressional resolution calling for recognition of captive nations during July of each year.

"These submerged nations look to the

United States as the citadel of freedom in the world," Chopiowskyj said. "Through this annual observance, we demonstrate to the people of these nations in Communist captivity that we share with them their aspirations for recovery of their freedom and independence."

Master of ceremonies for the program will be George Archibald, executive director of Arizona Young Americans for Freedom.

Admission charge for the program will be \$1 for adults. Students and children will be admitted free.

[From the Arizona Republic, July 22, 1970]

FANNIN TO SPEAK AT CAPTIVE NATIONS PROGRAM

Sen. Paul Fannin, R-Ariz., will be keynote speaker at the sixth annual program of the Arizona branch of the Captive Nations National Committee at 8 p.m. tomorrow at Grady Gammage Auditorium, Tempe. He will receive the Captive Nations Eisenhower Medal.

Other events will include a parade of flags with music by the 541st Air Force Band and entertainment by That Certain Sound. George Archibald of the Young Americans for Freedom will be master of ceremonies.

Admission price is \$1.

FANNIN TALK ON PROGRAM

The Arizona Branch of the Captive Nations National Committee will hold its sixth annual program at 8 p.m. Thursday.

Master of ceremonies will be George Archibald of the Young Americans for Freedom. There will be a parade of the flags, with music provided by the 541st Air Force band. The keynote speaker will be Sen. Paul Fannin, R-Ariz., who will be awarded the Captive Nations Eisenhower Medal. This will be only the fourth one ever given an individual.

Entertainment will be provided by That Certain Sound, young singing group.

The program will be presented in Grady Gammage Auditorium. Admission will be \$1.

[From the Phoenix Gazette, July 23, 1970]

FANNIN KEYNOTE SPEAKER AT TEMPE MEETING

Keynote speaker at an 8 o'clock National Captive Nations Committee program tonight in Grady Gammage Auditorium, Tempe, will be Sen. Paul Fannin, R-Ariz.

Sen. Fannin, who addressed the ninth annual Ukrainian Congress in New York City earlier this year, is a member of the Arizona committee's honorary advisory board. Sen. Barry Goldwater, R-Ariz., is chairman.

The musical program to honor the more than 20 nations subjugated by Communist rule throughout the world will include a concert by the 541st Air Force Band from Luke Air Force Base and selections by That Certain Sound, a group of young folk singers from Phoenix.

Ned Mullan, civil leader and businessman, will recite one of his own poems to musical accompaniment, and colors will be presented by a Marine Corps color guard.

President Nixon and Governor Williams have proclaimed Captive Nations Week observances this month in accordance with a 1959 joint congressional resolution calling for recognition of captive nations during July each year.

"These submerged nations look to the United States as the citadel of freedom in the world" said Walter Chopiowskyj, president of the committee's Arizona branch. "Through this annual observance, we demonstrate to the people of these nations in Communist captivity that we share with them their aspirations for recovery of their freedom and independence."

George Archibald, executive director of Arizona Young Americans for Freedom, will be master of ceremonies. Admission is \$1 for adults and free for students and children.

WASHINGTON, D.C.,
July 20, 1970.

WALTER CHOPIWSKY,
President, Executive Committee, National
Captive Nations Committee, Phoenix,
Ariz.

Sincerely regret I cannot be home Wednesday evening to participate in observance of Captive Nations Week, but wish to assure you of my continued concern for the captive peoples throughout the world and my dedication, with them, to the restoration of their freedoms.

JOHN J. RHODES,
Member of Congress.

I am pleased to add my voice to that of those who tonight meet to commemorate the captive nations.

The roll call of those nations reads like a Who's Who of the enslaved. What happened to them is one of the major tragedies of our century—indeed of any century. Our conscience cannot rest until the yoke of the oppressor is lifted from the neck of the people in those lands.

I sympathize with and share the aims of your organization. You may rest assured that our newspapers will remain forever on the side of those brave, subjugated people. We want the world never to forget what happened to them.

EUGENE PULLIAM,
Publisher, Arizona Republic
and Phoenix Gazette.

Lt. President CHOPIWSKY,
Captive Nations Week Rally,
Phoenix, Ariz.

The WACL China Chapter conveys its warmest wishes for a successful Arizona rally in support of justice human rights and captive nations and anticipates continuous joint endeavor for victory of freedom in the 1970's.

KUCHENKANG,
WACL Honorary President.

U.S. SENATE,
Washington, D.C., July 20, 1970.

MR. WALTER CHOPIWSKY,
National Captive Nations Committee,
Phoenix, Ariz.

DEAR MR. CHOPIWSKY: Please do me the kindness of extending my best wishes to the members of your Captive Nations Committee and expressing my hope that your July 23rd observance of Captive Nations Week will be a resounding success.

I know that it will be an important and significant occasion. With a keynote speaker like my great friend and able colleague, Paul Fannin, I believe your observance will be an uncommonly fine event.

It is unfortunate that in this day and age human freedom still requires the concerted efforts of organizations such as yours. I know that you will keep up the good work.

Sincerely,

BARRY GOLDWATER.

SPEECH OF CLARENCE MANION, DEAN EMERITUS OF THE NOTRE DAME LAW SCHOOL, TO THE CAPTIVE NATIONS LUNCHEON, HILTON HOTEL, JULY 18, 1970

There is only one thing wrong with our Congressional Captive Nations Resolution. Its designation of the third week of July as Captive Nations Week foreclosed the possibility that the week would ever include the 4th of July. This was unfortunate, for without the immortal truths of the American Declaration of Independence, our Captive Nations Resolution would be exactly what Nikita Khrushchev said it was; namely, "a direct and gratuitous interference in the Soviet Union's internal affairs". Consequently, those of us who here and elsewhere gather to commemorate this annual observance must remember that the Captive Nations Resolution is not just a gesture of sympathy for the more than one billion

people of many formerly independent nations who are now the victims of the communist conquest. The Resolution is much more than that. This unanimous 1959 declaration by Congress on the menacing wickedness of communist enslavement is the logical, appropriate and official application of the unanimous July 4, 1776, declaration of our Continental Congress on the subject of the God-given human liberty of all men everywhere on earth. The validity of the 1959 Captive Nations Resolution sits squarely upon the authority of our 1776 declaration, and without this moral and philosophical validation, the Captive Nations Resolution would not and could not have commanded the unanimous support of Congress and its subsequent annual reiteration by each succeeding President of the United States.

In this context of our own freedom, the Captive Nations Resolution commands more than an annual commemoration; it calls for constructive action and agitation by the American people and for leadership by their United States Government that is calculated to bring about the liberation and national independence of the people of the Captive Nations. The Resolution declares that the restoration of freedom to these communist enslaved people is vital to the national security of the United States and to the restoration of international peace in the world.

Unfortunately, throughout the eleven years that have elapsed since the Captive Nations Resolution was passed, we have "proclaimed", "paraded" and "orated" but we have, as a people and as a government, done precisely less than nothing to restore the liberty of the communist enslaved people that the Resolution talks about. On the contrary, we have ever more progressively aided and traded with the kidnapper communist governments of these people in a hypocritical spirit of "peaceful co-existence" which the Captive Nations Resolution expressly condemns as "a mockery." We have continued and are now continuing to aid and trade with these kidnapper communist governments right while each and every one of them is supplying arms and ammunition to North Vietnam with which to kill and maim our own American soldiers. I submit that this is a disgraceful side-light that is now turned by our government upon our commemoration of the Captive Nations Resolution here today. We are thus paying blackmail to the slaveholders whom the Captive Nations Resolution expressly condemns.

Off the coast of Cuba, the United States Coast Guard is openly protecting Castro's communist government against invasion by outraged Cuban refugees who attempt to invade their homeland and restore the freedom of its oppressed people. Does the Soviet government thank us for the service we thus render to their slave system and promise, as a consideration, to leave us in peace? Quite the contrary. Here is the *Chicago Tribune's* Moscow dispatch of last April 21, 1970, quoting Brezhnev's speech celebrating Lenin's 100th birthday anniversary:

"Moscow, April 21.—Leonid Brezhnev today urged Communists in western countries to be prepared to use violent and illegal means for the eventual overthrow of capitalism.

"In the capitalist countries, including the United States, a new political situation is taking shape which Communists there must be prepared to exploit.

"Brezhnev . . . confidently predicted the world-wide victory of communism . . . his sharpest words were saved for capitalism.

"This inhuman system holds only one prospect for the ordinary man: more blood and sweat, more prisoners in jails, more maimed and killed, and a still greater menace to the very existence of entire nations.

"But it will not collapse by itself. Active and determined action by all revolutionary forces is needed to overthrow it.

"Lenin's exhortation that Communists must be prepared for any change in the situation, for the use of any form of struggle—peaceful or nonpeaceful, legal or illegal—is particularly important today".

"Communists in capitalist countries remember he said 'mould the masses into an army of revolution and there is no doubt that coming years will witness new powerful blows on the still dangerous but already doomed fortress of imperialism.'

"He defended the 1968 invasion of Czechoslovakia as proof of communist solidarity.

"Today our friends and our enemies have no doubt about the efficacy of its strength, and that is very good."

Now I submit, if Brezhnev dares to command his American communist agents to make a destructive revolution here against us, why do we not have the courage to urge the freedom lovers in the Captive Nations to make anti-communist trouble over there for him? And if they do so, let us make sure that we do not turn our back on them as we did on the Poles, the East Germans, the Hungarians and as we are doing now to the Cubans.

If we expect to be here as a Nation to celebrate the two-hundredth anniversary of the Declaration of Independence in 1976, then we will have to do something to restore the freedom of the Captive Nations in the meantime. We cannot forever purchase our own precarious security at the price of other people's slavery. If we continue to do that, you may be sure that 1984 will move in on us well ahead of 1976.

"CAPTIVE NATIONS WEEK" ASKS: IS USSR
REALLY RUSSIAN?

(By Denis Dirscherl, S.J.)

WASHINGTON.—The Soviet Union like the United States, is currently taking a census of its citizens. If all predictions are on target, the results will show that Russians make up less than half the population. This fact has important implications for the nationality problem, a touchy situation at best.

The Soviet Union, unlike the United States, is divided into 15 republics, mostly along national and ethnic lines. They include the Armenian, Georgian, Latvian, Lithuanian and Ukrainian republics.

The actual redivision of that vast land once called Russia into a sort of "federalism" by the early Bolsheviks was motivated, above all, by a desire to win over the various ethnic groups to the revolutionary cause. A new age was supposedly symbolized by a new title for the land—Union of Soviet Socialist Republics, or the Soviet Union for short.

"Self-determination" was and is still proclaimed today for all the various republics and nationality groups within the Soviet Union. Each republic has its own constitution and state apparatus and, accordingly has the right to secede from the union if it wishes.

But after more than 50 years the 15 major groups have little of the freedom or sovereignty promised them by Lenin and each succeeding regime. When all the propaganda is pushed aside, the title "Soviet Union" remains a misnomer, a cover for the same old Russian Empire in a new form.

Realizing the vulnerability of the Soviet Union to the nationality issue, a group of Americans decided a little over a decade ago to focus attention on the problem. Gradually centers throughout the United States and abroad increased in size and devoted themselves to emphasizing the fact of "captive nations" within the Iron Curtain, observing an annual "Captive Nations Week" (July 12-18 this year). One of the major rallying factors behind the movement was the sensitive nature of this problem to the Soviet oligarchy.

It is paradoxical to note that though the Soviets base their world outlook on Marx's

philosophy, Marx himself held Russia in low esteem, chiefly in military and diplomatic matters.

Writing for the New York Tribune on April 19, 1853, Marx said: "What had to happen? The ignorance, the laziness, the pusillanimity, the perceptual fickleness and the credulousness of Western Governments enabled Russia to achieve successively every one of her aims."

According to Marx, Russia's covetous power-policies have a long tradition: "In the first place the policy of Russia is changeless, according to the admission of its official historian, the Muscovite Karamzin. Its methods, its tactics, its maneuvers may change, but the polar star of its policy—world domination—is a fixed star."

Marx called Russia "decidedly a conquering nation." Marx summarized Russia's spirit of aggrandizement under the categories of imperialism, Pan-Slavism and oriental despotism. That part of the Marxian corpus is not available to the public in the Soviet Union.

Reaction to oppressive conditions in the Soviet Empire was prepared through centuries of apathy under the czars. But dissent or disagreement have ways of being turned against the individuals who espouse them. The Soviet response to writer Yuri Daniel and Andrei Sinyavsky was to sentence them in 1966 to labor camps for "slandering" the state. There is also the case of former Maj. Gen. Peter Grigorenko, who was packed off to an insane asylum for his civil rights activities.

One of the most daring of the attacks on Russification is Ivan Dzyuba's "Internationalism or Russification." In his book Dzyuba suggests that the people of the Soviet Union have already had their minds dulled to the state's injustices, to the mass resettlements, the dispersment of the population and economic inequities. The Ukraine has always been one of the testing grounds for the NKVD secret police because of the Ukrainian's love for independence and resistance to the arbitrary rule of the Soviets.

There is also the case of Vyacheslav Chornovil, who in the fall of 1965 was assigned to cover the trials of some Ukrainian intellectuals. In the process he saw a travesty of law by the courts, and for making his views known he was sentenced to a forced labor camp. His letters were smuggled out along with the letters, petitions, and diaries of many others in labor camps.

Other Soviet citizens have spoken out against the "system" at their own personal peril. Nuclear physicist Andrei D. Sakharov, the author of "Progress, Coexistence and Intellectual Freedom," has called for greater collaboration between the U.S. and Soviet Union. Andrei Amalrik, author of "Will the Soviet Union Survive until 1984?" and who was recently sent off to prison, has emphatically declared: "I am against the system from organic revulsion. I cannot listen to the Soviet radio. I cannot read Pravda. It is crude, stupid and full of lies."

Recently a wave of protest has highlighted the Soviet practice of taking political prisoners to mental hospitals to discredit the personalities involved. Alexander Solzhenitsyn assailed this practice as "a variant of the gas chamber, and even more cruel." Another critic revealed his own despair: "I hate my own people. They are like cattle. They always have been. They always will be."

Captive Nations Week has put its focus on the Soviet empire as being grossly insecure and suffering pangs of inferiority, hidden behind concrete walls and no man's lands.

CAPTIVE NATIONS WEEK IN BOSTON

BOSTON, MASS.—A motorcade of over forty cars through the main streets of downtown Boston and the placing of a wreath at the

Washington Monument at Boston Public Garden highlighted the observance of the Captive Nations Week in this historic city on Saturday, July 18, 1970.

Held at noontime when hundreds of shoppers were on the streets, the motorcade proceeded through the busy streets in downtown Boston and attracted thousands of viewers. All cars were decorated with banners which called viewers' attention to the captive nations and their struggle for freedom: "Freedom for Ukraine and all captive nations," "Freedom for Latvia," "Freedom for Lithuania," "Yes, Virginia, Soviet Union is a prison of captive nations," "UN investigate poisoning of Ukrainian political prisoners" and others. The motorcade included a public address truck which transmitted to the public short messages about the purpose of the TNW. The announcements were delivered by Atty. Anna Chopek of the Ukrainian group.

The observance was sponsored by the Ukrainian Congress Committee of America (Boston Chapter), Latvian American National League of Boston and Lithuanian American Council of Greater Boston.

The ceremony at Boston Public Garden was opened with the singing of the American national anthem. Atty. Anna Chopek led the gathering with the recitation of the pledge of allegiance and also read Governor Francis W. Sargent's CNW proclamation. Rev. Oswald Blumit of the Latvian group delivered a prayer for the freedom of all captive nations. Representatives of Ukrainian, Latvian and Lithuanian organizations placed a wreath at the Washington Monument. Konrad Husak, president of the Boston UCCA, represented the Ukrainians. In conclusion, Orest Szczudluk, vice president of the parade, spoke briefly on the purpose of the CNW. The speaker, having enumerated all captive nations, called upon the assembled to work for the establishment of a Special Committee on Captive Nations in Congress.

All Boston newspapers, television and radio stations received a special press release about the parade and CNW. Channel 5—WHDH covered the parade in the evening news edition. The Boston Globe covered the TNW observance in the July 19th and 21st editions. Boston Record American carried a letter, under the heading "Not part of Russia," about the purpose of the CNW in the July 31st edition. Special articles also appeared in the Lithuanian weekly Keleivis and in the Armenian Weekly.

As in previous years, Governor Francis W. Sargent issued a proclamation, designating the week of July 12 to 18 as "Captive Nations Week" in Massachusetts. "During this annual celebration," it stated in part, "Americans of all extractions throughout our nation have the opportunity to manifest that we share with those nations held in bondage their aspirations for the recovery of their freedom and their independence."

At the signing ceremony in the Governor's office, the Boston Chapter of the Ukrainian Congress Committee of America was represented by Konrad Husak and Orest Szczudluk, president and vice president respectively.

[From the Oakland Tribune, July 24, 1970]

PARK DANCE FOR CAPTIVE NATIONS WEEK

The concluding ceremony of Captive Nations Week will be celebrated in the Golden Gate Park Music Concourse at 2 p.m. Sunday with music and dancing by persons from nations behind the Iron Curtain.

Performers will include Czechs, Poles, Croatians, Armenians, Ukrainians, and others.

Captive Nations Week was established by Congress July 17, 1959, to remind Americans of the plight of countries that have been subjugated directly or indirectly by Communist Russia.

Those who are celebrating this week are urging Americans to support U.S. policy in resisting Communist aggression throughout the world, and to manifest support for persons in the captive nations of Europe and Asia to gain their own independence.

[From the San Francisco Progress, July 22, 1970]

FOLK DANCES IN THE PARK

In celebration of Captive Nations Day, a program of native folk dances and music will be presented in the Park's music concourse, at 2 p.m. Sunday.

The participating groups include, Armenia, Poland, Czechoslovakia, Croatia and Ukraine, with Nicholas K. Chargin, President of the Northern Branch of the Captive Nation Committee extending greetings.

The Armenian baritone, Vahan Toolajian, will be the featured soloist, with Taras M. Lukach, master of ceremonies. The Lithuanians will appear in native costume. The concert is directed by Ralph Murray.

CAPTIVE NATIONS WEEK OBSERVANCE IN THE BAY AREA

The Captive Nations Week established by the U.S. Congress on July 17, 1959 (Public Law 86-90) will be observed by a concluding ceremony in the Golden Gate Park Music Concourse on July 26, 1970 starting with 2 p.m., in the form of musical and dance numbers by different nationalities: Poles, Czechs, Croatians, Armenians, Ukrainians and others.

Each year observances marking this event are held throughout the country, serving as a powerful reminder to the American people and the world not to forget the captive nations or to approve their permanent captivity under the Communist enslavement, and are denied fundamental human rights and national liberties.

Public Law 86-90 defined the plight of the captive nations in the following words . . . "The imperialistic policies of Communist Russia have led, through direct or indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others."

Every year since observances of the Captive Nations Week have been held throughout the length and breadth of the United States, the official Soviet press and mass communication media in the Communist-controlled countries have untiringly attacked the Week as an instrument of the Cold War aimed at disrupting "peaceful coexistence" between the USSR and the United States. This reaction shows the deep concern of Moscow and its satellites over the Western interest in Captive Nations. Moreover, the Captive Nations movement has grown steadily, enlisting the staunch support of several countries of the free world, including the Republic of China, Korea, Turkey, West Germany, Argentina and Australia.

The worldwide captive nations movement received powerful and fresh impetus with the brutal and unprovoked suppression of the Berlin workers' strike. Budapest freedom rebellion and recently the Soviet invasion of Czechoslovakia in August 1968, and the subsequent enunciation of "Brezhnev Doctrine", by which the Soviet Union claims to possess a "legitimate" right to intervene in the internal affairs of any "socialist" country. There is no doubt that the "Brezhnev Doctrine" indicates Soviet determination to continue the oppression of the captive nations and to trample underfoot their fundamental human rights, although these rights to self-determination and national sovereignty are expressly set forth in the Universal Declaration of Human

Rights adopted unanimously by the U.N. General Assembly on December 10, 1948. The "Brezhnev Doctrine" further ascribes to the USSR a "mandate" to intervene at will in the internal affairs of neighboring states, in direct contravention to the principle enunciated in the Atlantic Charter and the Charter of the United Nations.

The contention of this spurious "doctrine" that Central and Eastern Europe is the exclusive domain of Moscow should be categorically rejected by the free world as immoral, imperialistic and dangerous to world peace.

Thus 25 years after the termination of the war in Europe for millions of Central and Eastern Europeans, as well as peoples of the USSR, Nazi domination has been replaced with brutal and ruthless Communist rule and Soviet Russian colonial hegemony. Soviet leaders, in attacking U.S. foreign policy would have us believe that all is well and orderly in the USSR and its far-extending Communist empire. Yet developments occurring daily behind the Iron Curtain speak of something else. Intellectual and economic life is stifled. Violation of human rights continues on a large scale. Censorship is reimposed, travel curtailed where there has been relaxation before as in Czechoslovakia.

In observing Captive Nations this year, we:

1. Express full support for U.S. policy in resisting Communist aggression and attempts at world domination; at the same time we ask that the U.S. Government adopt a firm policy with respect to the USSR and its subservient Communist regimes of Central and Eastern Europe by challenging their persecution and oppression and the captive nations.

2. We accuse the USSR of gross violations of its solemn promises of freedom and independence for the nations made captive during and after World War II, such as Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania.

3. We denounce the Soviet Russian government for the destruction of the independence of Ukraine and other non-Russian nations inside the USSR, and for depriving them of the right of national self-determination.

4. We condemn the Communist celebration of the 100th anniversary of Lenin's birth and its sponsorship by UNESCO and the U.N. Commission on Human Rights which bestowed international honor upon the originator of Communist terror and genocide.

5. We appeal to the U.S. and all other governments of the free world to undertake measures in the United Nations to insure that the "Declaration on the Right of Peoples and Nations to Self-Determination" adopted in 1952, the "Declaration on Granting of Independence to Colonial Countries," adopted by the U.N. on October 14, 1956, are applied to all the captive nations as enumerated in the U.S. Captive Nations Week Resolution of July 17, 1959.

6. Finally, we appeal to the American people to take an active part in the Captive Nations Week observances and to manifest their unstinting support and sympathy for the aspirations of all the captive nations of Europe and Asia, to express their full understanding and to pledge their moral support in their unequal struggle for freedom and national statehood.

STATEMENT OF U.S. SENATOR HUGH SCOTT ON CAPTIVE NATIONS WEEK

Mr. President. This week is Captive Nations Week. In observance, I call to the attention of the Senate that nine Central European nations still live unwillingly under Soviet repression.

For twenty-five years the people of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania have been pinioned by the iron hand

of Soviet Russia. Their lands were forcibly annexed and their governments replaced by puppet regimes.

These actions are contrary to the principles of the United Nations and the free world.

Under the United Nations Charter, all member states pledged themselves to promote human rights and fundamental freedom for all. The Universal Declaration of Human Rights, adopted unanimously by the U.N. General Assembly in December of 1948, clearly established that human rights and fundamental freedoms include the sovereign right of each nation to live under a system of government of its own choosing.

The free world has a responsibility to encourage independence for all nations, and to support those nations which seek self-determination. Communism is still powerful, but not as monolithic as it once was.

The United Nations has a duty to uphold its basic principles, and the free world has the right to insist that the long-established agreements of the U.N. Charter be carried out.

PITTSBURGH, PA.,
July 27, 1970.

Hon. HUGH SCOTT,
U.S. Senator,
Washington, D.C.

DEAR SENATOR SCOTT: Reference is made to your press release received here at the radio station concerning your statement on the Captive Nations.

It is commendable of you to call attention to the nine Central European nations still under Soviet repression. However, failing to include the Ukrainians in your listing has disappointed me personally and many thousands of your Ukrainian-American constituents throughout Western Pennsylvania, in Lackawanna County, and the Philadelphia area.

As stated in your press release, "the free world has a responsibility to encourage independence for all nations," and that should include the non-Russian nations of the Soviet Union, among them the 45-million Ukrainian nation.

Respectfully,

MICHAEL KOMICHAK,
Station Manager.

WASHINGTON, D.C.

MICHAEL KOMICHAK,
Station Manager:

In regard to my statement noting Captive Nations Week, in no way did I neglect the similar plight of Ukrainians in central Europe. While it was simply an oversight on my part, not to have included this particular group in the listing, I want to give you my strong assurances that I am as concerned for the Ukrainians as I am for every other human being who must live under the iron hand of Soviet repression.

HUGH SCOTT,
U.S. Senator.

SUBCOMMITTEE REPORT, CAPTIVE NATIONS PROGRAM, AMERICANISM COMMITTEE, CHAMBER OF COMMERCE OF THE NEW ORLEANS AREA

The Subcommittee wishes to report that the Captive Nations program was carried out as planned and was quite successful. Good cooperation was received from the Chamber Publicity Department. Mayor Moon Landrieu complied with the request for a proclamation naming July 12-18, 1970, as Captive Nations Week.

The radio program on Station WITX (690) was excellent. Mr. Joseph Culotta, Moderator, was well pleased with the presentation by our Chairman, Dr. Alton Ochsner, Jr., and our guests Reverend Walter J. Ciszek, S.J., who represented the nations behind the Iron Curtain and Mr. Carlos De La Vega, who represented the captive nation of Cuba. The two hour program from 10:00 a.m. until noon on

July 12, 1970, reached over 80,000 listeners according to an estimate made by WITX.

All churches, synagogues and convents were invited to participate in commemorating Captive Nations week through letters mailed a week earlier to each of them inclosing a statistic sheet showing that 70,000,000 victims of Communist aggression have died.

Archbishop Hannan responded by directing all Catholic Churches in the Archdiocese to insert prayers for the Captive Nations during the offertory prayers in all Masses on July 12, 1970. Bishop Callouet published the Captive Nations program in the Church bulletin at the request of Mrs. Henry Hartman and made announcements of the radio broadcast to all parishioners. Many churches responded with bulletin notices. A most encouraging letter was received from the Blessed Sacrament Convent, 5116 Magazine Street.

A singular honor was extended to our guest, the Rev. Walter J. Ciszek, S.J., by Councilman Moreau presenting Father with a proclamation making him an honorary citizen of New Orleans and presenting the keys to the city at the ten o'clock program in the Chamber of Commerce Auditorium on Monday morning, July 13, 1970.

The experience of Father Ciszek during the twenty-three years he survived behind the Iron Curtain were quite revealing as to the method used by the USSR to keep the citizens in subjugation. The Times-Picayune had a reporter present and an excellent article was run on Tuesday, July 14, 1970, and a copy is herewith being made part of this report.

The Archdiocesan Council of Catholic Women were quite impressed with Father Ciszek and requested that he be permitted to address a group of priests, nuns and seminarians attending a seminar at Notre Dame Seminary. More than fifty of the group attended Father Ciszek's talk and were most interested in learning more about the activities of the Americanism Committee and how they can be better informed through the use of our library materials. The ACCW donated \$35.00 to the Committee toward Father Ciszek's expenses.

About thirty copies of "With God in Russia," the autobiography of the Rev. Walter J. Ciszek, and other good literature was distributed at the Chamber meeting and the A.C.C.W. meeting. The full value of the program was in extending the education and alerting many citizens to their duties to help preserve this nation in freedom.

Respectfully submitted.

CARMELITE F. HARVEY,
Captive Nations Subcommittee.

MINUTES OF SUBCOMMITTEE MEETING

Review of Captive Nations program by Subcommittee: Mrs. James H. Harvey, Chairman, Mrs. Harvey Reboul, Mrs. H. B. Hartman, Dr. Alton Ochsner, Jr.

Rev. Walter J. Ciszek, veteran of 23 years in Russia and Siberia, arrived by air Saturday, July 11, spoke over WITX (690) radio Sunday, 10 a.m. to 12 noon with Carlos de la Vega of New Orleans representing Cuba, and Chairman Alton Ochsner, Jr., Fr. Ciszek also spoke and answered questions at the Chamber Auditorium Monday, 10:00 to 11:30 a.m. Councilman James Moreau at this meeting read Mayor Moon Landrieu's proclamation of Captive Nations Week, and presented the Mayor's certificate of Honorary Citizenship and a Key to the City of New Orleans.

At 1:00 p.m. Monday Fr. Ciszek addressed a meeting in Philosophy Hall, 2901 S. Carrollton Ave. which was largely attended by teaching nuns. On Tuesday morning the Times-Picayune published on p. 16, section 1, a summary of Fr. Ciszek's remarks. Mrs. Hartman and Mrs. Reboul maintained at the two meetings literature tables with copies of his book on *With God in Russia*, as well as

the Lending Library Catalogue and other Americanism Committee literature.

Mr. Ochsner quoted Fr. Ciszek's comment that reports of our observance of Captive Nations Week would reach behind the iron curtain and create the implication that the United States supports fully the oppressed peoples, and the Communist oppressors to the bare minimum, which is as it should be, but the opposite of the present public opinion.

Mr. Ward moved to commend the Subcommittee for its fine program. The motion was seconded and unanimously carried. Appropriate suggestions were offered by several, including among others, Mr. Rhodes, the Chairman and visitor Melville that in future years we support the Subcommittee financially and otherwise to the end that we may have even more adequate observances of Captive Nations Week, that we plan to help the oppressed captive nations, and definitely disapprove of collaborating with the oppressors.

CAPTIVE NATIONS WEEK

The observance of Captive Nations Week began throughout the nation and in the New Orleans area last Sunday and will continue through tomorrow according to Dr. Alton Ochsner, Jr., chairman of the Chamber's Americanism Committee. Mayor Moon Landrieu proclaimed the observance in New Orleans.

Dr. Ochsner presented Walter J. Ciszek, S. J., in a program on WTIJ Radio last Sunday and on Monday Father Ciszek was a guest speaker at a Captive Nations Week program in the Chamber's Auditorium. Father Ciszek spent 23 years in Soviet Russia and was a prisoner there for 15 years. A copy of his biography "With God in Russia" is available upon request to the Americanism Committee of the Chamber.

Dr. Ochsner said that the Americanism Committee has asked churches and synagogues of this area to offer prayers each Sunday on behalf of those suffering religious persecution. Dr. Ochsner pointed out that the observance of Captive Nations Week was decreed by Public Law 86-90 that was passed by the Congress of the United States in 1959.

[From the New Orleans (La.) Times-Picayune, July 14, 1970]

CATHOLIC PRIEST PICTURES TERRORS IN SOVIET RUSSIA

In the process of merely passing into the country of Russia, one is able to sense a fundamental difference, the communistic, socialistic, lack of freedom and the sense of terror everyone there is susceptible to, a Jesuit priest said Monday.

Telling his story of his 23 years behind the iron curtain in Soviet Russia, The Rev. Walter J. Ciszek, S.J., told guests at the Chamber of Commerce that man's great freedom, his free will coupled with God's gentle urging, is not found in Russia.

The Russian people have never tasted this freedom, he said, the freedom of being an individual. Their sole principal of morality stems from the concept of "what's good for the country," ultimately, "what's good for Communism."

The people have renounced their individualistic powers, the 66-year-old, hazel-eyed priest said. Personal development occurs only along the socialist lines. Personal credit or achievement is taboo, everything is accomplished for the state.

The greatest burden a man carries under the Communist system is his obliteration as an individual, Father Ciszek added. Under this system, government officials believe, man will eventually forget his personal interests and instincts and will only crave after the good of society as a whole.

The power of the system lies in the State control of the society, the priest explained. Everyone depends on the "goodwill" of the

Central Committee and its branches for everything, including housing and jobs.

The people are forced to work, and all production is for the State. This is their great power, he noted, "they want your brain and they make you work." The entire system is enforced by the "fantastic" police system, he added. If a person refuses to work or is out of a job for more than two weeks, he is punished by temporary imprisonment.

The great aim of the entire system is the international movement, world-wide Communism, not just now or ten years to come, but in the thousands of years to come, Father Ciszek emphasized.

As Americans, we shouldn't fear the Communists or their ideology, he said. But we should never give them the chance to take advantage of the faults within our system.

"In our country, with a system more appropos to human nature, we must eradicate our own faults," both political and social, he said. "We have to appreciate the gifts we have in this country, the basic freedoms, respect for the rights of others and the right to develop our own personalities," he stressed. "If we lack appreciation for these gifts," he said, "we chance losing these freedoms and allowing infiltration."

Father Ciszek, who was presumed dead for eight years during his imprisonment, cited his achievements while behind the iron curtain as being essentially personal. While baptizing and hearing the confessions of hundreds, "I felt a personal confirmation of faith and learned that life itself leads you to what propensities you have," he said.

The Jesuit's speech was part of the Americanism Committee of the Chamber of Commerce's program commemorating Captive Nations Week.

Father Ciszek was presented with a certificate of honorary citizenship and the key to the city of New Orleans by Chairman James Moreau.

CAPTIVE NATIONS WEEK OBSERVED

SAIGON, July 17.—Dr. Jose Ma. Hernandez, WACL Secretary General, recently issued a circular urging all WACL member units to observe the Captive Nations Week from Thursday, July 16 to Wednesday, July 22.

The Captive Nations Week was first celebrated in the United States in 1959 by the people who escaped from Communist countries, immediately after the United States Congress passed the Captive Nations Week Resolution and the late President Eisenhower signed it into Public Law 86-90. Since then, the annual observances in symbolic behalf of the captive peoples has steadily grown and expanded among free nations.

Meanwhile, in Washington President Richard M. Nixon also issued a proclamation of Captive Nations Week beginning July 12, 1970. In the proclamation he called upon all Americans to observe this week with appropriate ceremonies and activities and urged them to renew their dedication to the cause of freedom and independence for all nations and to sustain these high ideals.

[From the Ukrainian Weekly, July 3, 1970]
SET THEMES FOR CN WEEK OBSERVANCES IN JULY

WASHINGTON, D.C.—A concerted drive for the establishment of a special House Captive Nations Committee, the support of President Nixon's Cambodia action and a youth-to-youth program for the freedom of captive nations youth are some of the themes to be spotlighted during this year's Captive Nations Week observances, according to the national committee.

PLAN EVENTS

The Week, to be observed nationally beginning Sunday, July 12, will see scores of ethnic groups as well as civic and patriotic American organizations join in rallies, motorcades, religious services and other programs throughout the nation designed to give pub-

lic exposure to the plight of the captive peoples behind the Iron and Bamboo Curtains.

The observances are held in line with Public Law 86-90, passed by the U.S. Congress in June of 1959 and signed into law by the late President Dwight D. Eisenhower. The law designates the third week in July as Captive Nations Week and "authorizes and requests" the President to issue a proclamation to that effect. Scores of Governors and Mayors issue separate proclamations calling on the citizenry to "initiate and join in appropriate observances."

The National Captive Nations Committee, which coordinates the observances, is headed by Dr. Lev E. Dobriansky, President of the Ukrainian Congress Committee of America and one of the architects of the congressional resolution.

In addition to observances throughout the nation, seventeen other countries across the world have adopted similar programs designed to dramatize the ideas incorporated in the CN Week resolution.

The CN has announced that starting with the Week, a two-month program of "Citizens Signatures for a Special House Committee on the Captive Nations" will be initiated. It calls for a cumulative petition, addressed to the President of the U.S. and to the Congressmen, for the establishment of a House CN Committee. The deadline for petitions to be sent to the national committee is September 17, 1970.

The committee also called for the widest possible dissemination of the House Document No. 91-184 on the "Captive Nations Week Movement," issued on the tenth anniversary of the observance. The document, containing pertinent material and Congressional Record reprints, is available upon request from Congressman Daniel E. Flood.

Last week, the Ukrainian Congress Committee of America issued a special appeal calling upon its member organizations and all Ukrainians to take part in the Captive Nations Week observances. As a rule, Ukrainian groups are in the forefront of various programs and events staged on this occasion.

EX-CAPTIVE WARNS OF RED PERIL

The 11th annual observance of Captive Nations Week was touched off yesterday with a warning by a priest—a former prisoner of the Chinese Reds—that Communist leaders have two primary goals—"the systematic destruction from within of the United States and the Catholic Church."

The Rev. Raymond J. de Jaeger, who was a missionary in China for 20 years and who is now vice chairman of the New York-based Free Pacific Association, made his comment at a special Eastern Catholic Rite Mass at St. Patrick's Cathedral. The Mass was offered by the Most Rev. Joseph M. Schmondink, bishop of the Ukrainian Catholic Diocese of Stamford, Conn., Cardinal Cooke presided.

After the Mass, participants in the observance marched up Fifth Ave. to the bandshell in Central Park, where they heard speeches and watched various national dances.

Michael Pizniak, an attorney who is vice chairman of the Ukrainian Congress Committee, told the gathering of about 1,000 that American youth should direct its criticism away from the establishment and toward the "tyranny of communism."

[From the Nationalities Reporter, July 1970]

THE DOUBLE STANDARDS IN FREEDOM

Since Freedom is not a vested right, men must maintain eternal vigilance and be willing to pay the price so as to preserve it.

Our concern for the free to remain free is not enough. We must also keep faith with the enslaved, since a world half free and half slave cannot survive for too long. To achieve this, we must enlist the help of Freedom loving peoples everywhere.

In our world of today the forces of inter-

national Communism, having already enslaved over 1 billion people, represent the greatest single threat to free and independent nations.

Yet, the Free world seems to be paralyzed and unable or unwilling to realistically cope with this threat to all mankind.

Eleven years ago, when Public Law 86-90 was unanimously passed by the 86th Congress, it was a sincere manifestation of concern for the communist enslaved countries.

Providing for an annual designation of the third week of July as Captive Nations Week, the United States Congress made it clear that proper observance of the Week is vital to the national security of this nation and that it is of great importance for the extension and retention of Freedom.

Somehow we have failed to utilize this excellent instrument to facilitate conditions favorable and conducive to a variety of peaceful acts leading to the eventual liberation of nations held captive by communist tyranny.

In contrast, we work vigorously through the United Nations and through diplomatic channels to bring about a change of direction in parts of Africa where racial oppression and residual colonialism still prevail.

This double standard approach is highly inconsistent with the ideals on which our nation was founded. It also contradicts the Universal Declaration of Human Rights which will become meaningless unless its pronouncements are impartially enforced.

The truth remains, that anything less than Western military superiority, dedication and firmness, will only stimulate the expansionist tendencies of the Communist world.

"The International Communist organization has consistently shown that it fears a growing world knowledge of and interest in the Captive Nations. We need to do everything we can to bring the facts to all the world", said Congressman Clark MacGregor and we agree with him.

According to Dr. Walter H. Judd, former U.S. Congressman and an undisputed expert on Communism "the strongest allies the Free world has, are the captive peoples enslaved by Communism." "They know the misery of serfdom first-hand and are most strategically located to turn the tide when the right moment arrives. We must never do anything to weaken their hope and their will to survive"—concludes Dr. Judd.

And above all, we must do away with our double standards in reasserting our alleged leadership of all free peoples.

The Free world and the Communist captives look upon President Nixon to reassert this leadership.

1. RUSSIA THE CAPTOR

The Soviet Union is a betrayer, a captor, and a cutthroat friend. Captive nations are its greatest accusers.

When World War II ended in victory for the Allies the whole world, except for the defeated enemy nations, had every reason for optimism. Had our enemies known just how the Allies would deal with them, they too would have been optimistic. As soon as it became evident that the Allies, and especially the United States, would give Germany, Italy, and Japan vast assistance in rebuilding their economy and redirecting their governmental powers they did become optimistic.

There was reason for optimism because the harsh, cold, and calculating state of slaves known as the U.S.S.R. had been literally saved from overwhelming defeat by the Western nations. Russia had been given a second chance. She had fought against the hordes of Hitler; the United States had supplied her with every known instrument for defense and war; the American people had made an intensive effort to open new avenues of understanding on a people to people basis; and the U.S.S.R. had been granted full and equal

consideration at the highest levels of Allied effort.

The world dreamed that this demonstration of productive genius, military excellence, and free world determination would persuade Russia to join in a search for true peace.

But then the mallet fist of communism crushed that optimism like an eggshell and drew the infamous iron curtain across eastern Europe. For the citizens who lived in those once proud nations in the eastern part of Europe it was soon obvious that World War II had been fought in vain. One form of repressive rule had merely been exchanged for another.

Since the end of World War II the nations of the West have granted independence to territory that now belongs to more than fifty nations. During the same time the Soviet Union not only held fast to the 19th century empire which the Czars had assembled to the east and south but, after communism took over, had thrust toward the west seizing the ancient and proud peoples of eastern and middle Europe.

Let us be deceived, those people thus captured did not meekly accept subjugation. They resisted. Time and again they resisted. There was a revolt in East Germany in 1953; the Polish Rebellion and the uprising of the heroic Hungarian Freedom Fighters, both in 1956. Then came the winds of change in Czechoslovakia, brutally cut off by that same mallet fist crushed the faint hopes of just a little bit of freedom even under communism.

To all those who have given their lives for freedom in middle and eastern Europe the rest of the world, wherever men are free, owes a vast debt of gratitude. They kept alive, even if for a brief time, the flame of liberty that Nazi and communist governments had worked to snuff out.

To the cruel rulers of Russia one of the most galling documents ever struck upon paper is Public Law 86-90: "Captive Nations Week Resolution." Adopted by the Congress of the United States July 17, 1959, the resolution speaks for itself:

"Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

"Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

"Whereas the enslavement of a substantial part of the world's population by communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

"Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

"Whereas the imperialist policies of communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet Nam, and others; and

"Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their

Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

"Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

"Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

"Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now therefore, be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July, 1959, as 'Captive Nations Week' and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world."

Every year since President Dwight D. Eisenhower issued the first Captive Nations Week Proclamation his successors have renewed the sense of this resolution and pledge. As the 1970 Captive Nations Week enters the conscious thinking of our people, we must be reminded that these are still captive nations and their citizens are captive people.

American citizens who fled to this country from each of those lands enslaved by communist Russia have good reason to ask this nation and its leaders: "Why do you court, embrace, and favor Russian leaders and try so hard to forget that our former countrymen still languish in prisons or lie in forgotten graves because Russia is determined to rule the world?"

CAPTIVE NATIONS WEEK COMMEMORATION, STATUE OF LIBERTY, NEW YORK, N.Y. JULY 19, 1970

(Address by Laszlo C. Pasztor, director, Heritage Groups (Nationalities) Division, Republican National Committee)

Honored Guests, Members of the Clergy, Ladies and Gentlemen, Dear Friends, it is an honor to be with you the second year in a row and I am happy that I was able to join you again in your commemoration of the anniversary of the Captive Nations Week proclamation, jointly passed by the Senate and the House in 1959.

I am glad because you did not stay at home, you did not go on a picnic or to the beach. On the contrary, you dressed in your beautiful costumes and carrying your flags and signs you came here to this island to commemorate, to remember, and to demonstrate.

To commemorate and remember the nations which dared to dream of freedom and which fought courageously but unsuccessfully for national independence against world Communism and/or Russian imperialism under the guise of Communism.

We are here to remember the Armenians, the Azerbaijanians, the Byelorussians, the Cossacks, the Idel-Uralians, the North Caucasians, the people of the Democratic Republic of the Far East, the Siberaaks, and the Ukrainians who lost their freedom and national independence and were subjugated by Communist imperialism in 1920. We are here to remember the Turkestanians who in 1922, the Estonians, Latvians, and Lithu-

anians who in 1940, the Albanians, Bulgarians, Outer Mongolians, and the Serbians, Croats, and Slovenians in Yugoslavia who in 1946, the Poles and Romanians who in 1947, the Czechs and the Slovaks in Czechoslovakia and the North Koreans who in 1948, the Hungarians, the East Germans, and the Mainland Chinese who in 1949, the Tibetans who in 1951, the North Vietnamese who in 1954, and the Cubans who in 1960 lost their freedom when world Communism forced on them the dictatorship of the proletariat and the oppressive rule of the Communist party.

We are here to remember those nations which lost their freedom not only once but twice to world Communism. The Hungarians who in 1956 rose against the corrupt Russian imposed Communist dictatorship and who after a glorious freedom fight were again oppressed with the help of the overwhelming military power of the Russian Communists, the Czechs and Slovaks in Czechoslovakia who tried through a peaceful process of liberalization (in place of a revolt) to regain their lost freedom, but whose hopes for freedom and national independence were also crushed a second time by Soviet armed aggression and invasion of their homeland.

Our presence here today demonstrates that we care about the future of the oppressed peoples. Our presence here demonstrates that we stand for freedom and the right to self-determination and independence for all nations. We are here to demonstrate that we have not forgotten the subjugation, the sufferings, and the plight of the captive nations.

I admire you for your dedication to the cause of freedom. I share your feelings that there can be no real peace in the world as long as totalitarian systems deprive hundreds of millions of people of their basic human rights and their right to national independence and sovereignty.

Your presence here today has also another significance. Today the subversive forces of Communism and the ultra left (the same forces that deprived the captive nations of their freedom) not only try to poison the minds of our youth with Communist propaganda but go as far as advocating revolution and forceful overthrow of our freely elected government. Your presence here today therefore demonstrates your loyalty and dedication to the United States, which is not only our country but also the mightiest power on earth, the greatest champion of freedom, and the hope of all Communist oppressed nations. And we will do everything to keep it that way.

Since 1959 when the 86th Congress authorized and requested the President to proclaim the third week in July of each year Captive Nations Week, the presidents of the United States have reassured the captive nations that their cause is not forgotten. Depending upon the world situation and the diplomatic negotiations in progress on the problems of the world, the language of the proclamations has varied; but the essence of the message has remained the same. First, I shall read you an excerpt from the first Captive Nations Week proclamation, and I quote President Eisenhower and Secretary of State Christian A. Herter: "It is appropriate and proper to manifest to the peoples of the captive nations the support of the government and the people of the United States of America for their just aspirations for freedom and national independence." And if we compare it with this year's proclamation, issued July 7 by Mr. Nixon, we will see that he again reassures the captive nations—and I quote—that "the aspirations of the peoples of oppressed nations for independence and basic human freedoms are vital and inextinguishable. It is in keeping with our own principles and traditions as a free and independent nation that we should look with sympathy and understanding upon their hopes and efforts to realize these just goals."

And in a later paragraph—and I quote Mr. Nixon again—he says, "I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge them to renew their dedication to the cause of freedom and independence for all nations and to sustain these high ideals, which are both the previous heritage of this Republic and the foundation stone of lasting world peace."

But, my dear friends, it is not enough that our President declares the third week of July of every year Captive Nations Week.

It is not enough that our President calls the goals of the captive nations for freedom and independence just goals.

It is not enough that many of the best senators and congressmen make supportive speeches in connection with Captive Nations Week.

It is not enough that many of our good governors and mayors sign Captive Nations Week declarations.

It is not enough that we gather once a year to commemorate and to demonstrate. Unfortunately, it is not enough, especially today, when all over the world the Communists, the subversive revolutionaries, and their opportunistic and ultra liberal allies increase their systematic attack on everything that is dear to our hearts by denouncing our country, our flag, our free society, and all who dare to stand up against Communist infiltration, subversion, and Communist goals for world domination.

The Communists and their ultra leftist fellow travelers continue their campaign to destroy the hope of the captive nations. They also try to discredit us and everyone who dares to support the just aspirations of the captive nations.

Let us not underestimate the Communists. As their position weakens at home and in many parts of the world, as the fight among the various factions in the Communist world increases, as nationalism gains ground behind the iron and bamboo curtains, and as the resistance against their rule increases, the more aggressive they became in areas of the world where their crimes and dictatorial tactics are not yet known.

Today they try to attack our system also from within. The targets of their attack are our love for country, flag, and president.

It is therefore not enough for us just to continue to fight for the basic rights, the national independence, and the sovereignty of the captive nations. We must also fight against every form of Communism and subversion and the ultra liberal whitewash of Communism and subversion right here in our country. It is our responsibility to counteract the Communist and ultra leftist propaganda. And who could do it better than we? We know the facts and we know the truth; moreover, many of us know from first hand experience the crimes, the oppression, the tortures, and the fallacies of Communist dictatorships.

But today it is not enough only to know. We must also spread the truth and carry the banner of freedom. We must show the real face of Communism and we must speak out about the oppression of the captive nations and the lack of freedom in Communist controlled countries. It is our duty to tell that Communism is not just another political system. We must tell the truth: Communism is the worst dictatorship and greatest danger to freedom and peace mankind has ever known.

Today we, as part of the "silent majority," can no longer remain silent. We must ardently support our country, our President, and the admirable stand of our beloved Vice President. We must speak for our country, which is the real hope for freedom not only for the free world but for the captive nations and which is the real hope for world peace with freedom for all.

We must support our President, Mr. Nixon, whom we all trust. He is a courageous and great president. He has the courage to do whatever is good for our country and for the free world, even if it is unpopular in influential leftist circles. He has the courage to do whatever is necessary to fight a just war in Vietnam against the Communist aggressor.

We must support our Vice President, Mr. Agnew, whom we all love and admire and who has the courage to say whatever is good for our country and for the freedom of the world.

The Communists are also aware of this and that is the reason why the overt and covert Communist and the ultra liberal continue to attack our President and his administration.

Unlike in Communist dominated countries, here in our free society, they can use the press, radio and even television for their attacks against our President, Vice President, and country. They can also demonstrate and organize violent revolutionary attacks against our society.

But the more violently they demonstrate, bomb, burn, loot, and cause disorder, the stronger we will support our country, our flag, and our President. And the more they try to spread their Communist lies and false accusations against our free society, the more ardently will we stand up for freedom and against the Communist lies and the Communist oppression of the captive nations.

And if we do this, then I am sure that it is only a matter of time before justice and truth win and we have real peace with freedom and all captive nations regain their freedom and national independence.

VETO: SAYING "NO" TO INFLATION

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, yesterday Congress voted to sustain President Nixon's veto of the HUD and independent agencies appropriations bill and voted to override his veto of the Office of Education appropriation bill. I voted to sustain both, for reasons which appear in the CONGRESSIONAL RECORD on pages 28777-28778.

Yesterday there were two editorials in support of the President's action. They are well written and make some excellent points. One point is that the growing deficit will have to be financed in large part by borrowing from the banking industry, which will make it very difficult for the Federal Reserve system to maintain a steady but somewhat slow growth in the money supply. Our present inflation was fed in the 1960's by the Federal Reserve's actions in expanding the money supply in order to finance the huge Government deficits of the time. We should have learned a lesson from those blunders.

Another point they make is that in the area of education, the programs which are receiving increased funding have not all been notably successful. Simply voting more Federal cash is not the solution to all of our education problems. New approaches may well be needed more than more money for the same approaches.

The third point is that the President's requests for fiscal year 1971 were substantially above the last requests by the Johnson administration. So it is not a question of less or more, but of "more or

too much more. And a vote of too much more for some is a vote to increase further the cost of living for all," in the words of the Boston Herald Traveler.

The two editorials follow:

[From the Boston Herald Traveler,
Aug. 13, 1970]

NIXON STICKS TO HIS GUNS

President Nixon's vetoes of the appropriations bills for the Office of Education and the omnibus independent agencies are entirely consistent with his administration's anti-inflation policies and with the forewarnings the President gave Congress about being prodigal with the taxpayers' money.

If the Congress is as determined as the President to hold the line against a debilitating budget deficit (already estimated at \$1.3 billion) it will vote not to over-ride the President's vetoes and to prune its own election-year largesse. What is at issue is not a pro or con argument about federal support for education or housing or grants for sewerage systems, but the impact of the sum of federal spending for all programs.

To accept without complaint inflated appropriations for innumerable programs would be to consent to a deeper deficit, higher interest rates and higher prices for everyone. It would represent a kind of complicity in the robbery of inflation.

The perspective from the White House and the perspective from Capitol Hill can be quite different. George P. Schultz, head of the Office of Management and Budget, had advised the President that the inflationary consequences of the two measures would hobble the administration's anti-inflation strategy.

Congress, for reasons of its own, wants to vote to spend now and to let the administration worry about the effects later. But if the federal budget is thrust dangerously out of whack, inflation will continue to devour the purchasing power of the dollar—including every extra dollar Congress insists on spending.

Together, the appropriations bills President Nixon vetoed Tuesday amount to about \$1 billion more than the administration had requested and more than it is willing to pump into a still volatile economy. Given the likelihood of partisan assertions that he is against the purpose of the programs to be funded, President Nixon's double-barreled veto was an act of political courage and fiscal responsibility.

The President, it must be remembered, does not have the power of item veto. He cannot pick and choose among the appropriations for individual agencies or among the numerous programs of those agencies. He must either accept or reject the lump sum, a constitutional ultimatum of which Congress, especially in an election year, takes full advantage.

President Nixon is sticking to his guns. Although Congress over-ride his veto of the inflationary Hill-Burton hospital construction appropriation, it took his veto of the labor-welfare appropriations bill seriously and chopped \$600 million from it. Congress ought to take the latest vetoes seriously too. It is not a question of less or more. President Nixon's requests were far larger than the last requests by the Johnson administration. It is a question of more or too much more. And a vote for too much more for some is a vote to increase further the cost of living for all.

[From the Wall Street Journal, Aug. 13,
1970]

SAYING "NO" TO INFLATION

"I realize that an election year is a tempting time for people in politics to say 'yes' to every spending bill. But if I were to sign these bills that spend nearly \$1 billion more

than we can now afford, I would be saying 'yes' to higher prices, 'yes' to higher interest rates, 'yes' to higher taxes."

So saying, President Nixon surprised many Washington observers by vetoing two major appropriations bills that provided funds for such purposes as education aid and urban development. Whatever the eventual fate of the legislation, the President's action should underline some important points.

In the first place the nation must begin to recognize that, at this point in history, it simply cannot spend as much as it may want to. A large budget deficit is already assured for this fiscal year, with its actual size to be determined by what Congress and the Administration do, or don't do, in the months ahead.

If the Government merely takes money from the public, either through taxes or borrowing, and then spends it, it substitutes its judgments for the public's. Though its use of the resources isn't always wise, it isn't necessarily inflationary.

At the moment, though, the prospect is that the growing deficit will have to be financed in large part by borrowing from the banking system. One reason is that legal interest rate ceilings bar the sort of long-term Treasury securities that might appeal to individual investors.

When the Treasury turns to the banks for money, the Federal Reserve System must see to it that the banks have the necessary funds. However determined the Federal Reserve may be to check inflation, it cannot let a Treasury issue fall. And the bigger the deficit that must be financed, the more difficult it is for the Fed to cling to responsible monetary policy.

A second point made by Mr. Nixon is not only how much you spend but what you spend it for. In the area of education, Congress voted a sharp rise in spending on pretty much the same old programs, few of which have been notably successful.

In other fields there has been a growing realization that most problems cannot be solved merely by voting more Federal cash, but the idea does not appear to have permeated education. Whether the Administration's own education proposals are superior or not, it should be clear that new approaches of some sort are sorely needed.

Finally, the President stressed the irony of voting huge sums for urban development, including housing, and in the process inviting the continuance of the inflation and high interest rates that are now so hampering the housing industry. Too often the Government appears not to see that what it gives with one hand it takes away with the other.

The failure to look at the Government's entire operation, to gear it to the nation's needs and resources, is not the failure of Congress alone. Actually the major responsibility for coordination belongs to the Administration.

It's a responsibility that requires more than occasional lectures to Congress on extravagance, however justified the chiding may be. It also requires more than dramatic vetoes of appropriations bills, although those actions are plainly desirable.

In the circumstances the legislators meet every salvo from the President with charges that it's the Administration, not Congress, that's truly extravagant. And as long as the Administration continues to insist that defense spending can be reduced no further, as long as it fails to limit spending plans to the revenue that Congress can be realistically expected to provide, there will be something to what the lawmakers say.

Perhaps the new Office of Budget and Management will improve the Administration's performance, and maybe it will open the way to better cooperation with Congress. So far, unfortunately, neither the Administration nor the lawmakers are clearly and unequivocally saying "no" to inflation.

COMMISSION ON OBSCENITY AND PORNOGRAPHY—AN APPARENT SHAM

(Mr. HUNT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HUNT. Mr. Speaker, I have read in the newspapers recently a preview of what appears to be the nature of the recommendations that we can expect to be included in the soon-to-be-released final report of the Commission on Obscenity and Pornography, established under the authority of Public Law 90-100, approved October 3, 1967.

If what I read is even remotely similar to the actual content of the report, it would be a fair conclusion that this entire episode has been a sham, a waste of more than \$2 million in taxpayers' money, and an insult to the intelligence of the literally hundreds of thousands of concerned Americans who have expressed themselves on the subject, not to mention the overwhelming majority of the Members of this House who have so far this year had the opportunity to vote upon two antiobscenity measures.

Let me recap what I believe to have been the background behind the Commission and the congressional interest in legislation that might further curb the indiscriminate dissemination of pornographic and obscene matter, especially to the extent that such materials are readily finding their way into the hands of minors. Beginning with the U.S. Supreme Court decision in Roth against United States in 1957, followed by other major decisions on the subject of obscene matter in the early and mid-1960's, the ensuing glut of "pandering" advertisements and outright filth sent through the mail reached significant enough proportions for the Congress to finally approve the establishment of a Commission to scrutinize the problem and recommend corrective legislation so as to avoid the pitfalls ascertained from the vague guidelines set out in a series of Supreme Court decisions. A stopgap measure was provided for among the provisions of the Postal Revenue and Federal Salary Act of 1967 under a section prohibiting pandering advertisements in the mail. This part of existing law enables an individual to submit an order to the Post Office to forbid further mailings to him by the sender of any advertisement which is, in the sole opinion of the recipient, "erotically arousing or sexually provocative."

The act establishing the Commission declared in section 1:

The Congress finds that the traffic in obscenity and pornography is a matter of national concern . . . It is the purpose of this Act to establish an advisory commission whose purpose shall be, after a thorough study which shall include a study of the causal relationship of such materials to antisocial behavior, to recommend advisable, appropriate, effective, and constitutional means to deal effectively with such traffic in obscenity and pornography.

I submit it was my impression of the act, and I firmly believe it was the general impression at the time, that it recognized a serious problem in such traffic and contemplated the Commission would show the way for the enactment

of effective legislation to proscribe the indiscriminate distribution of obscene and pornographic matter in a manner that would reveal a discernible policy from among the many ambiguous and confusing Supreme Court decisions on the subject. To be sure, the House committee report accompanying the legislation contained an escape clause suggesting it might be found that the problem is not great enough to require legislation, but that was seen as nothing more than artful drafting and, indeed, the entire emphasis was on "finding constitutional means to deal effectively with such traffic in obscenity and pornography."

To go further with respect to the intent of Congress in pursuing the Commission approach, Senator KARL E. MUNDT, distinguished author of the Senate version of the legislation creating the Commission, had this to say when the bill was reported in the Senate on May 10, 1967:

I speak with pride (in reporting the Senate bill) not because I have authored the bill, but because the committee on which I sit has so quickly and competently reacted to the most recent Supreme Court opinion dealing with obscenity or smut. I mean, of course, the ruling Monday by the High Court, which further muddled the waters of the laws against obscenity. There, by another divided decision, the Supreme Court ruled that certain magazines did not violate the existing laws against obscene publications.

The most significant fact on this latest ruling is that we have a further demonstration of the vital need for legal definitions of what constitutes obscene materials from which uniform laws can be developed.

I think there is a need for Congress to act. Surely there has been enough public outcry for action to merit legislation of this kind. If there had not been such a demand, I am sure the Senate would not have passed this bill three times without dissent.

Mr. President, I also speak with resolve. A resolve to carry this battle through to completion and to take this first vital step to stop the flow of smut and filth that daily intrudes upon our lives. . . . I believe we are on the verge of success in the big battle to develop effective laws to bring an end to a multimillion dollar racket which is not merely an under-the-counter traffic in pornography, but places in the hands of children the most vile and rotten trash imaginable.

The substance of Senator MUNDT's remarks was echoed again and again in debate before both bodies as the legislation was adopted without dissent.

With the antipandering law and the act creating the Commission on Obscenity and Pornography already on the books in the 90th Congress—1967-68—the persistence of large volumes of angry mail directed at the inaction by Congress on the problem of the increasing traffic in pornography no doubt motivated the introduction of literally hundreds of anti-obscenity measures whose sponsors felt that some action could be taken by the Congress without having to wait for the final report of the Commission. On May 5, 1969, President Nixon submitted his message to the Congress on sex-oriented mail, stating:

American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it.

There are constitutional means available to assist parents seeking to protect their children from the flood of sex-oriented materials moving through the mails. The Courts have not left society defenseless against the smut peddler; they have not ruled out reasonable government action.

We believe we have discovered some untried and hopeful approaches that will enable the federal government to become a full partner with states and individual citizens in drying up a primary source of this social evil.

The attitude of this Congress on the subject has been forcefully demonstrated by the passage of two antiobscenity measures by the House. After extensive hearings begun last year by both the Judiciary, and Post Office, and Civil Service Committees, two bills were approved and reported to the House. On April 28, 1970, H.R. 15693—to protect those under 17 years of age from mailings harmful to minors and to protect the privacy of those mail patrons who do not want to receive sexually oriented advertising—was passed on a vote of 375 to 8. I am gratified to recognize the fact that those provisions relating to the protection of the privacy of mail patrons are incorporated in the newly enacted Postal Reorganization Act. By another overwhelming margin of 322 to 4, the House passed on August 3, 1970, H.R. 11032, prohibiting the use of interstate facilities, including the mails, for the transportation of salacious advertising.

It was not until early this year that it was suspected something had gone awry with the Commission's study. In a letter to our colleague, the Honorable HENRY C. SCHADEBERG, Commission member Rev. Morton A. Hill, S.J., brought to light a "secret" experiment, sanctioned by the Commission chairman, involving the disclosure of hard-core pornography to several young male volunteers, and suggested that the Commission's emphasis had strayed significantly from the congressional mandate to make the study relevant to finding appropriate means to deal effectively with the traffic in obscenity and pornography. Reverend Hill reported that until March 24, 1970—almost 3 months after the Commission study was originally to have been completed—the Commission had repeatedly refused to conduct public hearings.

It is in this context that I most strenuously protest and resent the apparent attempt on the part of the Commission majority to justify pornography and rationalize its baseless character rather than to assist the Congress in its efforts to curb the traffic in such matter. While the news media are sometimes inclined toward exaggeration, I have the feeling in this instance that they have only begun to scratch the surface of a very sordid study that may well be found to be nothing more than an expensive exposé on the moral degeneration of our society to which the Commission majority would ascribe a standard so low as to declare pornography and obscenity quite acceptable for public consumption.

It was noted in the committee report on the legislation creating the Commission that:

It may be that after the final report of the Commission, Congress may determine (emphasis added) that the illicit traffic in por-

nography is not an evil of sufficient magnitude to require legislative action.

I can only hope that consolation will be found in the fact that it is the Congress that will be making the determination and that the Congress, at least theoretically, is the body most responsive to the electorate.

ON THE PROBLEM OF THE U.S. CAPITOL GUIDE SERVICE

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHWENGEL. Mr. Speaker, one provision which concerns me greatly is the revamping of the Capitol Guide Service. This is something which is long overdue, and the possibility that it might not come about if this bill languishes long enough to die would certainly be a tragedy for all involved. This is without doubt one of the worthiest aspects of the bill, and the committee is to be highly praised for recognizing the crying need for drastic change in this area.

I have always been impressed with the manner in which the Government has treated its employees under the civil service system, and I hope this will continue. I think, though, that the exclusion of the employees of the Capitol Guide Service from these ranks has been a great inequity. The 24 men and women who graciously guide the American public through our Capitol Building live under one of the worst employment plans in existence. Their only benefit, other than the pride which many of them have in their work and in their Capitol, is their salary.

I would like to review for a moment their situation. First, their salary is arrived at by a straight division of receipts among the guides on a given day. This has averaged \$11,700 over the last 5 years, not including 1968, and this may seem a substantial figure to many, but we must remember that there is no assurance that it will be this high. Since it depends entirely upon the tourist trade, a year like 1968, in which civil disturbances caused the closing of the building for a time and a subsequent drop in tourism in the Capitol, can be disastrous to an employee's financial situation. This is hardly any kind of job security.

I think a comparison is in order between the benefits of a civil service employee—in this instance, one who worked for the National Park Service—and two of the current members of the Capitol guide force. This civil service employee served 26 years and retired at age 62 5 years ago. His retirement annuity after this service, during which his salary was a high of \$10,000 for 3 consecutive years, would be \$4,825 per year. On the other hand, Mrs. Irma Pope Curry, a member of the guide force for 41 years, or Mr. Floyd Kirby, a member for 32 years and captain for 12, will receive no benefit other than social security payments upon retirement, whether that retirement is voluntary or not. This is made worse by the fact that these people are required to pay both the employee's and the employer's portions of their social security.

Another area to which I point is vaca-

tion pay and sick leave. The civil service offers 26 days of paid vacation per year after 15 years of service, and the employee is entitled to 13 days of sick leave. Capitol guides, on the other hand, have no such benefits. If they are not present at work, they do not get any money. Mrs. Curry, for example, injured her knee once on a tour and is now required to wear a brace in order to work. At the time, she missed several weeks of work and had to pay all her expenses, with no compensation under any employment plan. Had she been under civil service, all this would have been taken care of. She, of course, is but one example. Over the years many guides have suffered injury and disability which has forced them to retire, and none of them have received any retirement benefit whatsoever other than social security. I might note, I can list many other examples of which you would all be ashamed.

I have spoken with Mrs. Curry, and I can assure you that there is no more worthy employee in this country. She has a great love for her country and takes great pride in showing off the Capitol. She is greatly disturbed by the problems with which we are faced, as are we all, and she feels, and I agree with her, that she is performing an important service by acquainting Americans with their Capitol and with the foundations of this country. We need more people like her who are willing to dedicate their lives to this kind of service.

Surely, my fellow Members, this kind of person, and I can assure you that she is representative of the feeling and dedication of the entire guide force, deserves better treatment from this Government than she now receives. There has been an uproar recently about the conditions of other workers in this country, and I think that we should look in our back yard—no, in our own front yard—at the same time as we consider these other workers.

Finally, Mrs. Curry and her colleagues have long been upset by the number of people who complain about having to pay a quarter to see their own Capitol. I do not blame them one bit. This is one of the few, perhaps the only, Capitol Building of any kind in the world in which the people of the Nation must pay for a tour. This in itself is a disgrace. Many has been the time when Mrs. Curry has wanted to lead people through for free because they could not pay for it but she has been unable to do so.

The people of this country and their guides deserve better than this. The Congress has a responsibility to preserve the dignity of this Capitol and of the people who so proudly present it to the public. I urge all of you to consider this situation which now exists, and it is one of which I am deeply ashamed, and to press for passage of this section of the bill. In order that this be possible, I ask all of you to exert what pressure you can to see that this bill is given top priority in the next few days before the recess. I, for one do not want to leave here on August 14, knowing that we have yet to provide this minimal service.

DREW PEARSON

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PEPPER. Mr. Speaker, it is almost a year since the sudden passing of Drew Pearson, whose crusading and dedicated journalistic brilliance had illuminated the Washington scene for so many decades.

The frantic pace of our times makes the public memory a fleeting thing, and so I was especially pleased and touched recently to hear the moving tribute paid him by his good friend and journalistic colleague, Mrs. Jules Lederer—better known as Ann Landers.

I feel that my colleagues who were privileged to know this fine man intimately and enjoy the warmth and steadfastness of his friendship would like to share with me her comments about Drew Pearson. I insert Mrs. Lederer's remarks in the RECORD immediately following this statement:

DREW PEARSON

It will be exactly one year ago September first. I was in Midland, Michigan, giving a talk. Slim Rumble, the publisher of the Midland Daily News, was driving me to the airport. In the course of the conversation, Slim told me he had heard some sad news as he left his office. "It just came across the wire," he said. "Drew Pearson died." It didn't seem possible. Drew Pearson was in the middle of so many things. He had so much unfinished business. He had no time for sickness—let alone death. I couldn't believe it. And somehow, I still don't.

Every time I come to Washington, I expect to run into Drew Pearson. He could be one of a dozen places—usually in a hurry, but always smiling. I loved the way his eyes twinkled and his moustache twitched. He had what Lowell Thomas calls, "that vital spark"—tuned in . . . turned on . . . alert, responsive—one of the few men in Washington who could be genuinely interested in a conversation that wasn't about *him*. How rare—in this city of super-colossal egos—some so large they can be seen only from the air! How extraordinary to hear someone say, "that's enough about me. Now, let's talk about you."

It seems unreal that I should be in Washington giving the Drew Pearson Memorial. More than once while writing a talk to be given to a group of newspaper people or college students, I'd call Drew on the phone and ask if he had any ideas on what I might say. And he always came through.

If I could have asked Drew Pearson what to say to *this* audience tonight, I know what he'd tell me. He'd say "don't try to paint a halo around my head—and keep it short, Eppie." I remember how we used to agonize over Hubert Humphrey's incredible capacity for verbiage. We both loved Hubert and we wanted him to do well. Drew would say to me, "Why don't you suggest to Hubert that he wear a wrist watch with an alarm clock on it?" I'd say . . . "I have, but he doesn't listen to me. Why don't you suggest it." And Drew would reply, "I have, but he doesn't listen to me either." and we'd laugh.

Drew loved to laugh—and he loved to make others laugh—but more important Drew could laugh at himself. He once wrote an article for the Saturday Evening Post and called it, "confessions of an S.O.B." when he began his fertilizer business at his farm in Maryland, he advertised, "Drew Pearson's best manure. Guaranteed to be better than the column."

Even though I'm from Iowa, I'm not a very good judge of manure. I don't know if Drew

Pearson's manure was actually better than his column, but I do know that he was. This is a strong statement, considering that his column exerted enormous influence on the political scene for over 40 years. Drew had tremendous courage, and he never hesitated to take on the darlings of any administration, whether it was a Senator Joseph McCarthy, a General Douglas MacArthur, a Harry Vaughan, or a Sherman Adams. Drew Pearson sent four congressmen to jail and was responsible for the resignation and the dismissal of dozens of men in high places. He may not have made the politicians more honest, but he certainly made 'em more careful.

On occasion, Drew, the columnist, *did* go too far—or perhaps not far enough, in checking his facts . . . and on those occasions his wife Luvie and I would sit in the library of their gracious Georgetown home and ask one another . . . "now what in the world did he write that for?"

Drew often told his friends that Luvie was the only woman in the world who could have lived with him for over 30 years—and made him like it. He not only adored her, but he admired her. Once he said to me, "I don't know anyone but Luvie who could be married to me and play bridge with Walter Lippmann twice a week."

It was Drew's wish that he be remembered for two things. As the organizer of the friendship train, which carried 700 carloads of food to the starving people of France and Italy after World War II. And, he wanted to be remembered as the man who rebuilt Tennessee's Clinton High School—bombed after the Supreme Court decision in 1954. These were tremendous achievements, to be sure. But I'll remember him in quite another way. Drew Pearson, the perfect gentleman. The friend you could count on. The thoroughbred with class.

It is traditional that the speaker who makes the memorial remarks, symbolically snuffs out the candle. With your kind permission, I would prefer to leave this candle burning. Thank you.

CRIME CONTROL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the House Select Committee on Crime has done everything it could to induce the administration and the Congress, as well as State and local authorities, to provide adequate funds to meet the menacing challenge of crime in this country. We are told that crime is costing the American people some \$40 to \$50 billion a year while we are spending on the whole subject of crime only about \$5 billion a year. No wonder, then, that our people are losing this fight daily against the criminal.

I wrote an article in the July 1970 issue of the American County emphasizing the importance of meeting the challenge of crime at the local level as well as the Federal responsibility to assist, under the title "Rhetoric Versus Cash for Crime Control," which I respectfully offer for the consideration of my colleagues in respect to this grievous national problem, and insert this article, appearing on pages 14 and 15 of this important national publication, following my remarks at this point in the RECORD:

RHETORIC VERSUS CASH FOR CRIME CONTROL

(By Representative CLAUDE PEPPER)

In the fight against crime in America, there is more rhetoric than cash flowing to the cities and counties of the country.

If the problem were not so urgent, if an effective solution were not so necessary, it would be trite to say that what most local governments need to fight crime is more financial assistance.

Mrs. Gladys Spellman, a county commissioner in Prince Georges County, Md., emphasized the problem in even more understandable terms during a hearing the House Select Committee on Crime held some months ago.

"We have quite a few ideas," she said. "But unfortunately, you can't fight crime with ideas. There is that other factor that enters into, M-O-N-E-Y, you know."

We do know.

It is this conviction which leads me to urge the Congress of the United States to more than double the Administration's request of \$480 million for the fiscal year 1971 budget of the Law Enforcement Assistance Administration (LEAA). The \$1 billion is the *minimum* amount we should spend on what we all acknowledge to be one of the nation's most important priorities.

This is not to say that I equate the simple allotment of more money to LEAA as some sort of wonder cure. We must also consider the changes in the disbursement of LEAA funds, changes which can be accomplished within the basic framework of the agency, as defined by Congress.

These changes were implied by Attorney General John N. Mitchell when he addressed our committee last year. Quoting from a few brief paragraphs of that testimony:

"Rep. Pepper: Mr. Attorney General, some of the witnesses who have appeared here from municipalities, mayors of some of our large cities, have indicated their belief that the cities under the LEAA program are not getting quite as large a share of the LEAA money as they should.

"Attorney General Mitchell: All this, of course, is a directive of Congress as to how we siphon the money from the federal government through the states. It involves primarily the block-grant concept, based on plans submitted by the state planning agencies.

"There are other funds in LEAA which provide the Administration with more discretion, and, as you probably know, we have to the extent that those monies are available to the larger metropolitan cities, where the need was greater."

The Attorney General was alluding to the discretionary funds held by the LEAA for direct grant applications—a route that bypasses regional and state planning boards and awards grants directly to the applying governmental body.

Unfortunately, the money in this fund is and continues to be too little to meet current needs and demands. Last year's fund totaled a mere \$40 million in a budget of some \$268 million for LEAA.

This is why I recommend that of the proposed \$1 billion appropriated for LEAA, \$650 million be disbursed through existing procedures—alone a significant increase over the agency budget request of \$480 million—and that an additional \$350 million be added to LEAA's discretionary funds, to be spent for direct grants to county and city governments which take the initiative to develop programs on their own.

This would allow us to spend more money for crime control and prevention measures of regional and state impact through the existing planning boards, and also permit funds to be channeled for innovative projects affecting police, the courts, corrections, and ment" should be broadened to include the other areas on a more specialized basis.

LOOKING TO NEW URBAN NEEDS

It is important to consider here that the characteristics of many counties across the country have changed dramatically through urbanization.

As Mayor Carl Stokes of Cleveland, Ohio pointed out in testimony before our committee:

"We have taken the correctional institutions, the courts, the juvenile courts, the trial courts, and the appellate courts, our federal prosecutors, the probation departments, the parole departments . . . representatives of the private sector . . . and have put all these people together to do what was indicated earlier—to develop an action program.

"We have had some very small successes. We don't know just how effective it is going to be over the long run, but we intend to stay with it as long as we can."

What the officials in Cleveland and in all of surrounding Cuyahoga County have banded together to do is to make application for crime funds for a wide range of programs and services which, in concert, will have a significant impact on the crime problem in that county.

Mayor Stokes and the other leaders in Cuyahoga County took these steps after a mere \$40,000 in LEAA funds was awarded to Cleveland from a total allocation to the state of Ohio of more than \$1.5 million!

We also found signs of countywide cooperation and pooling of effort in cities the committee visited—Boston and Miami, particularly.

TESTIMONY FROM ACROSS THE NATION

Another argument in favor of an expanded discretionary fund within LEAA came when the committee traveled to Boston and heard from Mayor Kevin White. Massachusetts is recognized to have one of the ablest state administrators of LEAA funds in Sheldon Krantz; but as Mayor White pointed out: "In Massachusetts alone, the Governor's Committee on Law Enforcement has approximately 50 employees and consultants; the whole program in Washington has just under 100. So I hope two things will come from this committee—broader knowledge and more immediate, direct response to the problem of public safety in the American city."

These same thoughts were expressed by Professor James Vorenberg of Harvard Law School who served as Director of the President's Commission on Law Enforcement and Administration of Justice, the Commission which originally suggested the creation of the agency which became LEAA:

"I think it is nothing less than a disaster in the crime control area that Congress funneled the great bulk of these funds through the states rather than making grants directly to the cities. I think that is turning out to be so in a number of large cities, that all the problems I talked about of a bureaucracy at the local level are being repeated twice; first the state is hiring people and scraping off some of the funds at that level for administration, and then the funds are filtering through the state level down to the city level."

Bills have been introduced to Congress to cut drastically the percentage of LEAA funds available to states in block-grants. But any concerted effort to change the LEAA funding system is likely to cause the kind of political debate, and ensuing bitterness and delay, that the immediate concern of improving the criminal justice system can ill-afford.

This is what my recommendation seeks to avoid. In this time of great public concern over crime, it would be a mistake, I believe, to channel all LEAA funds into today's high-crime areas. It would be both unwise and dangerous to neglect fighting crime in areas where the problem has not yet become epidemic.

To accomplish this, the term "law enforce-

courts, corrections, probation, rehabilitation, and related social services.

I further recommend removing the prohibition against funding programs which ask for more than one third of the LEAA grant for personnel costs.

There is no disagreement, that, ideally, a police or sheriff's department should attract the highest caliber personnel, preferably persons with college training and backgrounds in criminology. Yet there is a city in my home state of Florida which is planning to upgrade materially its police force by providing for lateral entry from other departments and by seeking college-trained personnel. The department would, of course, offer these men significantly higher salaries than those normally paid police officers.

Yet it is just this type of program, which should be encouraged, that may not receive LEAA funds because such a progressive change may require more than one third of the grant to be spent for personnel.

It is time that we encourage, rather than impede, such far-sighted goals.

I don't need to tell you that the most overlooked governmental unit in the attempt to secure federal funds is the *county*. Many believe—and act on this belief—that the courts, corrections, and probation services are generally state functions. In innumerable instances, this is simply not the case.

In my own district, for example, the Metro-Dade County, Fla. government administers an 11-story jail which is presently well over capacity, a county home for delinquents, a dilapidated youth home for detaining juveniles, a barracks-like stockade and a metropolitan court (see *County Achievement Award story, p. 18 of this issue*) with an ever-increasing backlog problem.

Municipalities in the Miami metropolitan area experience financial difficulties maintaining, let alone upgrading, their police forces and courts.

There are many fledgling programs on a county scale in need of financing. A group of senior citizen volunteers, for example, saved Metro-Dade County an estimated \$500,000 through a "release on recognizance program" which removes prisoners from the crowded jail and checks on their progress prior to trial. Yet the volunteers receive no funds, not even for transportation. There is the very real possibility that without funds, which the county is unable to provide, this volunteer-action effort may have to be disbanded.

We heard, too, in Miami from States Attorney Richard Gerstein, past president of the National District Attorney's Association, who said the Association's executive board considered ". . . LEAA a total failure insofar as prosecutors are concerned."

Statements such as Mr. Gerstein's clearly place in focus the piece-meal approach that is being taken toward a task which must involve a massive infusion of funds.

The county prosecutor's office, state and county correctional programs, the public defender's office, the improvement of court administration—these are areas where LEAA has yet to make any real impact.

A \$1 billion commitment on the part of the federal government to be spent on programs affecting all elements of the criminal justice system is more than necessary, it is imperative.

Such is the scope of the challenge before us.

LINDSAY RAPS CRIME POLICY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Mayor John Lindsay of New York City, speaking before the American Bar Association in St. Louis on August 12, sharply criti-

cized the rationale which dictates U.S. spending priorities—less than \$500 for safety on our streets at home as contrasted with \$80 billion for defense and war abroad. Mayor Lindsay said the Nixon administration should close "the vast distance between anticrime rhetoric and the reality of crime control."

Mr. Speaker, as chairman of the House Select Committee on Crime whose hearings throughout the Nation have confirmed the alarming increase of crime on all fronts, I am keenly aware that we must soon face up to the need for a drastic increase in spending in the area of prevention and rehabilitation if we are to make any real, long-range impression on this great national problem. I believe my colleagues and readers of this RECORD would find Mayor Lindsay's speech of great interest, and I respectfully include it in the RECORD immediately following these remarks:

[From the Washington (D.C.) Post, Aug. 13, 1970]

LINDSAY RAPS CRIME POLICY

St. Louis, August 12.—New York Mayor John V. Lindsay today criticized the Nixon administration for "talking tough" about crime but failing to follow through with an effective campaign to fight it.

In a speech to the American Bar Association convention, Lindsay said the administration should close "the vast distance between anti-crime rhetoric and the reality of crime control."

"Washington talks about unsafe streets and juvenile crime and drug abuse," he said. "Then it requests far less money than Congress has authorized" in federal aid to help localities combat crime.

"Washington talks about the dangers of recidivism, then it proposes a system of preventive detention that, according to its own studies, will not work," Lindsay said.

The New York mayor, who has quarreled with his state Capitol as well as with Washington about allocation of funds under the 1968 Safe Streets Act, said that talking tough "may satisfy some psychic longing, it may permit us to vent our anger and frustration, but it will win no victories over crime."

Lindsay spoke at a symposium on the problems of the coming decade. He received loud applause from an audience of 2,500 at Powell Symphony Hall when he rapped U.S. spending priorities—\$80 billion for defense and war abroad, less than \$500 million for safety in our streets at home."

Fellow panelist McGeorge Bundy, president of the Ford Foundation, agreed with Lindsay that defense costs were too high but said that as the Vietnam war winds down the military budget can be reduced by \$5 billion to \$10 billion each year.

On the problems facing higher education in the 1970s, William J. McGill, president-elect of Columbia University predicted that campuses will be further torn by friction between teachers and students condemning as "war research" virtually any scientific work done in a university under Defense Department sponsorship.

McGill, currently chancellor of the University of California at San Diego, said he expects colleges to reopen this fall in an orderly fashion. He predicted, however, that the new wave of student political activity will result in further youth disillusionment rather than any "lasting commitment" to the slow, tedious work of the political process.

Sen. Edmund S. Muskie (D-Me.) said that in coping with problems of the "quality of life," government must become better organized so that demands for more electric power and for pollution abatement, which are in conflict, can be met.

The bar association gave one of its annual gavel awards for legal reporting to the Eve-

ning Star in Washington for a series of articles on District of Columbia courts by Dana Bullen. Among the radio award winners were Stations WMAL in Washington and WEAM in Arlington for programs explaining the judicial process.

PSYCHEDELIC DRUGS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the House Select Committee on Crime has taken as one of its subjects of special interest the whole drug problem facing the country and particularly our younger people.

Through my good friend, Dr. Stanley R. Dean, I have been favored with some excerpts from the presidential address of Dr. Keith Yonge before the Canadian Psychiatric Association at Winnipeg, June 19, 1970, which I deem of great interest and a valuable contribution to the knowledge of the subject of drugs.

I include Dr. Yonge's able address at this point in the RECORD:

EXCERPTS FROM THE PRESIDENTIAL ADDRESS BY KEITH A. YONGE, M.D., AT THE CANADIAN PSYCHIATRIC ASSOCIATION ANNUAL MEETING, WINNIPEG, JUNE 19, 1970

The question is: do all the psychedelic drugs impair function; if so, in what way and to what extent? This is what the government and the public most need to know . . .

But how dare we declare all of these drugs, including cannabis, positively detrimental on the information we have available? . . . The effects produced by marijuana, however pleasant they may be, however transitory they may be, are, by our standard medical criteria, of the same order, though not necessarily of the same magnitude, as psychotic disorder . . . And in this regard there is a highly significant difference between the psychedelic drugs (including marijuana) and alcohol intoxication—a distinction which seems to have been overlooked in making the common crude comparison between the two. The prevailing property of the psychedelic drugs is of inducing illusions.

Although some sheer distortion of sensory-perception commonly occurs, the peculiarly insidious effects are in the exaggeration of sensory acuity. This gives rise to an illusory (quasi-delusional) sense of deepened appreciation of objects, of sounds, colors, sensations of any kind, a deeper understanding of their "meaning", and a presentiment of creativeness—but all essentially sterile, because neither social conduct nor creativeness usually are actually enhanced at all. The illusions pass with the clearing of the neurochemical disturbance, but there is likely to persist with the affected person the quasi-delusional conviction of having achieved special insight, an advanced, superior, even transcendental understanding and appreciation of life, a greater potential for self-fulfillment. And this leaves him with the impression of being in an exalted position of intellectual or aesthetic superiority.

Unlike the fantasies of normal dreaming which provide needful mental recreation without being subsequently confused with real experience, the drug-induced illusions do tend to be taken as real experience—an extended, expanded experience. And this tends to alter the person's basic perspective of life in reality—in his concept of himself and his relationships to others and to his total environment. The illusion of having achieved this special insight blinds him to realistic insight. He tends to lose his perspective of reality. Like the mirage which

raises false hopes of achievement, the psychedelic experience is a phenomenon of self-deception. The very name "psychedelic"—purporting to expand the mind—is a deceptive misnomer. "Illusinogenic" is a truer name. These drugs essentially excite the sensory-perception mechanisms inducing usually illusions of magnificence and self-aggrandizement. Psychedelic they are—and psychedeceptive.

Curiously, these primary illusinogenic effects of the drugs have seemed to many to be too inconsequential to mention. It is argued that over many centuries it has become an accepted practice in our society for a proportion of adults to intoxicate themselves from time to time. Should not our youth have the liberty to do the same? In fact, a proportion of youth always has—using as an intoxicant the same agent as the adult—alcohol. But with that there has never developed before the widespread changes in attitude and social behaviour that have occurred with the use of a psychedelic drug as the intoxicant of their choice.

ANGKOR WAT THREATENED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on a number of occasions, I have reported to this House the concern of so many of us over the possible destruction of Angkor Wat and Angkor Thom in Cambodia. Regrettably, our fears of imminent danger to these ancient temples appear to have been fulfilled. In the August 17, 1970, issue of Newsweek—on page 15—there is a report of an air attack on Angkor Wat. I have written to the President on a number of occasions urging that he submit to the Senate for ratification the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which if executed and subscribed to by the several countries involved in the Indochina conflict, would protect the ancient cities of Angkor Wat and Angkor Thom.

I urge my colleagues to write to the President in support of ratification of the Hague Convention. The letter which I have sent to the White House follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 14, 1970.

Mr. WILLIAM TIMMONS,
Special Assistant to the President, The White House, Washington, D.C.

DEAR MR. TIMMONS: I must, because of its urgency, again press that immediate consideration be given by the President to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. In my earlier correspondence of July 15, I pointed out that of all of the combatants in Cambodia, only the Cambodians have signed the Convention. On July 15, there was only the threat of damage to Angkor Wat; now it would appear that the threat has become a fact. In the August 17 issue of Newsweek, there is the following item:

"Despite strict no-fire orders, Thai planes have attacked targets in the off-limits Angkor Wat temple area. No one knows whether they hit any of the 1,000-year-old ruins (Cambodia's No. 1 tourist attraction), but the Cambodians have filed strong private protests with the Thais and with the U.S. command in Saigon. A U.S. forward air controller, it is charged, called in the Thai planes." (Newsweek, August 17, 1970, p. 15.)

It is important that the President request the Senate's ratification of the Hague Con-

vention and that he urge accession to it by the other countries involved in the Southeast Asian conflict. I realize that even an early submission of the treaty to the Senate would mean extended hearings, but it would have a great moral effect on other countries.

If my letter appears insistent, it is because the dangers to Angkor Wat and Angkor Thom are so great. I hope the President will act on this immediately.

Sincerely,

EDWARD I. KOCH.

DELAY OF VOTE ON POLITICAL BROADCASTING BILL MAKES IT INEFFECTIVE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, last night at the conclusion of our congressional business I flew to New York City to meet this morning with representatives of various community organizations to plan a public meeting to deal with critical problems in my district. I returned this morning to Washington so as to participate in the debate which was scheduled for this afternoon on the conference report on the political broadcasting bill.

I am very distressed, Mr. Speaker, that this important bill will not be voted on this afternoon. Even if we approve the conference report when we return from the recess in September, the spending limitations imposed on candidates and the reduction of broadcasting charges imposed on TV and radio stations will, for practical purposes, not apply to the November 1970 election. Consequently, the delay in approving the conference report will nullify the decision of the conferees that spending limitations should apply to the November 1970 elections.

I believe that a majority of us here today in this House would have voted for the conference report. And I therefore regret the decision to withdraw the conference report from today's agenda.

THE LIVING CONDITIONS RIVALING THOSE OF THE DAYS OF SLAVERY

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I rise today to voice my disillusionment, no let me correct that, not my disillusionment, my disgust with a system that attempts to relegate a portion of our populace to living conditions which rival those known during the infamous days of slavery. Sitting in the Capitol of the most prosperous Nation on earth it is very difficult to close one's eyes and attempt to ignore the plight of 20,000,000 Americans. We do not have to travel to India or even to South America to be exposed to hunger and disease. We are confronted with this reality within our very shores. Without doubt every one of us here sympathizes with the plight of these unfortunate people, but let me assure you our sympathy will not rectify the situation, only our action will and this action has to be taken without delay.

Today I would like to direct our at-

tention specifically to but one segment of this army of the poor, the migrant farmworker. Nearly every drop of juice we drink and every piece of fruit or vegetable we eat is laboriously gathered by the sweat of the brow of 2½ million farmworkers, a good percentage of whom belong to that overworked and underpaid strata of society known as the "migrant worker." The term the "forgotten man" is not new and perhaps has been overworked but to no group in the United States can it be better applied than to that group of which I now speak. The migrant worker has specifically been excluded from the minimum wage rate. He as an American citizen is guaranteed a wage of \$1.30 an hour, less than that guaranteed to a worker imported from the West Indies to cut sugarcane in the Florida fields. The average annual income for working long gruelling days under the broiling sun is an incredible \$891. Here in the richest country in the world a man is expected to survive on a little over \$17 a week. Gentlemen if I did not know this was true I could not possibly believe such conditions exist, but unfortunately let me assure you they do. These people although anxious for employment are unable to work for days, weeks and many times months with the result that they cannot hope to earn any semblance of a decent wage.

The minimum wage laws are not the only laws that refuse them protection. There are no housing requirements, thus they are forced to live in hovels that I dare say are no improvement over what is to be found in some of the poorest areas of Mexico or any other underdeveloped country. In Florida alone over 100 of these migrant camps operate without any licenses whatsoever.

People throughout the world look with envy on the United States, the land of opportunity, the nation where every young boy can dream of achieving the status of a millionaire or possibly even the presidency itself. What an illusion this is.

Let us face reality. The child of a migrant family dreams not of fortune or fame but dreams of hopefully escaping the plight of his parents; dreams not in terms of luxuries but in terms of necessities; dreams not of something he is undeserving of, but dreams of the day when he will be able to share in some of the wealth of this great country, some of the wealth he is entitled to as an American citizen. Is this all it is, a dream? Evidently, the answer appears to be yes. Eighty percent of migrant children never enter a high school classroom, while one-half never even get to seventh grade. What else can be expected when it is necessary for every member of the family to slave in the fields in order to eke out a bare existence, coupled with the fact that there are no child labor laws in States such as Florida by which to set a minimum age for young farmers. The U.S. Subcommittee on Migratory Labor estimates that 100,000 children under 16 work as hired farmhands across the Nation. Almost one-half are between the ages of 10 and 13. There is escape for the migrant worker from this life, however: that offered by death. While we can hope to live over 70 years, he can

hope to live—or should I say he can be forced to endure his existence?—for 49 long, hard "picking" seasons.

I would like to conclude with a statement made 10 years ago by a farmer being interviewed by Edward R. Murrow. It is a startling but unfortunately valid commentary on the migrant's life today, because in terms of real money he earns less now than he did then:

We used to own our slaves, now we just rent them.

A DAY OF SHAME

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, I have today introduced a resolution, cosponsored by colleagues Mr. ADAIR, Mr. ASHBROOK, Mr. BUCHANAN, Mr. COLLIER, Mr. CRANE, Mrs. MAY, Mr. MIZE, Mr. SCHADEBERG, and Mr. BOB WILSON, which expresses the sense of the Congress that, with respect to the Soviet Union and those states which participated in the occupation of Czechoslovakia, the President should prohibit extension of any Government trade credits or guarantees to any of the intervening states. The resolution also calls for the prohibiting of sales and grants under the Agricultural Trade Development and Assistance Act of 1954, and suspension of all commercial air traffic between the United States and the Soviet Union. Expressed in the resolution is our support for the people of Czechoslovakia as they commemorate August 21, 1970, as the "Soviet Day of Shame" in their efforts to achieve the withdrawal of the troops of the Soviet Union from Czechoslovakia. The resolution calls upon the President, acting through the United Nations and other international organizations, to take such additional steps as may be necessary to end as quickly as possible the continuing intervention in Czechoslovakia by the Soviet Union.

May I remind the Members that the Republic of Czechoslovakia became the prey of Communism in 1948 and now—since August 1968—is a vassal of the Soviet Union, deprived of liberty, sovereignty, and independence. The people of Czechoslovakia are suffering from cultural stagnation, economic deprivation, and social starvation.

In the spring of 1968, the entire nation rose, in protest, against the inhuman Stalinist regime. Courageous writers, intellectuals, students, youth, workers, and peasants, banded together as the Republic toppled Moscow's most obedient servant, Antonin Novotny, and elected in his place Alexander Dubcek. A visible political relaxation followed.

Even this gradual, peaceful relaxation of dictatorial methods became unbearable to Moscow. The Soviet Union—under cover of night, August 20-21—in- vaded Czechoslovakia and now treats that nation as a conquered territory. The present puppet ruler is Soviet Quisling Gustav Husak.

The brotherly affirmation of Czechs and Slovaks, together, against the Soviet invaders is well known to all. They oppose them in all available ways, while

democratic Czechs, Slovaks and Ruthenians—scattered throughout the world—join with them in continuing protest.

Mr. Speaker, it is my understanding that a similar resolution will be introduced in the Senate demonstrating the proper interest and humanitarian concern of Members of Congress in the plight of the people of Czechoslovakia, and represents our determination not to except as permanent the Soviet subjugation of that country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FLYNT (at the request of Mr. ALBERT), for today, on account of official business.

Mr. CORBETT (at the request of Mr. GERALD R. FORD), for August 14, on account of the requirement for a complete eye refractory.

Mr. LANDGREBE (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. PRYOR of Arkansas (at the request of Mr. ALBERT), for today, on account of illness in the family.

Mr. CORMAN, for Friday, August 14, 1970, on account of official business.

Mr. CAMP (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. SHIPLEY (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOGAN), to revise and extend their remarks and to include extraneous matter to:)

Mr. HALPERN, today, for 5 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. BUSH, today, for 5 minutes.

(The following Members (at the request of Mr. JONES of Tennessee), to revise and extend their remarks and to include extraneous matter to:)

Mr. FARBSTAIN, today, for 20 minutes.

Mr. REUSS, today, for 60 minutes.

Mr. KEE, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. FLOOD, today, for 15 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PERKINS, and to include extraneous material.

Mr. BURKE of Massachusetts and to include extraneous matter.

Mr. ICHORD.

(The following Members (at the request of Mr. HOGAN) and to include extraneous matter:)

Mr. MESKILL.

Mr. HALPERN.

Mr. SCHERLE in 15 instances.

Mr. MAILLIARD in three instances.

Mr. HUNT.

Mr. GERALD R. FORD in 10 instances.

Mr. WYMAN in two instances.

Mr. HOSMER in six instances.

Mr. WEICKER in two instances.

Mr. BOB WILSON in four instances.

Mr. DELLENBACK.

Mr. CARTER.

Mr. MYERS in six instances.

Mr. SHRIVER.

Mr. SAYLOR in 10 instances.

Mr. ADAIR in two instances.

Mr. FISH.

Mr. BUCHANAN.

Mr. HOGAN in 10 instances.

Mr. QUILLEN in two instances.

Mr. TAFT in five instances.

Mr. KYL.

(The following Members (at the request of Mr. JONES of Tennessee), and to include extraneous matter:)

Mr. FRASER in 10 instances.

Mr. CHAIMO in 10 instances.

Mr. HARRINGTON.

Mr. GARMATZ.

Mr. FASCELL in three instances.

Mr. RODINO in two instances.

Mr. ANDERSON of California in two instances.

Mr. GONZALEZ in two instances.

Mr. PATTEN.

Mr. CLARK in two instances.

Mr. BOLLING in two instances.

Mrs. SULLIVAN in two instances.

Mr. SLACK.

Mr. DINGELL in two instances.

Mr. CHARLES H. WILSON.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2176. An act to implement the Conventions Act of 1933 to permit the exemption of security issues, not exceeding \$500,000 in aggregate amount, from the provisions of such act; to the Committee on Interstate and Foreign Commerce.

S. 2176. An act to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2336. An act relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia; to the Committee on the District of Columbia.

S. 3903. An act to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3905. An act to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; to the Committee on the District of Columbia.

S. 3906. An act to authorize the government of the District of Columbia to fix certain fees; to the Committee on the District of Columbia.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act

of 1947 with respect to the taxation of regulated investment companies.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3302. An act to amend the Defense Production Act of 1950, and for other purposes.

ADJOURNMENT TO SEPTEMBER 9, 1970

Mr. JONES of Tennessee, Mr. Speaker, I move that the House do now adjourn. The motion was agreed to.

The SPEAKER. In accordance with House Concurrent Resolution 689, 91st Congress, the Chair declares the House adjourned until 12 o'clock noon on September 9 next.

Thereupon (at 1 o'clock and 18 minutes p.m.), pursuant to House Concurrent Resolution 689, the House adjourned until Wednesday, September 9, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2308. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value of support furnished from certain military appropriations for the fourth quarter of fiscal year 1970, pursuant to section 638 of Public Law 91-171; to the Committee on Appropriations.

2309. A letter from the Secretary of the Interior, transmitting the annual report of the Division of Coal Mine Safety, Bureau of Mines, for calendar year 1969, pursuant to 30 U.S.C. 451-483; to the Committee on Education and Labor.

RECEIVED FROM THE COMPTROLLER GENERAL

2310. A letter from the Comptroller General of the United States, transmitting a report on the need for improving the program for use and redistribution of excess materiel in the Pacific area, Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Unmet training needs of the Federal Investigator and the consolidated Federal Law Enforcement Training Center (Rept. No. 91-1429). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14678. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; with amendments (Rept. No. 91-1430). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. H.R. 13769. A bill to amend the act entitled "An Act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate ac-

counting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the municipal government of the District of Columbia (Rept. No. 91-1432). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; with an amendment (Rept. No. 91-1431). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL of Maryland:

H.R. 19027. A bill to amend title II of the Social Security Act to provide that the entitlement of a beneficiary who dies shall (if he is otherwise qualified) extend through the month of his death; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 19028. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. BUCHANAN:

H.R. 19029. A bill to establish a Consumer Affairs Service in order to secure within the Federal Government effective protection and representation of the interests of consumers and for other purposes; to the Committee on Government Operations.

By Mr. BURTON of California (for himself, Mr. PERKINS, Mrs. GREEN of Oregon, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADEMAS, Mr. O'HARA, Mr. CAREY, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, Mr. MEEDS, Mr. GAYDOS, Mr. STOKES, Mr. FLOOD, Mr. MORGAN, Mr. STAGGERS, Mr. HECHLER of West Virginia, Mr. SLACK, Mr. KEE, and Mr. MULLOY):

H.R. 19030. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. BURTON of California (for himself, Mr. HOLIFIELD, Mr. MOSS, Mr. COHELAN, Mr. BROWN of California, Mr. CORMAN, Mr. EDWARDS of California, Mr. HANNA, Mr. LEGGETT, Mr. ROYBAL, Mr. CHARLES H. WILSON, Mr. REES, Mr. WALDIE, Mr. ANDERSON of California, Mr. CONYERS, Mr. ECKHARDT, Mr. FRASER, Mr. KOCH, Mr. MIKVA, Mr. ROSENTHAL, Mr. RYAN, Mr. ADAMS, Mr. ADDABBO, Mr. ASHLEY, and Mr. BOLAND):

H.R. 19031. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. BURTON of California (for himself, Mr. BURKE of Massachu-

setts, Mrs. CHISHOLM, Mr. DIGGS, Mr. DONOHUE, Mr. FOLEY, Mr. GILBERT, Mr. GREEN of Pennsylvania, Mr. HELSTOSKI, Mr. HICKS, Mr. HOWARD, Mr. JACOBS, Mr. KARTE, Mr. MATSUNAGA, Mr. MCCARTHY, Mr. MOORHEAD, Mr. NEDZI, Mr. NIX, Mr. O'NEILL, of Massachusetts, Mr. OTTINGER, Mr. PATTEN, Mr. PEPPER, Mr. PHILBIN, Mr. PRICE of Illinois, and Mr. ROE):

H.R. 19032. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. BURTON of California (for himself, Mr. ROONEY of Pennsylvania, Mr. TIERNAN, Mr. WOLFF, Mr. YATRON, Mr. BYRNE of Pennsylvania, Mr. GRAY, Mr. KYROS, Mr. MADDEN, Mr. MURPHY of Illinois, Mr. OBEY, Mr. REUSS, Mr. ANNUNZIO, Mr. BIAGGI, Mr. BINGHAM, Mr. FULTON of Tennessee, Mr. GARMATZ, Mr. PODELL, Mr. ZABLOCKI, Mr. BLATNIK, and Mr. KASTENMEIER):

H.R. 19033. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. FARBSTEIN:

H.R. 19034. A bill to amend title XI of the Federal Aviation Act of 1958 to require the Civil Aeronautics Board to adjudicate any dispute between an air carrier and a passenger concerning a claim for loss or theft of, or damage to, the baggage of such passenger; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN (for himself and Mr. ECKHARDT):

H.R. 19035. A bill to amend title 10 to require that enlisted members of the Armed Forces be given, upon request, certain examinations in Spanish; to the Committee on Armed Services.

By Mr. GALIFIANAKIS (for himself, Mr. ADAMS, Mr. ARENDS, Mr. ASPINALL, Mr. BLANTON, Mr. BRINKLEY, Mr. BUSH, Mr. CLEVELAND, Mr. DOWDY, Mr. DUNCAN, Mr. GONZALEZ, Mr. KAZEN, Mr. KUYKENDALL, Mr. KYROS, Mr. LUJAN, Mr. MATSUNAGA, Mr. MIKVA, Mrs. MINK, Mr. PICKLE, Mr. PURCELL, Mr. MINISH, Mr. ROBINO, Mr. STAFFORD, and Mr. TUNNEY):

H.R. 19036. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GIAIMO:

H.R. 19037. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

By Mr. HALPERN (for himself, Mr. ADDABBO, Mr. DELANEY, Mr. ROSENTHAL, and Mr. WOLFF):

H.R. 19038. A bill to provide for the construction of a Veterans' Administration hospital of 1,000 beds in the county of Queens, New York State; to the Committee on Veterans' Affairs.

By Mr. MONAGAN:

H.R. 19039. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

H.R. 19040. A bill to carry out the recommendations of the Presidential task force on women's rights and responsibilities, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. CHISHOLM, Mr. CULVER, and Mr. HORTON):

H.R. 19041. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER:

H.R. 19042. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 19043. A bill to amend the Internal Revenue Code of 1954 to allow percentage depletion at a 22-percent rate for low sulfur coal; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 19044. A bill to amend title 10 of the United States Code to permit a retarded or handicapped dependent of a member of the armed forces to continue to receive special care under section 1079 (d) of such title if the member is killed in action; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 19045. A bill to amend titles XIX and XXI of the Social Security Act to eliminate the provisions which were added by section 225 of the social security amendments of 1970 with respect to medicare programs; to the Committee on Ways and Means.

By Mr. St GERMAIN:

H.R. 19046. A bill to amend section 403 (b) of the Federal Aviation Act of 1958 to require reduced-rate air transportation for elderly people; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI:

H.R. 19047. A bill to amend the Internal Revenue Code of 1954 to provide a 25-percent maximum capital gains tax on the disposition of an interest in a closely held business held for at least 20 years; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 19048. A bill to appropriate funds for construction of State highway Loop 12 bridge, Trinity River, Tex.; to the Committee on Appropriations.

By Mr. BINGHAM:

H.R. 19049. A bill to provide for greater flexibility in Federal transportation funding; to permit the States to elect to use a portion of the funds received from certain Federal trust funds to meet local transportation priorities; and to create an Urban Mass Transportation Trust Fund; to the Committee on Public Works.

By Mr. DELLENBACK:

H.J. Res. 1356. Joint resolution to authorize the President to designate November 16 through November 22 as "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. Con. Res. 717. Concurrent resolution commemorating the 40th anniversary of Gardena, Calif., as a general law city; to the Committee on the Judiciary.

By Mr. DERWINSKI (for himself, Mr. ADAIR, Mr. ASHBROOK, Mr. BUCHANAN, Mr. COLLIER, Mr. CRANE, Mrs. MAY, Mr. MIZE, Mr. SCHADEBERG, and Mr. BOB WILSON):

H. Con. Res. 718. Concurrent resolution expressing the sense of the Congress with respect to the intervention in Czechoslovakia in 1968 by the military forces of the Soviet Union and its satellites; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 719. Concurrent resolution expressing the sense of Congress that the Presi-

dent should instruct the American delegation to the Diplomatic Conference to revise the Warsaw Convention as amended by the Hague Protocol to seek (1) at least a 12-fold increase in the 250 gold franc per kilogram limitation on baggage, cargo, and mail liability provided for under the Warsaw Convention of 1929; and (2) an automatic an-

nual increase in the liability limit beyond the 12-fold increase; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Res. 1200. Resolution to extend the congratulations of the House of Representatives to Jewish veterans of the United States of America; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, 570. The SPEAKER presented a petition of Ida M. Dentler, Houston, Tex., relative to nursing home care for the indigent aged, which was referred to the Committee on Ways and Means.

SENATE—Friday, August 14, 1970

The Senate met at 10 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father who hast taught us "to do justly, to love mercy, and to walk humbly with Thy God," enable us so to live and labor and love as to fulfill the divine commandment. Grant us wisdom and strength to work for the welfare of this Nation and the advancement of Thy kingdom among the nations of the world.

And to Thee shall be all the glory and the praise for ever and ever. Amen.

At this point, Mr. JORDAN of North Carolina took the chair as Presiding Officer.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 14, 1970.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. B. EVERETT JORDAN, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. JORDAN of North Carolina thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 17548) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S.

3302) to amend the Defense Production Act of 1950, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the amendment of the House to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, and it was signed by the Acting President pro tempore (Mr. JORDAN of North Carolina).

THE JOURNAL

Mr. KENNEDY, Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 13, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. ON MONDAY, AUGUST 17, 1970

Mr. KENNEDY, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. KENNEDY, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected to items on the calendar, beginning with Calendar No. 1102.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

The bill, S. 4148, to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1079 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(g) When a member dies while he is eligible for receipt of hostile fire pay under section 310 of title 37, United States Code, or from a disease or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until they pass their twenty-first birthday."

Mr. KENNEDY, Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1091), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to permit the surviving dependents of members of the Armed Forces who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday.

EXPLANATION

The Military Medical Benefits Amendments of 1966 (Public Law 89-614) authorized the establishment of a unique and special program for the spouses and children of active duty members. Under this program eligible dependents who are moderately or severely mentally retarded or who have a serious physical handicap may obtain care for such conditions from civilian sources. The types of care authorized include the following:

Diagnosis.
Inpatient, outpatient, and home treatment.
Training, rehabilitation, and special education.

Institutional care in private nonprofit, public and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

Members are required to share in the cost of any benefits provided their dependents under this special program. Those in the lowest enlisted pay grade are required to pay the first \$25 incurred each month and members in the highest commissioned grade are similarly required to pay \$250 per month. Members in other pay grades are required to pay various amounts in between the maximum and minimum specified above. However, the Government's share of the costs in a particular case may not exceed \$350 per month. Therefore, in a relatively small number of cases where the cost exceeds the member's normal share plus the Government's maximum share of \$350 per month it is necessary for the member to pay an additional amount above those specified above.

Since existing law limits these special benefits under the CHAMPUS to the eligible dependents of active duty members, it follows that when a member is killed in Vietnam, for example, all benefits under this special program terminate as of midnight of the date of his death. This result places additional burdens on the families of men who have given their lives in the service of their country at a time when they are least able to bear them. Under the bill, eligible dependents